

Human Rights Commitment and Local Traditions

10 Theses on the debate about HRC Resolution 21/3

1. Human rights are universal rights of an indispensable and inalienable nature. Underlining "that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms" (Preamble Vienna Declaration, 1993) Justice and Peace together with its partners objects all attempts to questions this by introducing new vocabulary or norms into the human rights systems.
2. A reference to "traditional values of dignity, freedom and responsibility" at the core of resolution 21/3 could not been understood as helpful for the protection and promotion of human rights. In this resolution categories are mixed as well as the duty bearers and the respective relations of value, freedom, responsibility and dignity are not clearly defined. It is the preservation of the due respect for the dignity of every human being that led to the enshrinement of human rights. Freedom, equality and solidarity are preconditions that the dignity of every human being can unfold in society. And it is the responsibility of the state to preserve or create a society that assists and supports the free unfolding of the human dignity.
3. Human rights are a modern accomplishment and have been formulated as a result of a long learning process within societies. Nevertheless it is useful to get a deeper understanding in which ways some traditional values could be helpful in human rights education and communications about human rights. Tightening human rights to local culture could support human rights protection, as the study of the Advisory Committee (A/HRC/22/71) in its comment on the respective resolutions on Traditional Values states: "Explaining international human rights principles in ways that resonate in diverse cultures and traditions may assist in promoting respect for human rights" (No 38).
4. At the same time we have to pay particular attention to those traditional cultural settings that are not supportive of freedom and equality as principles of human rights. Dialogue will reveal traditions that are impairing the respect for dignity and that are supportive of structures of injustices and discrimination. Seen from that point tradition is one of the strongest obstacles to the emancipation of women and their full enjoyment of human rights.
5. Therefore it is necessary to take into account who speaks of traditional values. In some countries political elites make use of this terminology. It can be part of politics to create imagined identities by excluding minorities that e.g. do not belong or adhere to certain (religious) traditions. It also can be part of a political program to denounce or even criminalize engagement for free and open society as acting under foreign influence not in line with tradition.

6. But also a local level the notion of traditional values needs more explanation. What has to be understood as tradition and how traditions are interpreted are much under dispute even within communities itself – all over the world. This reveals that tradition and traditional values are always part of processes in society about understanding and interpreting the past.
7. Traditions could differ even within communities and between communities next to each other. The tendencies to exclude people or even worse strategies to legitimize violence can be supported by concepts of traditions. The strengthening of identity by exclusion of others works at local level in a very similar manner as in a larger political scale.
8. Emphasizing that “all human beings are born free and equal in dignity and rights” (Art. 1, UDHR) support is needed for learning processes about those traditional values that could support human rights and the acknowledgment of human rights protection as it is laid out in international covenants – rather than starting a competition between traditions and universal human rights. The study of the HRC Advisory Committee A/HRC/22/71 may initiate dialogue about human rights where they can be positively connected to local tradition and experiences within communities. Referring to the rights of the child, the study rightly underlines “the need to view rights within their broader ethical, moral, spiritual, cultural or social framework and the fact that most children’s rights, far from being externally imposed, are embedded within the values of local communities.”
9. It is debatable whether the “margin of appreciation” the European Court of Human Rights upholds when it has to decide on human rights implementation could be understood as taking local or national settings into account. Some argue it is more or less an too easy way out of the discussion and might weaken the human rights system, others see it as a helpful tool to integrate different strategies to guarantee human rights. It spells out the margins of national implementation strategies of international responsibilities by taking into account the different constitutions.
10. We are aware of the necessity to reaffirm the foundation of human rights in the respect of human dignity in the light of recent developments and discussions on traditional values. Above the strengthening of traditions supportive to human rights, traditions might even help to broaden views on rights itself. It may reveal blind spots within the human rights framework. The discussion could be enriched by referring to certain traditions that could to broaden the view on human rights. Even if the recognition of the dignity of every human being is not under dispute, in the joint commitment for human rights, especially in international contexts, different judgments about priorities and mechanism can be found. In the light of these perceptions we welcome initiatives to study the promotion of human rights by linking them closer to the different cultural contexts and settings of traditional values within the rights have to be realized.