

Concerns re Traditional Values

We are deeply concerned at the Russian Federation's proposed resolution on "traditional values" at the 21st session of the Human Rights Council. The proposed resolution is **deeply flawed for both procedural and substantive reasons**, since it would:

- a) **undermine the process** mandated by HRC/RES/16/3 by pre-empting the conclusions of the Advisory Committee study;
- b) **fail to present a balanced approach** which examines **both the positive and negative impacts of "traditional values"** on human rights, instead **selectively citing only parts** of the Advisory Committee study;
- c) **increase polarisation**, rather than seeking to build consensus e.g. by repositioning the language of "traditional values" to **"advancing universal human rights in diverse traditional and cultural contexts"**.

Procedurally flawed

HRC resolution 16/3 (March 2011) tasked the Advisory Committee to "prepare a 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". This study is not yet finalised and will not be presented to the Council before its 22nd session in March 2013. In presenting a new resolution on this topic before Council members have had the opportunity to consider the study it requested of the Advisory Committee, **the process mandated by HRC resolution 16/3 is being undermined**.

No Definition: Whole Concept of Traditional Values "vague, subjective and unclear"

The preliminary report of the Advisory Committee (A/HRC/AC/9/2) emphasises that:

- "there is **no agreed definition** of the term 'traditional values of humankind'. No such definition resulted from the discussions in the Human Rights Council or its Advisory Committee" (para. 7);
- "discussions of the relationship between traditional values and human rights have revealed **divided views**" and there is therefore a **"need to reflect on both the negative and positive impact** that traditional values may have on the effective implementation of human rights" (para. 6); and
- "traditional values must never be presented as a substitute for international standards, given the generally **vague, subjective and unclear** framing of values when compared with human rights." (para. 74)

Need to also consider negative impact of traditional values on human rights

The report also notes that **traditional values can have a negative impact on human rights**, since:

- perceptions of what constitutes "traditional values" are **"highly subjective and dependent on societal power structures"** (para. 41);
- some practices and attitudes **at odds with human dignity** are **derived from traditional values**, such as **family violence, marital rape, forced marriage and female genital mutilation** (paras. 39-44);
- **"tradition is often invoked to justify maintaining the status quo**, failing to take into account the reality that traditions, cultures and social norms have always evolved and will continue to change with time; a **human rights-based approach, by contrast, often requires changes to the status quo** in order to ensure compliance with international standards" (para. 41);
- those who benefit most from the status quo are more likely to appeal to tradition to maintain power and privilege, and also to speak on behalf of tradition, while **"those most marginalized and disenfranchised have the most to lose from a traditional values approach to human rights"** (para. 41).

Concerns with approach of lead sponsor

The first draft of the Advisory Committee study (A/HRC/8/4) prepared by Russian member, Vladimir Kartashkin, refers to the "primacy of traditional values" (para. 65) and asserts that "all international human rights agreements, whether universal or regional, must be based on, and not contradict, the traditional values of humankind. If this is not the case, they cannot be considered valid"(para. 75). This reflects the lead sponsor's approach to the subject.

• **The Concluding Observations of CEDAW on the Russian Federation are striking:**

"The Committee reiterates its concern at the persistence of **practices, traditions, patriarchal attitudes and deep-rooted stereotypes** regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned at the State party's repeated emphasis on the role of women as mothers and caregivers. The Committee is concerned that **such customs and practices perpetuate discrimination against women and girls**; that this is reflected in their disadvantageous and unequal status in many areas, including ... the persistence of **harmful traditional practices, honour killings, bridal kidnappings and violence against women**; and that, thus far, **the State party has not taken effective and systematic action to modify or eliminate stereotypes and negative traditional values and practices.**" (August 2010, CEDAW/C/USR/CO/7, para. 20)