

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

Association for Women's Rights in Development (AWID), Centre for Women's Global Leadership (CWGL), International Service for Human Rights (ISHR), Nazra for Feminist Studies and World Organisation Against Torture (OMCT), welcome 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 and human rights

We would like to voice support for the conclusions contained in the Advisory Committee's 'Study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights.' (A/HRC/22/71). In its report, the Advisory Committee states clearly that those values that can be said to be common to humanity - drawn from diverse cultural and political traditions - sit at the heart of the human rights framework. It is these values – including dignity, justice, equality and non-discrimination – that States have the primary responsibility to promote by respecting, protecting, and fulfilling human rights and fundamental freedoms.

At no point, notes the Advisory Committee, can human rights be limited or violated in the name of 'traditional values'. The concept of 'traditional values' is illegitimate in as far as it is invoked to justify undermining, curtailing and violating human rights. A group of seven special procedures has rightly cautioned against 'seeking to sanctify differences that run counter to universality, indivisibility and interdependence of human rights.'¹ We note that neither customary international law nor any of the core international human rights treaties permit or envisage limitations or restrictions on human rights on the basis of traditional values.

Traditions and women human rights defenders

Whilst some traditions can comply with human rights standards, in many cases they undermine them, and are invoked to justify violations and abuses of human rights, particularly the rights of women and those of minorities. As members of the Women Human Rights Defenders International Coalition,² we have documented and experienced violations of the rights of women defenders in the name of tradition, culture and religion.

In many cases, women human rights defenders work to challenge practices that undermine human rights, particularly the rights of women and sexual rights. Through their work they challenge the notion that violations of human rights can in anyway be justified by an invocation of tradition, culture and religion. They expose the ways in which culture and tradition can undermine women's economic and social rights - including access to land rights, property ownership and citizenship - and can feed and perpetuate customs of inequality and violence. As the Special Rapporteur on Human Rights Defenders noted in her 2010 report (A/HRC/16/44, paras 23 and 24), women human rights defenders work 'is often seen as challenging "traditional" notions of the family which can serve to normalize and perpetuate forms of violence and oppression of women'. She further wrote that 'women defenders are often subjected to stigmatization

¹ 'Human rights are essential tools for an effective intercultural dialogue.' Statement of a group of United Nations experts on the World Day on Cultural Diversity for Dialogue and Development.' 21 May 2010.

² The Women Human Rights Defenders International Coalition brings together 28 organisations and networks, as well as individual women human rights defenders, working at national, regional and international levels. The Coalition involves women activists as well as men who defend women's rights, and lesbian, gay, bi-sexual, and transgender (LGBT) defenders and groups committed to the advancement of women's human rights and sexual rights.

and ostracism by community leaders, faith-based groups, families and communities who consider them to be jeopardizing religion, honour or culture through their work.'

Women human rights defenders can be targeted both because of their gender and because of the nature of their human rights work. In taking the public space women can be seen as challenging societal notions of the status of women and their role in society. In challenging these very notions through their human rights work, women human rights defenders can face a range of violations – including intimidation, threats, attack, sexual violence and death.

This work challenging harmful practices is encouraged in human rights instruments, such as the Vienna Declaration and Programme of Action (para 38), which calls for 'the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism'. In addition, the UN Declaration on Human Rights Defenders notes, 'the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals.'

Tradition and the promotion of human rights

It is in the context of these harmful discourses and practices, and the risks associated with challenging them in the promotion of human rights for all, that discussion regarding the place of tradition in promoting rights must be framed.

Human rights defenders work daily to promote rights and challenge discourses and practices that facilitate and constitute violations, in communities and societies across the globe. As the Advisory Committee report notes, the promotion and protection of human rights in our communities and societies can most usefully be done through emphasising the relevance of this universal framework to our specific cultures and traditions, and employing means that are relevant to the contexts in which we live. Human rights belong to each one of us, and must therefore speak to us in and through the cultural contexts in which we live. However, human rights - to which we are all entitled - are based upon principles that raise us beyond our particular cultural, religious and political backgrounds to a universal plane where every person, whoever they are and wherever they live, are equal and free in rights.

Best practice

Best practice in the promotion of human rights and fundamental freedoms requires encouraging understanding and acceptance of those very principles that inform our developing human rights framework - the universality and indivisibility of rights, non- discrimination in the enjoyment of rights, and fairness and equality in efforts to ensure and implement those rights.

Given their role in the promotion and protection of human rights, it is essential that the protection of human rights defenders be at the centre of all debates on human rights and their promotion. Best practice in the promotion of human rights must foreground acknowledgement of the legitimate role of human rights defenders, including women defenders, and ensure their protection.

As women human rights defenders, our work is guided by an understanding and experience that there are common values that unite all humankind and that it is respect and promotion of these very values – articulated within international (and regional) human rights law – that we work to advance. We strongly support the Advisory Council's rejection of the notion of an alternative, 'generally subjective and unclear framing' of values that could supplant or substitute international standards. We are deeply committed to challenging traditions, cultures and religions where they create climates that undermine the respect of human rights; and result in practices that violate them.