



**Submission of the Catholic Family and Human Rights Institute to the Office of the High Commissioner for Human Rights “on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity”**

1. Human Rights Council (“HRC”) resolution 21/3 of 9 October 2012 requesting a report “on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity” is a unique opportunity to highlight the links between human rights and values which are common to all of humankind. The Organization making this submission is engaged in the human rights and social policy debate at the United Nations and other international institutions and regularly interacts with diplomats, policy makers, academics, activists and office holders from around the world. The following observations are made with the confidence that the Office of the High Commissioner for Human Rights (“OHCHR”) will rise to the occasion and deliver an important document.

2. A preliminary study of the HRC Advisory Committee on traditional values and human rights, finalized in December 2012, highlighted some conflicts between certain traditional practices and human rights. There is more value in the context of this resolution in highlighting the positive linkages between traditional values and human rights; as HRC resolution 21/3 recognizes that “cultures and civilizations in their traditions, customs, religions and beliefs 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.”

3. The important premise of HRC resolution 16/3 that traditional values common to all humanity exist and are not in conflict with human rights should not be dismissed in favour of pointing out situations where some specific traditional practices harm human dignity and violate human rights. While it is true that identifying common traditional values that are shared by all peoples is not an easy task, it is not an impossible one. In this regard, the OHCHR should be able to identify and articulate the best practices in the application of traditional values common to all cultures and civilizations beyond dignity, freedom, and responsibility already discussed in the report of the OHCHR distributed in December 2010 following a workshop held on this subject.

4. Choosing to highlight the positive linkages between human rights and traditional values common to all humankind, as opposed to the negative example of certain traditional practices, does not mean that harmful traditional practices are being ignored by the United Nations. There are several formal and informal forums and mechanisms to point out human rights abuses in the United Nations human rights framework. It would be duplicative and counter-productive if the context of this resolution were used for the same purpose. Moreover, resolution 21/3 makes it clear that harmful traditional practices cannot be used to excuse human rights abuses.

**Why Universal Values are Essential to the Human Rights Project**

5. Failure to identify common values shared by all humanity that underpin the human rights project would be a resounding death knell to ascribing any normative force to the UDHR and other human rights instruments, beyond that of political force. This would leave the human rights project at the mercy of the political will of powerful nations, majorities and political mechanisms instead of grounding it in the very nature and dignity of human beings, as reflected in the traditional values of their cultures and civilizations.



6. A harmful perception that human rights and the United Nations human rights framework more broadly are a form of cultural imperialism hinders the promotion and diffusion of human rights. To highlight the negative conflicts that exist between human rights and certain traditional practices, in the context of a resolution that asks for the opposite, can only reinforce that perception. Identifying positive relations between human rights and the traditional values of humankind will promote human rights and human dignity more broadly by stressing that human rights are already entrenched in the values that make up the heritage of all of humanity.

**Some Best Practices in the Application of Traditional Values While Promoting and Protecting Human Rights and Upholding Human Dignity**

7. The United Nations human rights framework should strive to highlight those positive linkages between human rights and traditional values that are self-evident from the customs, traditions, religions, and beliefs of various cultures and civilizations. Traditional values that are already enshrined in international instruments and have received recognition by the OHCHR and the HRC Advisory Committee include: the inherent dignity and worth of every human being, as well as freedom and responsibility. These have been rightly recognized as values crystallized in the principles of the Universal Declaration of Human Rights and subsequent human rights instruments.

8. The organization making this submission, by virtue of its institutional objectives and particular mission wishes to focus the attention of the OHCHR on two core values that underpin the human rights project and are shared in the traditions of many cultures and civilizations, but that seldom receive the attention they deserve: the family as the natural and fundamental unit of society, and the protection of human life at every stage of development. These are values that the OHCHR may wish to highlight in the report it is preparing for the HRC.

9. All human beings possess inherent dignity and worth, and should be protected by the law at all stages of their life. The Universal Declaration of Human Rights declares as much in its preamble (also UDHR art. 3). As a matter of scientific fact human life begins at the moment of conception.<sup>i</sup> Many cultures and civilizations recognize the inherent dignity of human life before and after birth – this is reflected by the overwhelming majority of national laws that protect human life at all stages of development, including prior to birth, and indeed, from the moment of conception.<sup>ii</sup> Prohibitions on abortion at all stages of gestation are the most evident form of protecting human life. While all nations have yet to reach this high bar, a majority of nations do not allow human lives to be disposed of as commodities, and regulate and restrict abortion recognizing to at least some degree the inherent dignity and worth of every human life at all stages of development. The protection of life at all stages of development should be commended and encouraged within the United Nations human rights framework as a best practice in the application of a traditional value held by all human kind in promoting and protecting human rights and upholding human dignity.

10. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights declare the family to be “the natural and fundamental group unit of society” and that it “is entitled to protection by society and the State” (UDHR art. 16; ICCPR art. 23). Modern science and social research leave no doubt that the family composed of a mother, a father, and their biological offspring is the surest means of securing a healthy prosperous future for individual human beings, and therefore also society at large.<sup>iii</sup> Civil, political, social, economic and cultural rights that depend on



national legal and economic regimes cannot be progressively implemented without the stability and prosperity that the natural family contributes to those cultures and civilizations.

11. The natural family in fact plays a pivotal role in transmitting core values that underpin the human rights project. As HRC resolution 21/3 recalls “the important role of family, community, society and educational institutions in upholding and transmitting these values, which contributes to promoting respect for human rights and increasing their acceptance at the grass roots, and calls upon all States to strengthen this role through appropriate positive measures.” We too cannot fail to highlight the pivotal role of the family in the promotion and protection of human rights. The natural family is the first place where individuals learn to interact with other human beings and contributes greatly to the ability of individuals to participate in society as full and active members of the community.

12. The Universal Declaration of Human Rights recognizes that all children are entitled to the same protections, regardless of how they are born, or with whom they live (UDHR art. 25). Protecting the family in a special way through marriage and family laws does not imply that other forms of communal living arrangements between individuals and their dependents are discriminated against. It simply recognizes the unique character of the family as the ordinary and normative locus for the procreation and education of future generations.

13. The normative force of human rights can only be enhanced by identifying common core values of humankind, shared by all cultures and traditions – a heritage that is acknowledged in the 1948 Universal Declaration of Human Rights and subsequent human rights instruments that have further cemented the high aspirations of that document into binding international standards.

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<sup>i</sup> San Jose Articles, footnote 1, available at <http://www.sanjosearticles.com>. cf. Sadler, T.W. Langman’s *Medical Embryology*, 7th edition. Baltimore: Williams & Wilkins 1995, p. 3 (noting that “the development of a human begins with fertilization, a process by which the spermatozoon from the male and the oocyte from the female unite to give rise to a new organism...”); Moore, Keith L. and Persaud, T.V.N. *The Developing Human: Clinically Oriented Embryology*, 7th edition. Philadelphia: Saunders 2003, p. 2 (noting that “the union of an oocyte and a sperm during fertilization” marks “the beginning of the new human being.”).

<sup>ii</sup> Even those who advocate that killing unborn children is a woman’s right recognize that where abortion on demand is available, gestational limits prohibit the destruction of innocent human life at later stages in pregnancy. See the Center for Reproductive Rights, *Factsheet on Abortion Laws (2009)*, available online at [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pub\\_fac\\_abortionlaws2009\\_WEB.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pub_fac_abortionlaws2009_WEB.pdf).

<sup>iii</sup> Heritage Foundation, *Benefits of Family for Children and Adults*, available online at <http://familyfacts.org/briefs/6/benefits-of-family-for-children-and-adults>