

STATEMENT BY THE HUMAN RIGHTS COUNCIL OF AUSTRALIA

Item 8
16 June 2009

The Second World Conference on Human Rights, held in Vienna in 1993, brought together almost all the then members of the United Nations in the largest gathering of States, before or since, ever to discuss human rights. The Vienna Declaration and Program of Action was a carefully crafted achievement in which delicate balances were agreed by consensus, without a single dissent.

One of the key issues debated in Vienna was the relationship between human rights and culture or tradition. The consensus was well expressed in the Vienna Declaration itself. It affirmed the universality of all human rights, while saying that cultural factors should be 'borne in mind'.¹

That balance must be preserved by the Council in its own deliberations and work. It is firmly based on the understanding of the relationship between human rights and traditional values developed 60 years ago when the Universal Declaration of Human Rights was being drafted. The drafters of the Declaration identified positive traditional values that, first, were held universally and, second, were consistent with the fundamental dignity of all human beings. They agreed on a Universal Declaration that reflected those positive traditional values. The Declaration stands not only as 'a common standard of achievement for all peoples and all nations' but a common standard of assessment for all traditional values.

Some traditional values are truly human but some are inhuman. No one now will defend female genital mutilation, the repression of women, war and domination of one group by another, slavery, infanticide, human sacrifice. Yet these have all been part of the traditional values of human societies. They contrast starkly with the positive values recognised in the Vienna Declaration: equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity.²

Referring to a resolution presented by Russian Federation at this session of the Council, the distinguished representative spoke of ensuring 'synergy of human rights and traditional values'. The Human Rights Council of Australia does not see this resolution as necessary for that. The Vienna Declaration has done it already and done it very well.

The representative also said that the main task [of the resolution] is ensuring that respect for human rights stimulates building a more just world order'. If so, then in doing so, this Council must respect and reflect the balance in the Vienna Declaration. The Council should be careful to distinguish positive traditional values from negative ones and to measure all traditional values against the Universal Declaration of Human Rights. For this reason we

¹ Para 5.

² Preambular para 9.

urge the Council to ensure that any resolution on human rights and traditional values carefully defines what traditional values the resolution is addressing. We suggest that, instead of talking of undefined 'traditional values', the Council adopt the words of the World Summit Outcome Document of September 2005 that spoke of 'common fundamental values' as being freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility'.³

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³ World Summit Outcome Document A/RES/60/1, 24 October 2005 para 4.