

# Session 9

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## Preserving Traditions versus Protecting Human Rights

### **OBJECTIVES:**

- To examine who defines or establishes one's cultural heritage, and who is responsible for upholding traditions.
- To discuss whether there are any legitimate practices of gender hierarchy that are not automatically evidence of gender oppression.
- To consider how culture and traditions can be respected, and even preserved, while keeping the equal rights of women paramount.

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### **In This Session:**

Human rights activists frequently cite some cultural rituals as counter to women's full equality. For example, female genital mutilation and denying girls equal educational opportunities not only enforce the differences between the sexes, but also harm women and hinder their advancement. Human rights advocates often find themselves at odds with traditional community leaders who are seeking to preserve "the old ways," in which women and men have prescribed roles based on their gender.

For most human rights advocates, prescribed gender roles are by definition anathema to equality, for two reasons. The first is that history has repeatedly shown that where there are enforced separate roles for the sexes, there is inequality between the sexes. The second is that for most human rights proponents, human rights are synonymous with individual rights – and where an individual, regardless of gender, is not allowed equal access to public spaces, speech, freedom to travel, inheritance, employment, and so on, she (or he) is being denied her human rights.

A consequence of activists' efforts to end traditions that violate women's rights is that they are often perceived as adversaries of *all* cultural traditions, even those that do not jeopardize women's freedom. The tension, and even at times hostility, between advocates for human rights and advocates for the preservation of cultures and traditions will continue until they can find more common ground.

In this session, we will read excerpts from a statement by Farida Shaheed, UN Special Rapporteur in the Field of Cultural Rights. Shaheed discusses how gender, culture, and rights interact, and she stresses that it is too simplistic to view culture as simply an impediment to women's rights. Instead, she urges, we should focus on how equal cultural rights can enable women to reinterpret traditions and "change those traditions which diminish our dignity." In this session, we will discuss the common ground between women's rights and cultural rights and explore women's role in culture and her power to transform culture.

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**Reading Assignment:****Report of Farida Shaheed, the Special Rapporteur in the Field of Cultural Rights, on the Promotion of Human Rights, August 10, 2012:<sup>40</sup>*****Excerpts***

The notion that culture is restricted to certain areas of life, in particular those areas unregulated by the State, and that it is of greater relevance in some societies than in others is a misconception. Culture permeates all human activities and institutions, including legal systems, in all societies across the world. Culture is created, contested and recreated within the social praxis of diverse groups interacting in economic, social and political arenas. It is manifested in individual and collective self-expression, understanding and practices. Delinking culture from the historical processes and contexts in which it is embedded essentializes cultures, which are then presumed to be static and immutable, homogenous and monolithic, apolitical and detached from prevailing power relations.

Gender, culture and rights intersect in intricate and complex ways. The tendency to view culture as largely an impediment to women's human rights is both oversimplistic and problematic. By attributing self-propelling agency to "culture" independent of the actions of human beings, it diverts attention from specific actors, institutions, rules and regulations, keeping women subordinated within patriarchal systems and structures. It also renders invisible women's agency in both reproducing and challenging dominant cultural norms and values. Nevertheless, many practices and norms that discriminate against women are justified by reference to culture, religion and tradition, leading experts to conclude that "no social group has suffered greater violation of its human rights in the name of culture than women" and that it is "inconceivable" that a number of such practices "would be justified if they were predicated upon another protected classification such as race." . . .

[I wish] to stress that "the critical issue, from the human rights perspective, is not whether and how religion, culture and tradition prevail over

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40 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/459/30/PDF/N1245930.pdf?OpenElement>. Ms. Farida Shaheed, UN Special Rapporteur in the Field of Cultural Rights, is a Pakistani sociologist. She is the Executive Director of Shirkat Gah-Women's Resource Centre in Pakistan and is the recipient of several national and international human rights awards.

women's human rights, but how to arrive at a point at which women own both their culture (and religion and tradition) and their human rights." "The struggle for women's human rights is not against religion, culture, or tradition." Cultures are shared outcomes of critical reflection and continuous engagements of human beings in response to an ever-changing world. The task at hand is to identify how human rights in general, and equal cultural rights in particular, can enable women "to find paths through which we may view tradition with new eyes, in such a way that it will not violate our rights and restore dignity to ... women ... [and] change those traditions which diminish our dignity."

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### Questions for Group Discussion:

When you were growing up, who in your family decided which traditions (cultural or familial) would be followed? Who in your family was most responsible for planning and organizing cultural celebrations and rituals?

What might be some areas of common ground between human rights advocates and cultural rights advocates?

What do you think the Special Rapporteur means when she says: "[I wish] to stress that 'the critical issue, from the human rights perspective, is not whether and how religion, culture and tradition prevail over women's human rights, *but how to arrive at a point at which women own both their culture (and religion and tradition) and their human rights.*'"

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### Group Exercise:

Ask the group to brainstorm cultural, religious, and family traditions that empower and celebrate women either directly or indirectly. Ask a volunteer to record everyone's ideas on a board or large sheet of paper.

Ask the group to brainstorm cultural, religious, and family traditions that disempower and/or discriminate against women either directly or indirectly. Ask a volunteer to record everyone's ideas on a board or large sheet of paper.

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### Questions for Group Discussion:

- Are there any common themes or interesting observations you can make about the two lists?
- Who benefits from each of the traditions? Does the answer depend on the tradition?
- Do any of the traditions enforce a hierarchy between men and women without discriminating against women? If so, which ones and why?
- What are some examples of "centuries old traditions" that you respect and hope *will* continue? Why?

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### Reading Assignment:

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Israr Ullah Zehri, who represents Baluchistan province, told a stunned parliament that northwestern tribesman had done nothing wrong in first shooting the women and then dumping them in a ditch.

“These are centuries-old traditions, and I will continue to defend them,” he said. “Only those who indulge in immoral acts should be afraid.”

The women, three of whom were teenagers and whose “crime” was that they wished to choose who to marry, were still breathing as mud and stones were shoveled over their bodies, according to Human Rights Watch.

September 1, 2008 (*The Telegraph*: [www.telegraph.co.uk](http://www.telegraph.co.uk))

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For many people, their culture preserves a social order as much as it passes on shared aspirations and traditions. Upsetting the social order lies at the root of most of the contention between traditionalists and progressives. For some, it is worth taking extreme measures to preserve the status quo, including harsh punishments and violence. But too often the status quo is the supremacy of men, and the measures to maintain their status include patently discriminatory laws and a threatening environment for women or men who try to transgress the social order.

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### Group Exercise:

Write the quote below by Thoraya Obaid on a board or large sheet of paper so that everyone can review it. Ask a volunteer to read the quote:

*“Human rights are everybody’s work, and being culturally sensitive and understanding the context is everybody’s business.... Culture is not a wall to tear down. It is a window to see through, a door to open to make greater progress for human rights.”*

*Thoraya Obaid*<sup>41</sup>

Break the group into teams of four or five. Ask each team to reflect on a women’s rights issue. Each team can choose its own issue, or consider one of the following issues: women’s equal pay for the same work; women’s right to an equal say in decisions about their children’s upbringing; or women’s equal participation in peace-brokering and negotiations in conflict.

Ask each team to prepare several (5 to 10) talking points on how advancing the women’s right – whichever right the team chooses to work on – would help preserve institutions important to traditionalists. For example, how might paying women the same wages as men make families stronger?

After the teams have completed their talking points, ask the group to reconvene. Ask a volunteer from each team to share that team’s talking points.

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41 <http://www.who.int/pmnch/media/news/2008/unfpastatewp2008/en/>. Thoraya Obaid was appointed, along with 29 other Saudi women, as members of Saudi Arabia’s Majlis Ash-Shura (Shura Council) for a four-year term from 2013-2016. Obaid, formerly the Executive Director of the UN Population Fund, is Chair of WLP’s Board of Directors.

### **Questions for Group Discussion:**

- What are some of the deeply embedded values and practices of your culture that have nothing to do with gender hierarchy or gender oppression?
- How can culture be, as Thoraya Obaid suggests, a “window to see through” or “a door to open to make greater progress for human rights”?
- Can advocates work towards advancing cultural rights while at the same time press for a new social order in which women are equal? If so, what are some strategies to do this?