



# General Assembly

Distr.: General  
12 September 2012

English only

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## Human Rights Council

Twenty-first session

Agenda item 5

Human rights bodies and mechanisms

### **Written statement\* submitted by the Canadian HIV/AIDS Legal Network, 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.

[31 August 2012]

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

## **Concerns with “traditional values” approach and its potential to undermine universal human rights**

The Canadian HIV/AIDS Legal Network welcomes the balanced approach adopted in the preliminary report of the Human Rights Council Advisory Committee on traditional values.

The Network notes that the Advisory Committee, in draft recommendation A/HRC/AC/9/L.3/Rev.1, has requested the Human Rights Council at its current session to “defer the submission of the final study until its twenty-second session in March 2013 in view of the challenges in incorporating views and comments by Committee Experts into the revised study”.

The Network is therefore concerned that the Russian Federation intends to present a resolution on “traditional values” at the 21<sup>st</sup> session of the Human Rights Council for both procedural and substantive reasons.

### **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 22<sup>nd</sup> 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.

### **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 (para. 40);
- “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 assertion is indicative of the lead sponsor’s approach to the subject.

The concluding observations of the Committee on the Elimination of Discrimination against Women on the Russian Federation (August 2010, CEDAW/C/USR/CO/7, para. 20) are noteworthy in this regard:

“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 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.”

### **Conclusion**

Any further resolution of the HRC on “traditional values” should at a minimum:

- not undermine the process mandated by HRC/RES/16/3 by pre-empting the conclusions of the Advisory Committee study;
  - present a balanced approach, presenting both the positive and negative impacts of “traditional values” on human rights;
  - avoid further polarisation and build consensus on the issue by repositioning the language of “traditional values”, for example to “advancing universal human rights in diverse traditional and cultural contexts”.
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