



EUROPEAN UNION

Permanent Delegation to the United Nations Office
and other international organisations in Geneva

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Contribution of the European Union: Traditional Values

With reference to Note Verbale of 26 December 2012, the European Union would like to submit the following points. While we are not in a position to provide examples of best practice as requested, we believe it is important that the High Commissioner's report reflects the views of all Member States on the divisive nature – and dangers - of introducing the concept of traditional values into the human rights realm:

As stated by the Advisory Committee in its report, A/HRC/22/71, “there is no agreed definition of ‘traditional values of humankind’” or of their relationship to human rights.¹ By contrast, human rights are formalised in international law through consensus decisions of members' states of the United Nations through multilateral negotiations. Traditional values are inherently subjective and specific to a certain time and place. Human Rights are universal and inalienable. To introduce the concept of ‘traditional values’ into this discourse can result in a misleading interpretation of existing human rights norms, and undermine their universality. As the Vienna Declaration reaffirms “while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”²

While traditions are sometimes in line with human rights and can potentially serve as a positive reaffirmation of human rights, the two are not analogous and sometimes traditional values serve to undermine human rights. As reflected in the Advisory Committee's report, traditional values have both a positive and negative impact on the effective implementation of human rights.

Traditional values, in particular those surrounding gender, sexual orientation and gender identity, age and disability have led to the marginalisation – and sometimes silencing - of numerous individuals and groups of persons throughout history. Many examples of the negative impact of traditional values have been highlighted by special procedures mandate holders, treaty bodies and the OHCHR. CEDAW for example, has repeatedly stressed that traditional, religious or cultural practices cannot justify violations of the Convention on the Elimination of all forms of Discrimination against Women. In addition, the Special Rapporteur on violence against women, its causes and

¹ A/HRC/22/71, para 7, para 32.

² Article 5, Vienna Declaration and Programme of Action.

consequences, has stated that cultural relativism is often an excuse to allow for inhumane and discriminatory practices against women in the community.³

International human rights law seeks to protect the individual from harmful practices, violence and discrimination regardless of the tradition, culture or religious context in which they occur. Thus, where traditional values conflict with and undermine human rights, States have a positive obligation to eradicate these harmful stereotypes, values, traditions and practices.

To conclude, the European Union would like to reiterate that human rights are universal, enshrined in international law, and States have a positive obligation to promote and protect these rights. In this regard, given the potential harm, as stated in the Advisory Committee's report, posed by the concept of traditional values in undermining the universality and inalienability of human rights, the EU will continue to work for the greater implementation of human rights standards and eradication of human rights violations and abuses, with an awareness of the political, economic and cultural systems in which they occur, but without viewing these systems as permitting restrictions on the full enjoyment of human rights for all.

³ E/CN/4/2002/83, para 1.