

THE ASHLEY MONTAGU RESOLUTION TO END THE GENITAL MUTILATION OF CHILDREN WORLDWIDE

A Petition To The World Court, the Hague

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*Adopted by the Fourth International Symposium on Sexual Mutilations,
University of Lausanne, Lausanne, Switzerland, August 9-11, 1996.*

1. IN HONORIS CAUSA:

On this distinguished occasion of the Fourth International Symposium on Sexual Mutilations, University of Lausanne, Lausanne, Switzerland (9-11 August 1996), we honor Professor Ashley Montagu, an internationally renowned scientist, scholar and Humanist, who has committed his life to advancing the dignity, integrity and well-being of infants and children and their mothers throughout the world and who has pioneered in documenting the power of pleasure in human touch while condemning the pain and degradation inherent in the barbaric practice of the genital mutilations of children.

In honor of a distinguished life of science for humanity by Ashley Montagu, the Institute of Humanistic Science, the Humanist Fellowship of San Diego, California, and the National Organization of Circumcision Information Resource Centers (NOCIRC) have commemorated their decade-long effort to bring the issue of the genital mutilation of children before The World Court, The Hague, by naming this effort The Ashley Montagu Resolution To End The Genital Mutilation of Children Worldwide.

The Ashley Montagu Resolution To End The Genital Mutilation of Children Worldwide will be sent to various "Heads of State" with a request that they forward this Resolution to The World Court, The Hague, for a jure ruling that the genital mutilation of children violates the *Universal Declaration of Human Rights* and the *United Nations Convention on the Rights of the Child*.

The Montagu Resolution will also be forwarded to the Secretary General, United Nations and the President, Amnesty International, for their support of The Montagu Resolution, which affirms that the genital mutilation of children violates the *Universal Declaration of Human Rights* and the *United Nations Convention on the Rights of the Child*, which state: "No(one) child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." (Articles 2 and 37, respectively), and other Articles of these international treaties.

2. PREAMBLE:

Pursuant to the declarations on the genital mutilations of children previously passed by the unanimous votes of the General Assembly of the First International Symposium on Circumcision (March 3, 1989), and by the General Membership of the 1988 Annual Meeting of the Humanist Fellowship of San Diego, and by the International Covenant on Civil and Political Rights, and by Resolution of the Executive Board of the WHO on "Maternal and Child Health and Family Planning: Current needs and future orientation," concerning traditional practices harmful to the health of women and children, which RECOMMENDED to the Forty-Seventh World Health Assembly the adoption of the following resolution: "2.(2) to establish national policies and programmes that will effectively, and with legal instruments, abolish female genital mutilation, marriage and childbearing before biological and social maturity, and other harmful practices affecting the health of women and children" (25 January 1994), the following ASHLEY MONTAGU RESOLUTION TO END THE GENITAL MUTILATIONS OF CHILDREN WORLDWIDE is hereby submitted to the FOURTH INTERNATIONAL SYMPOSIUM ON SEXUAL MUTILATIONS for approval and endorsement.

WHEREAS, the genital mutilations of children violate those inalienable human rights as enumerated in the following articles of the UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS and the U.N. CONVENTION ON THE RIGHTS OF THE CHILD. Specifically:

UNIVERSAL DECLARATION OF HUMAN RIGHTS
ARTICLE 2:

Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kinds, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

and ARTICLE 3:

Everyone has the right to life, liberty and security of person;

and ARTICLE 5:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; and

B) U.N. CONVENTION ON THE RIGHTS OF THE CHILD
ARTICLE 19. ABUSE AND NEGLECT

1. State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, and

ARTICLE 24. RIGHT OF THE CHILD TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

ARTICLE 37. TORTURE, CAPITAL PUNISHMENT AND DEPRIVATION OF LIBERTY

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below 18 years of age.

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily...

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age...

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action; and

WHEREAS, The WORLD HEALTH ORGANIZATION (WHO) endorsement of the recommendation of the 1979 Khartoum Seminar on Traditional Practices affecting the health of women, which recommended that governments adopt clear and definitive policies for the eradication of female genital mutilation; and **THEREFORE, BE IT RESOLVED** that the FOURTH INTERNATIONAL SYMPOSIUM ON SEXUAL MUTILATIONS;

AFFIRMS that the genital mutilations of children violates the human rights of children, as contained in Articles 2, 3 and 5 of the UNITED NATIONAL UNIVERSAL DECLARATION OF HUMAN RIGHTS, and Articles 19, 24 and 37 of the U.N. CONVENTION ON THE RIGHTS OF THE CHILD; and

REQUESTS all national governments to petition THE WORLD COURT, THE HAGUE, to have THE WORLD COURT declare that the genital mutilations of children are in violation of the above said Articles of the UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS and the U.N. CONVENTION ON THE RIGHTS OF THE CHILD; and

REQUESTS that all national governments pass legislation prohibiting the practice of torture, cruelty, inhuman and degrading treatment of children which is inherent in the genital mutilations of children that are conducted as a matter of socio-cultural and religious customs and are de facto violations of the UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS and the U.N. CONVENTION ON THE RIGHTS OF THE CHILD; and

REQUESTS that all national governments and their associated agencies educate health professionals, parents and the people on these issues, specifically, the medical, psychological, sexual and mental health hazards inherent in the genital mutilations of children, and to dispel the myths and superstitions which encourage the genital mutilations of children.

The Ashley Montagu Resolution was adopted by the acclamation of the Fourth International Symposium on Sexual Mutilations in Congress Assembled at Lausanne, Switzerland on 11 August 1996.

Endorsers of the Ashley Montagu Resolution:

- F.H.C. Crick
- Jonas Salk
- Humanists Against Circumcision

James W. Prescott, Ph.D., is Director, Institute of Humanistic Science, a developmental neuropsychologist and a cross-cultural psychologist who has documented the developmental origins of violence and seeks to end violence against children and women worldwide, without which human violence cannot end.