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Human rights situations that require the Council's attention

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

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

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

Women's lack of human rights and equality under the law in OIC member states

In common with all States parties to the ICCPR, OIC Member States are supposed to be concerned with the human rights of individuals both in their own territories and throughout the world. Each state has the ultimate responsibility of protecting the human rights of everyone, whether citizens or not, resident in their territory and subject to their laws. But the OIC states in particular are falling far short of their obligations under international law in this regard, especially for women.

The following recent examples show the extent to which human rights and equality under the law are denied to women in a number of OIC Member States.

Iran – Sakineh Mohammadi Ashtiani was convicted in May 2006 of having an “illicit relationship” with two men and received 99 lashes as her sentence. Despite this, she was then also convicted of “adultery while being married”, which she has denied, and sentenced to death by stoning. The Guardian reported that 12 Iranian women and three men are awaiting execution by stoning in Iran. There have been known cases of numerous women prisoners being raped before being executed.^{1 2 3}

Kuwait – According to human rights advocates, systematic abuse of domestic help is particularly entrenched in Kuwait where oil riches allow many families to have several servants. The New York Times reported that migrants enter Kuwait voluntarily, but

“upon arrival some are subjected to conditions of forced labor by their sponsors and labor agents, including through such practices as nonpayment of wages, threats, physical or sexual abuse, and restrictions on movement, such as the withholding of passports.”

The Nepalese and Philippines embassies in Kuwait provide informal shelters for hundreds of their citizens who have fled abusive employers, although embassy officials are loath to talk about them and generally do not allow visitors, citing concerns about the privacy of the women and a reluctance to antagonize Kuwaiti officials, whose cooperation they need in order to repatriate many of the women. The government runs a shelter for about 50 women, but few domestic workers know about the place, according to their advocates.⁴

Pakistan – On 18 July 2010 the Guardian newspaper (UK) reported that a couple have been sentenced to be stoned to death for alleged adultery by a tribal court in north-west Pakistan, with the woman's life now considered in danger. The man involved, Zarkat Khan, has run away while the woman is in the custody of the court, according to residents in Kala Dhaka, a remote area of Khyber-Pakhtunkhwa province. The death sentence, handed down in Manjakot village last month, will be carried out once the man is found, a member of the tribal court said. The woman, whose name is being withheld at the request of human rights groups, is being held in a nearby village, according to campaigners. She is married and believed to have three children.⁵

Algeria – In April 2010 the NGO Women Living under Muslim Laws reported:

¹ <http://www.amnesty.org/en/library/asset/MDE13/075/2010/en/c1d0a18d-f582-4a89-ae38-2c1d0196b7c8/mde130752010en.html>

² <http://www.hudson-ny.org/1423/iran-sakineh-mohammadi-ashtiani-stoning>

³ <http://www.guardian.co.uk/world/2010/aug/14/iran-must-stop-executing-people>

⁴ http://www.nytimes.com/2010/08/02/world/middleeast/02domestic.html?_r=1&partner=rss&emc=rss

⁵ www.guardian.co.uk/world/2010/jul/18/couple-sentenced-pakistan

“For several weeks now, women have been subjected to murderous attacks in the South of Algeria; this has provoked international protests and calls for the intervention of the United Nations Special Rapporteurs. It is crucial that these initial protests are relayed and supported by a large number of organisations across the world.”

These events remind us of the tragic days of July 2001 which saw hundreds of women, “tortured, stoned, raped and buried alive”, as recalled by the Algerian press. Ten years later, these crimes go largely unpunished and women, in general, have not been able to rebuild their lives for lack of sustained material and financial support, but also while facing moral and legal challenges. Time has not healed this nightmare, and it has started again. Violence has flared up conducted by gangs of youth that, once again with impunity, are stealing from, beating, and torturing - mostly migrant - women, who work in the industrial and economic sectors of Hassi Messaoud. The majority of them are in hiding because they cannot leave their jobs: they need to provide for themselves and support their families.⁶

According to Amnesty International, no full, independent or impartial investigations has been carried out into the gross human rights abuses committed since 1992, including thousands of cases of civilians killed in targeted or indiscriminate attacks, extra judicial executions, torture, ill-treatment and "disappearances." Members of armed groups who surrendered to the authorities reportedly continued to benefit from clemency or exemption from prosecution.⁷

Saudi Arabia - Saudi Arabia is one of the world’s worst violators of women’s rights, as the state declares women legally inferior to men. Women are not allowed to drive and are tagged by electronic devices when they move around.⁸ On March 3, 2009 Mrs. Khamisa Sawadi, a 75 year old woman living in Hail, northern Saudi Arabia, was found guilty of mingling with two young men to whom she was not immediately related. In April 2008 Sawadi met the two 24-year-old men after she asked them to bring her five loaves of bread. The two men, Al-Anzi, Sawadi’s late husband’s nephew, and bin Zein, al-Anzi’s business partner, were also arrested by religious police and found guilty and sentenced to prison terms and lashes. The court based its decision on ‘citizen information’ and testimony for al-Anzi’s father, who accused Sawadi of corruption. Furthermore, the verdict cited the fact that Sawadi is not a Saudi national – although she was married to a Saudi man – and that she was without a husband as evidence of her guilt. Following the implementation of her sentence, Sawadi will face deportation.⁹

Malaysia – One of the most visible manifestations of women’s inequality under the law in many Islamic States is the practice of polygamy. A study on polygamy in Malaysia has shown that only 25% of first wives approve of the practice and less half feel that their husbands treat them equally. The study by non-governmental organization Sisters in Islam (SIS) and the Institute of Malaysian and International Studies (Ikmas) of the National University of Malaysia (UKM) surveyed some 1,200 participants from polygamous families throughout peninsular Malaysia since 2008.¹⁰

Afghanistan - “From forced child marriages entailing physical and sexual abuse to the public execution of a woman on local council’s orders, from girls burning themselves to death out of despair to impunity for abusers, violence against women in Afghanistan is a

⁶ <http://www.wluml.org/node/6199>

⁷ <http://www.amnestyusa.org/all-countries/algeria/page.do?id=1011103>

⁸ www.guardian.co.uk/commentisfree/2010/aug/04/keeping-tags-text-women-saudi

⁹ <http://www.independent.co.uk/news/world/middle-east/75yearold-widow-to-be-flogged-1641548.html>

¹⁰ <http://www.wluml.org/node/6513>

dramatic problem that must be addressed now” said UN Special rapporteur on Violence Against Women, Yakin Ertürk at the end of her recent visit to Afghanistan.¹¹

Violence against women is endemic in Afghanistan, deeply embedded in the culture and carried out with impunity by husbands and local courts. On 11 August 2010, a Pregnant Afghan widow was flogged and publicly executed for alleged adultery. The woman, Sanum Gul, was killed in Badghis province in western Afghanistan that morning, the provincial governor's spokesman said. After being held in captivity for three days and flogged 200 times, Gul -- whose age was given as 35 and 47 in different reports -- was shot in the head three times, said Hashim Habibi, the district governor of Qades, also located in the province.

General – The requirement under sharia law as practiced in many OIC Member States that a woman claiming to have been raped must supply four independent male Muslim witnesses to the crime has led to massive injustice to women who can, and often do find themselves accused of zina when reporting rape, and can face lashes or even stoning for their “crime”. On the other hand, the requirement that she provide four male witnesses to her rape means that rapists can almost never be found guilty, and in several OIC member states rape has become a crime that can be carried out with impunity.^{12 13}

We note with approval moves in Bangladesh, however, to remove jurisdiction in criminal cases from Sharia courts.

Recommendations:

We would respectfully remind those OIC Member States that are members of the Human Rights Council that they are there not to protect their governments, their elites, or their religion, but to protect and promote the human rights of all, and particularly women whose rights are systematically abused in many of their territories.

We call upon the Member States of the OIC:

- To end the relentless misuse of culture, tradition and religion to deny women equality under the law and to justify violence against women.
- To remove all criminal cases and in particular rape cases from the jurisdiction of sharia courts.
- To implement laws that give adequate protection to women whether citizens or non-citizens, and
- To reform penal codes that are discriminatory against women, and to initiate measures to ensure that those perpetrating crimes against women are punished.

¹¹ <http://www.rawa.org/wom-un.htm>

¹² <http://www.banglarislam.com/Articles/Sharia/shariaDynamics.pdf>

¹³ http://news.bbc.co.uk/2/hi/south_asia/6153994.stm