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## Human Rights Council

Advisory Committee

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Item 3 (a) (viii) of the provisional agenda

**Requests addressed to the Advisory Committee stemming  
From Human Rights Council resolutions: Promoting human rights  
and fundamental freedoms through a better understanding  
of traditional values of humankind**

**Written statement\* submitted by the Association for Women's Rights in  
Development (AWID) 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.

[29 July 2011]

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

## Traditional Values

The research that AWID (Association for Women’s Rights in Development) has conducted has brought to light innumerable examples of the ways in which religion, often working in conjunction with tradition and culture, is invoked to deny the human rights of women and of minoritized communities. Drawing from survey data, in-depth interviews and consultations with over 2,000 women’s rights activists and allies, and a series of case studies, AWID has built a significant body of evidence showing how the concepts like “tradition” can be abused and manipulated in ways that violate human rights.

The basis of HRC resolution 16/3 rests on the assumption that “tradition” and “traditional values” are notions that can be fixed, defined and impervious to change and contestation. Moreover, the resolution fails to recognize that “tradition” has been selectively interpreted and even reinvented and removed from its actual rich and diverse history and this is of grave concern to those working on women’s rights, sexual and reproductive rights, sexual orientation and gender identity, and various other sectors. These fixed notions of tradition, often in conjunction with culture and religion, have long been used as justifications to violate human rights across a range of contexts around the globe: female genital mutilation, “honour” killings, domestic violence, dowry-related violence, sex-selective abortion, female infanticide, forced marriage, marital rape, corrective rape, and so on. Violence justified by notions of culture and tradition is not a preserve of the so-called Global South — in fact, as the recent violent attacks in Norway illustrate, notions of cultural and traditional preservation have dangerous and tragic consequences wherever they proliferate.

Despite the fact that progressive and rights-affirming interpretations of traditions can be found across regions, harmful customs and practices are still frequently justified in the name of religion and culture. As Farida Shaheed, Independent Expert on cultural rights, notes, “[e]xplicit and implicit cultural legitimization for violence against women is found in all societies. All societies contain both traditions and innovations, continuity and change — and what was tradition yesterday may not be a tradition tomorrow, and what is an innovation today, can easily become a tradition in the future.”<sup>1</sup>

In reality the “traditions” of a society and community are diverse, changing and contested; minoritized and racialized groups within a community may have their own “traditional values” that are quite different and often in resistance to the mainstream values within that community. Moreover, it is critical to analyze relationships of power when addressing the concept of tradition: who within a community has the power to define what traditional values are to worth preserving, inheriting, emphasizing, etc., and which are ignored, repressed and maligned. Furthermore, as noted by Ms. Shaheed, “it is impossible to separate traditional values from traditional practices, since the former are often used to justify and always underlie the latter. Harmful practices and customs that contravene or undermine human rights and dignity, regardless of provenance and sources of justification, must be vigorously challenged and overturned.”<sup>2</sup>

While acknowledging both the great difficulty in defining what is “traditional”, and the contested, dynamic and evolving nature of such notions as “culture”, “religion” and “tradition”, it is our belief that applying the concept of “traditional values” to human rights risks glossing over the fact that the very sources of abuse may themselves be some form of

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<sup>1</sup> Presentation by Farida Shaheed, Independent Expert in the field of cultural rights, *Cultures, Traditions and Violence Against Women: Human Rights Challenges Panel*, VNC in partnership with IWRAP AP, PLD and AWID, 7 March 2011, Palais des Nations, Geneva

<sup>2</sup> *Ibid.*

“tradition” invoked to maintain or perpetuate inequalities that result in violations of human rights. Thus, the request in A/HRC/Res/16/3 that the HRC Advisory Committee “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” must be met with a report that acknowledges both the rights-affirming and the harmful impacts that traditional values have on human rights and on women’s rights and those of minoritized communities in particular.

Additionally, AWID calls upon the HRC to unequivocally reaffirm that no country may invoke “traditional values” to infringe upon or limit the human rights guaranteed by international law, and that no violatory custom or tradition should be tolerated whether committed by State or non-state actors. According to an addendum to the report of former Special Rapporteur on Freedom of Religion and Belief Mr. Abdelfattah Amor, “Not all traditions are of equal value and those which run counter to human rights have to be combated. ... In order that freedom of religion does not conflict with women’s rights, it is essential that the right to be different, which that freedom implies, is not construed as a right to be indifferent to women’s status.”<sup>3</sup> Traditional values cannot be permitted to serve as an excuse for human rights violations.

In sum, AWID, as an international membership organization with members in 132 countries, calls upon the HRC Advisory Committee to examine both the negative and positive impacts of the complex notion of tradition on human rights in any study relating to improving understandings of traditional values. Additionally, AWID calls upon the HRC to affirm its unwavering commitment that no party’s religious, cultural or traditional values may be used as justification for infringing upon the universal and indivisible human rights of others.

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<sup>3</sup> E/CN.4/2002/73/Add.2, “Study on freedom of religion or belief and the status of women in the light of religion and traditions,” p. 57 (Addendum to “Civil and Political Rights, Including the Question of Religious Intolerance,” Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 2001/42)