



General Assembly

Distr.: General
26 July 2012

English only

Human Rights Council

Advisory Committee

Ninth session

6 – 10 August 2012

Item 2 (a) (viii) of the provisional agenda

Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind

**Written statement* submitted by the Nonviolent Radical Party,
Transnational and Transparty, a non-governmental organization in
general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 July 2012]

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

Traditional values of humankind

Importance of clarifying terminology in the draft “Preliminary study on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind” (“Preliminary study”), with a focus on Section II.

Definitions

1. Given the frequency with which the term ‘traditional’ is invoked as a defence and in opposition to internationally recognized human rights standards, it is of paramount importance that the draft Preliminary study includes an explicit clarification of the intended meaning of this term that can have multiple – and sometimes mutually exclusive – meanings. In the first place, it should be clarified that universal human rights are part of the common heritage of humankind and form part of shared ‘traditional values’.

2. The term ‘traditional’ can – and should - be intended as a descriptive and neutral term that characterises a particular behaviour as one that is carried out by actors who invoke ‘tradition’ as its justification. Unfortunately, it can also seem that by merely using the term in a descriptive way one is engaged in an attempt to justify the behaviour, because those people who do seek to justify the behaviour by using this term are relying on the assumption that there is a positive value associated with ‘tradition’.

3. Appealing to ‘traditional values’ as if the term had an inherently positive nature, and were exclusively aligned - and to be equated - with human rights norms, is therefore to be avoided. Similarly, though, one should be careful not to fall into the opposite error of simply ascribing to the concept a negative meaning.

4. In section III.B, the issue is addressed with more clarity: given that ‘traditional values’ are commonly invoked to deny categories of individuals their rights (“minority or disenfranchised groups”, among whom women, children, lgbti individuals, ethnic or cultural minorities, indigenous groups), what aspect of ‘traditional values’ are we speaking about when using the term as if it simply bolstered the promotion of human rights? Coercive, abusive and violent behaviours are, in fact, ‘traditional’ worldwide.

5. Paragraph 44 addresses the issue best, explaining that the defence of those ‘traditional values’ which violate human rights is as a rule undertaken by those within a given group who have had the power – which they want and utilize all means to retain – to shape the discourse and establish and impose on the rest of the group those traditions which benefit them. When, as in the case of female genital mutilation, the violation is perpetrated mostly on children, who have absolutely no power in setting the norms that govern accepted behaviour in a group, this is particularly evident. Given the importance of this issue, it should be reflected throughout the paper, and highlighted in the definitions section (II).

Observations on specific elements regarding female genital mutilation in the draft “Preliminary study on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind”

6. Female genital mutilation (FGM) is one of the most widespread and systematic violations of the universal human right to personal integrity, committed against millions of women and girls worldwide, abusing their physical and psychological integrity and damaging their lives irreversibly. It is an affront to human dignity, a violation of fundamental human rights, the geographic reach of which extends well beyond those countries that have been historically considered to be its bastions. It thus represents a global challenge which is frequently seen within a conceptual framework that sets up an

opposition between, on the one hand ‘human rights’, and on the other the ‘traditional values’ that are put into effect by carrying out this ‘traditional practice’.

7. As a behaviour that is simultaneously a violation of human rights and a fulfilment of expectations linked to ‘traditional values’, female genital mutilation presents particular challenges to human rights activists combating it. It is for this reason that the development and reinforcement of political will at the highest levels, encouraged by and in turn encouraging action at the grassroots levels, is one of the most important achievements of the past decade for the fight against female genital mutilation. The Nonviolent Radical Party, Transnational and Transparty (NRPTT) and No Peace Without Justice (NPWJ), in a coalition with NGOs and individuals from African countries, are engaged in an international Campaign for a world-wide ban on FGM by the United Nations General Assembly, supporting the actions of those Member States which have been at the forefront of the fight against FGM both nationally and, increasingly, internationally.

8. Consistency of terminology is very important when it comes to the specific case of female genital mutilation, as generally with the term ‘tradition’. The Advisory Committee should retain and be consistent in using the language of paragraphs 42 and 51, i.e., “female genital mutilation”. In paragraph 41, the term “female circumcision” is used: given people’s familiarity and general comfort level with the practice of male circumcision, the term “female circumcision” functions effectively to mislead a reader about the nature of female genital mutilation.

9. Another challenge that activists grapple with is the medicalisation of FGM and the implication in much of the discourse on the matter that certain kinds of FGM, being clinically less intrusive, or FGM committed in a ‘sanitary’ setting or by someone with medical training that might minimize chances for infection and complications, is somehow less of a violation of human rights. This stems from a use of the term ‘traditional’ as if it were a negative and shameful rather than descriptive term: by removing the ‘traditional’ elements – i.e., the dirty razor in the hands of an old woman – the taint of ‘tradition’ is likewise removed from FGM, making the practice appear simply a surgical procedure, one that is politically and ethically acceptable.

10. It is fundamental to ensure that all relevant texts, such as this Preliminary study, strongly oppose any suggestion that the FGM should not be forcefully combatted out of a misplaced deference to the ‘traditional values’ that underpin the practice: this is the argument at the basis of those who suggest that legislative action will be counterproductive, or that it would have the undesirable consequence of creating a new category of victims – the FGM practitioners themselves, if prosecuted – which carries the implication that the category of ‘traditional’ victims is less worthy of protection.

11. In paragraph 62, on family violence, FGM should be added to the list, as it is perpetrated by or at the request of family members in order to secure the value of the girl within and for the family. Unlike some other kinds of Gender Based Violence (GBV), FGM has an even more insidious aspect, which is that it is not practiced with the intention of harming the victim: while the harm is inherent to the action, it is considered ‘collateral damage’ to the primary aim, which is of ensuring that the girl be, and be considered to be, a valued and respectable member of the family, the village and society at large. Many other kinds of GBV are viewed as punishment for going astray, or affirmation of the power exerted over the girl or woman by the perpetrator: domestic violence and rape (both practices with long-standing ‘traditions’, and in compliance with some ‘traditional values’, i.e., that women are not agents of their own preferences), unlike FGM, are not justified by suggesting that they are undertaken to benefit directly the girl or woman who has been victimized.

12. Providing additional clarity about the promotion of human rights by addressing the understanding of ‘traditional values’, as outlined in the above paragraphs will further contribute to the recognition that FGM is a human rights violation, acknowledging its gravity and effect on the lives of millions of people worldwide, and will add to the demonstration of clear commitment and political will at the highest levels to confront it with the tools that human rights violations require – in the first place, a clear worldwide ban.

Benefits to be drawn from the Human Rights Council Advisory Committee including FGM in the text of the “Preliminary Study”

13. A clear statement by the Human Rights Council steps up and signals the international community’s universal condemnation of this blatant human rights violation, with important implications worldwide. Critically, it contributes significantly to a global change in the perception of FGM as a clear human rights violation against millions of women around the world, instead of masking it merely as a cultural, religious or public health issue. It does so by recognising FGM for what it is, a form of sexual violence against children and women. It also helps to shift the discourse, and the required response, from ‘cultural and traditional values and practices’ to ‘human rights violation’.

14. The Human Rights Council also helps strengthen the development of a legal environment that can support and lead political and social commitment to ending FGM by stating clearly that it is a violation of human rights and helping promote the adoption of national legislation to ban FGM that includes sanctions for those continuing the practice, as a clear, unequivocal and tangible sign of the State’s commitment to eliminate it. It would serve to strengthen laws that currently ban FGM by reinforcing their legitimacy, to provide new impetus for those countries that currently do not have such laws on the books and to ease the path towards enacting the most effective legislation possible in those countries where FGM is committed.

15. Most importantly, the Human Rights Council’s clear condemnation of FGM reinforces the efforts of the thousands of activists working at the national, regional and international levels to see FGM consigned to the history books. It celebrates those who were brave enough to speak out against FGM when it was a taboo to do so and heartens those who still work in such environments, often at great personal risk. It both encourages and provides legitimacy for those working for the enactment of and compliance with legislation prohibiting the practice. By recognising and reminding the world community again that FGM is a violation of human rights, this Human Rights Council Advisory Committee Study can bestow legitimacy on those who are campaigning for legislation in those States that do not yet have a law, aiding their struggle by showing that the international community is firmly on their side. It acknowledges the courage of the women and girls who have said no to FGM and helps give confidence to those who want to say no but have lacked the support to do so.

16. This, in the end, is the crux of the matter: the impact of a United Nations action lies not in the halls of buildings in New York or Geneva, but in the lives of ordinary people, many of whom will never visit those buildings but who look to the United Nations, its member States and agencies to help make their world a better place. The urgent need to help to raise awareness, to support victims and to protect women and girls who are at risk, by involving all sectors and level of the society, is given a boost when the international community speaks as a whole and takes an unequivocal and joint stance.