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SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 August 2003, at 10 a.m.

Chairperson: Ms. WARZAZI

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The meeting was called to order at 10.10 a.m.

SPECIFIC HUMAN RIGHTS ISSUES:

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

(agenda item 6) (continued) (E/CN.4/Sub.2/2003/25-27, 29-31, 33-37 and 41; E/CN.4/Sub.2/2003/NGO/1, 6, 9, 10, 15-17, 25, 34, 41, 46 and 47; Additional progress report prepared by the Special Rapporteur on terrorism and human rights, document without a symbol, distributed in the meeting room)

1. Mr. EIDE, referring to Ms. Koufa's remark that finding an all-encompassing definition of terrorism was too ambitious an aim, said that, what had been referred to as terrorism in the literature or in political discourse consisted of many disparate phenomena, with different origins, purposes and effects. Definitions were almost meaningless unless their purpose was clear. Legal definitions were frequently adopted for the purpose of determining the scope of application of a particular instrument or rule. The purpose of the contemporary international legal search for a definition of terrorism was the achievement of a consensus on which phenomena should be combated and by what means. In his view, such a comprehensive approach was not possible: there was no way in which all or most States could agree on a broad definition of terrorism applicable in all circumstances. The definitions contained in certain regional instruments, such as the Council Framework Decision on Combating Terrorism of the European Union, differed greatly as a result of the different concerns regarding the scope of application underlying each instrument.

2. He agreed with Ms. Koufa that the role of the Sub-Commission and other human rights bodies was not to define terrorism but to outline the human rights concerns involved in addressing the issue. Her human rights delimitation of terrorism was thus the correct approach to take. The Sub-Commission must ensure that any international, regional or national legal instrument which contained definitions of phenomena described as terrorism were circumscribed or limited by human rights requirements.

3. That task gave rise to a different set of questions: How could international human rights bodies strengthen the justified combat against acts which were legitimately defined as terrorist? How could they persuade States not to provide encouragement or support to groups which engaged in terrorist activities, such as armed forces, which sought to overthrow legitimate Governments? How could they persuade States and non-governmental organizations (NGOs) to recognize that it was against human rights to give moral or material support to organizations that systematically used terrorist means against their opponents? Such issues might need to be addressed separately in order to avoid confusion.

4. Ms. Koufa should continue with the same approach, spelling out the human rights limitations to terrorist definitions, and complete her work for 2004. For that to happen, it was

essential that her current study be published in 2003 and that a waiver be obtained regarding its length. As suggested by Ms. Koufa and Ms. Hampson, the Sub-Commission should develop a procedure to play a more active role in monitoring counter-terrorist legislation and practice.

5. Mr. BENGGOA said that there was an urgency surrounding the issue of terrorism, highlighted by the fact that it was also being examined by other international and regional bodies. Reading the documentation of those other bodies revealed that there were either no definitions or that those put forward were poorly formulated and contradictory. For example, the working group on the draft comprehensive convention on international terrorism had not reached a consensus on the definition of international terrorism. Chapter 18 of the draft convention touched on the dangerous issue of classifying as terrorism almost any armed action. It was necessary to bear in mind the process of criminalization in that regard. In the European Union, the definition adopted was a tautological one.

6. If it was not possible to formulate a definition, attempts should at least be made to give a description which would establish the boundaries of what could be considered terrorism. A phenomenological, descriptive perspective could help to focus the issue and prevent the polysemic concept from being transformed into a simple label and used to brand any political enemies.

7. A historical perspective could also be useful in understanding the issue. In the late nineteenth and early twentieth centuries, sub-governmental terrorist action was relatively common, characterized by the assassination of important personalities. In Europe in particular, there had been three contributing factors to that form of terrorism: colonial expansion, enclosed political systems, and the process of creating national, ethno-religious, and ethno-national identities.

8. Those historical phenomena were also currently occurring: the expansionary nature of domination, unilateral power systems and processes of reinforcement of local, minority, ethno-national and ethno-religious identities. The issue, which was directly related to matters traditionally dealt with by the Sub-Commission, required special treatment.

9. There was a fine line between the legitimate right to establish a collective identity and what was considered in a human rights framework to be terrorist activity. Ms. Koufa's report distinguished between State terrorism and individual or sub-state terrorism. They were different phenomena, with different consequences, and should be treated as such. The current year marked the thirtieth and twenty-fifth anniversaries of the military coups in Chile and Argentina respectively. The resultant dictatorships had used violent means and engaged in large-scale human rights violations to obtain their objectives. Three decades later, people were still demanding that the perpetrators pay for their crimes, despite assertions that they were committed in the fight against terrorism. The majority of those responsible for State terrorism in Argentina were currently in prison and trials were still under way in Chile.

10. Ms. HAMPSON said that she agreed fully with the views expressed by Mr. Eide. In addition to the impossibility of defining terrorism, there were also problems involved in attempting to define constituent elements, such as a terrorist attack. Any question of a status offence, i.e. of being a terrorist, should be rejected in principle, as should any notion of guilt by association.

11. The human rights delimitation of terrorism was a particularly useful approach to adopt in analysing certain concerns. There were issues States must be able to tackle, which human rights groups had not been prepared to confront in the past, such as the financial manipulation that enabled terrorist activities to take place. That did not, however, imply that Islamic charitable funds must be frozen, for example. There must be reason to believe that there was an actual connection with terrorist activities, and that was something that could best be tested in a judicial forum. Although greater powers of surveillance might be required, no country was given carte blanche and there must be a balance.

12. The annex relating to international activities highlighted some worrying issues. For example, the Security Council had stated that, when adopting counter-terrorist measures, States must respect their human rights obligations, but the Counter-Terrorism Committee of the Security Council had yet to appoint a human rights expert. The European Union and the Council of Europe had committed themselves to respecting human rights laws in their counter-terrorist measures, yet proposals put forward during secret negotiations between the United States and the United Kingdom on judicial cooperation were in flagrant disregard of the human rights obligations of European Union member States.

13. The regional human rights mechanisms had carried out important work, in particular at the European level, where they had drafted detailed guidelines through case-law and dealing with specific issues in a number of member States where there had been a problem with the response to terrorist activities.

14. It was clearly not simply a matter of examining national legislation, State practice must also be analysed. For example, during a briefing to the Counter-Terrorism Committee, a representative of the Human Rights Committee had pointed out that, in considering recent country reports, the Committee had expressed concern at some of the counter-terrorist measures adopted by several Member States.

15. She hoped that a resolution would be adopted enabling the Sub-Commission to take up the issue again at its next session.

16. Mr. CHEN said that the Sub-Commission must accept that terrorism was an international public danger which threatened world peace and security, economic development, social progress and human rights. Steps taken against terrorism should respect the integrity of sovereign countries, and should comply with international law and the basic guidelines of international relations. Wars should not be launched wilfully against other countries in the name of counter-terrorism, and there should be no interference in the internal affairs of other countries.

17. Anti-terrorist operations needed to be supported by evidence. The label of terrorism should not be attached to combating invasion and to the national liberation movements in occupied territories. Double standards in the fight against terrorism should be avoided and all countries should adopt the same approach in addressing national or international terrorist activities. All criminal activities aimed at threatening Governments and societies, particularly the indiscriminate killing of civilians, must be resolutely opposed.

18. Counter-terrorism should not be linked to any specific groups or religions. The fight against terrorism should aim to strengthen exchanges and communication between different

civilizations, so as to enhance mutual understanding. Counter-terrorism measures and national anti-terrorist legislation should not violate international human rights law. The punishment of international terrorists must comply with international human rights conventions and criteria and follow the relevant legal procedures.

19. The issue of terrorism should be tackled in a comprehensive way; efforts should be focused on eliminating its root causes. Narrowing the gap between North and South would not only contribute to the healthy development of a global economy, but also to the elimination of the root causes of instability and thus of terrorism.

20. Mr. SORABJEE said that, just as protection of the rights of minorities had not been hindered by the fact that the term “minority” had yet to be defined, the absence of an agreed definition of terrorism need not impede efforts to tackle it. Terrorism was not just an issue of domestic law and order; it had a global dimension. Its purpose was to destabilize the established order through indiscriminate violence against innocent civilians. The Secretary-General and various United Nations resolutions had unequivocally condemned all acts, forms and manifestations of terrorism, wherever and by whomsoever committed and regardless of their motivation. A similar definition was used in the 1998 Arab Convention for the Suppression of Terrorism and the 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism.

21. The same yardstick must be applied to counter-terrorism measures; no end, however legitimate, could justify means contrary to the rule of law or to international human rights standards. The war on terrorism must not degenerate into a war against civil liberties or be used to justify the consolidation of political power, the elimination of political opponents or the inhibition of legitimate dissent. Legal definitions of terrorism must not be so broad as to include ordinary crimes or to demonize legitimate dissenters.

22. National legislation should provide safeguards in the form of monitoring committees headed by a serving or retired high court judge in order to preserve the principles of proportionality and due process.

23. Mr. SATTAR said that Ms. Koufa’s comprehensive, well-documented studies of terrorism had earned mention in the Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism, which had recently been posted on the web site of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The fact that she had begun work on that topic in 1997, well before the events of 11 September 2001, had allowed her to bring a balanced historical perspective to her work.

24. It was gratifying that the security-driven counter-terrorism measures adopted in response to those events, which had too often resulted in human rights violations, were beginning to yield to a more balanced approach which included the adoption of General Assembly resolution 57/219 of 18 December 2002, paragraph 1 of which stated that States must ensure that any measure taken to combat terrorism complied with their obligations under international law, in particular international human rights, refugee and humanitarian law.

25. As noted in the above-mentioned Digest of Jurisprudence, the Committee against Torture had issued a statement which, while condemning the terrorist attacks of 11 September 2001, stressed that torture and cruel, inhuman or degrading treatment or punishment were prohibited under all circumstances (CAT/C/XXVII/Misc.7) while the report of the Policy Working Group on the United Nations and Terrorism (A/57/273-S/2002/875) observed that the United Nations must ensure that the protection of human rights was conceived as an essential concern and that all relevant parts of the United Nations system should emphasize that key human rights must always be protected and might never be derogated from. The Organization's increasing concern to protect human rights while supporting effective counter-terrorism measures should be reflected in the final version of Ms. Koufa's report.

26. The question of a definition of terrorism was a subject of great importance for the United Nations. Many Governments, remembering that their own people had been subjected to arbitrary arrest, torture and cruel, inhuman and degrading treatment during the colonial era, felt that freedom struggles must not be equated with terrorism. It would be quite intolerable if victims were asked to show greater respect for the law than their oppressors. The enjoyment of human rights was not granted through the generosity of rulers; it was won through struggle and sacrifice. The statements made at the First International Conference on the Right to Self-Determination and the United Nations, held in Geneva in August 2000, might therefore merit consideration.

27. He hoped that Ms. Koufa would complete her study before the next session of the Sub-Commission and that she would give equal emphasis to the issues of terrorism and human rights by, inter alia, expanding section C (4) of her additional progress report. He also supported Mr. Eide's proposal that a waiver should be requested concerning the length of her final report.

28. Mr. YOKOTA said that he endorsed Ms. Koufa's emphasis on conceptual and legal analysis. It might be preferable not to establish an agreed definition of terrorism which, once established, might be narrowly interpreted by States or armed groups seeking to evade responsibility or broadly interpreted in an effort to brand a particular group as terrorist. For his part, he preferred to avoid the term "terrorism" and merely to state that any indiscriminate, violent attack on the person or property of innocent victims, including journalists, diplomats, international civil servants, government officials, human rights activists and lawyers, constituted a gross violation of human rights.

29. The Security Council had a special responsibility to promote the setting of, and to monitor compliance with, international standards for the prevention and punishment of such acts and was empowered to do so under Article 39 of the Charter of the United Nations, which dealt with threats to and breaches of the peace; Governments should also take effective steps in that regard. The culprits should not enjoy impunity or special political or refugee status and, to that end, the acts in question should be interpreted as falling within the mandate of the International Criminal Court as crimes against humanity or international war crimes. He was therefore concerned at the statement in paragraph 9 of Ms. Koufa's additional progress report that social injustice was a fertile ground for terrorism; any violent, indiscriminate attack on innocent victims was a serious crime under international law and a violation of human rights.

30. Another interesting legal question was whether an attack such as that of 11 September 2001, which involved knives and the use of civil aircraft as weapons, could be interpreted as an armed attack within the meaning of Article 51 of the Charter and whether a State other than the victim could react forcefully against such an attack in the name of collective self-defence. He hoped that Ms. Koufa would consider those questions in her future work.

31. Mr. PARK said that much of Ms. Koufa's additional progress report focused on the search for a definition of terrorism; that problem had been compounded since the events of 11 September 2001 by the tendency of many States to use terrorism as a pretext for violating the human rights of their political opponents. However, greater attention should be paid to terrorists' violations of human rights, including the right to freedom from fear, and to the potential risks of weapons of mass destruction.

32. While it was true that human rights were indivisible and holistic and that there could be no trade-off between security and human rights, the Security Council's view that human rights were not relevant to its debate on terrorism must also be recognized. The human rights community had since done much to restore the balance between human rights and security concerns, as demonstrated by the resolutions on terrorism recently adopted by the Security Council and the Commission on Human Rights. However, Ms. Koufa's recommendation that the Counter-Terrorism Committee of the Security Council should incorporate human rights considerations into its deliberations was unlikely to be adopted owing to opposition from certain delegations; it would be preferable for the Sub-Commission to be empowered to deal with that issue.

33. He hoped that, in the future, Ms. Koufa would return to her study of the root causes of terrorism, which had been omitted from the current report because of the new restrictions on the length of documents. She should also consider ways in which the international community should respond to efforts to exploit the structural weaknesses of democracy, including the principle of habeas corpus. Lastly, articles in the American Journal of International Law and other examples of new international law might provide a new perspective on the topic.

34. Mr. MALGUINOV, having praised Ms. Koufa's handling of the sensitive political, sociological, ideological and "civilizational" issues addressed in her study, said that her caution and pessimism were understandable, since approaches to terrorism were dependent on events and on political decisions taken by Governments in an environment which sometimes changed faster than expert studies could follow. However, it was clear from the additional progress report that the members of human rights bodies, including the Sub-Commission, were not just recording events; they were also engaged in the study of a contemporary problem and seeking to influence the steps taken to resolve it.

35. He was inclined to agree that it would prove impossible to arrive at a generally approved definition of terrorism, but it was nevertheless necessary to discuss and describe it rather than handing the entire problem over to those who were motivated by short-term interests; he agreed with Mr. Yokota that terrorist acts were first and foremost a human rights violation. Ms. Koufa's study provided a comprehensive response to the question, frequently asked by politicians,

whether it was possible to combat terrorism effectively with full respect for human rights; her answers deserved further development. He therefore supported the view that the Sub-Commission should pursue its consideration of the topic and that the additional progress report should be issued in its entirety.

36. Ms. MOTOC said that the Sub-Commission was very fortunate in having had a Special Rapporteur on terrorism and human rights since long before 11 September 2001, the events of which had given rise to a proliferation of so-called experts. Ms. Koufa had produced an excellent additional progress report in the most difficult of circumstances, and it simply had to be published. Conflicting legal regimes, in view of security requirements, on one hand, and respect for human rights, on the other, had emerged in relation to the question of terrorism. While Article 103 of the Charter established a hierarchy, in which the obligations under the Charter took precedence over obligations under any other international agreements, security and human rights were both upheld by the Charter. States were thus unable to resolve the conflict by simply referring to the Charter.

37. When the difficulty of finding an acceptable definition for the term “minority” had arisen, the Sub-Commission had adopted a working definition, in spite of the lack of consensus among States. Terrorism would be more difficult to define, however, in view of the controversy which surrounded it. While many comprehensive definitions had been proposed, none was likely to become the object of a consensus, given the highly charged political climate. Nevertheless, the emergence, over time, of an acceptable, comprehensive definition was preferable to a sectoral approach, which risked leading to a further fragmentation of the applicable legal regimes.

38. She endorsed the recommendations made in the additional progress report, especially the need to urge the Security Council Counter-Terrorism Committee to review national anti-terrorism legislation from the point of view of human rights and humanitarian law, and the proposal that the Sub-Commission should set up a monitoring mechanism, such as a special rapporteur or a working group, to examine the compliance with human rights norms of national measures to combat terrorism.

39. Mr. GUISSÉ said that the notion of terrorism was a fluid one and, by its very nature, impossible to define. In future progress reports, he would appreciate more information on the root causes of terrorism. The difference between a freedom fighter and a terrorist was often just a matter of perspective. For instance, under the apartheid regime in South Africa, supporters and opponents had used whatever means they could to fight for their cause, each describing the other as terrorist. It was a matter for the courts to decide whether an act of terrorism had been committed, with reference to international and national criminal law.

40. Ms. ZERROUGUI expressed her appreciation for Ms. Koufa’s efforts and called for her additional progress report to be published as an official document, so that it could be translated into all the official languages. It was more important to review the issue of terrorism from the perspective of human rights and humanitarian law than to attempt to provide a definition of the term.

41. Mr. YIMER said that, while the events of 11 September 2001 had drawn attention to the human rights implications of terrorism, the subject had always been human rights specific. The need to combat terrorism within the framework of international human rights law remained the valid conceptual framework adopted by Ms. Koufa as Special Rapporteur on terrorism and human rights. He shared the concerns expressed in paragraphs 15 to 21 of her additional progress report regarding the overzealous use of counter-terrorist measures and other repressive laws adopted by States.

42. While he fully agreed that States had the obligation to perform their rights and duties within the limits of the rule of law, and to stick closely to the definitions contained in criminal law, he wondered whether it was appropriate to use the sub-heading “a human rights delimitation of terrorism”, when the aim was hardly to delimit the concept. He noted approvingly the conclusion drawn in paragraph 93 that the blurring of legal categories in determining offences of terrorism had very serious consequences, and endorsed the recommendation concerning the monitoring of counter-terrorist measures by the Sub-Commission.

43. Ms. KOUFA, speaking as Special Rapporteur on terrorism and human rights, expressed her gratitude for all the comments made by her colleagues of the Sub-Commission, which would be very helpful when she came to draft her next report. The distinction between State and non-state terrorism was an important one, although no universal agreement had been reached as to whether contemporary terrorism was any different from its earlier manifestations. In her view, an entirely different study would be required to address the root causes of terrorism, and that task would be better suited to a sociologist than to a legal expert such as herself. The difficulty in defining terrorism was exacerbated by the fact that groups continued to be labelled as terrorist, in spite of the absence of an accepted definition. It must be emphasized to States that, in the case of repressive counter-terrorist measures that violated human rights, the ends never justified the means. Freedom fighters were referred to indirectly in the preamble to the Universal Declaration of Human Rights, under the caveat concerning rebellion against tyranny and oppression.

44. While she had referred to numerous works on terrorism in the course of her research, the emphasis on academic works from the United States in the bibliography reflected the relative abundance of the work produced in that country. In her view, the Commission on Human Rights was the most appropriate forum for monitoring counter-terrorist measures, rather than any working group established by the Sub-Commission. She had resisted the temptation to give a precise definition of terrorism, because most members seemed to be opposed to such an attempt. Nevertheless, she had tried to determine a number of key characteristics. While acknowledging the need to develop some of her ideas further, she pointed out that she had already exceeded the word limit for an official document. The word limit was too restrictive, in view of the amount of material that needed to be covered. Therefore she hoped that she would be granted a waiver so that her additional progress report could be published as an official document.

45. Mr. NARANG (Indian Council of Education) said that the message of the events of 11 September 2001 was clear: no country was immune to terrorism. The concern of the international community about terrorism was not new, however, since the topic had first been

included in the agenda of the General Assembly in 1972. Various resolutions adopted since 11 September, in particular by the Security Council, showed that the concept of a war against terrorism stemmed from the notion that coercion worked and that terrorism was merely a violent act against a State.

46. The human rights of people in general had been affected both by terrorist acts and by the reactions of States, including some claiming to be protectors of human rights, such as the United States. As the Special Rapporteur had noted, the inclusion of the human rights dimension in the terrorism debate could help to resolve some of the problems and the former High Commissioner for Human Rights had argued that an effective strategy to counter terrorism should use human rights as its unifying framework. It was essential, therefore, that all States should implement the operational measures sought by Security Council resolution 1373 (2001) in a manner consistent with human rights.

47. The first step in maintaining a balance between defending democratic society and safeguarding human rights was to make an objective study of terrorism. The challenge to analysts was to identify the “inner logic” motivating terrorism, which was fundamentally a form of psychological warfare. Countermeasures must be psychological as well as physical, diplomatic as well as military, and economic as well as persuasive.

48. Terrorism could indeed threaten democratic society, but repressive countermeasures had the potential to be a worse violator of human rights. The Sub-Commission must impress upon the international community that, if the events of 11 September were an assault on civilization, then it was all the more important for the civilized to preserve the distinction between civilization and barbarism in their responses.

49. Ms. SHAUMIAN (International Institute for Non-Aligned Studies) said that the Special Rapporteur had done some outstanding work on the many dimensions of terrorism but further work was essential for a better understanding of the linkages between terrorism and human rights, in particular the fundamental issue of whether terrorism had any root causes and would wither away if those causes were tackled effectively. In her organization’s view, there were such causes, broadly the violation of certain basic human rights by both State and non-state actors.

50. Experience in many parts of the world had shown the following factors to be catalysts of terrorism: crises of national identity; dictatorship and the lack of democracy; erosion of the values of tolerance, pluralism and diversity; and unequal sharing of the benefits of development. Human civilization would have to grapple with the monster of terrorism for a long time to come and the Sub-Commission should suggest viable approaches grounded in human rights.

51. Ms. DUSSOLLIET-GOND (World Federation of Trade Unions) said that even in countries where women received education, they advanced less high as a result of greater efforts. The unequal access of women to cultural benefits was the real reason why they lagged behind men, a point demonstrated by the statistics of the World Human Development Report. The situation of women in armed conflicts remained very difficult. Women also bore the

psychological burden of transmitting HIV/AIDS and malaria to their children out of ignorance and for want of medicines that were available elsewhere. The unfair treatment of women could be eliminated only by a change of the current economic system, which caused economic inequalities and promoted wars against human rights.

52. Ms. BAMBERG (Movement Against Racism and for Friendship Among Peoples) said that the Sub-Commission's current session was taking place in extremely bad conditions because of the late distribution of documents. For example, on the question which she was about to address, contemporary forms of slavery, she had been unable to examine either the report of the Secretary-General (E/CN.4/Sub.2/2003/26) or that of the Working Group on Contemporary Forms of Slavery on its twenty-eighth session (E/CN.4/Sub.2/2003/31).

53. The question of contemporary forms of slavery warranted greater importance than it was currently being accorded. It was not merely a question of the survival of ancient practices but also included the enslavement of individuals or families who were unable to earn a living otherwise. As the representative of the International Labour Organization (ILO) had pointed out, it was a form of forced labour found in all sectors and constituted a denial of fundamental human rights. It was particularly important, in that connection, to take fully into account the developing traffic in persons. The internationalization of that traffic had resulted in it being confused with clandestine migration and, the traffic was in fact flourishing because of the very restrictive immigration policies of certain industrialized countries. It would be only logical, therefore, to explore the linkages between contemporary forms of slavery and changes in the world economy. That would reveal the powerful role of informal and illegal activities and their close interconnection.

54. The CHAIRPERSON said that she fully understood the frustration of NGOs when they had to work without documents; she hoped that all the relevant documents for the session had become available and would seek to speed up the issuance of any that were still missing.

55. Ms. SIKORA (Transnational Radical Party) said that female genital mutilation (FGM) was not just a traditional practice but a violation of the victim's psychological and physical integrity. The latest figures on the numbers of victims ranged from 98 per cent in Somalia to 10 per cent in the Democratic Republic of the Congo. According to official estimates for the Central African Republic, Egypt and Eritrea, more than 1 million women suffered health complications and even death following such mutilation. As a result of emigration, FGM had also spread to Europe and North America, but there were no estimates of its extent. The United Nations had been following the phenomenon at a scientific and medical level but, without political action by the Member States, FGM could not be ended.

56. She drew attention in particular to the regional conference held in June 2003 in Cairo, which had resulted in the adoption of the Cairo Declaration for the Elimination of FGM by 28 African and Arab countries. The Declaration called inter alia for specific legislation to prohibit FGM. The adoption by the African Union of the Protocol on the Rights of Women in Africa to the African Charter on Human and Peoples' Rights was also a welcome development.

57. Her organization urged the Sub-Commission to condemn the violence against women constituted by FGM, which should be treated as a violation of fundamental human rights. The Sub-Commission should call on Governments to introduce plans of action to eliminate all

violence against women and to promote a culture change in countries still practising FGM. The Sub-Commission might wish to set up an “Observatory on Infibulation” to facilitate coordinated monitoring of the practice and reliable data-gathering.

58. Mr. KAUL (Himalayan Research and Cultural Foundation) said that the definition of terrorist activities contained in Sub-Commission resolution 1996/20 remained valid, as did some of the issues raised by Ms. Koufa in her 1997 working paper. The definition of terrorism still eluded consensus, however, so that the United Nations had had to address the problem without defining terrorism itself. Even in the absence of a definition, however, it was still possible to devise mechanisms to tackle the phenomenon.

59. In its external dimension, international terrorism could affect friendly relations among States while, in its internal dimension, it created chaos and instability which undermined human rights and fundamental freedoms. The subject of human rights and terrorism had thus taken the centre of the stage.

60. As a first step towards achieving consensus on tackling terrorism, States might create a legal framework and mechanisms to deal with the terrorists, in strict conformity with human rights and humanitarian law. They might then establish cooperation in dealing with global terrorism in such areas as information-sharing. A third step would be to identify and censure States sponsoring terrorism, for otherwise the international efforts would bear little fruit.

The meeting rose at 1.05 p.m.