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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Summary of information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity

### Report of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report is submitted in response to Human Rights Council resolution 21/3 which requests the Office of the United Nations High Commissioner for Human Rights to collect information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity, and to submit a summary thereon to the Council. The report is submitted to the twenty-fourth session of the Council in accordance with its calendar of thematic resolutions.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–2	3
II. Contributions received .....	3–82	3
A. Groups of States and States Members of the United Nations .....	3–26	3
B. National human rights institutions .....	27–31	7
C. United Nations agencies .....	32–33	8
D. Academic institutions .....	34–36	8
E. Civil society organizations.....	37–82	9
III. Analysis and conclusions .....	83–84	16

## I. Introduction

1. In its resolution 21/3, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to collect information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity, and to submit a summary thereon to the Council. The present report is submitted to the twenty-fourth session of the Council in accordance with its calendar of thematic resolutions.

2. On 26 December 2012, OHCHR sent a request for information to all permanent missions to the United Nations Office in Geneva and other relevant stakeholders. As at 27 May 2013, it had received responses from Groups of States, States Members of the United Nations (European Union; Belarus; Bosnia and Herzegovina; Brunei Darussalam; Guatemala; Honduras; Indonesia; Iraq; Jordan; Mauritius; Pakistan; Oman; Qatar; Serbia; Spain; Sri Lanka; Syrian Arab Republic); national human rights institutions (Colombia; Georgia; Ukraine; Uzbekistan); United Nations agencies (United Nations Relief and Works Agency for Palestinian Refugees in the Near East); academic institutions (Instituto de Ciencias para el Matrimonio y la Familia, Universidad Católica Santo Toribio de Mogrovejo, Peru; Observatoire de la diversité et des droits culturels, Université de Fribourg, Switzerland; Centre interdisciplinaire sur les droits culturels de l'Université de Nouakchott, Mauritania); civil society organizations (Acción Solidaria, Argentina; Alliance Defending Freedom, United States of America; Alliance of Romania's Families, Romania; Amnesty International; Arc International; Asociación de Familias Numerosas, Guatemala; Association Points-Cœur; Catholic Family and Human Rights Institute, United States; Christian Family Movement, Panama; Catholics for Choice, United States; Concerned Women for America, United States; Contemporary Foundation, Argentina; Fundación Amando La Vida, Colombia; Fundación Sí a la Vida, El Salvador; Fundación Tetoka, Mexico; Global Helping to Advance Women and Children; Human Life International, Guatemala; Human Life International and Society for the Protection of Unborn Children; Human Rights Watch, United Kingdom of Great Britain and Northern Ireland; Instituto Uruguayo de Formación Familiar, Uruguay; International Service for Human Rights; KELIN, Kenya; Association Relwendé pour le Développement, Burkina Faso; Natural Justice, South Africa; Nazra for Feminist Studies, Egypt; People's Welfare and Development Society, India; Regional and National Human Rights Defenders Programme; Russian LGBT Network, Russian Federation; Rwanda Culture, Rwanda; Sexual Rights Initiative, Canada; The Good Shepherd, Plurinational State of Bolivia; Vida y Familia Chihuahua, A.C., Mexico; Voto Católico Colombia; Voz Pública A.C., Mexico; and Women for Development, Russian Federation).

## II. Contributions received

### A. Groups of States and States Members of the United Nations

3. The European Union stated that it was not in a position to provide examples of best practices. It stressed the need for caution, pointing to the possible danger of introducing the concept of traditional values in the human rights realm as there was no clear-cut, universally agreed definition. Whereas human rights were formalized in international law through consensus and agreed upon as universal and inalienable, traditional values were inherently subjective and specific to time and place. Thus, although traditions might sometimes be in line with human rights, the two notions were not necessarily analogous and

traditional values could also have a negative impact on the implementation of human rights, especially those concerning violence against women, sexual orientation, gender identity, age and disability. The European Union highlighted that the vagueness of the relationship to human rights and the subjectivity of the notion of traditional values could undermine human rights and their universality and justify human rights violations. It emphasized that where traditional values conflicted with and undermined human rights, States had a positive obligation to eradicate these harmful traditions, values and practices.

4. Belarus stated that the traditions of religious tolerance and the right to freedom of conscience in society, for instance as granted by article 31 of its Constitution, the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations and the equality of religions before the law through the interfaith dialogue, provided interfaith peace and understanding. The legal framework allowed for cooperation between Church and State. With regard to the ethno-religious dialogue, the State policy had to be in accordance with the Constitution and the Law on national minorities in the Republic of Belarus. All ethnic and cultural associations received financial, legal, organizational and methodological support from the State on an equal basis.

5. Educational training and education were carried out in accordance with the Code of Education, the concept of continuous education of children and youth and education programmes. Education at all levels was based on universal and humanistic values like dignity, freedom and responsibility, as well as cultural and spiritual traditions. The Academy of Postgraduate Education offered systematic training on the promotion of traditional values, respect for human rights and freedoms, protection of rights of the child, and strengthening the role of families, communities and educational institutions in the assertion of traditional values. Programmes to improve the education skills of managers and specialists covered traditional values and human rights.

6. Bosnia and Herzegovina focused on the strengthening of tolerance and efforts to combat discrimination against national minorities, such as Roma, as a means of human rights protection and implementation. In that context, reference was made to a decrease in ethnically motivated criminal acts. Discrimination was prohibited by the Constitution and criminalized under criminal codes. In 2009, the Anti-discrimination Law was adopted in accordance with which all public authorities had to review, amend and enact laws, policies and practices.

7. Brunei Darussalam stated that, taking into account the diverse traditional values of humankind globally, some terminology used in Human Rights Council resolution 21/3 required more specific definitions. It was necessary to place emphasis on the importance of human rights without distinctions of any kind.

8. Guatemala, as a multi-ethnic State where different sociocultural groups such as Maya, Garífuna and Xinka existed, held the view that culture and traditions could not be invoked as a pretext to justify violations of minority rights which were recognized in national and international instruments. In the fight against racism and discrimination, for instance, the Agreement on Identity of Indigenous Peoples (Acuerdo sobre Identidad de los Pueblos Indígenas) and the establishment of the Office of the Advocate for Indigenous Women (Defensoría de la Mujer Indígena) were referred to. The use and development of customs, traditions, languages and traditional clothing were protected and promoted. Local governments and administration elected through universal suffrage and integration policies aimed at children, adolescents and women ensured participation and democratic processes, taking into account, the multi-ethnic and cultural structures in the State.

9. Honduras pointed out that traditional values and customs were the origin of human rights. Traditional values could not justify any practice that was contrary to the dignity of

the person. States needed to safeguard traditional values which protected equality and dignity and must respect and protect the human rights of all.

10. The people of Honduras had their own traditions, customs, religions and beliefs, which had to be preserved to achieve the full realization of the cultural rights of all inhabitants. Therefore, the State adopted legislative, administrative and other measures in line with international human rights standards and national efforts to achieve greater enjoyment of rights within the framework of the public policy and national human rights action plan (*Primera Política Pública y el Plan Nacional de Acción en Derechos Humanos*), such as focusing on intercultural dialogue, gender equity and ethnic diversity.

11. Traditional values could be threatened, for instance, by technology and foreign cultures. Measures to use traditional values for the promotion of human rights included, amongst others, the creation of consciousness, the participation of community and religious leaders in raising awareness of human rights values, and their involvement in the development of human rights curricula and education.

12. Indonesia had a rich cultural and ethnic diversity that was devoted to humanity. Human rights values were embedded in all cultures and existed in different forms, such as proverbs, idioms, customs and traditions. They were deep-rooted in the daily lives of societies and promoted the upholding of human rights. In an effort to prevent the use of traditional values to justify discriminatory practices, the Government implemented preventive measures such as the integration of positive traditional values at all levels of education, in the form of human rights curricula (formal, informal and religious education). The traditional values included “*Kitorang samua basaudara*”, – “we are all family” – reflecting equality, non-discrimination and equal treatment; “*Sitouw Timouw Tomoutow*” – “to live for the sake of others”, i.e. caring and sharing; “*Sipakataum Sipakalebbi*” – to acknowledge, value and respect others; “*Siri*” – respect and self-esteem; “*Ngewongke*” – to respect and understand each other; “*Ngaha Aina Ngoho*” – to think of others’ needs; “*Rohoe Rahayu*” – to support each other and “*Udiep Sari Mati Syahid*” – to tolerate and understand each other.

13. Iraq recalled that human rights were standards for acknowledging the human dignity of all people. Human rights also controlled and regulated social interaction within a community and the relationship with their government, and both national and international liabilities and responsibilities of the latter. Iraq referred to the universality of human rights, their non-violability and respect for the rights of others. It also mentioned its programmes for promoting and protecting human rights through the development of a culture of human rights. Those efforts restored security, stability and the enhancement of human rights.

14. Jordan described the actions it undertook in the field of human rights with respect to traditional values. For instance, the Constitution laid down rights, duties and State responsibilities with regard to equality, dignity and freedom as reflections of values derived from Arabic and Islamic culture based on the State religion. The constitutional provisions included civil and political rights as well as economic, social and cultural rights. A 2011 Constitutional amendment considered the importance of the family as a cornerstone of the community.

15. Legislation in Jordan reaffirmed the important role of educational institutions in promoting human rights and fundamental freedoms. One of the most important national foundations was that the people of Jordan were an integrated unit and not subject to or agents of racial intolerance. The press and publications law also provided a framework for the right of the community to maintain its traditions and customs.

16. Mauritius stated that several traditional values which had been universalized through international human rights instruments were taught, in particular, through the various religions practised therein. It listed traditional values including respect and love for truth,

life, family, parents, education, wisdom, nature, compassion, honesty, peace, cooperation and solidarity which were laid down in documents like the Koran, the Bible and the Universal Declaration of Human Rights. These values have also been incorporated in key documents produced by the Ministry of Education and Human Resources, for example the National Curriculum Framework and the Education and Human Resources Strategy Plan 2008–2020.

17. Pakistan described its culture as a synthesis of the teachings of Islam, the works of Sufi poets and the rule of law. The contribution of Sufi poets promoted the themes of love, peace and humanity as their works enshrined the values of human rights and dignity. The teachings of Islam were the Magna Carta of human rights in Pakistan as the principles of human rights were enunciated by the Holy Prophet and incorporated in the Constitution of Pakistan in articles 8–28.

18. The family was an integral part of Pakistani culture. Protecting the rights of vulnerable segments of society like older persons, disabled persons, children, women and the unemployed were also priorities. Regarding traditional practices supporting the protection and promotion of human rights, Pakistan pointed to the tradition of resolving local disputes through village panchayat which have been institutionalized in the local government system through Anjuman-e-Muslahit, which consisted of local elders and elected representatives. Village and neighbourhood councils had been established to develop and improve water-supply sources and sanitation, and addressed poverty, consumer protection and community involvement in the maintenance of public facilities.

19. Oman stated that Islam was founded on justice and ethics to achieve mutual respect, including within the context of distortion, hatred, intolerance and violence. Several human rights such as the right to life, the right to education and the right to work could be found in Islam.

20. The Ministry of Endowments and Religious Affairs worked towards the promotion of a culture of respect for human rights and fundamental freedoms based on the laws and regulations currently in force and the Statute of the State promulgated by Royal Decree No. 101/69 of 6 November 1969. Articles 10, 12, 28 and 35 highlighted mutual respect and benefit, the principle of non-interference in internal affairs, as well as justice, equality, freedom to perform religious rites and legal protection of foreigners, their property and traditions.

21. Qatar referred to its work, in cooperation with the Qatar Islamic Cultural Center (FANAR), to promote and protect human rights through traditional values, for example with the publication of the book *Islam and human rights*. The book affirmed the principle of promoting dialogue and cultural communication to correct misconceptions about Islam and promote international peace and security as well as convergence between different cultures.

22. Serbia referred to its many national minorities and ethnic communities and its tradition of fostering a spirit of tolerance and intercultural dialogue between them. Its Constitution exemplified a best practice through encouraging respect for diversity and measures in education, culture and public information to foster understanding, appreciation and respect for differences arising from the specificities of ethnic, cultural, linguistic or religious identity.

23. Spain recognized that each country had its own traditional values, which might be distinct. However, it stressed that those values could not contradict or negate universal human rights which were inseparable from the human condition and totally independent of the region or State in which individuals resided. Although traditional values could have a positive impact on, develop aspects of and correspond with human rights, they did not operate on the same legal plane.

24. Certain human rights are *ius cogens* as expressed by international consensus and reflected in the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Traditional values should be acknowledged, but understood within the universal framework of human rights which cannot be circumvented. Differentiating human rights from traditional values, Spain stated that the latter applied at the community level, and the task of giving continuity to traditional values should fall upon such institutions as the family or the community. States had the obligation to respect and promote human rights and eliminate all obstacles to their effective and adequate promotion, which might, if necessary, include denial of traditional values that oppose human rights.

25. In Sri Lanka, several indigenous medical systems based on cultural expressions of traditional values and knowledge were practised by the local medical community across all ethnic groups. The rights of that community were protected and the traditional values they held well respected.

26. The Syrian Arab Republic stated that traditions and customs therein were based on the principles of and respect for human rights such as the right to life, justice, liberty, equality, education and dignity. By way of best practices, the contribution referred to respect towards and care of older persons and neighbours. Poor people and orphans were financially supported. Children were given good care and kindness. During the crisis, the country experienced solidarity among Syrian families, based on traditions and customs. Displaced families from all regions were received and hosted in the homes of relatives and neighbours.

## **B. National human rights institutions**

27. The Ombudsman's Office of Colombia was of the view that the notion of traditional values and human rights was, amongst others, linked to cultural values, traditional customs, universal values and normative values and was therefore a complex issue. There was no agreed definition of the term "traditional values of humankind" which was somewhat vague, subjective and unclear. Traditional values had both positive and negative effects. The latter could include forced marriages, domestic violence and rape, and female genital mutilation. Traditional values could be invoked to justify the status quo and undermine the rights of the most marginalized and disadvantaged groups. However, traditional values were not static and their validity could be discovered by each generation.

28. The National Human Rights Institution of Georgia pointed out that Georgia had adopted a law on eradicating violence in the family, protecting and assisting victims of violence. However, traditional attitudes deeply rooted in the cultural context of stereotyped roles for women were of concern. These contributed to physical and psychological forms of coercion impairing the equal participation of women in family life. Many cases were not reported so as to uphold family honour and due to fear of segregation in the family and community.

29. Reference was made to the crucial role of human rights education in the promotion and protection of women's rights. To that end, educational activities had been launched, involving different stakeholders like the Social Service Agency, the Council on Ethnic and Religious Minorities and religious communities. They included gender-sensitive training, the concept of "participatory action" and an action plan with activities to raise awareness on women's rights and eradicate domestic violence. These programmes have led to a reduction of stereotyped attitudes toward women.

30. According to the Ukrainian Parliament Commissioner for Human Rights, by considering proposals in the drafting process, draft laws could be influenced and altered.

Article 55 of the Constitution of Ukraine enshrined the right of a person “to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant”. Ukraine has recognized the competence of the Human Rights Committee to review individual complaints of its citizens on violations of their rights.

31. The National Centre for Human Rights of Uzbekistan asserted that the protection of human rights should include development and strengthening of religious tolerance, respect and non-discrimination in relation to nationality and support and assistance to vulnerable groups, such as children, women and disabled, ill and older persons. The tradition of oriental hospitality, honesty and charity were supported by religious organizations. The Centre supported respect for the languages, customs and culture of different nationalities through 140 national cultural centres and special projects such as the Projects Foundation of Culture and Art of Uzbekistan “Asrlar sadosi”, and “Bazar-Art”.

### **C. United Nations agencies**

32. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) stated that traditional values could be practically applied in the promotion and protection of human rights, particularly through human rights education. As the main provider of primary education in its five fields of operations, with 691 elementary and preparatory schools providing free basic education for nearly half a million Palestine refugee children, UNRWA made significant efforts to defining an approach to human rights education that addressed and incorporated traditional values.

33. The UNRWA Policy on Education for Human Rights, Conflict Resolution and Tolerance recognized the importance of a child’s cultural identity, language and values, and the national values of the country in which the child is living or from which he or she originates in accordance with article 29, paragraph 1 (c), of the Convention on the Rights of the Child. Through reference to that Convention, it was possible to demonstrate how human rights education and education on traditional values and related issues were complementary, and not mutually exclusive.

### **D. Academic institutions**

34. The Instituto de Ciencias para el Matrimonio y la Familia, Universidad Católica Santo Toribio de Mogrovejo, Peru, highlighted that situations such as higher rates of addictions, lack of respect for authority or neglect of elders visibly denied human dignity and respect and limited social development. That was rooted in the distortion of the concept of family, which was the foundation and reflection of society and which helped individuals to understand values and principles. Families founded on marriage played an important role for joint protection and integration as well as care for the disabled and the elderly. For that reason and to make beneficial progress, public policies with a family perspective should be applied, especially within the realm of human rights.

35. The institution of the family, and marriage between men and women and related rights have been protected in international instruments, including article 16 of the Universal Declaration of Human Rights, article 1 of the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration on Marriage, Article 23 of the International Covenant on Civil and Political Rights, Article 10 of the International Covenant on Economic, Social and Cultural Rights and Article 5 of the Convention on the Rights of the Child. At the regional level, Article VI of the American Declaration of the Rights and Duties of Man, Article 17 of the American Convention on Human Rights and Article 15 of



the San Salvador Protocol highlighted the role of the family as the natural and fundamental element of society in the development of the values of solidarity, respect and responsibility and in which, in particular, mothers and children, should be protected.

36. The Observatoire de la diversité et des droits culturels, Université de Fribourg, Switzerland, in a joint contribution with the Centre interdisciplinaire sur les droits culturels de l'Université de Nouakchott, Mauritania, addressed two traditions and traditional strategies of conflict resolution between individuals or ethnic groups, namely Dendiraaal and Molaare, where traditional values and old as well as new religious traditions enabled effective implementation of human rights in Mauritania.

## **E. Civil society organizations**

37. Acción Solidaria, Argentina, asserted that human life begins with conception. That idea constituted a traditional value in Argentina and many other countries, with the implication that rights of human embryos should be respected. The same position should also apply to embryos resulting from extracorporeal fertilization. Citing, amongst others, the National Academy of Medicine in Argentina, it pointed out several medical and scientific arguments to support the view that abortion was unacceptable.

38. Referring to conformity with natural law as well as the Roman *ius gentium*, Alliance Defending Freedom, United States, stated that rights and freedoms based on traditional values in the form of natural law could not be withdrawn without a violation, and conviction for such human rights violations was possible even in the absence of positive law. Natural law could not be bound to one culture at one particular place in time and found evidence in other traditions, such as the notion of “Tao” in classical Confucianism.

39. This natural-law-based universality could be seen in the emphasis the Universal Declaration of Human Rights placed on the family and its importance as a natural and fundamental unit of society. The institution of marriage was important, as it was based on the natural complementary nature of man and woman. Parents had the right to educate their children without interference by the State.

40. The Alliance of Romania's Families, Romania, promoted the fundamental interests of the community, such as pro-family practices, pro-life policies and freedom of religion, conscience and expression. It emphasized the promotion of article 16, paragraph 3, of the Universal Declaration of Human Rights, i.e. through supporting the role of family, fostering dialogue, mutual respect and an equal opportunity for input in the definition and determination of social norms in the global society, as a best practice to support human rights and freedoms through traditional values. The Alliance noted that both rights and obligations should be emphasized, in preference to highlighting only rights and freedoms. This was especially important in educating the younger generation.

41. Amnesty International asserted that an understanding of the complexity of the concept of “tradition” was essential to promote a better appreciation of the contribution of traditional values in relation to human rights protection. Best practices should recognize that tradition and traditional values were contested and evolving, and that traditions that were not in line with human rights standards could be found in any culture, community or country.

42. Amnesty International noted that the Human Rights Council had appointed a Special Rapporteur in the field of cultural rights, and best practices identified by that expert were highly relevant. The previous Independent Expert in the field of cultural rights had asserted

that “cultural rights are pivotal to the recognition and respect of human dignity” but not all cultural practices can be considered as protected in international human rights law, and cultural rights may be subject to limitations in certain circumstances<sup>1</sup> as authorities may misuse their power to define the community’s traditional values in order to maintain the status quo. The contribution noted that cultural norms, their outcomes, acceptance and legitimacy must be questioned in this context.

43. Arc International drew attention to its concerns about traditional values which could perpetuate widespread practices, traditions and patriarchal attitudes involving violence or coercion against women, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision as stated in general recommendation No. 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women. The Special Rapporteur on violence against women, its causes and consequences, had suggested guidelines to address the issue of culture and violence against women, including addressing factors that underlay and reinforced harmful cultural paradigms that subordinated women and recognizing that the protection of rights needed the transformation of cultural norms and attitudes.

44. Asociación de Familias Numerosas, Guatemala, was of the view that traditional values were common to all mankind and should be protected as part of human rights. Reference was made to the fundamental role of the family founded on the union between man and woman; traditional values for peaceful coexistence, and the importance of safeguarding the right to life. History had shown that the progress or decline of cultures was due primarily to the survival of traditional values. The defence of all human life, and the family as the source of traditional values and the foundation of society, was the first and most fundamental human right, and States must work to strengthen the family as society would not exist without the family. Traditional values were not negotiable and were important to the promotion of human rights, the protection of marriage and the defence of life from conception to natural death.

45. Association Points-Cœur stated that respect for human dignity must always be considered as the highest goal and, while traditional values could and should contribute as in the following examples, they should never be invoked as ends in themselves but for the ends of human dignity.

46. Exemplifying dignity and solidarity, reference was made to a village called La Fazenda do Natal in Brazil where volunteers lived, for example, with mothers living in extreme poverty, street children or people with physical and mental disabilities. Those mothers were offered a possibility to live away from poverty, drugs and violence and enhance their ability to make decisions and take action to improve their lives. Responsibility was strengthened as people were not assisted, but fully participated in the life of La Fazenda. Solidarity was also highlighted through the project “Economy of the Communion” launched by the Catholic Focolare movement to eradicate poverty worldwide. Participants in the project – small and medium-sized enterprises – agreed to reinvest in the business to ensure its sustainability and employment opportunities, in community projects by and for people experiencing poverty, and in training projects to guide economic behaviour towards a solidarity economy.

47. With respect to the right to life and human dignity commencing at conception, the Catholic Family and Human Rights Institute, United States, stated that prohibitions on abortion at all stages of gestation should be encouraged. The key role of the family, composed of a mother and a father, was found in the Universal Declaration of Human

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<sup>1</sup> Statement made to the fourteenth session of the Human Rights Council.

Rights and the International Covenants on human rights. Given that the natural family in fact played a pivotal role in education and transmitting the core values that underpinned the human rights project and established stability and prosperity, in order to progressively implement all human rights, the natural family and children should be protected through family laws.

48. The Christian Family Movement, Panama, citing examples, stressed the importance and the fundamental values of the right to life and family and the protection thereof. Those values were common to every country. States in the United Nations system had their own values, and tolerance within that system signified that no supervision was needed, since freedom was achieved when human beings lived according to well-grounded values.

49. Catholics for Choice, United States, to shape and advance sexual and reproductive ethics based on justice, reflected a commitment to women's well-being, and affirmed the capacity of women and men to make moral decisions. For many Catholics, the teachings of the Church served as moral and spiritual guides. Owing to their ancient roots, these could be considered as traditional values of humankind. Policymakers must not only respect freedom of religion and religious pluralism, but also ensure that religion was not used to discriminate. As opposing views were common in issues of sexuality and reproductive health, for example with regard to the use of contraceptives and the discord between certain traditional beliefs and the recognition of the rights of lesbian, gay, bisexual and transgender persons (LGBT), Catholic teachings instructed not to allow religion to be used to discriminate.

50. Concerned Women for America, United States, emphasized the role of marriage, family and civil society in preserving human rights. Unwarranted changes in family structures, which were profoundly reshaping our postmodern society especially in Europe, were threatening the human rights and dignity of citizens. Cohabitation, which was increasingly displacing marriage and not promoting healthy, stable and lasting relationships, was an example. Promiscuity, infidelity and diminishing trust between couples, further incentivized by divorce law and same-sex marriage, endangered the foundation of traditional family values. The consequences of the decline in marriage and breakdown of the family had not only negatively affected generations of individuals on a personal level but also undermined social institutions, shaken the stability of nations and basic human dignity and rights.

51. The Contemporary Foundation, Argentina, stated that human dignity and human rights must be entirely protected as they were indivisible. Traditional values shared by all humankind went beyond traditions and customs and were rooted in the essence of all human beings. While practices and customs were valued differently in different traditions, human values would always be compatible with human rights as both emanated from the same source. Values which went against human dignity were not part of those human values.

52. Fundación Amando La Vida, Colombia, asserted the importance of the right to life, liberty and security of the person, which were fundamental to the exercise of other human rights. State laws, public policies, development plans and the adoption of measures which respect the right to life and to a family as universal values were important for the protection of human rights. The foundation considered motherhood not only to be a unique opportunity for women but also indispensable for a sustainable society. Pregnant women and unborn children must be protected.

53. Fundación Sí a la Vida, El Salvador, asserted that the right to life and family, consisting of a father, a mother and children, were universal values that promoted and facilitated the understanding and implementation of human rights. The right to life, protected by article 3 of the Universal Declaration of Human Rights, started from the

moment of conception, even in cases of unexpected pregnancies. It was recommended that States should initiate policies that promoted respect for the right to life of every individual from conception to natural death and start campaigns to promote awareness to protect human life at every stage. Sexual and reproductive rights should thus not be defined as including the right to abortion. States should invest in providing better health care and prenatal health care to women.

54. Fundación Tekota, Mexico, underlined the essential value of people and family and referred to its work to promote a culture of peace, and the values of life and family, fundamental elements of society.

55. Global Helping to Advance Women and Children stated that the Human Rights Council Advisory Committee should make more effort to identify traditional values which were common to all cultures and civilizations, and stressed their role in developing and promoting human rights. It drew attention to two universal traditional values that had not been sufficiently raised in the preliminary study – the family as the natural and fundamental group unit of society, and the prior right of parents to choose the kind of education to be given to their children.

56. The Advisory Committee should highlight the positive linkages between protecting the family, protecting parental rights and the dignity, welfare and rights of children. It should identify appropriate positive measures to help States strengthen the role of the family in promoting respect for human rights.

57. Human Life International, Guatemala, found that traditional values were common to all mankind and were necessary to effectively protect universal human rights. It was necessary to protect the family and the right to life from the moment of conception until natural death as these were the most fundamental and universal human rights. The family, the foundation of society and traditional values provided the basis for peaceful coexistence, true integration and social cohesion.

58. Human Life International and the Society for the Protection of Unborn Children stated that the Human Rights Council resolution calling for the present report engendered controversy stemming from semantic and philosophical issues. The resolution suggested a strategy which was pragmatic and applicable to a broad spectrum of beliefs, provided a useful methodology for recognition of universal rights to diminish conflict and partisanship.

59. It was proposed that values were the understanding and the promotion of what was good or inherently good rather than specific customs and practices which may become codified or appear as traditions. While values are universal to humankind, those which might violate human rights were not acceptable to humankind as a whole. Traditional values were therefore to be defined as “good things” enduring in the nature of people and independent of political or social structures. That clarified the assertion that traditional values underpinned human rights.

60. Human Rights Watch, United Kingdom, criticized the concept of the universality of human rights and values imposed upon the rest of the world by particular States or coalitions of States, especially in the context of the invasion of Iraq and the alleged global war on terror. It appreciated the notion of “traditional values of humankind” as that connected human rights to the broader context of humanitarianism reflecting the values of goodness, empathy, respect, care, mutual support, tolerance and trust. Those values were the entry point for a human rights discourse to evolve but without the immediate reliance upon a concept of rights and obligations to protect and reliance upon economic indicators or real coercion. Reference was made to the role of civil society in all communities or States which sought to endorse and live by the fundamental values of humankind.

61. Instituto Uruguayo de Formación Familiar, Uruguay, pointed out that human dignity was promoted through strengthening universal values which provided the stability for a family of free citizens. It recommended the protection of the fundamental right to decent work which allowed the formation and maintenance of a stable family as well as to insist on achieving well-being of individuals and society through prosperity of the conjugal and family community.

62. The International Service for Human Rights was guided by the existing United Nations understanding that the traditional values of humankind were those enshrined in the Universal Declaration of Human Rights and that the latter represented a concerted effort to identify values common to all humankind. Focusing on the promotion of the universal values of humankind through human rights education, the universal values contained in the Declaration and the principles of non-discrimination, equality and universality should guide the framework in which particular attention is paid to marginalized and minority groups. Those groups should be empowered to overcome negative traditional power structures, practices, and values.

63. KELIN, Kenya, stated that, although women in Kenya had statutory rights to own property, those rights were rarely upheld due to a patriarchal system, and resulted in economic dependence of women on men or disinheritance. That also had effects on women's ability to negotiate the terms of sex, fidelity and condom use and, thus, HIV-prevention mechanisms and the highest attainable standard of health in general. In this context the KELIN Cultural Structures Project and the Constitution of Kenya 2010, especially article 44 (3), upholding the rights of women to own and inherit property and not to be discriminated against on grounds of cultural practices, were pertinent.

64. Association Relwendé pour le Développement, Burkina Faso, pointed to several projects aimed at safeguarding the rights of women, children and disabled persons.

65. Natural Justice, South Africa, – working against harmful traditional values and practices that were inconsistent with human rights by ensuring the representation of women and youth in all meetings and at all stages – described how community protocols, a participatory tool for empowering indigenous peoples and local communities, promoted human rights and fundamental freedoms through the enhancement of traditional values.

66. The Khwe community was vulnerable, having lost most of its knowledge of sustainable use and management of the natural resources within Bwabwata National Park and owing to lack of intergenerational transfer of traditional knowledge. Community protocols played a key role with particular regard to affirming the dignity of the community, and upholding and enhancing traditional community values like healing, respect and sustainable use of natural resources.

67. Nazra for Feminist Studies, Egypt, pointed to the history of the use of traditional values to undermine the rights of women human rights defenders in Egypt, as the violations were based largely on traditional, patriarchal values regarding what it meant to be a respectable woman. The contribution provided examples of traditional and religious values creating a particularly precarious situation for women in several instances. Reference was made to violations against women's rights defenders and the use of traditional, religious values as a pretext to justify grave violations including sexual harassment.

68. The Peoples' Welfare and Development Society, India, stated that all traditional values, also enshrined in the Universal Declaration of Human Rights and other instruments, were based on respect and care of parents, women and help for the poor and deprived and were not related to any particular religion. Variations in traditional values and customs could occur due to change in perceptions over time. The Society underlined the positive contribution of traditional values such as faith, cooperation, simplicity and mutual respect on happiness, development, the environment, respect towards older persons, children and

women and the fight against human rights violations. Education from an early age played a key role in nurturing those positive contributions.

69. The Regional and National Human Rights Defender Programme held the view that dignity, justice, equality and non-discrimination were common to humanity, that States had the primary responsibility to promote human rights and fundamental freedoms by respecting, protecting, and fulfilling them, and that human rights could not be limited or violated invoking “traditional values”. Although some traditions complied with human rights standards, it was noted that neither customary international law nor the core international human rights treaties permitted or envisaged limitations on human rights on the basis of traditional values.

70. Best practices in the promotion of rights and freedoms required encouraging, understanding and accepting the principles of universality and indivisibility of human rights, non-discrimination in the enjoyment of rights, and fairness and equality in efforts to ensure and implement those rights. The protection of human rights defenders, including women defenders, should be at the centre of all debates on human rights and their promotion.

71. The Russian LGBT Network, Russian Federation, noted that the traditional values discussion in the Russian Federation sought to impose an ideological monopoly. Liberal approaches and beliefs were regarded by conservatives as opposing traditional values, justifying severe restrictions of rights and freedoms, especially for the LGBT community. In that context, traditional values were synonymous with biblical values such as family values and served as a platform to bring together Orthodox Christian conservatives, Protestant fundamentalists and conservative Catholics.

72. Enumerating several practices based on traditional values, the Russian LGBT Network referred to the introduction of religious education in public schools through the subject named “Basics of Religious Cultures and Secular Ethics” in 1991; the division of religions into the traditional religions of the Russian Federation – Christianity: Orthodox Christianity, Catholicism, Lutheranism; Islam; Judaism; and Buddhism and “sects” or “totalitarian sects”, i.e. all religious associations not fitting into the concept of traditional religions; efforts to obstruct liberal priests and opinions within the Moscow Patriarchate; the introduction of a military chaplain system; and the ban on sex education in Russian schools.

73. Rwanda Culture, Rwanda, stated that cultural values such as fairness, tolerance and generosity, which were defined as religious, moral and cultural benchmarks, had for long been regarded as the pillars of the country’s development, regulating the conduct and behaviour of every member of the community. The organization highlighted strategies implemented by the Government, including laws, infrastructure and policies for the promotion and protection of culture, language and art.

74. As best practices, it referred to the legal promotion and protection of traditions and culture guaranteed by articles 50 and 51 of the Constitution of Rwanda. The State also had a duty to ensure the conservation of cultural heritage and national memorials and sites of genocide against the Tutsi. Law No. 01/2010 of 29 January 2010 on the mission, organization and functioning of the Rwandan Language and Culture Academy, provided for the Academy’s responsibility for safeguarding and promoting the language, Kinyarwanda, and the culture.

75. Sexual Rights Initiative, Canada, asserted that some traditional values led to stigmatization, discrimination and violence against people on the basis of their racial or ethnic origin, religion or other beliefs, disability status, age, sex, gender identity or sexual orientation. Many practices and norms that discriminated against women and other groups were justified by reference to tradition and were legally punished with lighter sentences, for

example domestic violence, honour killings, dowry-related violence and homophobic discrimination and violence. Many countries did not specifically designate marital rape as a crime and only some included dowry-related violence in their law. Following the good example already set by some countries, the Sexual Rights Initiative proposed capacity-building and that States should enact and implement laws, policies and programmes that prevented and penalized harmful traditional practices. It suggested media campaigns as a means of raising awareness and educating communities about the harmful effect of traditional values and practices and the benefits of promoting the rights of those affected by such practices. Proposed practices also included increased support for national and community-based monitoring mechanisms and the exchange of good practices.

76. Referring to “traditional values” as a basis for promoting human rights could jeopardize progress in ensuring the enjoyment of rights by all. Values reflected in traditions may or may not promote and protect the globally shared values adopted by States through human rights conventions.

77. The Good Shepherd, Plurinational State of Bolivia, pointed to good practices in the work of the “Women Stand Up” Foundation in the country. The office in La Paz reported the issue of human trafficking and the success of supporting several adolescent victims of trafficking. The measures comprised, amongst others, the provision of shelter and protection. An economic justice project in Oruro offered training workshops contributing to the empowerment of women, socioeconomic autonomy and security and gender equality.

78. Vida y Familia Chihuahua A.C., Mexico stated that traditional values common to all humankind such as the role of the family, community and education had a positive role in the protection and promotion of rights and freedoms. Traditional, moral values were thus inseparable from human rights based on dignity and inherent values of the human being.

79. Marriage should be understood as the union between man and woman. For its crucial role in addressing issues such as violence, underdevelopment or unemployment, it was noted that the recognition of family law which also encompassed the protection of marriage and family life was of fundamental importance for education on and the promotion of dignity and human rights in the whole legal system. The family should not only be protected by the State but also by society, necessitating a strong commitment from each individual.

80. Voto Católico Colombia, stated that in Colombia traditional values were the product of Catholic culture, and implied the promotion of human dignity, family and freedom of conscience. The application of human rights which did not result from traditional values would be an imposition of values alien to the system, forced on a society by foreign powers, for instance through treaties, conventions and constitutions.

81. Voz Pública A.C., Mexico, stressed the importance of respect for fundamental human rights shared by all human beings, from conception until death without exceptions such as individual autonomy. Regarding best practices, this contribution underlined the need to protect and promote the institution of the natural family between man and woman as a universal right in all countries and to oppose social reinventions of the concept.

82. Women for Development, Russian Federation, stated that the republic of Chechnya was an example of a traditional patriarchal society where the customary, unwritten law (*Adat*), was practised alongside the Russian Constitution and Sharia law was influential in many issues. Archaic traditions had led to increasing censorship and other violations of women’s rights. In conflict situations, women did not participate in discussions and were not involved in decision-making. In cases of divorce, women could not keep their children, in contradiction with the Russian Constitution and Islamic law. The lack of rights was also portrayed in inheritance and property laws.

### **III. Analysis and conclusions**

83. Several respondents found that some traditional values were closely related to human dignity and human rights, provided the basis and background of universal rights, and supported their promotion and protection. Examples were provided as best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity by both States and other stakeholders.

84. Some respondents were of the view that traditional values could be invoked to justify the status quo and undermine the rights of the most marginalized and disadvantaged groups. They noted that traditional values were at times misused to justify human rights violations especially with regard to freedom of belief, women's rights, sexual orientation and gender identity. It was underlined by many that traditional values could never be used to justify violations of universal human rights or as a basis for discrimination in any form.

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