

Women living under muslim laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes



NO CULTURAL JUSTIFICATIONS FOR VIOLENCE AGAINST WOMEN:

THE GLOBAL CAMPAIGN TO STOP KILLING AND STONING WOMEN!

New York, 4 March 2008

**STATEMENT ON THE OCCASION OF THE 60TH
ANNIVERSARY OF THE UNIVERSAL DECLARATION OF
HUMAN RIGHTS**

NO CULTURAL JUSTIFICATIONS FOR VIOLENCE AGAINST WOMEN:

THE GLOBAL CAMPAIGN TO STOP KILLING AND STONING WOMEN!

...*"But there is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, never tolerable"*. UN Secretary General Ban Ki Moon in his speech to launch the UN Global Campaign to End Violence Against Women, 26 February 2008)

As we gather here today, at least 10 women and 1 man accused of adultery languish in prison in Iran awaiting the execution of their sentences to be stoned to death. Amongst them, Zohreh and Azar Kabiri, are two sisters both arrested on February 5th, 2007 due to allegations of adultery made by Zohreh's husband. They were prosecuted, found guilty, and sentenced to 99 lashes. Despite the sentence being carried out, the sisters were returned to prison. Six months later, they were prosecuted again for the same crime. This time, they were sentenced to death by stoning. The sisters, their lawyer and concerned citizens in Iran and around the world are pressuring the authorities to overturn the verdict.¹

In Darfur, in 2003, a 14-year-old girl - who was 9 months pregnant at the time - was arrested by the "People's Police Force" and sentenced to being whipped 100 times for the supposed crime of "adultery" while a 25-year old businessman charged in connection with the incident, was found not guilty and freed "for the lack of evidence."²

In 2006, a 19-year-old woman in Saudi Arabia who was alone in a car with a man who was not an immediate family member was abducted by seven (7) men at knifepoint. The woman was raped by the abductors before she and her male companion were taken to court and sentenced to 90 lashes of the whip. When the woman and her lawyer appealed against the relative leniency of the sentences given to the men who attacked and raped her, a court in eastern Saudi Arabia reviewed the decisions, increased the prison terms of the rapists but **also** increased the woman's sentence to 200 lashes and added a 6 month prison term.³

The Universal Declaration of Human Rights (UDHR) recognizes human rights as being fundamental to the dignity and development of every human being.⁴ It states that everyone should enjoy human rights without discrimination on grounds of sex.⁵ The UN Charter affirms that the "equal rights of men and women", "the dignity and worth of the human person" and the

¹ Information available in English (<http://stop-stoning.org/node/55>), Arabic (<http://stop-stoning.org/node/58>), French (<http://stop-stoning.org/node/56>), Spanish (<http://stop-stoning.org/node/64>), Urdu (<http://wluml.org/english/news/zohreh-azar-alert-urdu.pdf>), and Farsi (<http://stop-stoning.org/node/57>, <http://www.iran-emrooz.net/index.php?news1/15323/> and: <http://www.meydaan.org/Showarticle.aspx?arid=453>).

² For more information, see 2003 Report on the Human Rights Situation in Sudan by the Sudanese Organization against Torture (SOAT).

³ Four members of the gang were at the time sentenced to prison terms ranging from one to five years. They were also sentenced to floggings of between 80 and 1000 lashes. Three other gang members reportedly handed themselves in before the conclusion of the trial. All seven recently also had their prison terms increased to between two and nine years. See *Saudi Arabia: Protest the Sentencing of Gang-Rape Victim to 200 Lashes*: [http://wluml.org/english/actionsfulltxt.shtml?cmd\[156\]=i-156-558681](http://wluml.org/english/actionsfulltxt.shtml?cmd[156]=i-156-558681) (22 November, 2007) and Amnesty International: *AI Index: MDE 23/040/2007*, 19 November 2007.

⁴ Universal Declaration of Human Rights, Article 24.

⁵ Universal Declaration of Human Rights, Article 1 and Article 7.

The freedom of belief does not mean freedom to kill!

realization of fundamental human rights form the core principles and objectives of the United Nations.⁶

Sixty years after the framing of the Universal Declaration of Human Rights, human rights have certainly progressed on many fronts and there have been significant breakthroughs in upholding equality between men and women. There are now clear and explicit States' obligations to secure human rights for individuals within their territory and subject to their jurisdiction "without distinction of any kind". At this commemoration of the 60th year of the UDHR, however, we remind the international community that for countless women in most parts of the world, the right to be regarded as a full human being remains elusive. At least one out of every three women is likely to be beaten, killed, coerced into sex or abused in her lifetime; by State agents or by private individuals, by groups known or unknown to them. Violence against women cuts across all countries, religions and cultures and affects us regardless of our ethnicity, faith, age or class. Violence against women is a human rights issue that cannot wait.

Far too often, the crimes go unpunished and the perpetrators remain beyond the reach of law. Personal status laws, family codes and customary laws still exist in many countries which condone or legitimize violence against women. Acts of violence against women in the name of 'culture' and religion often take place in countries that still maintain laws regulating obedience, modesty, and freedom of mobility. Oftentimes, a woman's behaviour is deemed to reflect on her family and community and a woman perceived as defying her cultural role may be deemed to have brought shame and dishonour upon them. In such circumstances, violence or the threat of violence is used as a means of punishment and control. In the most extreme cases, this can result in death or permanent disfigurement. So-called "honour" crimes (which have the most *dis-honourable* intentions of harming women) are treated leniently in the legal codes of many countries, in deference to 'culture' or 'religious' traditions. Regardless of cultural justifications, the killing of women under any pretext is entirely unacceptable. It is a grave and serious violation of universal human rights.

The Global Campaign to Stop Killing and Stoning Women!, seeks to end the relentless mis-use of religion and culture to justify killing women as punishment for violating the imposed 'norms' of sexual behaviour. Dissidence and resistance within a culture or community raise questions often inappropriately framed in terms of "collective" versus "individual" rights, with individuals, often women, representing the position of dissidence or change. However, what are often described as "culturally required restrictions" are, quite frequently, restrictions intended to forestall internal challenges from women or others, who themselves have a right to participate in defining their culture and religious practices.

Discrimination against women on the basis of gender is a hallmark of a global society that upholds patriarchal values and attitudes. This is intensified by gender-biased institutional structures that are based upon conservative interpretations of religious principles. Under these conditions, women are frequently subjected to the most brutal and tortuous forms of violence for perceived sexual and moral transgressions. These acts of violence may be carried out by the State itself, through formal laws and judicial decisions that prescribe lashing or stoning to death. Culturally-justified violence is also perpetrated by private actors, including family and community members, and their actions may be officially or unofficially condoned by the State. Violently oppressive treatment of women is by no means limited to any one society. While the media tends to present so-called 'honour crimes' as predominantly prevalent in Muslim

⁶ The complete text of the UN charter can be found at <http://www.un.org/aboutun/charter/>.

The freedom of belief does not mean freedom to kill!

societies, documented cases testify to thousands of women being murdered every year the world over in the name of ‘family honour’. The United Nations Commission on Human Rights acknowledges that so-called ‘honour’ killings have occurred in Great Britain, Brazil, India, Ecuador, Israel, Italy, Sweden, and Uganda. In Latin America, ‘crimes of passion’ committed by men are treated leniently or completely excused.

In Italy in 1981 Alfonso La Gala, a high-ranking police officer, killed his wife with an iron rod. It was reported that his wife, Anna, had confessed to love somebody else. Alfonso was sentenced to two years imprisonment and the murder was not noted on his criminal record.⁷ Doaa Fares, a young woman from a deeply conservative Druze village, changed her name to Angelina and entered the Miss Israel beauty pageant. Angelina was threatened with death, allegedly by two uncles and other men from her village, who accused her of disgracing the family name with ‘promiscuous’ behaviour.⁸

There is no justification for States’ failure to address violence against women. International human rights standards and law are very clear in its assertion on State responsibility to end gender-based discrimination and gender-based violence justified in the name of ‘culture’ or religion. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states explicitly that any kind of excuse based on culture, tradition or religion which leads to discrimination against women (and, by extension, to violence against women) is not acceptable, and that States must undertake all appropriate measures to modify or abolish existing laws and customs that constitute discrimination against women.⁹ The UN Declaration on the Elimination of Violence against Women¹⁰ concurs that States should not invoke any custom, tradition or religious consideration to avoid their obligations to work towards the elimination of violence against women. And The Human Rights Committee has said that States should ensure that “traditional, historical, religious or cultural attitudes” are not used to justify violations of women’s right to equality before the law and to the equal enjoyment of their rights as guaranteed under the Covenant on Civil and Political Rights.¹¹

HUMAN RIGHTS ARE UNIVERSAL: WHAT NEEDS TO BE DONE

On the occasion of the 60th anniversary of the UDHR, we call upon all governments, civil society organizations, and the media to confront the tension between respecting diversity and difference and affirming the universality and indivisibility of rights. Certain principles are absolute: violence against women is never acceptable, whatever the justification offered. Those who would deny women our full range of human rights, including our right to life, security and dignity, must not be allowed to continue with impunity.

⁷ As reported by journalist Attilio Bolzoni for *La Repubblica*, 25 March, 2006 and cited in <http://www.storiaproibita.it/blog/?month=1&paged=3> and http://www.ecologiasociale.org/pg/dum_fem_onore2.html. Translated from the original Italian.

⁸ “Miss Israel finalist quits after family’s honour killing plot”, *Times Online*, 9 March 2007 (http://www.timesonline.co.uk/tol/news/world/middle_east/article1489930.ece).

⁹ In paragraph 24(e), General Recommendation 19 of the Committee on the Elimination of Discrimination against Women adds that “States parties in their reports should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women and the kinds of violence that result. They should report the measures that they have undertaken to overcome violence, and the effect of those measures.”

¹⁰ Article 4 of the Declaration on the Elimination of Violence against Women. The Beijing Platform for Action also states in paragraph 124(a) that governments should: “Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women.”

¹¹ Human Rights Committee – General Comment No. 28 (2000): The equality of rights between men and women.

The freedom of belief does not mean freedom to kill!

We call upon the UN and its member States to:

1. Make a firm commitment that using customs, tradition or religious considerations to justify violence against women and the girl child by State authorities, members of the community or within the family will not be tolerated.
2. Undertake a comprehensive review of laws and abolish those that are discriminatory against women and aggravate their susceptibility to violence in the public and private spheres.
3. Abolish the practice of torture, degrading and inhuman punishments such as stoning and flogging either by the State or private citizens in any cultural context.
4. Develop national plans of action to eradicate violence in the family, particularly violence related to cultural or allegedly religious practices through health and education programmes at the grass roots level.

We maintain that states should:

1. Collect data and statistics on pervasive cultural practices that are violent towards women, so as to ensure the development of appropriate strategies for their eradication.
2. Include the measures they have taken to combat all violent cultural practices, especially those carried out against women, in their reports under relevant human rights instruments.
3. Recognize the important role that women's groups and women's organizations play in the eradication of cultural practices that are violent towards women and give them all necessary support and encouragement.

4 March, 2008

The freedom of belief does not mean freedom to kill!