

## U.N. Ruling: Islamic Sharia Taboo in Human Rights Council Debates

🕒 Tuesday, July 1, 2008 9:04 pm 👤 zadmin 💬 3 👁 271

In its recently concluded June session, the UN Human Rights Council ruled that any references to Islamic Shar'ia law are prohibited in the council chamber. Even outgoing UN rights chief Louise Arbour, who more than once sought to [appease](#) the UN's anti-blasphemy squads, expressed her [concern](#).

It all started when the heroic David Littman, undaunted by malicious attempts to expel him from the UN, tried to deliver a speech on violence against women and what Islamic scholars can do to prevent it. The Egyptian representative interrupted repeatedly and challenged the council president. "Regardless of the result of the vote — I couldn't care less if I will win or lose this vote — my point is that Islam will not be crucified in this council!"

The president gave in: "Statements should refrain from making judgments or evaluations of a particular religion. . . I can promise that at the next evaluation of a religious creed, law, or document, I will interrupt the speaker and we'll go on to the next one."

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*Following is a transcript from June 16, 2008 debate at 8th Session of the UN Human Rights Council. General debate on Agenda Item 8, "Follow up and implementation of the Vienna Declaration and Programme of Action." The video archive can be seen [here](#) under "Points of Order" (requires RealPlayer).*

DAVID LITTMAN, IN JOINT STATEMENT BY ASSOCIATION FOR WORLD EDUCATION, INTERNATIONAL HUMANIST AND ETHICAL UNION

In the context of integrating the human rights of women throughout the United Nations system we wish to draw attention to four examples of widespread violence against women that we believe merits far greater attention from the council. One, regarding FGM [female genital mutilation], we are making available our detailed written statement...

PRESIDENT COSTEA

*[Bangs gavel.]* A point of order raised by the delegation of Egypt. You have the floor, sir.

EGYPT – POINT OF ORDER

Thank you Mr. President. Mr. President, I have a copy of this statement. It is identical to the one made in December to which I made 5 points of order and to which you ruled that you warned that speaker in December that this would be the last warning. The first paragraph you talk about Al-Azhar and Egypt and the Shari'a law. The second paragraph he'll talk about Sudan, Pakistan, and the Shari'a law. The third and fourth paragraphs are just on Shari'a law. So I don't know what is the point of making him continue his statement while we know it will be objected and while we know that the president made a ruling on the same statement in December. If we have no time to come with something new, then we shouldn't speak. Thank you.

PRESIDENT COSTEA

Thank you, do I see any other requests for the floor on this matter? Pakistan, you have the floor.

PAKISTAN

Thank you very much Mr. President. Mr. President, the voices which we hear in this council and the issues they raise are not unfamiliar. There is an agenda behind it, and you have already given a ruling on the discussion of Shari'a law in this council. We have strong objections on any discussion, any direct or indirect discussion, any out of context, selective discussion on the Shari'a law in this council. I would request the president to exercise his judgment and authority and request the speaker not to touch the issues which have already been deemed barred from discussion in this council. Thank you very much.

PRESIDENT COSTEA

Distinguished representative from Slovenia.

SLOVENIA

Thank you Mr. President. I would remind both colleagues from Egypt and from Pakistan – this is a separate council session. Any NGO representative has a right to make a statement within the merits of the agenda item under discussion. We see the statement being made pertaining within the purview of the agenda item and we do not see grounds for any restricting censorship in that respect.

PRESIDENT COSTEA

Distinguished representative of Egypt.

EGYPT

Mr. President, through you, sir, I would like to humbly and kindly ask my colleague from Slovenia to reconsider what we are talking now is not about the right of NGOs to speak. It is about the Shari'a law and whether it is admissible to discuss it in this council. I appeal to my colleague from Slovenia not to accept any discussion of Shari'a law in this council, because it will not happen!

And we will not take this lightly. This is not about NGOs participation in the council!

Before the speaker before that one spoke as freely as they want about sexual orientation, gays and lesbians, because they see it under the VDPA [Vienna Declaration and Program of Action] and they have been touching on the VDPA. Nobody objected.

Now, this is not about NGOs and their participation in the council. This is about the Shari'a law. So I appeal to all colleagues not to get us there because we will stay there and it's a good omen that we have these beautiful machines [holds up voting machine] with us here because we will need them. Thank you.

PRESIDENT COSTEA

I don't see any requests.

*[A delegate (unknown) raises placard in a Point of Order]*

You do not have the right of point of order, sir; you are not a member of the council, with all due respect. Pakistan?

PAKISTAN

Mr. President, very respectfully, I would like to state again that this is not the forum to discuss religious sensitivities. It will amount to spreading hatred against certain members of the council. I mean it has happened before also that selective issues were raised in the council to demonize a particular group. So we would again request you to please use your authority to bar any such discussion again in the council.

PRESIDENT COSTEA

Thank you. I think that we are going downwards on quite a slippery slope here. Personally, I see two issues. One is whether we should or not discuss religious issues in a debate under the Vienna Declaration. Two, whether we shall exercise a sort of preemptive move against statements that may be or may not be heard in this room. Canada?

CANADA

Thank you Mr. President. We are having a General Debate on the Vienna Declaration and Programme of Action. The issues that are being raised here fall entirely within the scope of the Vienna Declaration and Programme of Action. They concern rights. We consider it entirely appropriate that the NGO in question be permitted to continue. If we were all of us to not repeat anything that we had said before in a council session, the sessions would be an awful lot shorter than they actually are. Thank you, Mr. President.

PRESIDENT COSTEA

Egypt and then Slovenia.

EGYPT

Mr. President, I am not speculating. I have a copy of the statement. I have listened carefully to the first paragraph, I did not interrupt. Until it was clear that this is the copy I have in my hand. I am telling my colleagues from Canada and Slovenia, so that everybody will bear the consequences, that this statement is about the Shari'a law. I don't want anybody to say they didn't know in advance. I have a copy here. Whoever doesn't believe me can take a look at this statement. This statement will not be read in this council without a vote! Thank you.

PRESIDENT COSTEA

I would very kindly suggest that we sort of take a break. And come back in 5 minutes, in order to seek a better judgment. This meeting is suspended.

*[Meeting suspended for 45 minutes]*

PRESIDENT COSTEA

Thank you for your understanding. We will resume. And there was also another request for a Point of Order that I have inadvertently missed. The delegation of Iran, you have the floor, sir.

IRAN

Thank you, Mr. President. Actually, I requested the floor for raising the Point of Order in support of what has been said by Egypt and Pakistan but apparently it was not acceptable. So, that was all. Thank you.

PRESIDENT COSTEA

Well, I hereby said that it was accepted, and that's why I said that I inadvertently missed it. I apologize to you, sir, for this procedural faux pas.

Ladies and gentlemen, no need to hide behind...whatever. So I would just ask your attention. Let me recall that before we suspended this meeting I made a remark. And that remark had two points.

One of the points was a warning on what the debate in this council should not — I repeat, should not — slip into. I warned, and I think I am in agreement with all of you here, that this council is not prepared to discuss religious matters in depth. Consequently, we should not do it.

I would like to recall what I said in a previous session. And it is in our record. On the 13th of March: "As long as a statement is made with restraint from making a judgment or evaluation of a particular set of legislation which is not in the point of our discussion, the speaker may continue." It was within a circumstance that was quite similar to the same in which we are today. Having said that, I would give back the floor to the representative of the NGO in question, with the understanding that as long as the statement would restrain from making the judgment or evaluation of any particular set of legislation which is indeed not the point of our discussion, this statement may continue. Distinguished representative of Egypt, you have the floor.

EGYPT

Thank you, Mr. President. Mr. President, now you have made your ruling. We will listen attentively to the statement. At the first attempt to link any bad practices to a certain religion in any way we will reply to your ruling. Thank you.

PRESIDENT

Thank you. May I say for the record as I well that I was in much more comfortable positions in this chair than this position when a statement of mine is challenged point-blank. Thank you. You have the floor, sir.

JOINT STATEMENT – ASSOCIATION FOR WORLD EDUCATION & INTERNATIONAL HUMANIST AND ETHICAL UNION

Thank you very much, Mr. President. Regarding FGM, our detailed written statement discusses the reasons why 96 percent of Egyptian women are still subjected to FGM despite state legislation in 1997 outlawing the practice. "*Almost 90 percent of the female population in the north of Sudan undergo FGM which in many cases is practiced in its most extreme form known as infibulation*" — we are quoting from a report by the special rapporteur Halima Warzazi. UNICEF figures indicate that over 3 million young girls are mutilated each year in 32 countries, 29 of which are member states of the OIC. We believe that only a fatwa from Al-Azhar Grand Sheikh Sayyid Tantawy replacing the ambiguous fatwas of 1949, 1959 and 1981 will change this barbaric criminal practice, which is now growing even in Europe.

PRESIDENT COSTEA

*[Bangs gavel.]* The delegate of Egypt raises a Point of Order. Sir?

EGYPT

Mr. President with all due respect I would like to challenge your ruling and according to Rule 113 we should proceed into a vote now. This is an attempt to link bad traditional practices to Islam. Sheikh Al-Azhar is the president of the largest and the biggest and the oldest Islamic university in the world. This is not the understanding we had when we allowed this statement to happen. I'm afraid I will have no other option but to challenge your ruling regardless the result of the ruling. Thank you.

PRESIDENT COSTEA

Sorry, I didn't understand the last part.

EGYPT

My last part, sir, is that regardless of the result of the vote, I couldn't care less if I will win or lose this vote, my point is that Islam will not be crucified in this council!

That's why we are challenging your ruling and the result of the vote will be indicative to what all delegations think on this issue. And it will be a matter of discussion later of the OIC [Organization of the Islamic Conference] and our colleagues from other groups. Thank you.

PRESIDENT COSTEA

Alright, let me have a look at what I have said, and also to have a look at what the speaker has just read.

*[Short break, during which President Costea confers with the Secretary. Egyptian delegate approaches the President and the Secretary at the podium and confers with them for about 4 minutes.]*

PRESIDENT COSTEA

Thank you. I feel like repeating what I've just said, just to be clear. I said that statements should refrain from making judgments or evaluations of a particular religion. We've just heard that a certain act which is a fatwa is considered ambiguous. This is a judgment, this is an evaluation. So I would kindly ask the speaker to bear in mind this, and I can promise that at the next evaluation of a religious creed, law, or document, I will interrupt the speaker and we'll go on to the next one.

Germany raises a Point of Order.

GERMANY

Mr. President, I would kindly through you ask the Egyptian delegation and its representative if I did understand and hear right that in his last intervention he seemed to have said, and I quote — and I apologize if I did not understand this correctly — my understanding was, "Islam will not be crucified in this council." And I would like this statement confirmed, and if it is confirmed I would ask you, Mr. President, whether you consider this appropriate with regard to the question of mentioning religion and its symbols.

PRESIDENT

Thank you. Before giving the floor to the distinguished Egyptian delegate I would kindly ask everybody to take a deep breath. Let's try and get back to our normal mode, to our decent and reasonable approach of topics that are sensitive to all. Distinguished delegate of Egypt, you have the floor, sir.

EGYPT

Mr. President, abiding by the first and the second rulings you made, which are no different, in my opinion, I would ask to delete any reference to the fatwa by Sheikh Al-Azhar — to delete all reference to Sheikh Al-Azhar from this paragraph in the official records of the meeting. Thank you.

PRESIDENT

Thank you. Let us come back to the speaker. I hope you took good heed of what has happened, sir.

ASSOCIATION FOR WORLD EDUCATION & INTERNATIONAL HUMANIST AND ETHICAL UNION

"The government of Pakistan vigorously condemns the practice of so-called honour killings, and that such actions do not find any place in our religion or law." This is a quotation from President Musharaf on the 28th of April 2000, yet this murderous practice seems to be on the increase in Pakistan and elsewhere. Even in Europe in certain communities. It must be criminalized and the law strictly applied.

The stoning of women for alleged adultery still occurs regularly in Iran, Sudan, and other countries. In Iran, they are buried up to their waists in pits, and blunt stones are used thereby increasing their agony in death. The marriage age for girls in Iran remains at 9 years old. In the year 2000 the Iranian parliament attempted to increase the age to 14 but the law was overturned by the Council of Guardians. Last week...

PRESIDENT COSTEA

*[Bangs gavel.]* There is a Point of Order raised by the delegation of Iran. You have the floor, sir.

IRAN

Thank you Mr. President. With all respect to your rule and to yourself, Mr. President, the statement and the references made by the speaker in this statement is false and has nothing to do with the realities in my country. I just wanted for the record to say that. "The stoning of women occurs regularly in Iran" — that's not true. It's completely false and out of question. Thank you.

PRESIDENT COSTEA

Thank you. I thought you were asking the floor for a Point of Order, sir, and it would have been granted to you. I think that what you said amounts to a Right of Reply, which is still a right, which you can exercise if you request it, at the end of the consideration of this Item, so I just wanted to highlight the situation to you. Cuba raises a Point of Order.

Yes, sir.

CUBA

Yes, Mr. President, in reality, when we refer to the content of what this sir has been saying, in the first place, a malpractice of the same gentlemen in the Commission of Human Rights led to the suspension of the NGO from the Commission of Human Rights. Now in what is a segment of the Vienna Declaration of Human Rights and the cooperation of human rights, he's introducing a theme that in any case should have been addressed under Item 4 of the agenda. In that case you have to interrupt his statement. He is making a list of references to countries using practices that do not relate to the agenda item under discussion and what he should do is keep his intervention for the Item 4 discussion when we meet again in September. Thank you, Mr. President.

PRESIDENT COSTEA

Thank you. Before going on with the list of Points of Order may I recall that similar debates occurred in this council some time ago and we then emphasized that in approaching Item 8 which is the implementation of the Vienna Declaration and its Programme of Action, we may refer to the way in which various rights in these documents are implemented because this is what we are doing. Having said that, you cannot refer to these implementations in abstract. We agreed that it may be exemplified. So from this point of view, we have heard in this statement so far two or three examples, which would to my reading NOT qualify this statement as an Item 4 statement. It's not a country situation. We have two requests of Points of Order. Slovenia and Jordan. Slovenia.

SLOVENIA

Thank you very much Mr. President. First I would like to clarify that the EU agrees with your ruling that you have made. I would also like to make clear that the EU is not linking in any way FGM with any religion, or for that matter with Islam — just for clarification's sake, I would like to state this very clearly in this council. With regard to the last point of order we have heard, indeed we again agree with the explanation you have just provided to us that indeed statements can be exemplified as long as they are linked to the agenda item at hand. And I would also like to reiterate that we are going to listen very carefully with attention and with respect to any explanations that any delegation might wish to offer in replying to the statement being made or other statements being made in the form of rights of reply. I thank you very much.

PRESIDENT COSTEA

Thank you. The distinguished representative of Jordan has raised...no? Alright then.

## ASSOCIATION FOR WORLD EDUCATION & INTERNATIONAL HUMANIST AND ETHICAL UNION

Thank you, Mr. President. Integrating the human rights of women throughout the United Nations System is part of Item 8, under paragraph 140. I will conclude, sir. Last week, Noble Peace Prize laureate, Shirin Ebadi, speaking in Geneva, denounced the fact that in Iran, a girl is considered an adult and liable to punishment, even execution, at 9, and a boy, at 15. She rejects the concept of cultural relativism, as does the French Secretary of State for Urban Affairs, Fadela Amara, who recently strongly criticized the ruling of a French judge in Lille for annulling a marriage between 2 Muslims because the girl lied about her virginity in the marriage contract. Mrs. Amara rightly called this aberration, and I quote, "A real fatwa against the emancipation and liberty of women." *[President bangs gavel.]* Thank you, Mr. President, I was quoting a Minister in France, sir.

## PRESIDENT COSTEA

*[Bangs gavel.]* Your time is up, sir. Having said that, this will bring us to the end of the day. We will resume our list of speakers tomorrow when we also close this Item and we shall continue with the next Item of the agenda, that is Item 9.

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