



# UN Human Rights Council:

## Russia's traditional values initiative result in abuse at domestic level

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During recent years, a Russian-sponsored initiative at the UN Human Rights Council has been targeting core tenets of international human rights: their universality, their unconditional nature, and their challenge to traditions that uphold discrimination and intolerance. The proponents of the initiative have camouflaged it as laying out new ways of promoting human rights. Traditional values of humankind are a tool to strengthen and underpin human rights at the local level, they claim. In reality, the initiative threatens to destroy consensus among the states of the world on how they should honor their human rights obligations.

### Initiative wrapping

The UN Human Rights Council, the most important political human rights body at the global scene, has adopted several resolutions on “the promotion of human rights and fundamental freedoms through a better understanding of traditional values of humankind”.<sup>1</sup> In addition, there have been workshops, studies, and invitations to states, academic institutions and civil society organizations to contribute with views and experiences on the way traditional values reaffirm and support human rights.

The initiative contains the following elements:

- A better understanding of traditional values underpinning international human rights can be an effective tool in promoting more respect of human rights;
- Dignity, freedom and responsibility are traditional values that are shared by all humanity and are embodied in universal human rights instruments;
- Using these traditional values can lead to more deep-felt and sincere acceptance of human rights;

- Family, community, society, and educational institutions play important roles in upholding and transmitting traditional values, and therefore supporting their role is also a way of promoting human rights;
- Human rights education could in particular benefit from linking human rights provisions to traditional values and thereby increasing its persuasive force.

In his infamous December 2011 preliminary study on the matter, Professor Vladimir Kartashkin, a Russia nominated member of the Advisory Committee of the Human Rights Council, outlines the context and substance of the initiative.<sup>2</sup>

The world is pluralistic by nature, consisting of different cultures, religions and civilizations, he rightly underlines. It therefore “cannot be denied that there are some divergences between international legal human rights norms and the values of different religions and civilizations.” (para. 60).

He goes on arguing that even though states should accept international human rights as they have been adopted, “the different approach of States and other civilizations to the way they perceive some norms of current international law must be respected. ... Any attempts to impose or force this process are completely futile. We should rather adopt a solicitous attitude towards the positions of different States and civilizations, the gradual adoption by all members of the international community of international standards on rights and freedoms.” (para. 62)

## Unwrapping the initiative

The draft study of Professor Kartashkin became infamous because instead of analyzing how to mobilize traditional values in support of human rights, he turned the whole exercise 180 degrees around.

It is in particular interesting to note his view on the universally accepted values of dignity, freedom, and responsibility. He underlines that, “promotion of and respect for human rights must accord not only with individual dignity and freedom but also with responsible behavior in respect of the State, society and other people” (para. 40). “The promotion of and respect for human rights must be accompanied not only by freedom and dignity but also by individual responsibility, and the fulfillment of obligations, towards other people” (para. 42).

The question then is who decides what constitutes “responsible behavior”. It is exactly the wisdom of international law not to grant the state the right to condition human rights on whether a person behaves responsible. A person who commits a crime may lose his or her freedom for a while being sentenced to imprisonment. However, he or she will not lose human rights in general.

Conditioning human rights on responsible behavior is to annul human rights.

Both the Universal Declaration of Human Rights and several of the human rights conventions points to the responsibility of individuals and organs of society to respect the rights of others, but this kind of responsibility is never set as condition for enjoying human rights. Human rights place a burden on states to respect the human rights of anyone, irrespective of individual’s morals, resources, ethnicity, sexual behavior, etc.

There are several other formulations in Kartashkin’s study that show that its purpose is not to defend human rights but rather to weaken their impact. Cultures and civilizations should be treated on an equal footing, and any exchange on human rights between states should take the form of dialogue, his study

underlines. We have to accept that it will take a long time to understand and apply many human rights norms.

The traditional values approach also points to the central role of the family in transmitting cultural heritage to the next generation (para. 52). This point resonates well with conservative Christian and Muslim thought, arguing that the traditional family needs more support. Erosion of family values is a main source of social problems in modern societies, they contend. In this way, the human right to family life, including the right to choose freely whom to marry is transformed into support of a monolithic concept of family: anti-divorce and anti-same-sex marriage.

## Criticism

A range of human rights friendly states and human rights organizations have expressed strong concerns that the traditional values initiative undermines human rights. The main concerns are that the initiative:

1. Fails to take into account harmful traditional values, such as racism, sexism and xenophobia. In fact, harmful traditional practices – such as female genital mutilation – are often legitimized by traditional values;
2. Fails to recognize that there are a plurality of views and interpretations of tradition within societies;
3. Authorities often use traditional values to subordinate minorities. There are in particular many examples of women rights and the rights of sexual minorities being restricted based on traditional values and practices;
4. Undermines universality by conditioning human rights protection on “responsible behavior”, implying that a person’s “dignity” can be lost;
5. Fails to ignore the diversity of family forms and underestimates the potential of abuse within families and communities;
6. Undermines State responsibility to promote and protect human rights while pointing to the need to respect “the different approach of States and other civilizations to the way they perceive some norms of current international law”;
7. Gives primacy to traditional values over human rights.<sup>3</sup>

The EU has pointed to the dangers of introducing the concept of traditional values, underlining that there is no agreed definition of their contents or of their relationship with human rights: “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.”<sup>4</sup>

A Russian civil society organization, *the Russian LGBT Network*, pointed to the national context of the initiative. It underlined that “the traditional values discussion in the Russian Federation sought to impose an ideological monopoly. Liberal approaches and beliefs were regarded by conservatives as opposing traditional values, justifying severe restrictions of rights and freedoms, especially for the LGBT community.”<sup>5</sup>

## The initiative is very much alive

In spite of the massive criticism by the EU, a range of human rights-friendly countries, human rights organizations, as well as critical input from UN Special Rapporteurs and other human rights mandate holders and treaty bodies; the traditional values initiative is very much alive. The goal is clearly to establish a new norm of international law on the role of traditional values. Russia has managed to gather substantial support, including from Muslim, African, and Asian countries. Cuba supports the initiative, while other Latin American countries abstain during votes in the Human Rights Council.

During the 27 September 2012 vote in the Human Rights Council on a resolution on traditional values, 25 states voted in favor, 15 against, while seven abstained.

There are several reasons for the broad support, and not all of them are bad. The wrapping of the initiative is to a certain degree convincing, including when it reassuringly states that “traditions shall not be invoked to justify practices contrary to human dignity and that violate international human rights law”. In many countries, authorities are rightly proud of national traditions and they play an important part in nation building efforts. In some contexts, in particular in rural areas, traditional values play a positive role in ensuring some form of justice.

Human rights, however, already struck a fine balance in referring to culture and traditional values. The group led by Eleanor Roosevelt that drafted the Universal Declaration of Human Rights decided to point to human dignity in its preamble, but sought otherwise to avoid reference to any specific culture, civilization or tradition. In discussions, they were very keen to ensure that human rights would be regarded as equally relevant and acceptable by the different civilizations of the world. A Lebanese, Charles Malik, and a Chinese, Peng-chun Chang, played important roles in this regard, as well as consultations with religious leaders, philosophers, and states representatives all over the world.

The cultural aspect of human beings and society is included in the right “freely to participate in the cultural life of the community” (Article 27). The right to culture has since the adoption of the Universal Declaration been strengthened in the form of minorities’ rights to enjoy and develop their culture.

However, in human rights law the right to culture is always based on individual choice. No one is under an obligation to accept any culture or tradition or traditional value against his or her will.

The ultimate goal of the traditional values initiative is to introduce a norm in international law that could undermine this fundamental aspect of human rights. This norm is already showing its true face at the domestic level in Russia, in some other Eastern European countries, as well as in a large number of countries in other parts of the world. It results in state-sponsored discrimination and police disrespect for the rights of vulnerable groups, including religious, ethnic and sexual minorities.

Human rights have become the language of civilization of the world. We now have to fight in order to safeguard that their true meaning is not lost to the harm of those who really need the

protection they offer: those who are different, minorities, women, and those who did not behave responsibly.

The Norwegian Helsinki Committee was established in 1977 as an independent human rights organization which promotes respect for human rights in Norway and internationally. The organization has a particular focus on OSCE participating States. Its main methods of working are monitoring and reporting, project cooperation and support to domestic civil society organizations and human rights education.

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<sup>1</sup> Resolutions 12/21; 16/3, and 21/3.

<sup>2</sup> *Preliminary study on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, Prepared by Professor Vladimir Kartashkin, Rapporteur of the drafting group of the Advisory Committee. A/HRC/AC/8/4.

<sup>3</sup> [http://arc-international.net/global-advocacy/traditional\\_values\\_sign\\_on](http://arc-international.net/global-advocacy/traditional_values_sign_on)

<sup>4</sup> <http://www.ohchr.org/Documents/Issues/HRValues/EU.pdf>

<sup>5</sup> Summary of information from State Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity. Report of the United Nations High Commission for Human Rights, A/HRC/24/22, para. 71.