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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-seventh session
Item 2 and 6 (a) of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
RIGHTS RESOLUTION 8 (XXIII)**

**NEW PRIORITIES, IN PARTICULAR TERRORISM AND COUNTER-
TERRORISM : WOMEN AND HUMAN RIGHTS**

**Joint written statement* submitted by International Humanist and Ethical Union, a
non-governmental organization in special consultative status, Association for World
Education and Association of World Citizens, two non-governmental organizations 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.

[29 June 2005]

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

Problems of Muslim Women and their Human Rights Defenders

Introduction

1. On 18th April 2005, the International Humanist and Ethical Union, in collaboration with the Association for World Education, and the Association of World Citizens sponsored a parallel conference: Victims of Jihad: Muslims, Dhimmis, Apostates, and Women,¹ in conjunction with the 61st session of the Commission on Human Rights.

2. Several of the contributions to the conference and later discussions by historians, writers and activists related to the abuse of the human rights of Moslem women, and the difficulties faced by defenders of human rights, issues that are both highly relevant to the work of the Sub-Commission under item 6(a) Women and Human Rights, and item 3, Administration of Justice, Rule of Law and Democracy / Universal implementation of human rights.

3. The conference heard of many instances of the continuing violation of the human rights of Muslim women, both in the Islamic States and in Europe: abuse that has its source in the unequal treatment of women in religious and cultural traditions. There was also considerable discussion of the difficulties faced by human rights defenders in bringing these issues to the attention of governments, international bodies and the public at large.

The problems of women in Muslim society

4. The difficulties faced by women in Muslim societies are well known and do not need repeating here. They were described at the conference by Somali-born, Dutch MP Ayaan Hirsi Ali. The full text of her forthright presentation can be found on the IHEU website.²

5. The high rate of illiteracy among women and girls has been highlighted in the UNDP reports on 22 Arab-Islamic countries³. But the problems of women are not limited to a lack of personal freedom and inequality of opportunity. The 2004 report points out:

“In general, women suffer from inequality with men and are vulnerable to discrimination, both at law and in practice. Despite laudable efforts to promote the status of women, success remains limited.

Greater progress is required in women's political participation, in changes to personal status laws, in the integration of women in development, and in the right of a woman married to a foreign husband to transmit her citizenship to her children. The inability of existing legislation to protect women from domestic violence or violence on the part of the state and society is another deficit area. Violence against women peaks in areas of armed conflict, especially in the Sudan, Somalia and Iraq’⁴.

6. Nor are the problems of Muslim women confined to the Middle East and the Islamic states. Many European Muslim women find themselves subject to domestic violence, undergo forced marriages or are even killed by family members because they are deemed to have tarnished the family honour.

Problems faced by human rights defenders

7. Frequently, however, attempts to bring these violations of human rights of Muslim women to the attention of the authorities are met with violence. The inability to criticise inequality and abuse without fear of violence is a major contributing factor to the problem. A number of recent incidents have brought this into sharp focus.

8. In September 2004 Ayaan Hirsi Ali received death threats and was forced into hiding following the showing of her film "Submission" on Dutch TV. The film highlights precisely the problems of Muslim women that she cites above. Her film-maker, Theo van Gogh, was later murdered by an Islamic extremist.

9. When a group of women demonstrated for equal rights in Lahore, Pakistan in May 2005, police clubbed them and dragged them to jail. Among those assaulted was Asma Jahangir, UN Special Rapporteur on Freedom of Religion or Belief and head of the Pakistan Human Rights Commission, who was singled out for special attention. The police ripped her shirt off and tried to pull off her trousers.⁵

10. Another well-known case was that of the writer and human rights activist, Taslima Nasreen. In her text she recounted her experiences in Bangladesh following the publication of her book "Shame" which drew attention to the abuse of Hindu families in that country:

"Hundreds of thousands of extremists appeared on the streets and demanded my execution by hanging. A fatwa was issued against me, setting a price on my head. The government, instead of taking action against the fundamentalists, took action against me. I was charged with having hurt the religious feelings of the people and an arrest warrant was issued".

The full text of her deeply moving presentation may also be found on the IHEU website.⁶

11. An entirely separate problem is faced by those wishing to defend the rights of Muslim women in Europe. There is a widely held view that "Muslim society is different" and that Western governments should not interfere in the social and cultural practices of their Muslim communities, even when such practices are detrimental to the rights of their own female Muslim citizens.

Resolution 2004/69 on the Status of the International Covenants adopted without a vote by the Commission last year:

"Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights."

It appears that strict compliance with this obligation is being disregarded by many western governments in pursuit of a multiculturalism amounting in some cases to moral relativism, and for fear of accusations of "Islamophobia."

12. The integration of Muslims into mainstream European society should be a priority, but can only be achieved when Muslims recognise that secular law – i.e laws which are neutral in respect of religion, favouring none and discriminating against none – are the very safeguards that enable them to practice their religion in peace. The corollary is that those laws must be respected equally by all communities.

Attitude of the Islamic States

13. At both the Commission and Sub-Commission we have noted with disquiet efforts by some States to stifle the reporting of human rights abuse in Islamic countries and to characterise such reports as “defamation of Islam”.

14. At the 56th session of the Sub-Commission in 2004, part of AWE’s written statement describing the content of Egyptian school textbooks was described as blasphemous by one delegate while another described it as “defamation of Islam” – a false allegation that was repeated three days later.⁷

15. We have also experienced such accusations in the Commission itself. Last year a Pakistani delegate said that IHEU’s presentation on the treatment of apostates in some Islamic states was “beneath consideration” and expressed surprise that IHEU, “instead of promoting humanism, should choose instead to attack a religion, my religion, a religion of peace,” joining, she said: “the current fashion to treat Islam as a target of abuse”. Her reply, however, failed to address the subject of IHEU’s statement – the fact that apostasy carries the death penalty in many Islamic countries. This is a statement of fact, not defamation of religion.

16. We see the passage by the Commission this year of resolution 2005/3: “Combating defamation of religions,” sponsored by Pakistan, as a further attempt to stifle discussion of human rights abuse in Islamic States. Despite requests from NGOs, including IHEU, to include in this resolution condemnation of those who defame religion by killing in the name of God, their pleas were ignored, yet the resolution specifically “stresses the need of effectively combating defamation of all religions, Islam and Muslims in particular, especially in human rights forums.”

17. The labelling of criticism of human rights abuse as “defamation of Islam” appears to be based on the view that since Islamic law as God-given any criticism of the law or its application must, by definition, amount to blasphemy. We would argue however that since some Islamic States have managed to bring their legal systems into conformity with international human rights instruments, others should be equally capable of doing so. Furthermore, our suggesting this does not amount to defamation of Islam, it is simply an opinion regarding legislation.

Conclusions

18. We find the failure to distinguish between the reporting of facts (with documentary evidence) and “defamation of Islam” deeply troubling, and we urge the members of the Sub-Commission not to be deflected from their responsibilities by such accusations.

19. The Islamic States need to accept that when the practice of the law falls short of a State's responsibilities under the various human rights treaties, criticism of that practice is legitimate and should not be confused with defamation of religion.

20. We ask the Sub-Commission and, through it, the Commission and its successor:

- to defend the factual reporting of human rights abuse against misplaced accusations of "blasphemy" and "defamation of religion,"
- to recognise that it is no defamation of religion, it is rather the duty of the UN Human Rights bodies, to expose and condemn the abuse of human rights even when such abuse is carried out in the name of religion, and
- to agree a definition of "defamation", as used in Commission resolution 2005/3 that will ensure that future discussion of human rights abuse will not be inhibited within the UN bodies.

Notes

¹ The full texts of the presentations made at the conference can be found at:
www.iheu.org/UNCHR2005

² <http://www.iheu.org/modules/bfsection/article.php?articleid=405>

³ The report is available from: <http://www.rbas.undp.org/ahdr2.cfm?menu=12>

⁴ http://www.rbas.undp.org/ahdr_2004/AHDR_2004_Executive_Summary.pdf

⁵ International Herald Tribune 22 June 2005

⁶ <http://www.iheu.org/modules/bfsection/article.php?articleid=408>

⁷ Joint IHEU, AWE, AWC submission: E/CN.4/Sub.2/NGO xxx

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