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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 August 2004, at 10 a.m.

Chairperson: Mr. SORABJEE

CONTENTS

SPECIFIC HUMAN RIGHTS ISSUES:

- (a) WOMEN AND HUMAN RIGHTS
- (b) CONTEMPORARY FORMS OF SLAVERY
- (c) NEW PRIORITIES, IN PARTICULAR TERRORISM AND
COUNTER-TERRORISM (continued)

* The summary record of the second part (closed) of the meeting appears as document E/CN.4/Sub.2/2004/SR.17/Add.1.

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The meeting was called to order at 10.15 a.m.

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(agenda item 6) (continued) (E/CN.4/Sub.2/2004/33-35, 36 and Corr.1, 37 and Add.1, 38-45; E/CN.4/Sub.2/2004/CRP.3; E/CN.4/Sub.2/2004/NGO/7, 15, 19, 21, 22, 25 and 27; E/CN.4/2003/101)

1. Mr. SHARUKH (Interfaith International) denounced the practice of honour killing that was current in several countries, particularly in Pakistan where 823 women became victims of the practice in 2003. The international community had not looked into the root causes of that barbaric custom: firstly the reduction of women to commodities that could be bought, sold and exchanged at will, and secondly the concept of honour prevalent in such feudal societies. The mechanisms available within the United Nations needed to be implemented so as to dismantle the archaic and corrupt system prevalent in Pakistan. Western democracies had a special role to play by helping to eliminate religious extremism and to promote genuine democratization of society. His organization urged the Sub-Commission to exert pressure on the Government of Pakistan to halt discrimination against the inhabitants of Sindh and Balochistan. It should organize a round table with the authorities and representative parties in order to settle the disputes in those provinces in a spirit of dialogue and democracy.
2. Ms. SIKORA (Transnational Radical Party) said that, although some progress had been made, female genital mutilation (FGM) was an affront to human dignity that continued to be practised under the most cruel conditions. Member States of the African Union should be encouraged to ratify the Additional Protocol on Women's Rights to the African Charter on Human and People's Rights (Maputo Protocol), which proscribed such mutilation. A first regional intergovernmental conference was to be held in Nairobi in September 2004 to promote the eradication of FGM and ratification of the Protocol. Her organization urged the Sub-Commission to endorse the unequivocal condemnation of the practice expressed by the Special Rapporteur and state firmly that it was no longer acceptable for States to invoke tradition to justify their refusal to protect the physical integrity of women. The Sub-Commission might consider setting up an "observatory" on FGM to assess how the situation developed and support the increasing number of women who courageously refused to submit to the practice.
3. Ms. SAMINA (International Institute for Peace) said that, for as long as social conditions remained unchanged and women were regarded as fit only for procreation and performing domestic tasks, discrimination against them would not cease. In countries such as Pakistan, where a feudal tribal culture persisted, the oppression was even worse and many women were killed in the name of "honour" because they did not behave properly or simply to get rid of them.

The Sub-Commission might consider appointing an expert to study the situation prevailing in Pakistan with a view to demanding the prohibition of such degrading practices. Steps needed to be taken to emancipate women and legislation should be passed to make female education compulsory and to prosecute and punish those who opposed it.

4. Mr. KOHLI (Indian Council of Education) said that all forms of violence against women, whether domestic violence, sexual harassment, relegation to the status of second-class citizens, discrimination and oppression, or violence in conflict situations, produced catastrophic effects on their physical and emotional well-being. Such violence would continue for generations without a determined educational effort to change discriminatory attitudes and produce educated and enlightened women. People must be taught from childhood to look upon each other not in terms of gender but as human beings and to realize that violence, rather than making them powerful, degraded those who had recourse to it.

5. Mr. SATTAR, speaking on a point of order, said that an NGO had distributed to all participants a statement which, in his opinion, constituted a defamation of one of the world's major religions. He was opposed to the reading of that document before the Sub-Commission, citing paragraph 2 of rule 43 of the rules of procedure, which stipulated that debate should be confined to the question before the Sub-Commission, and Commission on Human Rights resolution 2004/6 in which the Commission expressed deep concern at negative stereotyping of religions and at the fact that Islam was frequently and wrongly associated with human rights violations and terrorism.

6. The CHAIRPERSON said he would bear Mr. Sattar's comments in mind if an NGO should wish to make the statement in question.

7. Mr. CHEN, referring to Ms. Koufa's report on terrorism and human rights (E/CN.4/Sub.2/2004/40), said that, in order to be in a position to fight international terrorism, which was characterized by the proliferation of secret and mobile organizations carrying out attacks in several regions at once by a variety of means, it was essential to step up international cooperation. The United Nations, particularly the Security Council, had a major role to play in that regard. It was also important to reach a precise definition of terrorism. Pending the drafting of an international agreement on international terrorism and an agreement for the prevention of nuclear terrorism, the unconsidered use of the term terrorist should be avoided. The document under discussion stated a number of perfectly valid principles. Terrorism must be combated by legitimate means and in accordance with international standards and agreements. Terror must not be countered by terror or violence; efforts should focus on eliminating its causes, by promoting social justice and combating poverty and inequality.

8. Mr. BIRO raised the question of the accountability of non-State actors under international human rights law. The concept of non-State actors in international relations, which dated from the early 1990s, was broad and ill-defined, and the delimitation of accountability required the consideration of a number of as yet unspecified factors. It would be helpful to conduct preliminary research on the subject by reviewing the most recent studies on non-State actors and formulating some general principles for a systematic approach to the issue of accountability.

9. Ms. FREY presented her progress report on the prevention of human rights violations committed with small arms and light weapons (E/CN.4/Sub.2/2004/37 and Add.1). The report focused on the widespread use of small arms and light weapons in violations of human rights and international humanitarian law in situations of armed conflict. The misuse of such weapons caused heavy civilian casualties, violations of the rights of detainees, violations of economic and social rights, forced displacement of civilian populations, militarization of camps for refugees and displaced persons and violence against humanitarian workers. International law, including humanitarian law and human rights law, set normative limits governing the transfer, availability and misuse of small arms by States and by individuals and armed groups. Arms embargoes, which were an essential means of protecting private citizens, should be imposed and monitored more effectively. The Sub-Commission and NGOs could help to ensure the effective implementation of the embargo recently imposed by the Security Council in the case of Sudan. It was also open to States, under international criminal law, to prosecute individuals and groups that provided the small arms used to commit genocide, war crimes or crimes against humanity.

10. The misuse of small arms had harmful consequences for the rights of women, as such arms were the main instruments used in rape and other forms of violence against women. Moreover, while men accounted for the majority of users of such weapons and the majority of victims of small arms violence, it was women who cared for the men who were mutilated as a result of such violence. Women should therefore be involved in the process of drawing up policies for disarming communities.

11. The Special Representative said that she looked forward to hearing the comments of members of the Sub-Commission and NGOs on three points. Firstly, on the draft principles for the prevention of human rights violations committed with small arms, which were attached as an addendum to the report. Secondly, on reasonable regulations that States could introduce to protect the right to life of persons under their jurisdiction, in particular the introduction of licences so as to prevent possession of small arms by people liable to misuse them. And thirdly, on the boundaries to the right to self-defence as a general principle of criminal law and its specific application to the possession and use of small arms.

12. Ms. HAMPSON thanked Ms. Frey for her informative and constructive report. With regard to the annexed draft principles, which included material already contained in other codes, she suggested expanding them to include principles on the obligations of States for the issuing of licences and the prosecution of persons knowingly supplying arms. One area where the Sub-Commission could make a special contribution was that of compliance by States with their obligations for the protection of individuals.

13. Ms. O'CONNOR, raising the question of the introduction of small arms into small island States where they were used for criminal activities such as drug trafficking, underscored the need to establish a mechanism to control the sale of small arms and stressed the responsibilities of the States where those arms were manufactured and purchased. She believed that, since the draft principles annexed to the report were a compilation of standards already established elsewhere, it would be more useful to encourage States to comply more closely with those standards.

14. Mr. GUISSÉ thanked Ms. Frey for her report, which could usefully be expanded. It should not only provide a precise definition of small arms but also place emphasis on the responsibilities of producer States and arms manufacturers who sought markets for their products

in developing countries and the responsibilities of consumer States. Effective sanctions needed to be introduced. The very survival of many countries was at stake, particularly in Africa where small arms were responsible for far more damage than heavy armaments.

15. Mr. BENGUA commented that Ms. Frey's report was one of a series of Sub-Commission studies aimed at the pacification of societies. He recalled that it had taken some time to convince public opinion and the international community of the danger of anti-personnel mines and the need to eliminate those simple killing devices, and stressed that the work on small arms would also be a long-drawn-out effort.

16. Ms. FREY thanked the members of the Sub-Commission for their useful comments and suggestions. The draft principles were intended as a reminder of the standards with which States had to comply under their obligations on human rights. They could and indeed should be expanded to include the responsibility of States for the issuing of licences. With regard to the responsibility of manufacturers, traffickers and all those contributing to the proliferation of small arms, she intended to produce standards concerning criminal sanctions.

The meeting rose at 11.35 a.m.