

ASSOCIATION FOR WORLD EDUCATION

UN Human Rights Council: Representative David G. LITTMAN. Monday (p.m.) 19 March 2007
Fourth session (12 March–30 March 2007) President: Ambassador Luis Alfonso de Alba (Mexico)
Special Event: Violence against Children

[The words in smaller type and in brackets were not pronounced within the 3 minutes available to NGOs]

Thank you, Mr President,

We congratulate Mr Paulo Sergio Pinheiro for his tome [*World Report on Violence against Children*]

The term “traditional or customary practices” is a shameful euphemism for a crime against female children. FGM has no religious or hygienic justification yet over three million female children and girls in over 32 countries, including more and more thousands in Europe from an immigrant population, are being brutally mutilated each year.

A worldwide goal of outlawing this ancient child torture by 2010, as announced on 6 February 2004 at the International Day of Zero Tolerance of FGM, seems a pious hope – unless energetic steps are taken in many countries. Over the last 50 years about 10% of the world’s female population has been thus mutilated in childhood. Last month a UNICEF official spoke here of about 300 million victims still alive today, and 3 million more each year. This sober realisation should prompt world leaders – both secular and spiritual – and UN bodies urgently to initiate positive measures against the practice.

Our attached written statement, E/CN.4/Sub.2/2005/NGO/27: Background on “Traditional or Customary Practices” / Female Genital Mutilation has some background documentation, and we are providing, as an appendix, the Arabic text of the section of *Umdat al-Salik* (e4.3).

[It is published in the widely-used Nuh Ha Mim Keller edition (p. 59), with its Certification from Cairo’s Al-Azhar University. This is an authoritative source for the Shafi’i school of Sunni law, widely adhered to in Egypt – and in many Member States of the Organization of the Islamic Conference (OIC) – on the question of male circumcision and female excision. Keller’s misleading English translation should be compared with an exact one.]

A Shafi’i *fiqh* ruling on female excision helps explain why the FGM figure in Egypt is reported by UNICEF at 97% despite 1997 State legislation. The figure for Sudan is “almost 90% of the female population in the north of Sudan” – to quote from the Special Rapporteur’s 2004 report. [Her 2005 report (E/CN.4/Sub.2/2005/36) does not cover this specific question, which is a serious omission, despite the sensitivity of the subject]. Only a fatwa from Al-Azhar Grand Sheikh Sayyad Tantawi replacing the previous Al-Azhar fatwas of 1949, 1951 and 1981 will allow religious and State legislation to be in total harmony on this key matter in Egypt and in 28 other Muslim countries. It has been announced recently that such a fatwa is now in the Al-Azhar pipeline. So be it.

We now turn to the issue of child marriage and would ask: what is considered underage?

[On taking office ten years ago, Iranian President Mohammed Reza Khatami called for a global “Dialogue of Civilizations.” This was followed by FM Kamal Kharazi’s call at the Jubilee Commemoration of the UDHR for a “revision of the UN Universal Declaration of Human Rights” in a statement to the UNCHR (March 17, 1998).]

The year 2000 saw a bill in the Iranian Parliament to end marriages for young girls of only 9 years old overthrown by the mullahs, claiming that it would be against Islamic teachings to make changes to the current law – as “Islamic scholars had put a lot of efforts into these laws” [Muhammad Ali Sheikh, quoted in Parliament – in “Iran Bill to End Marriage at 9. Guardian Consent Still Needed,” *IHT*, August 10, 2000] In 1994 Iran signed and then ratified the 1989 Convention on the Rights of the Child. Its article 1 states: “A child means a person below the age of 18 unless, under existing law, majority may be attained earlier.” Iran is not the only State with such anachronistic legislation concerning female children.

The international community should cry out not in the wilderness but at the Council.

Thank you, Mr President, and thank you Madam High Commissioner for your attention.

APPENDIX:

[Arabic text:

e4.3 وَيَجِبُ (على كل من الذكر
والأنثى) الختان (وهو قطع الجلد التي
على حشفة الذكر وأما ختان الأنثى فهو
قطع البظر [ويسمى خفاضاً]).

Exact translation from the above Arabic:

“e4.3 Circumcision is obligatory (for every male and female) by cutting off the piece of skin on the glans of the penis of the male, but circumcision of the female is by cutting out the clitoris.”
(called *Hufaa d*).”

Verbatim translation from Nuh Ha Mim Keller*:

“e4.3 Circumcision is obligatory (O: for both men and women. For men it consists of removing the prepuce from the penis, and for women, removing the prepuce (Ar: *Bazr*) of the clitoris (n: not the clitoris itself, as some mistakenly assert). (A: Hanbalis hold that circumcision of women is not obligatory but sunna, while Hanafis consider it a mere courtesy to the husband.)”

O = excerpt from the commentary of ‘Umar Barakat

Ar = Arabic

n = remark by translator

A= comment by Sheikh ‘Abd al-Wahil Durubi

Bazr ,in fact, is the Arabic word for clitoris.

* *The Reliance of the Traveller. The classic manual of Islamic sacred law 'Umdat al-Salik* by Ahmad ibn Naqib al-Misri (c. 769/1368), in Arabic with facing English text, commentary and appendices edited and translated by Nuh Ha Mim Keller. Revised Ed. Amana Publishers: Beltsville, Md., 1997, by Ahmad ibn Naqib al-Misri (ISBN 0-915957-72-8). The book is published with the Warrant of Sheikh ‘Abd al-Wakil Durubi and the Warrant of Sheikh Nuh ‘Alil Salman, and published with the Certification of Cairo’s Al-Azhar University.]