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SUBMISSION

OHCHR Compilation on best practices in the application of traditional values in promoting and protecting human rights

Summary

This submission is guided by the existing UN understanding that the ‘traditional values of humankind’ are those enshrined in the Universal Declaration of Human Rights. The UDHR represented a concerted effort to identify those values common to all humankind across a range of cultures and to protect them as non-negotiable rights for all. From this perspective the submission examines human rights education. It identifies the following principles that should form the heart of promoting the universal values in the UDHR through education:

1. Promotion of the UDHR and the principles of non-discrimination, equality, and universality should be the guiding framework;
2. Particular attention should be paid to marginalised and minority groups on whom traditional power structures, practices, and values can have especially negative impacts;
3. Marginalised and minority groups should be empowered to overcome these negative traditional power structures, practices, and values.

Submission to OHCHR for report on 'Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices', mandated by Human Rights Council Resolution: A/HRC/RES/21/3

The International Service for Human Rights appreciates this opportunity to submit information to OHCHR for its report on 'Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices'.

Traditional values of humankind in relation to the Universal Declaration of Human Rights (UDHR)

In order to understand how 'promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind', (A/HRC/21/L.2), we need to first comprehend what these 'traditional values of humankind' are. The qualifier 'of humankind' indicates that the traditional values are common to all humankind.

Development of the UDHR

The development of the UDHR was the very process of identifying values common to humankind. The countries that crafted the UDHR ensured that the Declaration's values reflected diverse cultures and societies.

The committee involved in drafting the UDHR included Pakistan, China, India, Burma, the Philippines, Siam, Egypt, Afghanistan, Iran, Iraq, Saudi Arabia, Syria, Turkey, Yemen, and Lebanon. Before the drafting process reached its end, hundreds of individuals from diverse backgrounds had participated, and these countries ensured that the Declaration's values reflected diverse cultures and societies. Charles Malik, chairman of the committee, said that 'The genesis of each article, and each part of each article, was a dynamic process in which many minds, interests, backgrounds, legal systems and ideological persuasions played their respective determining roles'.¹

For instance, at the adoption of the UDHR, Brazil asserted, 'the Declaration did not reflect the particular point of view of any one people or of any one group of peoples, neither was it the expression of any particular political doctrine or philosophical system. It was the result of the intellectual and moral cooperation of a large number of nations; that explained its values and interest and also conferred upon it great moral authority'. Ecuador stated that the 'multiplicity of origin of human rights could be detected in reading the articles of the Declaration'.²

UNESCO's Committee on the theoretical bases of human rights was also asked to deliberate on this question. This committee found that 'Where basic human values are concerned,

¹ Charles Malik, "The Basic Issues of the International Bill of Rights," Speech delivered to Conference of American Educators, Lake Success, New York, February 26, 1948 (Malik Papers, Library of Congress, Manuscript Division)

² See A/PV.183, and 180.

cultural diversity has been exaggerated...after consulting with Confucian, Hindu, Muslim and European thinkers, that a core of fundamental principles was shared in countries that had not yet adopted rights instruments and in cultures that had not yet embraced the language of rights'.³

The UDHR distilled a common set of values of humankind. It is these values, identified through the examination of a range of cultures, which should be understood as constituting the 'traditional values of humankind'. 'Best practices' in relation to promoting human rights through values common to all humankind should be understood in terms of promoting these values as encapsulated in the UDHR.

Best practice in 'promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind' in the context of human rights education

In her 2010 report to the Human Rights Council (A/HRC/14/36), the independent expert in the field of cultural rights, Ms Farida Shaheed, concluded that 'No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope'.

The Vienna Declaration and Programme of Action stresses the importance of 'working towards...the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or cultural practices', cultural prejudices, or religious extremism'.

These principles must both be borne in mind when undertaking the promotion of the universal values of humankind through human rights education.

The People's Movement for Human Rights Learning (PDHRE) was set up with the belief that 'even the harshest reality can be transformed; that we are not content with the passive acceptance that it has always been like that'. PDHRE notes that human rights learning must take account of traditional power structures and work to overcome them. 'Human rights learning must empower [the] struggle against all forms of patriarchy everywhere and accelerate the full accomplishment of a world based on respect for the dignity of all women'. Further, that the mandate of human rights learning should ensure that marginalisation of 'all victims of historic discrimination, including indigenous peoples, excluded peoples, and ethnic minorities' is addressed.

PDHRE's approach falls within the framework of best practice for the promotion of human rights through a better understanding of the traditional values of humankind through its recognition 'of our shared dignity as a human being and of the things that endanger this dignity'. PDHRE takes as central the UDHR noting that it 'specifically deals with the non-negotiable conditions of being fully human'. Crucially, PDHRE recognises that there are practices and values that run contrary to the dignity of human beings as expressed in the UDHR and frames its approach around eradicating those practices and values.

³ UNESCO Committee on the Theoretical Bases of Human Rights, "Final Report," in Human Rights: Comments and Interpretations (London and New York: Wingate, 1949), 258-59.