

TRADITIONAL VALUES, CULTURE, RELIGION – WOMEN’S HUMAN RIGHTS

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Traditional values, religion and culture intersect women’s human rights in intricate and complex ways. For example, the CEDAW Committee notes that “In all nations, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life”¹ Scholars underline that so many practices and norms discriminating against women are justified by reference to culture, religion and tradition, that it can be said that “no social group has suffered greater violation of its human rights in the name of culture than women” and that it is “inconceivable” that a number of such practices “would be justified if they were predicated upon another protected classification such as race”.² The use of discourses of cultural relativism to challenge the universal legitimacy and applicability of human rights norms is also a serious concern noted by UN Special Procedures (A/HRC/4/34, in particular paras. 19, 42 and 68).

Hence, in examining the inter-relationships from the perspective of women’s human rights it is important to remember:

1. All cultures “share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards”.
2. Such values are inscribed in the UDHR that, having incorporated diverse, though not all, cultural as well as political traditions and perspectives and having been adopted by consensus, “represents a common standard of achievement for all peoples and all nations” (UDHR Preamble) for the rights of all persons and communities and the obligations of states. Often considered to be international customary law, the UDHR provides the essential framework for cross-cultural dialogue and understandings on human rights.

The question is: if there is agreement on the universality of human rights why is there a need for a discussion on traditional values?

¹ Committee on the Elimination of Discrimination against Women, general recommendation No. 23 (1997) on women in political and public life, para. 10.

² Arati Rao, “The Politics of Gender and Culture in International Human Rights Discourse”, in *Women’s Rights, Human Rights: International Feminist Perspectives*, Julie Peters and Andrea Wolper, eds. (New York and London, Routledge, 1994), p. 167.

Firstly, there is no such thing as a "view from nowhere". All human thinking and reasoning is rooted in people's cultural perspectives and understandings, including the traditions of continuously elaborating the contents and understanding of human rights.

This cultural rootedness of human thinking and cultural diversities makes it essential to ensure and to promote international human rights norms and standards amongst all communities of the world. It is equally vital that the continuing development of universal human rights standards be informed by the cultural diversity of the world's peoples.

In this regard there are a series of questions that need to be asked. Specifically in terms of this panel:

From a human rights perspective what is crucial is how to arrive at a point at which women own their culture, religion and tradition, including traditional values, as well as their human rights.

The dialectical and dialogical interplay between universal human rights standards and diverse localized realities raises a series of questions which need to be considered. Specifically in terms of this side panel:

- To what extent is it possible to distinguish between traditional values and traditional practices when practices are the external visible manifestations of values?
- Is there a common understanding of what, in practical terms, constitutes "traditional values"? At present there is no universally accepted understanding of the root word "tradition", let alone "traditional values"
- It is important to recognize that every living tradition is subject to continual self-reinvention and to think of traditions, traditional values and cultures not just –possibly not even primarily – as links with the past but as trajectories to the future that enable people to become agents of their own development and self-realisation.
- In this perspective a fundamental question is: Who is to define the parameters and contents of 'traditional values'? Can there be a listing of traditional values that is indeed universal? Moreover, is such a listing, which risks stultifying further development around human rights, even desirable?

Viewing culture and attendant beliefs, including customs, traditions and religious interpretations, as "static" obstructs the realization of women's human rights because it presupposes that particular values, practices and beliefs are "intrinsic" to a given culture and, therefore, immutable.

It is important, therefore, to unpack the terms 'tradition' and 'traditional' precisely because of the strong emotive quality and deep resonances tradition has with cultural identity and a sense of self.

From the perspective of women's human rights, the right to access, participate in and contribute to cultural life enshrined in the UDHR and ICESCR means, amongst other things, that (A/HRC/20/26, para. 43) women must be able to embrace or reject particular cultural practices and identities as well as to revise and (re)negotiate existing traditions, values or practices, regardless of their provenance. Women must enjoy the freedom to create new communities of shared cultural values around any markers of identity they want to privilege, new cultural meanings and practices without fear of punitive actions,

including any form of violence. In this same vein, the right to access and enjoy cultural heritage, including values passed on through tradition, encompasses the right to interpret and assign meaning to cultural heritage received from the past, including traditional values, and to contribute to establishing new values and traditions.

The essential question of who decides which traditional practices and values are to be upheld and which discarded signals the danger of making something as undefined and constantly evolving as “traditional values” the standards of human rights. Traditional values must not be used to fragment international human rights into a number of self-contained regimes. Further, just because something is said to be traditional is not enough for it to be accorded sanctity. Traditional values and reflected traditions and practices not in keeping with norms and standards of human rights must be overturned through internal debates and cross-cultural dialogues.

Human rights are always implemented and enjoyed within specific cultural, socioeconomic and political environments.³ They have to be realized within, and are thus contingent upon, the factors and dynamics operative on the ground, including local knowledge and practices, and specific cultural traditions, values and norms. Ensuring the cultural rootedness of human rights, in particular women’s cultural rights, requires ownership of internationally established human rights among all communities. Human rights have to be “vernacularized”, including through “initiatives that ground human rights concepts in diverse cultural traditions, in a culturally relevant lexicon and philosophical vocabulary”.

The continuing development of human rights standards should be informed by the cultural diversity of humankind while recognizing that cultures are always dynamic: people’s perceptions, views and actions, rather than abstracted “culture”, drive social, economic, political and cultural developments. In the same way that all human rights standards constantly evolve, cultural beliefs and understandings, normative rules and values, as well as practices are continuously created, contested and (re)interpreted. In transforming their culture(s) by adopting new ideas and modes of operation, concerned people often continue to draw upon the moral and spiritual resources within their own traditions.

It is vitally important to ensure that all societies continuously reinforce the respect, promotion and protection of the human dignity and worth of all members of society through the norms and standards of human rights as developed and accepted by the international community.

From the perspective of women’s human rights, this entails ensuring that the nexus of traditional values, culture, and religion reflect human rights standards and norms and uphold women’s human rights.

In my report to the General Assembly last year, I have stressed that promoting realization of equal cultural rights for women is a way of helping to reconstruct gender in ways that transcend notions of women’s inferiority and subordination, thereby improving conditions for the full and equal enjoyment of their human rights in general. This requires a shift in perspective: from seeing culture as an obstacle to women’s human rights to ensuring women’s equal cultural rights; meaning that women’s perspectives

³ Most of the rest of the presentation is taken directly from my report on women’s equal cultural rights for women; A/67/287.

and contributions must move from the margins of cultural life to the centre of the processes that create, interpret and shape culture and determine societal values, regardless of whether values are labeled 'traditional' or not. The tendency to marginalize women's concerns and silence their voices must be overcome, obstructions impeding their equal participation in public life eliminated and their underrepresentation in the institutions and processes defining the culture, religious or spiritual traditions and values of their communities surmounted. Women must be recognized as, and supported to be, equal spokespersons vested with the authority to determine which of the community's traditions and values are to be respected, protected and transmitted to future generations.

Measures are required to support and enhance the cultural legitimacy and symbolic validation of new tools, interpretations and values that enable practices harmful to women to be surmounted. It is particularly important to support women's transformative initiatives: to listen to local women and build on the tools and terminology they use, including elements to be retrieved from cultural heritage that may have fallen into disuse. The right to take part in cultural life it must be stressed is intricately inter-linked with promoting women's equal rights in the area of public and political life, as well as family life.

The task ahead is to find appropriate modalities that enable discussions and debates around traditional values and culture that promote democracy, human rights and fundamental freedoms for everyone based on principles of equality as given in the UDHR. In this, I believe ensuring cultural rights for women on a basis of equality with men, plays a determinative role.

Thank you