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**Requests addressed to the Advisory Committee stemming from
Human Rights Council resolutions: Promoting human rights
and fundamental freedoms through a better understanding
of traditional values of humankind**

Written statement* submitted by Focus on the Family, 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.

[2 February 2013]

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

Preliminary study of the HRC Advisory Committee on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*

1. Human Rights Council (“Human Rights Council”) resolution 16/3 requesting a study on “promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind” is a unique opportunity to highlight the links between human rights and values which are common to all of humankind. The Organizations making this submission are engaged in the human rights and social policy debate at the United Nations and other international institutions and regularly interact with diplomats, policy makers, academics, activists and office holders from around the world. The following observations are made with the confidence that the Human Rights Council Advisory Committee will rise to the occasion and deliver an important document.

2. The preliminary study by the Human Rights Council Advisory Committee distributed in June 2012¹ highlighted some conflicts between certain traditional practices and human rights. A more fruitful approach might highlight the positive linkages between traditional values and human rights; as Human Rights Council resolution 21/3 recognizes that “cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards.” While it is true that identifying common traditional values that are shared by all peoples is not an easy task, it is not an impossible one. In this regard, the Human Rights Council Advisory Committee should resist the temptation to give up this important task committed to its care by Human Rights Council resolution 16/3, and should endeavor to identify and articulate those traditional values common to all cultures and civilizations.

3. It is lamentable that the preliminary study did not highlight traditional values of humankind beyond those discussed in the report of the Office of the High Commissioner for Human Rights (“OHCHR”) distributed in December 2010 following a workshop held on this matter. The preliminary study dismissed the important premise of Human Rights Council resolution 16/3, that traditional values common to all humanity exist and are not in conflict with human rights, pointing out instead situations where specific traditional practices conflict with human rights.

4. Choosing to highlight the positive linkages between human rights and traditional values common to all humankind, as opposed to the negative example of certain traditional practices, does not mean that harmful traditional practices are being ignored by the United Nations. There are several formal and informal forums and mechanisms to point out human rights abuses within the United Nations human rights framework, both in New York and in Geneva, and through United Nations charter bodies. It would be duplicative and counter-productive if the context of this resolution were used for the same purpose. Moreover, resolution 16/3 makes it clear that harmful traditional practices cannot be used to excuse human rights abuses.

5. Failure to identify common values shared by all humanity that underpin the human rights project would be a resounding death knell to ascribing any normative force to the UDHR and other human rights instruments, beyond that of political force. This would leave

* Catholic Family and Human Rights Institute (C-FAM), an NGO without consultative status, also shares the views expressed in this statement.

¹ A/Human Rights Council/AC/9/2.

the human rights project at the mercy of the political will of powerful nations, majorities and political mechanisms instead of grounding it in the very nature and dignity of human beings, as reflected in the traditional values of their cultures and civilizations.

6. A harmful perception that human rights and the United Nations human rights framework more broadly are a form of cultural imperialism are hindering the promotion and diffusion of human rights. To highlight the negative conflicts that exist between human rights and certain traditional practices can only reinforce that perception. Identifying positive relations between human rights and the traditional values of humankind will promote the human rights framework by stressing that human rights are already entrenched in the values that make up the heritage of all of humanity.

7. The United Nations human rights framework should strive to highlight those positive linkages between human rights and traditional values that are self-evident from the customs, traditions, religions, and beliefs of various cultures and civilizations. Traditional values that are already enshrined in international instruments and have received recognition by the Advisory Committee include: the inherent dignity and worth of every human being, as well as freedom and responsibility. These have been rightly recognized as values crystallized in the principles of the UDHR and subsequent human rights instruments.

8. The organizations making this submission, by virtue of their institutional objectives and particular mission wish to focus the attention of the Advisory Committee on two core values that underpin the human rights project and are shared in the traditions of many cultures and civilizations, but seldom receive the attention they deserve: the family as the natural and fundamental unit of society, and the protection of human life at every stage of development. These are values that the Human Rights Council Advisory Committee may wish to emphasize in the study it is preparing for the Human Rights Council.

9. All human beings possess inherent dignity and worth, and should be protected by the law at all stages of their life. As a matter of scientific fact human life begins at the moment of conception.² Many cultures and civilizations recognize the inherent dignity of human life before and after birth. This is reflected by the overwhelming majority of national laws that protect human life at all stages of development, including prior to birth, and indeed, from the moment of conception.³ Prohibitions on abortion at all stages of gestation are the most evident form of protecting human life. While all nations have yet to reach this high bar, a majority of nations do not allow human lives to be disposed of as commodities, and regulate and restrict abortion recognizing to at least some degree the inherent dignity and worth of every human life at all stages of development. The protection of life at all stages of development should be commended and encouraged within the United Nations human rights framework.

² San Jose Articles, footnote 1, available at <http://www.sanjosearticles.com>. cf. Sadler, T.W. Langman's Medical Embryology, 7th edition. Baltimore: Williams & Wilkins 1995, p. 3 (noting that "the development of a human begins with fertilization, a process by which the spermatozoon from the male and the oocyte from the female unite to give rise to a new organism..."); Moore, Keith L. and Persaud, T.V.N. The Developing Human: Clinically Oriented Embryology, 7th edition. Philadelphia: Saunders 2003, p. 2 (noting that "the union of an oocyte and a sperm during fertilization" marks "the beginning of the new human being.").

³ Even those who advocate that killing unborn children is a woman's right recognize that where abortion on demand is available, gestational limits prohibit the destruction of innocent human life at later stages in pregnancy. See the Center for Reproductive Rights, Factsheet on Abortion Laws (2009), available online at http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pub_fac_abortionlaws2009_WEB.pdf.

10. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights declare the family to be “the natural and fundamental group unit of society and is entitled to protection by society and the State” (UDHR art. 16; ICCPR art. 23). Modern science and social research leave no doubt that the natural family composed of a mother, a father, and biological offspring is the surest means of securing a healthy prosperous future for individual human beings, and therefore also society at large.⁴ Civil, political, social, economic and cultural rights that depend on national legal and economic regimes progressive implementation cannot be fulfilled without the stability and prosperity that the natural family contributes to those cultures and civilizations.

11. The natural family also plays a pivotal role in transmitting core values that underpin the human rights project. As Human Rights Council resolution 21/3 recalls “the important role of family, community, society and educational institutions in upholding and transmitting these values, which contributes to promoting respect for human rights and increasing their acceptance at the grass roots, and calls upon all States to strengthen this role through appropriate positive measures.” We too cannot fail to highlight the pivotal role of the family in the promotion and protection of human rights. The natural family is the first place where individuals learn to interact with other human beings and contributes greatly to the ability of individuals to participate in society as full and active members of the community.

12. The normative force of human rights can only be enhanced by identifying common core values of humankind, shared by all cultures and traditions – a heritage that is acknowledged in the 1948 Universal Declaration of Human Rights, and subsequent human rights instruments that have further cemented the high aspirations of that document into binding international standards.

⁴ Heritage Foundation, Benefits of Family for Children and Adults, available online at <http://familyfacts.org/briefs/6/benefits-of-family-for-children-and-adults>.