



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/2005/NGO/27
15 July 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-seventh session
Item 6 (a) of the provisional agenda

**SPECIFIC HUMAN RIGHTS ISSUES:
WOMEN AND HUMAN RIGHTS**

**Written statement* submitted by the Association for World Education, a non-
governmental organization on the Roster**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[4 July 2005]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

“Traditional or Customary Practices”/ Female Genital Mutilation (FGM)

1. ECOSOC first raised this grave matter of “traditional or customary practices” in a request to the World Health Organisation (WHO), where it was rejected in 1959 on the grounds that the “ritual operation in question are based on social and cultural backgrounds, the study of which is outside the competence of the WHO.” Due to NGO pressures – such as that by the late Edmund Kaiser, founder of Terre des Hommes, who launched the first campaign against these “traditional practices” – WHO organised a seminar in Khartoum in 1979 when the unambiguous term FGM was first coined. The Inter-African Committee (IAC) came into existence at that time and subsequently many useful studies were organised by WHO and UNESCO. By its resolution 1983/1, the Sub-Commission “began the process of drawing world attention” to this then taboo subject – which had rarely treated it seriously in public until then.

2. In 1996, WHO called “for the prevention and elimination of FGM and other traditional practices harmful to health as soon as possible, preferably before the year 2000.” In September 1997, the organisation for African Unity (OAU), the Inter-African Committee (IAC), and the Economic Commission for Africa (ECA) organised a symposium at which a crucial declaration was adopted that referred to FGM as “a form of violence against women,” and called on Governments to take effective action for its elimination. In its resolution 1998/52, the CHR called upon States: “to condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence (9c); it also calling upon States, “to eradicate traditional or customary practices, particularly female genital mutilation that are harmful to or discriminate against women...”(11)

3. We first raised the question of Female Genital Mutilation (FGM), as an NGO at the CHR 12 years ago, following contacts with Edmund Kaiser (and in an appeal published in the International Herald Tribune on 21 December 1993, again on 28 August 1996). At that time, measures of a legal nature had been taken in the United Kingdom, France, Sweden, and in Switzerland; and then by the United States, Canada and Australia, who joined the growing list of Western countries determined to legislate against FGM – since followed by most African countries.

4. The term “traditional or customary practices” is a shameful euphemism for a crime against females. FGM has no religious or hygienic justification, yet over two million female children and girls in more than 30 countries – including more and more thousands in Europe from an immigrant population – are being brutally mutilated each year. The goal of outlawing this ageless child torture by 2010, as announced at the 6 February 2004 the International Day of Zero Tolerance of FGM – still seems a pious hope. Over the last 50 years (as in past centuries), about 10% of the world’s female population has already been thus mutilated in childhood, and this sober realisation should prompt all world leaders – whether secular or spiritual – and UN bodies to initiate positive education at an early age in schools, including in religious schools.

5. We wish to reiterate that the 2003 Cairo Consultation sponsored by the European Union on the theme, ‘STOP FGM,’ which took place in the presence of Al-Azhar’s Grand Sheikh Muhammad Sayyed Tantawi and two Coptic spiritual leaders did not remove religious justifications or responsibilities in this domain. UNSR Halima

Warzazi, had already implied in her Report in 2003 that this ‘event’ had removed all doubts as to any religious justification for FGM – and this was reiterated in her 2004 Report, albeit in another context, under §67.

6. The FGM figure for Egypt was then, and remains today a deadly 97%, despite the Government’s 1997 legislation, in which it is considered as a physical mutilation and therefore is punished under the Penal Law; the Council of State decided on 28 December 1997: “to ban the practice of excision, even when the consent of either child or her parents is given.” In Sudan, a law against infibulation was enacted in 1946 by the colonial power, but since this law was imposed by the British, it was never enforced. According to the UNSR’s Report of 2004 (E/CN.4/Sub.2/2004/41, §24): “Almost 90% of the female population in the north of the Sudan undergoes FGM which, in many cases, is practised in its most extreme form, known as infibulation.”

7. This fact speaks volumes, especially as Egypt’s population has nearly quadrupled since 1950, and FGM for northern Sudan is near 90% and the high percentage in thirty other countries – most Islamic – is known to the experts. In her 2004 report, UNSR Warzazi correctly referred to FGM as reflecting male domination, and the importance of “strengthening the status of women in society from the earliest age” – however she noted in her conclusions that “harmful traditional practices cannot be eliminated overnight with a wave of a magic wand,” and criticised the British Government for introducing stringent legislation to punish severely anyone performing FGM in the UK (“even outside the country”). The UNSR (§67) referred to a conference on Islam and FGM at the Islamic University of Rotterdam, after which the university released a statement asserting that there is no connection between FGM and Islam.

8. On this overall theme of ‘traditional practices,’ we wish to draw general attention to a pertinent analysis of “cultural relativism” in the final Commission Report of 2003 by former Special Rapporteur Ms. Radhika Coomaraswamy, who occupied that post with distinction for nine years. Under section VII: Religious Extremism and Harmful Traditional Practices, § 61 & 62 (E/CN.4/2003/75), she provides a pertinent analysis, which will be our Conclusion:

“In 1994, as well as today, the greatest challenge to women’s rights and the elimination of discriminatory laws and harmful practices comes from the doctrine of cultural relativism. While in the public sphere, where men dominate, the Internet and modern forms of economic and social globalization are destroying citadels of cultural exclusivism, in the area of women’s rights, especially in matters concerning the home and the family, the Universal Declaration of Human Rights is challenged as being a cultural imposition from the outside. This is made worse by the policies adopted since 11 September 2001 by many groups and societies that feel threatened and under siege.” (§61)

“Cultural relativism is the belief that no universal legal or moral standard exists against which human practices can be judged. It is argued that human rights discourse is not universal but a product of the European enlightenment, and its particular cultural development, and thus a cultural imposition of one part of the globe upon another. Ironically, despite these claims, States sign international human rights instruments and agree to abide by their principles. It could therefore be argued that States have consented to be bound by certain universal principles. Human rights have become universal in scope and application...” (§62)

9. The Association for World Education remains convinced that a dramatic change might occur in Egypt, followed by other Muslim countries, if Al-Azhar Grand Sheikh Sayyed Tantawi could be persuaded by a consensus of religious authorities, and the Egyptian Government to issue a *fatwa* that would effectively clarify or replace the three previous fatwas from Al-Azhar (1949, 1951, and especially that of 29 January 1981 by the then senior Al-Azhar Grand Sheikh).¹ Although no religious backing was given then for FGM, parents were advised not to avoid “parental responsibilities.” It is known that most parents, a majority of whom are illiterate, would automatically choose an Al-Azhar ruling or advice, rather than a secular law of the Egyptian Government.

10. This AWE request should be considered by the Special Rapporteur Halima Embarek Warzazi and the Sub-Commission, and formulated and included in its resolution on Harmful traditional practices affecting the health of women and the girl child.

(1) Gad-al-Haq: *Khitan al banat*, pp. 3119-3125, in Sami A. Aldeeb, *Mutiler*, in the Institut Suisse de Droit Comparé, 1993, p. 191.

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