

Proposed Resolution on “Traditional Values”: *Undermining International Human Rights Standards*

- We are very concerned that the draft resolution on “traditional values” would **undermine the standards and principles enshrined in international human rights instruments**. We feel that this resolution should be strongly opposed and we urge States to vote against the resolution.
- The resolution as tabled **assumes** that “traditional values” inevitably make a positive contribution to human rights. There is **absolutely no recognition in the resolution** that **“traditional values” are frequently invoked to justify human rights violations**. In previous decades and centuries, **mixed-race marriages, desegregation, women having the right to work, to vote, or to own property would have been thought by many to be inconsistent with “traditional values”**. The **Special Rapporteur on violence against women** has in her reports repeatedly addressed **harmful traditional practices** such as **female genital mutilation; honour killings; spousal abuse; dowry-related violence**; and customary laws that deny women’s equality.
- Harmful traditional practices are frequently legitimised by the values on which they are founded. Building on the work of independent experts, including the former **Special Rapporteur on harmful traditional practices**, the OHCHR has emphasized: **“Traditional cultural practices reflect values and beliefs held by members of a community for periods often spanning generations. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. Despite their harmful nature and their violation of international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practising them.”**
- This resolution is the **thin end of the wedge**. Once the concept of “traditional values” is affirmed in a Human Rights Council resolution, the subject will **stay on the Council's agenda**, potentially restricting the Council’s efforts toward rights protections. The task of the Council and of the High Commissioner’s office is to protect human rights, not to pursue anthropological investigations, or to decide what is a “tradition” and what is not. Trying to debate these definitions, and give substance to the vague mandate this resolution offers, should not be part of the work of UN institutions dedicated to the promotion of human rights. The precedent set by this resolution will be particularly destructive to the Council’s ability to promote and protect the integrity of all human rights, especially as it **seeks to affirm a concept often used to legitimize abuse**.
- The values and standards underpinning international human rights law are **already enshrined** in carefully-negotiated international instruments. The proposed resolution would detract from the **standards already identified** in international human rights law. A **divisive vote** on a resolution claiming to recognise “a common set of values” shared by humankind would be self-contradictory. It would **polarise the Council** and accomplish nothing.
- In presenting the draft resolution, Russia as main sponsor declined to define “traditional values” or explain what these meant, and indeed “traditional values” is an uncertain concept that defies definition. In a panel at the 7th session of the Human Rights Council on “Human Rights and Intercultural Dialogue” the **Russian Patriarch** criticised **“noisy but well-organized minorities”**, denounced the **secular State** and the “strong influence of **extreme feministic views**” which were described as **“destructive for the institution of family”**.
- Many UN instruments and resolutions recognize that **tradition and culture may be invoked to violate universal human rights**. For example:

- The **Vienna Declaration and Programme of Action** calls upon States to work towards the elimination of “the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism” (para. 38).;
- The **Declaration on the Elimination of Violence against Women** (A/RES/48/104), for example, recognizes **traditional practices harmful to women** as a form of violence against women, and includes amongst these harmful traditional practices: “**battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and female genital mutilation**”;
- HRC Resolution 7/29 on the **Rights of the Child** expresses concern at “the **horrific scale and impact of all forms of violence against children**, in all regions, in their homes and families, in schools, care and justice systems, workplaces and in communities, **and urges States**: ... to take measures to **change attitudes that condone or normalize any form of violence against children, including** cruel, inhuman or degrading forms of discipline, **harmful traditional practices** and all forms of sexual violence” (OP 14(e), 2008).

The resolution also calls upon States to take all necessary measures “to **eliminate all forms of discrimination and violence against girls**, including female infanticide and prenatal sex selection, rape, sexual abuse and **harmful traditional or customary practices, including female genital mutilation, son preference, marriages without free and full consent of the intending spouses, early marriages and forced marriages and forced sterilization, including addressing their root causes**” (OP 24(b));

- HRC Resolution 6/37 on the **Elimination of all forms of intolerance and of discrimination based on religion or belief** emphasises the need to address “the **situations of violence and discrimination that affect many women as well as individuals from other vulnerable groups** in the name of religion or belief or **due to cultural and traditional practices**” (PP 10 and OP 11(b));
 - HRC resolution 10/23, on the Independent Expert in the field of cultural rights, affirms that “**no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope**”;
 - The **Beijing Declaration and Platform for Action** (A/CONF.177/20) requires governments to “**refrain from invoking any custom, tradition or religious consideration to avoid their obligations**”;
 - The **African Women's Protocol** requires States to “**eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the ... tolerance of violence against women**”.
- Following so soon after the **UN General Assembly** has expressed strong and unanimous support in adopting a resolution to create the new gender equality entity to be headed by an Under Secretary-General, this resolution at this time sends **entirely the wrong message**. Human rights are inherently forward-looking; tradition is inherently backward-looking. The Human Rights Council must not be seen to be **turning the clock back** on human rights, particularly the human rights of women.
 - We therefore urge Russia in the interests of constructive engagement **not to proceed** with such a divisive resolution, particularly at a time when many States are seeking to build cross-regional collaborations as we enter a new cycle of the Human Rights Council. If the **goal of the resolution** is to promote respect for the values underpinning human rights law, this can be done through **human rights education** to promote the standards we already have or explored through **constructive alternatives to a divisive resolution**, such as a joint statement or side event.