

BAB III

PENUTUP

A. KESIMPULAN

Pemerintahan Taliban dibawah kepemimpinan Haibatullah Akhundzada telah menerapkan berbagai kebijakan yang mendiskriminasi perempuan Afghanistan. Kebijakan tersebut antara lain seperti larangan bekerja di NGO dan PBB; penutupan salon perempuan; pemberhentian paksa hakim, jaksa, serta advokat perempuan; larangan anak perempuan untuk melanjutkan sekolah dan kuliah; pembatasan bepergian; pembatasan pakaian perempuan, serta larangan bagi perempuan untuk bernyanyi bahkan berbicara di depan umum. Apabila dilihat dari sisi CEDAW, kebijakan-kebijakan yang dikeluarkan oleh Pemerintah Taliban telah bertentangan dengan beberapa Pasal CEDAW, antara lain Pasal 7, Pasal 8, Pasal 10, Pasal 11, Pasal 13, dan Pasal 15 CEDAW. Dengan demikian, Afghanistan pada masa Pemerintahan Taliban telah melanggar kewajibannya terkait pemenuhan hak perempuan untuk bebas dari diskriminasi sebagaimana diatur dalam Konvensi Tentang Eliminasi Segala Bentuk Diskriminasi Terhadap Perempuan.

B. SARAN

Sebagai negara yang terikat dengan Konvensi Tentang Eliminasi Segala Bentuk Diskriminasi Terhadap Perempuan (CEDAW), maka sudah seharusnya

Afghanistan bertanggungjawab untuk melaksanakan seluruh ketentuan yang diatur dalam CEDAW. Oleh karena itu, penulis memberikan saran kepada Pemerintah Taliban untuk menghapus seluruh hukum dan kebijakan yang diskriminatif pada perempuan dan melanggar ketentuan CEDAW.

Ada kemungkinan Pemerintah Afghanistan mengeluarkan hukum dan kebijakan yang diskriminatif lainnya di luar hukum dan kebijakan yang telah Penulis identifikasi. Hukum dan kebijakan ini seharusnya dihapuskan karena bertentangan dengan CEDAW. Sebagai upaya untuk melaksanakan kewajiban HAM, Pemerintah Afghanistan dianjurkan untuk menerapkan kebijakan baru yang mendorong kesetaraan antara laki-laki dan perempuan. Pemerintah Taliban juga dapat mencari inspirasi dari negara-negara yang sudah mendorong kesetaraan antara laki-laki dan perempuan, salah satunya adalah Indonesia yang mendorong kesetaraan pendidikan melalui Undang-Undang Nomor 20 tahun 2003 tentang Sistem Pendidikan nasional, yang pada Pasal 5 ayat (1) menyatakan bahwa setiap warga negara mempunyai hak yang sama untuk memperoleh pendidikan yang bermutu.

Penulis menyarankan kepada negara-negara di dunia untuk turut mendesak Taliban menghapuskan kebijakan-kebijakannya yang diskriminatif, hal ini dapat dilakukan dengan cara seperti blokade atau juga pemberhentian bantuan ekonomi. Selain itu, Penulis juga menyarankan kepada PBB melalui Dewan Keamanan untuk melakukan intervensi kemanusiaan dalam hal Pemerintahan Taliban masih tidak menunjukkan itikad baik dalam menghapus kebijakan-kebijakan yang diskriminatif. Tentu pelaksanaan intervensi

kemanusiaan tersebut harus dilaksanakan sesuai prosedur yang telah ditentukan oleh Hukum Internasional.



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