



Chapter Two
**Key opposition
discourses**

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Rights at Risk: Observatory on the Universality of Rights Trends Report 2017
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Background

Actors using arguments based on anti-rights interpretations of religion, culture, tradition, and rhetoric linked to State sovereignty have made significant strides in implementing and institutionalizing their regressive agenda at the UN in recent years. As any participant or witness of policy negotiations will note, the ‘battle for rights’ is fought in large part on the level of language and rhetoric. Many conservative actors have creatively and effectively regrouped in this area, with increased success towards achieving their goal of undermining rights related to gender and sexuality.

Ultra-conservative actors—civil society, intergovernmental, State and religious institutions—have developed and now employ a range of discourses in international human rights policy spaces. Arguments tend to manipulate concepts related to religion, culture, tradition, and national sovereignty to further their regressive and paradigm-shifting objectives. These misleading discourses run counter to universal human rights standards and are at times internally incoherent. Frequently, the principles they espouse are not even borne out in the domestic policies of sponsoring States. Yet, they are increasingly effective.

In order to bolster their effectiveness and adapt to the international human rights sphere, anti-rights actors have moved away from arguments that are couched explicitly in religious language, and from former blocking tactics—although the latter do persist to some degree. Increasingly we hear conservative actors speaking in the language of human rights, albeit a misleading and innovative co-optation of human rights language and norms. On the domestic and international levels, we are witnessing a rise in development of and recourse to regressive arguments based on so-called social science.

This change in discursive strategy is an example of traditionalist power trying to preserve itself in the wake of changing power relations. Although they refer always

to a pure, monolithic, and unchanging tradition, religious fundamentalisms paradoxically are products of modernity. In the international human rights context, we are now witnessing the way in which religious conservatives, in resisting and organizing against what they perceive as a ‘crisis of the family’ driven by modernity and globalization—as well as their critique of the market side of globalization—in turn become global and modern, operating in international policy spaces and across regional boundaries, and mirroring the movements they seek to counter.

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This tactic of reactive politicization²⁴⁶ lies at the heart of the international religious right’s rhetorical mutations. A slippery engagement with ‘secularized’ language and employment of human rights terminology previously derided is key.

Additionally, in order to build and maintain alliances across regions and religions, anti-rights actors at the UN are generating messaging around shared interests—life, family, and nation—and core concepts and concerns. Key overarching themes include national sovereignty, the family, life, gender, and a particular conception of religious freedom.

To facilitate and foster this collaboration, and have a greater effect upon human rights norms and standards, conservative actors are endeavoring to develop their own holistic and integrated approaches to human rights advocacy, linking many of their arguments into omnibus concepts that comprise multiple elements.

1. Protection of the family

Primary amongst these anti-rights omnibus concepts is 'protection of the family'. This discourse has emerged in force as a unifying theme amongst conservative actors at the UN, particularly over the past three years, and looks likely to remain present for some time. It is a strategic and useful framework to house multiple patriarchal and anti-rights positions, where the framework, in turn, aims to justify and institutionalize these positions. The overarching concept of protection of the family has often been used successfully, especially at the Human Rights Council in Geneva. This discourse is a key example of the religious right's move towards holistic and integrated advocacy, binding together disparate narratives, histories, themes, and rights-foci under a seemingly innocuous umbrella term.

The family narrative put forth in international human rights debates has bound together conservative actors who are collaborating across regional, religious, and institutional boundaries. Civil society organizations, such as Family Watch International, the UN Family Rights Caucus, C-Fam, Civil Society for the Family, CitizenGo, the World Youth Alliance, and the World Congress of Families are prominent in production and dissemination of related talking points, campaigns, and convenings. Indeed, its focus on the 'traditional family' has enabled the U.S. Christian Right to forge global alliances with other conservative religious movements.²⁴⁷ On the State level, the 25-member Group of Friends of the Family, launched in February 2015, is devoted explicitly to furthering the interests of 'the family' in international human rights negotiations and to mainstreaming this restrictive, patriarchal, and heteronormative conception of family through UN processes. The Organization of Islamic Cooperation is a major proponent of the 'traditional family' and the current discourse owes much to the Holy See's valorization of the 'natural family' over the years.

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The notion of protection of the family found its institutional inspiration and grounding in the organizing around the tenth anniversary of the UN Year of the Family in 2004. As noted above, both the U.S. religious right and the Holy See have frequently situated their opposition to rights related to gender and sexuality within a larger aim of protecting the so-called natural family. Far from a celebration of the diverse forms of families around the world, this form of ‘pro-family’ politics at the domestic and international level centres on a very particular form of family—a father, a mother, and their children—with a clear hierarchy and power structure.

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The anniversary of the International Year of the Family (IYF + 10) provided the first clear opportunity for anti-rights actors to advance this platform on the global stage and to further coalition-building. Filling the vacuum left by the general disinterest in the anniversary on the part of the UN and NGO communities, conservative Mormon NGOs led the IYF + 10 Committee. The Mormon NGOs worked with the government of Qatar to host a conference in celebration of the occasion at the invitation of Ambassador Al-Nassar, who had heard of U.S. NGO advocacy at a summer training session for UN delegates run by the World Family Policy Center, a precursor to FWI’s annual trainings.²⁴⁸ Qatar was the head of the G-77 bloc at the time, which broadened opportunities for network-building amongst conservative activists during the planning process.

The planning process resulted in the Doha International Conference for the Family in November 2004, and was also preceded by additional networking opportunities in the shape of two regional dialogues in Geneva and Kuala Lumpur, intended to build consensus amongst ‘pro-family’ advocates.²⁴⁹ The conference issued the first of many transnational documents on the family, called the Doha Declaration.²⁵⁰

Fast forward to the conversation on protection of the family today, and the concept has taken hold. It has now been the subject of a series of Human Rights Council resolutions in 2014, 2015, and 2016. This discourse is antithetical to human rights norms and standards in several ways. The language of the resolutions, in particular, operates to shift the subject of human rights to already powerful institutions, namely the family rather than individual family members. The resolutions, which are theoretically intended to protect international human rights, do not recognize the rights of vulnerable family members to non-discrimination, autonomy, and freedom from violence in the context of family relations. Nor do they recognize that families and family life must be free from coercion.

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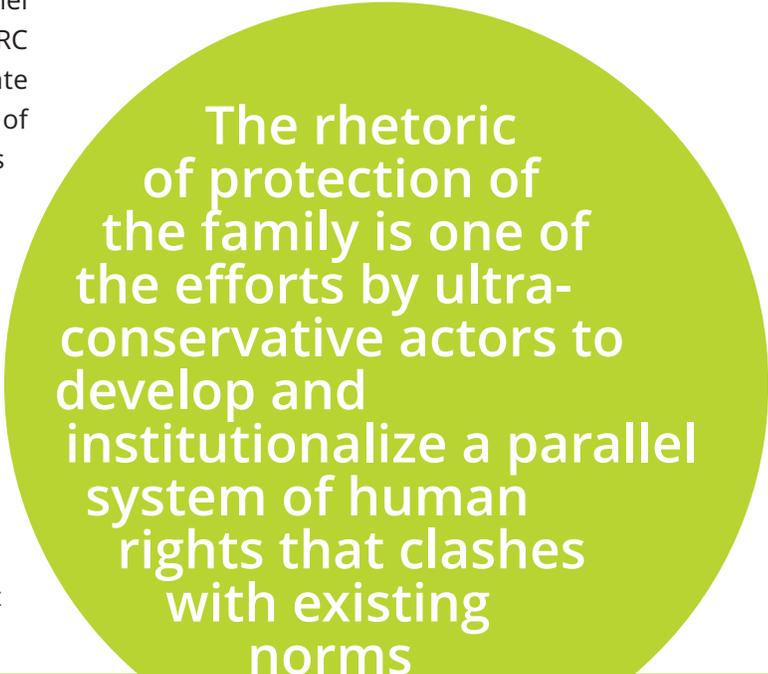
State sponsors of the resolutions have pushed back attempts to define the family in line with agreed language on the diversity of families. The language of the resolutions thus affirms a unitary, non-inclusive, hierarchical, and traditional conception of the family that discriminates against family forms which fall outside these rigid boundaries.

The rhetoric, and these resolutions, repeatedly affirm the role of the family in social cohesion and in preserving morality, religious and cultural traditions, without regard to these traditions and norms' consistency with international human rights legal standards.²⁵¹ Another theme is the exclusion—or instrumentalization, as in the 2016 HRC resolution focusing on disability²⁵²—of the rights of marginalized groups and communities from this protective framework.

In brief, this discourse is framed to endow patriarchal institutions and regressive traditions with human rights protections. The rhetoric is opposed to human rights standards and the universality of rights in a number of ways: violating rights to anti-discrimination and to equality; rights to freely consent to and choose one's marriage partner; the right to marriage for all on the basis of non-discrimination; the principle of the diversity of family structures worldwide; the right to bodily autonomy and protection from intimate partner and domestic violence, including child abuse; State obligations to respond to and prevent all forms of harmful practices, and to eliminate gender stereotypes; and the elimination of discrimination against women in all matters relating to family relations.²⁵³

Many of these serious issues have been raised by Member States, UN experts, and even by the very panel and OHCHR report called for in the 2014 and 2015 HRC resolutions; however, they have been ignored by State sponsors in negotiations. The rhetoric of protection of the family is one of the efforts by conservative actors to develop and institutionalize a parallel system of human rights that clashes with existing norms and standards, including in the areas of gender-based violence and child rights.

Meetings, declarative statements, and advocacy employing this discourse have multiplied over the past three years. The HRC resolutions progressed from procedural to substantive from 2014 to 2015 and 2016, growing significantly in length, scope, and number of operational paragraphs. They represent



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evolving attempts by anti-rights actors to mainstream or embed the protection of the family rhetoric in multiple spaces, and in connection with a number of rights foci. Led by Belarus, the Group of Friends of the Family and non-State allies sought—less successfully—to force an acknowledgement of the role of the family in 2015 General Assembly resolutions on youth and the SDGs. In addition, multiple events at the CSW have highlighted interconnections between family and sustainable development, which was also the focus of the 2015 Council resolution.

In June 2016 the sponsors of the Human Rights Council resolution—without any substantive consultation with disability rights groups—focused on disability rights in the resolution, positing that human rights for persons with disabilities are promoted by “policies and measures to protect the family.”²⁵⁴ As with ongoing interconnections made with rights discourses on violence against women, the right to development, and trafficking, this was an example of anti-rights actors’ attempts to foster linkages with existing rights discourses to further the reach and attractiveness of the regressive language included therein.

This discourse is gaining traction in international human rights policy spaces, in large part due to its innocuous and emotive framing. The 2016 Council resolution received substantially more State support than in 2015, with 32 votes in favour, 12 against, and three abstentions. Reports indicate that several Latin American delegations have said they cannot vote against the resolution despite their concerns about the rhetoric, as a vote against family would be criticized on the domestic level. After years in which language on a unitary concept of ‘the family’ was knocked out during negotiations, in 2016 a reference to the family made it to the final text of the Agreed Conclusions at the CSW, which was then promptly referenced as agreed language by sponsors of the 2016 Council resolution.

Conservative actors have developed and shared numerous training materials and talking points employing this discourse to support advocacy, including the Civil Society for the Family’s “Articles on the Family”²⁵⁵, the World Congress of Families’ “World Family Declaration”²⁵⁶, the Group of Friends of the Family’s statement in support of the family²⁵⁷, and multiple policy briefs from Family Watch International and the UN Family Rights caucus, including “Various Forms of the Family”²⁵⁸ and “Binding Obligations on States to Protect the Family.”²⁵⁹

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Next on the horizon was an intersessional seminar²⁶⁰ launched by the 2016 HRC resolution. In order to continue regular engagement and dialogue at the Council on the topic of protection of the family, the resolution called for a one-day intersessional seminar on “the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family on the role of the family in supporting the protection and promotion of the rights of persons with disabilities,” and to “discuss challenges and best practices in this regard.”²⁶¹ The resolution further requested that the High Commissioner for Human Rights present a report on the seminar at its 35th session in June 2017.²⁶²

2. Right to life

The right to life is a non-derogable human right, expressed in various customary, binding, and soft international human rights law²⁶³ instruments. The International Covenant on Civil and Political Rights (ICCPR) represents the primary binding variant. Article 6(1) reads, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”²⁶⁴

As noted above, the Holy See and a number of U.S. Christian Right organizations have described their primary human rights foci as life, family, and nation. As such, these actors seek to appropriate the right to life in service of an anti-abortion mission. In this rhetorical move, the Vatican attempts to couple the right to life set out in the ICCPR and the Universal Declaration of Human Rights²⁶⁵ with its own doctrinal caveat that human life begins at the moment of conception.²⁶⁶

The Vatican mission at the UN has doubled down on this misleading discourse, claiming that “no compromise can be made with a person’s right to life itself, from conception to natural death,” and that these ethical values are fundamental, the “common patrimony of universal morality.”²⁶⁷

Allied organizations, such as Family Watch International, parrot this revisionist interpretation, including in efforts to influence the UN Human Rights Committee. They have argued (without substantiation) that “the human rights of the unborn child were clearly recognized in the foundation of modern international human rights law,”²⁶⁸ citing the UDHR article 3, ICCPR article 6(1), and the mirror clause in the International Covenant on Persons with Disabilities,²⁶⁹ alongside protections included in the Convention on the Rights of the Child (CRC). FWI argues that CRC’s right of every child to life²⁷⁰, and the preambular comment that the child needs special safeguards before as well as after birth²⁷¹, should be read



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together with the UDHR's right to life clause, and in light of the prohibition of abortion by some States to imply that the right to life begins at conception.²⁷²

The right to life is a strategic site from which to attempt to ground an anti-abortion norm, as it cannot be violated under any circumstances and is a binding legal standard. However, the notion that the right to life begins at conception has no support outside of some doctrinal texts and Christian Right talking points. The Human Rights Committee has no jurisprudence or interpretive texts that extend the right to life before birth. Moreover, the preparatory documents for the International Covenant on Civil and Political Rights demonstrate that article 6 was not intended to extend its protections prior to birth²⁷³, and regional human rights jurisprudence also suggests that a fetus does not enjoy the right to life.²⁷⁴

Additionally, no universal human rights instrument has provided that a right to life applies before birth. In contrast, the Universal Declaration of Human Rights states that "all human beings are born free and equal in dignity and rights," where preparatory materials indicate that 'born' was used intentionally to confirm that the rights set forth in the UDHR are inherent from the moment of birth.²⁷⁵

3. Sexual rights

Comprehensive sexuality education

Anti-rights actors employ various rhetorical devices in their campaign to undermine sexual rights, commonly suggesting: that they do not exist; that they are new rights that have no foundation in the UDHR; that they cause harm to children and society; or that they are in opposition to culture, tradition, or national laws. A major target of their discursive attack on rights related to gender and sexuality is comprehensive sexuality education.

Conservative actors engaged in advocacy at the UN claim that CSE violates 'parental rights', harms children, and is not education but ideological indoctrination

Conservative actors engaged in advocacy at the UN attack the right to comprehensive sexuality education from several directions, with fairly unified and consistent messaging. They claim that CSE violates 'parental rights', harms children, and is not education but ideological indoctrination. They also claim that comprehensive sexuality education is disguised as real education and that it is pushed on children, parents, and the United Nations by powerful lobbyists seeking to profit from services they provide to children and youth, i.e. that the motivation for CSE is mercenary.

For example, the StopCSE campaign²⁷⁶ argues that "in order to protect children we must protect the rights of parents to guide their children's education including sexuality education," and that "if the vast majority of

parents understood what CSE programs contained, they would never allow their children to be exposed."²⁷⁷ This framing is in line with the anti-rights prioritization of parental authority figures over the rights of children, as understood and upheld by the Convention on the Rights of the Child.

When speaking of so-called harm to children through exposure to comprehensive sexuality education, conservative advocates argue that children are at inevitable risk from CSE because it: teaches children to masturbate; promotes 'high risk sexual behaviours'; promotes sexual pleasure and 'promiscuity'; encourages acceptance and exploration of diverse sexual orientations and gender identities; promotes condoms to children "without informing them of their failure rates"; promotes abortion as safe "and without consequences"; and promotes "disrespect for parents and religious and cultural values."²⁷⁸ Furthermore, anti-CSE materials claim that "one of the main goals of CSE is to radically change the gender and sexual norms of society and to establish rights for children as sexually autonomous beings" and CSE serves to indoctrinate children in "radical sexual ideologies and behaviours that conflict with the religious and cultural values of most people."²⁷⁹

Anti-rights activists further attempt to push the panic button by arguing that this form of education is forced through by "the paid lobbyists of multi-million dollar organizations and businesses"²⁸⁰—Planned Parenthood is a frequent target—driven by the profit impulse to force CSE on children. Conservative groups and delegates also employ 'slippery slope' arguments to imply that access to comprehensive sexuality education leads inevitably to sexual exploitation, family breakdown, and various forms of involvement with pornography.



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Opposition to rights related to sexual orientation and gender identity has proliferated. A common argument against SOGI is that of invalidation, i.e. that equal human rights do not extend to all persons; that application of long-standing human rights principles and law on this issue constitutes the creation of 'new rights'; and that the meaning of rights should vary radically because they should be interpreted through the lens of 'culture' or 'national particularities.'

In part, this discourse is founded on the arguments that same-sex attraction is a) morally wrong; b) not genetically fixed or unchangeable; c) dangerous to one's sexual and physical health²⁸¹; and d) best 'fixed' through sexual orientation change efforts, or 'conversion therapy',²⁸² as it is a deviation caused by some rupture or abuse in a child's formative stages. To attempt to substantiate these arguments, anti-rights actors scour social science sources for misleading language to support these claims, create their own pseudo-science journals,²⁸³ and develop relationships with conservative think tanks, often based in religious U.S. colleges.²⁸⁴

The recent slew of hostile amendments proposed in response to the 2016 SOGI resolution at the Human Rights Council illustrates dominant narratives used at the UN by regressive opposition.²⁸⁵ Taken together, the proposed amendments represent these tropes: arguments based on national sovereignty and reference to national laws, arguments based on cultural and religious values or "sensitivities," the argument of coercion, and most centrally, the argument of non-universality.²⁸⁶

With respect to the former, for example, one hostile amendment stated that the resolution on sexual orientation and gender identity should be implemented, "while ensuring respect for the sovereign right of each country as well as its national laws." Amendments also

called for "respect for...the various religious and ethical values and cultural backgrounds of its people," and calling on the "importance of respecting regional, cultural and religious value systems as well as particularities." Pakistan, on behalf of the OIC, highlighted the "fundamental importance of respecting relevant domestic debates at the national level" with reference to "historical, cultural, social and religious sensitivities."

As part of the invalidation thesis, the amendments reflect a trend that flips the concept of universality on its head, in effect co-opting the principle of universality to mean the converse. In this rhetoric, 'universal' or 'fundamental' is used not to highlight the full applicability of all human rights standards to all human beings as upheld in the Vienna Declaration and a multiplicity of binding human rights standards, but to demarcate a limited subset of rights that are 'truly' universal, relegating all others to the realm of subjectivity and cultural relativism.²⁸⁷ The hostile amendments, for instance, employ this second usage when they call for "full conformity with universally recognized international human rights," and take this a step further in arguing that:

[A]ny attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters... that fall outside the internationally agreed human rights legal framework...taking into account that such attempts constitute an expression of disregard for the universality of human rights.²⁸⁸

4. Reproductive health and rights

Population control

In the name of promoting reproductive health... the proposed UN policy amounts to nothing less than the foreign imposition of a radical Western agenda on the poorest and most vulnerable members of society, and a blatant attempt to interfere with the national sovereignty of developing countries.

– Population Research Institute²⁸⁹

Christian Right organizations, largely based in the United States, have been mobilizing against reproductive rights and health alongside the Holy See and other anti-rights allies for several years. Their campaign against bodily autonomy and integrity has a number of faces. One popular rhetorical move—familiar to many who have attended these events at the Commission on the Status of Women—is the argument that reproductive rights are at heart a form of Western-imposed population control over countries in the global South. At the same time, this claim often originates from U.S. and Western Europe-affiliated actors, many of whom are active in messianic endeavors to export their fundamentalist discourses and policies to States in the Caribbean and Africa, for instance. This is another example of the appropriation of anti-imperialism and anti-colonialism by anti-rights forces at the UN. In turn, the co-optation of these arguments renders the work of global South sexual rights activists who support anti-imperialist struggles much more difficult.

Anti-rights actors argue that the fulfillment of reproductive rights is at root about the imposition of an imperialist Western policy of population reduction on the global South, where the former impose “their own misguided worldview on developing nations by denigrating marriage and



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families, and encouraging promiscuous behavior.”²⁹⁰ The Population Research Institute, for example, claims that “today’s feminist jargon” hides a “New Global Racism” focused on reducing population in developing regions.²⁹¹

Conservative lobbyists present the United Nations Population Fund (UNFPA) and reproductive rights activists and organizations as a sinister cabal motivated by racism, as above, as well as an urge towards Western dominance by artificial suppression of fertility rates in the global South,²⁹² and a mercenary interest, i.e. benefiting from the “lucrative population control agenda.”²⁹³

This presents a compelling narrative: feminists and family planning advocates are invalidated by their racism and self-interest, and it is argued that they work not on behalf of all women, but for Western women, while global South women’s wants, needs, and rights are sacrificed to their feminist social policy.²⁹⁴ In this way, Christian Right actors argue that theirs is a more progressive, authentic, and compassionate stance. In addition, the intermingling of this narrative with the question of development assistance and the right to development (versus reproductive rights) as an either-or proposition presents religious right actors as more sympathetic to global South human rights interests and concerns. This intermingling of discourses broadens inter-regional and interfaith alliances amongst the religious right.

Use of scientific discourses and data on the impact of abortion

As mentioned above, a dominant narrative around abortion led by the Holy See is to argue that it violates the right to life, and that a prenatal right to life exists. Christian Right activists are deeply invested in opposing abortion, and their advocacy at the UN includes additional tropes. Dominant among these is the reliance on ‘scientific’ arguments from ultra-conservative think tanks, and from sources that rely on unsound research methodologies, suggesting abortion causes an array of

psychological, sexual, physical, and relational side effects. According to one organization’s talking points, “abortion is not a reproductive right, it’s a reproductive wrong.”²⁹⁵

The ‘Abortion is the UnChoice’ campaign claims, for instance, that suicide rates are six times higher amongst girls and women who have had an abortion.²⁹⁶ Based on misleading quotes and framing and dubious science, anti-rights activists claim that teens who have had an abortion are more likely to be admitted to a mental health hospital; are more likely to seek help in the future for psychological and emotional problems; and are more likely to abuse alcohol or cocaine.²⁹⁷

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Conservative actors in human rights spaces claim that abortion poses significant health risks, including complications during the procedure, and that abortion increases the risk of cancer and long-term damage to reproductive organs. In CSO and delegate trainings, online, and in pamphlets and fliers distributed during UN events, anti-abortion activists disseminate a regular, detailed stream of misinformation about the impact of abortion on women and girls.

5. Protection of children and parental rights

Anti-rights actors have developed a discourse that seeks to pit “parental rights” and the “protection of children” against sexual and reproductive rights. In anti-CSE fear mongering at the UN, the overarching narrative is flexible enough to embed defence of the ‘traditional family’ and mitigate against children’s rights to autonomy and protections from violence and abuse.

Similar to its opposition to the category of women’s rights, the Christian Right and Holy See, among others, are opposed to children’s rights as protected in binding legal standards. This is because they perceive them as threatening to their hierarchical and traditional concept of the family. In this view, child rights undermine the rights of parents—particularly fathers, who are considered the head of the family.

Just as the religious right is attempting to construct a new category of ‘protection of the family’ in the human rights world, it is also attempting to construct a new category of ‘parental rights,’ which has no support in existing human rights standards. Paradoxically, it endeavours to use the rights protections with which children are endowed, as articulated in the Convention on the Rights of the Child, to support the rights of parents to control their children and delimit their rights.

The UN Family Rights Caucus statement, entitled “A Declaration on the Rights of Children and their Families”²⁹⁸ argues that “every child has the right to the protection and guidance of their parents,”²⁹⁹ while structuring its argument to undermine the rights of children—i.e. that violations of child rights under the CRC are instead the fulfillment of a child’s right to parental protection. Notably, this clause does two things: 1) present a misleading and skewed interpretation of the



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rights standards it cites; and 2) attempt to erode the rights of children, to the extent of openly limiting their rights to State protection in cases of abuse.

The Declaration states, “Only in cases of extreme abuse or neglect shall the State have the right to intervene in the parent/child relationship,” referring to article 9 of the Convention on the Rights of the Child. The Declaration as a whole—and the concept of parental rights in general—ignores the existence of children’s rights as protected in the Convention, which are based on the primary principle of the “best interests of the child,”³⁰⁰ and on the overriding framing of responsibilities, rights, and duties of parents and guardians as only existing “consistent with the evolving capacities of the child.”³⁰¹ Further, the misinterpretation of article 9 to attempt to support the alarming proposition above is striking in its bad faith. Article 9(1) reads:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.

This text has been interpreted by opposition actors to suggest that parents have rights and control over their children except for cases of “extreme abuse.”

Anti-rights actors also co-opt the category of child rights to bolster their protection of the family agenda, arguing that the rights of children can only be achieved in a traditional family setting.³⁰² They have also been developing a related discourse on the ‘protection of children’. The premise is that “sexual rights activists are deliberately and aggressively targeting our children”³⁰³ to

“sexualize the next generation at a young age” and manipulate them into embracing “radical sexual ideologies” with the long game of “completely changing the sexual and gender norms of society.”³⁰⁴

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Anti-rights activists suggest a distinction between bad and good categories of human rights for children, i.e. protection rights, which are “essential for the well-being of children and should be secured and promoted,” as compared to ‘autonomous rights’, which are used to “sexualize children and to indoctrinate them in radical ideologies and behaviors.”³⁰⁵ In essence, the religious right’s position on children and human rights is quite clear: they do not have any, and attempts to enforce or advocate for the rights of children are an active attempt to advance harmful ideologies or a slippery slope to exploitation.

Despite regular and misleading citation of the CRC to justify a regime of so-called parental rights, conservative actors frequently criticize the binding treaty, arguing that it disrespects parental rights because of its progressive views on the maturity of children. In another rhetorical move, criticizing the CRC treaty monitoring body’s interpretations of its standards, anti-rights activists argue that rights to confidentiality and privacy ultimately lead to the exploitation of children. Their logic holds that the shield of confidentiality and privacy from parents or guardians would allow children into harmful sexual education, health services, or medical decisions.³⁰⁶ The Holy See in particular strongly critiqued the concluding observations from its review by the CRC treaty monitoring body in February 2014, which highlighted ongoing and

widespread abuse of children by Catholic clergy, rather than taking responsibility and decisive action to protect the rights of children.³⁰⁷

6. Violence against women

Increasingly, anti-rights actors are attempting to infiltrate and subvert not only human rights norms, but also standards and discourses developed by women human rights defenders in particular. Recently, and very visibly in spaces devoted to women's rights, such as the Commission on the Status of Women, religious right alliances have been appropriating human rights language on violence against women (VAW), including sexual violence and violations in the context of conflict.

This infiltration employs two major discursive moves: the same focus on protection with respect to the rights of children, and the use of VAW as a sympathetic conceptual space in which to embed anti-reproductive rights arguments.

The second approach is one example of a broader discourse and strategy: the development and articulation of an 'alternative' feminism or conception of women's rights and/or equality.³⁰⁸ The Holy See played an early role in this conversation. Today, policy documents, UN events, and statements from the OIC's Women Development Organization also speak in this tenor: women's rights are not criticized for being women's rights. Instead, conservative actors portray feminist activists as advocates of a self-serving, Westernized, sexualized form of radical ideology, and themselves as advocates for 'real' women around the world, protecting their dignity and links to family and the home. In this way, they cast the feminist movement as a 'radical feminist agenda' versus anti-rights actors, who are portrayed as the true saviors of women's rights, and in some cases, of feminism.



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This trend is reflected by non-State actors, such as REAL Women of Canada,³⁰⁹ which have long been involved to some extent at the international policy level. In the past year, new organizations with a friendlier face also have started to play a visible role. Big Ocean, a membership organization with a youth orientation, which describes itself as an “international and interfaith network,” was founded by Mormon women affiliated with the Church of Latter-Day Saints in 2015.³¹⁰ They have been active at the CSW, the World Congress of Families, and the Habitat III conference in Quito. Big Ocean’s messaging is emblematic of this rebranding exercise; they describe themselves as “maternal feminists,” responding to a “small group of liberal feminists” making decisions to “move away from faith and family, and speaking as if for all women.”³¹¹ Their stated goal is to create a “massive grassroots movement” of maternal feminists who believe in “faith, family, and motherhood.”³¹²

Conservative actors portray feminist activists as advocates of a self-serving, Westernized, sexualized form of radical ideology, and themselves as advocates for ‘real’ women

On VAW and gender-based violence, CSW events and pre-Sustainable Development Goals (SDG) lobbying from religious rights groups have infused the discourse with anxiety about the future of families. At “Protecting Women and Girls in Developing Countries from Violence in the Post-2015 Agenda,” at the 2015 CSW (organized by the Forum Azzahrae for Moroccan Women, with speakers from Family Watch International) aside from a description of different forms and impacts of VAW in the Moroccan and Caribbean contexts, the conversation centred on what is allegedly missing from VAW prevention. FWI argued that a major preventative vehicle against violence is missing from the SDGs, i.e. ‘the family.’

Explicitly recruiting attendees to the UN Family Rights Caucus, Annie Franklin of FWI argued that ‘unstable’ (read: not traditional) families are the source of violence against women and children, and that fathers play a necessary and protective role in preventing violence in families. Conversely, she argued that intimate partner relationships outside the sphere of heterosexuality are risk factors for violence. The conversation included a critique of comprehensive sexual education and pornography as contributing to exploitation, trafficking, and sexual violence.

Their stated goal is to create a “massive grassroots movement” of maternal feminists who believe in “faith, family, and motherhood”

These arguments recur in the context of goal 5 (on gender equality) of the SDGs, e.g. in *Family Capital and the SDGs*, a nearly 300-page book published in 2016 by the World Congress of Families, United Families International, and the Sustainable Families Group.³¹³ Speaking of SDG target 5.2, “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation,” the co-chair of the UN NGO Committee on the Family, Lynn Walsh, argues that in achieving this target, “[p]revention within the family is key—the family is the strategic point of entry for eradicating multi-generational repetition of behaviors and beliefs found at the root of violence.”³¹⁴

Walsh reiterates many of the same talking points in substantial detail for ‘pro-family’ advocates engaged in Agenda 2030, arguing that marriage and fathers are crucial to the prevention of VAW. She also cites notions of fixed gender roles and the importance of motherhood, claiming that although fathers are bulwarks against

future violence, that they cannot replace a mother's 'special role,' as "like yin and yang, the complementarities of mothers and fathers best nurture the whole child...the evidence is robust that children benefit the most" when raised by their "happy, married, biological mother and father."³¹⁵

Increasingly, anti-rights actors are using conversations on sexual violence in conflict at the UN to forward anti-abortion arguments. For example, both in "Hidden Victims of Sexual Violence: Children Born of War," hosted by C-Fam, and the Lila Rose/Holy See/International Youth Coalition event at the 2015 CSW, speakers claimed that access to safe abortion was in opposition to women's right to protection from violence, as abortion constituted another form of violence following the initial instance of sexual violation. At the Hidden Victims event, speakers also argued that the availability of abortion services post-conflict perpetuates stigmatization of children born in the context of war.

Speakers claimed that access to safe abortion was in opposition to women's right to protection from violence, as abortion constituted another form of violence following the initial instance of sexual violation

7. Gender and 'gender ideology'

For many years³¹⁶, and today regarding a widening array of issues and rights protections, the religious right has had 'gender anxiety.' This most commonly manifests itself in UN negotiations through coordinated lobbying to remove any mention of gender in final documents, such as the Agreed Conclusions of the CSW or CPD.

The Holy See—including under Pope Francis, who described gender as "ideological colonization" in August 2016³¹⁷—has set off a massive critique of gender, 'gender ideology', 'gender radicals,' and gender theory. Allied State blocs, who read the term as code for LGBTQ rights, and Christian Right non-State actors active at the UN have echoed these critiques. The term is used by the religious

right as an omnibus concept that links together most, if not all, of their campaigns, and behind which they can rally. For example, one organization recently decried “a new radical gender ideology that is being pushed... through comprehensive sexuality education and in universities through gender studies...creating gender chaos everywhere.”³¹⁸ The notion of gender ideology is used as a broad-based tool to critique feminists, progressives, and the applicability of human rights standards to all on the basis of non-discrimination. Increasingly, the hysteria on this subject fixates on gender identity and trans rights.

The Holy See has set off a massive critique of gender, ‘gender ideology,’ ‘gender radicals,’ and gender theory

The Holy See has argued that an agenda to redefine gender “calls into question the very foundation of the human rights system.”³¹⁹ The Vatican spokesman at the Symposium of Episcopal Conferences of Africa and Madagascar has called on bishops to resist vigorously the “imposition by Western NGOs, the UN and the EU of gender theory,” describing it as an “intellectual virus” which leads to war between the sexes, the devaluation of motherhood, promotion of contraception and abortion, acceptance of homosexual partnerships and parentage, and the decline of marriage.³²⁰

The discourse emphasizes both that the religious right sees gender as an elastic and broad term that can be employed by progressives, and that anti-rights actors see an opportunity in the term under which they can shelter their sustained opposition to women’s human rights, sexual and reproductive rights, LGBTQ rights, and their argument that the traditional family is under attack and in need of dedicated rights protections. Regarding the

latter, we see Pope Francis warning in October 2016 that gender theory is part of a “global war out to destroy marriage...not with weapons but with ideas” and—again (mis)using anti-colonialist discourses—that “we have to defend ourselves from ideological colonization.”³²¹

Over the past two years, a major target of this critique of gender and ‘gender ideology’ has shifted to the rights of trans individuals, and human rights protections around gender identity. The Pope’s comments in August comparing so-called gender ideology to a form of colonization were in reference to education on trans issues being made available to children.³²² Polish bishops recently launched a campaign against gender ideology, which they argue is used to promote acceptance of same-sex relationships and the notion that “a person can voluntarily decide for themselves whether they are a man or a woman.”³²³ Gabriele Kuby, who is linked to this campaign, has argued that this trend is walking the world towards a future of statist totalitarianism.³²⁴

These arguments have started to make their way more explicitly into UN spaces. Speakers at the 2016 CSW event co-sponsored by C-Fam and REAL Women of Canada, “Political Correctness and Gender Ideology,” used similar slippery slope to totalitarianism language. They argued that anti-discrimination measures for trans individuals violate rights to freedom of expression, i.e. the right to decry these protections. Further, they argued that concepts of gender fluidity and the existence of trans people are so far from reality and our understandings of the world that in order to enforce this gender ideology the State necessarily would take on the role of thought police to control and repress cognitive dissonance amongst its citizenry. From these grave beginnings, heavy steps would bring us all, rights restriction after rights restriction, in the service of bending citizens to gender ideology’s will, to the knees of totalitarianism.

8. Complementarity and human dignity

Complementarity of the sexes is a foundational discourse today employed by a range of ultra-conservative actors and developed partially in response to feminist claims for equality.³²⁵ Its rhetoric is structured around an assumption of difference: men and women are meant to have differing but complementary roles in marriage and family life, and with respect to their engagement in the community and political and economic life.

This construction of and reference to 'natural' roles is meant to fundamentally reject universal human rights to equality and non-discrimination. It is also used to justify State and non-State violations of these rights, and non-compliance with respect to State obligations to eliminate prejudices and practices based on stereotyped roles for men or women.³²⁶ A similar discursive strategy emphasizes equity rather than equality.³²⁷

The Vatican has led attempts to embed this gender essentialist and heteronormative discourse in international policy spaces. In the context of the Commission on the Status of Women, for instance, the Holy See has argued that it supports the improvement of the status of women, *if* related international commitments are consistent with their notion of the unique role of women as mothers and/or wives. This unique role is as helpmeet and care-taker; the Vatican states that women achieve their "deepest vocation" by "placing themselves at the service of others."³²⁸ This is derived from the essential feminine and masculine traits, such as "the physical strength and focused rationality" of men, and the "emotional acuity and generosity of women,"³²⁹ where it is only "through the duality of the 'masculine' and the 'feminine' that the 'human' finds full realization."³³⁰

They argued that anti-discrimination measures for trans individuals violate rights to freedom of expression

This construction of and reference to 'natural' roles is meant to fundamentally reject universal human rights to equality and non-discrimination

The Holy See also engages in interfaith efforts to consolidate the power and reach of this problematic discourse. Indeed, in late 2014 the Congregation for the Doctrine of the Faith³³¹ co-hosted a colloquium with the Pontifical Council for Interreligious Dialogue on the “Complementarity of Men and Women in Marriage,” followed in September 2015 by a book inspired by the proceedings, *Not Just Good, but Beautiful: The Complementary Relationship between Man and Woman*.³³² Amongst the participants at this event were Henry B. Eyring, the First Counselor in the Presidency of the Church of Jesus Christ of Latter-day Saints; Russell Moore, president of the public policy arm of the Southern Baptist Convention; U.S. evangelical pastor Rick Warren; and Nicholas Okoh, Anglican Archbishop of Nigeria.³³³

The Vatican claims that complementarity entails that men and women have “equal dignity as persons,” but that this equal human dignity is *premised on and manifested in* complementary “physical, psychological, and ontological” differences

Several States also employ the complementarity discourse in international human rights spaces, such as country reviews by the Committee on the Elimination of Discrimination against Women (CEDAW Committee). Among others, Egypt, Malaysia, Pakistan, and the United Arab Emirates (UAE) have justified differential treatment of women and men under their interpretations of sharia, arguing for differing and reciprocal obligations, e.g. pointing to the responsibility of a man to support his family as justifying unequal national laws on inheritance.³³⁴ Countries, such as Saudi Arabia, have also justified policies permitting polygamy under the principle of essential difference, reasoning for instance, “[a]s

everyone knew, some men had stronger desires than their wives could meeting [sic]; they must be able to take additional wives so that they would not be tempted to satisfy their needs outside of marriage.”³³⁵

Notably, the Holy See has mobilized the complementarity discourse to subvert the concept of human dignity. In international human rights law, human rights are owed to all individuals—human rights are universal—in part on the basis of our equal and (equally) inalienable human dignity. So, the principle of human dignity has been used to demonstrate the necessity of universal rights to non-discrimination.

In contrast, the Vatican claims that complementarity entails that men and women have “equal dignity as persons,” but that this equal human dignity is *premised on and manifested in* essential and complementary “physical, psychological, and ontological” differences.³³⁶ In this way, this discourse attempts to reverse the meaning of the human rights principle of human dignity—to justify difference and stereotyping rather than equality and freedom. Along with the Vatican, U.S.-originating Christian Right organizations, such as the World Youth Alliance, also work to co-opt the principle of human dignity³³⁷, arguing that human dignity arises from the moment of conception and that abortion is therefore a violation of dignity.

The Russian Orthodox Church has also focused significant attention towards a re-appropriation of the concept of human dignity, as mentioned above. Clarification and definition of the concept were a central focus of the Moscow Patriarchate’s engagement with human rights and development of its human rights doctrine in 2008.³³⁸ The ROC’s “Basic Teaching on Human Dignity, Freedom and Rights” states that “a human being preserves his God-given dignity and grows in it *only if* he lives in accordance with moral norms.”³³⁹

The Teaching goes on to say that “there is a direct link between human dignity and morality” and that the

“acknowledgment of personal dignity implies the assertion of personal responsibility” because moral norms express the “primordial and therefore authentic human nature not darkened by sin.”³⁴⁰ The direct link established between human dignity and morality, and relatedly, to personal responsibility (i.e. to live a ‘moral life’), provides a discursive vehicle for anti-rights actors to define the fulfillment of rights related to gender and sexuality as immoral and thus incompatible with human dignity and universal human rights.

9. National sovereignty and anti-imperialism

Urged on by wealthy elites, western powers...demand that nations change their laws and policies in profoundly unwise and dangerous ways to embrace the agenda of the secular left—abortion on demand, an abandonment of marriage, acceptance of polygamy, normalizing pedophilia, transgenderism, stripping children of their inherent right to a mother and a father, etc.

– World Congress of Families³⁴¹

A host of anti-rights actors regularly use references to national sovereignty at the UN as part of an attempt to push back against the universality of human rights, and limit State responsibility to respect, protect, and fulfill rights. Ultra-conservative State and non-State actors also attempt to appropriate discourses of anti-imperialism in international policy spaces to strengthen their legitimacy and appeal and widen their base. Ironically, as indicated above, the majority of religious right CSOs active in the international sphere which employ this rhetoric are based in North America and work to export hate worldwide.³⁴²

Ultra-conservative State and non-State actors also attempt to appropriate discourses of anti-imperialism in international policy spaces to strengthen their legitimacy and appeal and widen their base

The discourse of citing national sovereignty as an opt-out clause³⁴³ is a key feature of anti-rights actors' strategy. As part of its outreach and training, for example, U.S.-based Family Watch International circulates a policy brief entitled "Threats to National Sovereignty: UN Entities Overstepping Their Mandates."³⁴⁴ Human rights norms, processes, and activists are framed as fundamentally elitist and/or Western in this rhetoric. Furthermore, they argue that national governments are at risk of being undermined by "rogue UN agencies, Special Rapporteurs and treaty monitoring bodies...attempting to create new rights to which UN Member States have not consensually agreed."³⁴⁵

This discourse suggests that national governments are being unjustly targeted—"unwarranted intervention in [our] domestic affairs"³⁴⁶—by UN bodies, and by other States acting through the UN. As in many arguments employed by anti-rights actors at the international level, this is an attempt to shift the subject of human rights from the individual or marginalized community to a powerful and/or regressive institution or superstructure. In this way, ultra-conservative actors sometimes frame this dynamic as *a State's right* of national sovereignty, which is imperiled by multilateral processes and bodies.

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According to this construct, the threatened national government and State representative-determined 'values' are at risk and in need of protection; this stands in contrast to the State bearing responsibility to protect and implement the rights of individuals and affected groups within their jurisdiction. Thus, a clash of civilizations framing is consciously wielded in international policy

circles. This has the dual effect of replicating geopolitics and holding fundamental rights and freedoms hostage to power plays between States, whilst the rights of individuals and marginalized communities are sacrificed. In short, the State is strengthened at the expense of its citizens' rights.

A number of anti-rights actors attempt to bolster their arguments for national sovereignty through references to colonialism. In this way, actors based in the global North working to export their ideologies and policies worldwide³⁴⁷, and often authoritarian governments, cynically appropriate the language of anti-imperialist movements to limit rights. The Vatican, for example, describes gender ideology as ideological colonialism, backed by "very influential countries."³⁴⁸

10. Religious freedom

Mirroring recent developments in several national contexts, anti-rights actors in international human rights spaces have taken up the discourse of freedom of religion in order to justify violations of rights related to gender and sexuality, and violations of the universality of rights. Yet, ultra-conservative actors refer to religious freedom in a way that directly contradicts the purpose of this human right and fundamentally conflicts with the principle of the universality of rights.

The argument is that religious liberty is threatened and undermined by outside forces and other human rights, particularly those related to gender and sexuality. Under this theory, protecting, promoting, and fulfilling rights to non-discrimination block the right to religious freedom. For instance, with respect to a UN Declaration condemning discrimination and violence on the basis of sexual orientation or gender identity, the Vatican spokesperson to the UN stated, "[T]his could clearly become an instrument of pressure or *discrimination*,"

against those who believe that marriage between a man and a woman is “the fundamental and original form of social life, and...that it should have a privileged place.”³⁴⁹ Neatly put, condemnation of discrimination on the basis of sexual orientation or gender identity is tantamount to discrimination against religion or the religious.

At the UN, States have manipulated allusions to religion in an attempt to limit rights protections, especially for religious minorities, women, and girls, and those with non-conforming gender or sexuality. Reservations to The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Member State responses to the CEDAW Committee’s reviews regularly employ references to religion to justify non-compliance, especially with regard to equitable family laws.³⁵⁰ Further, the focus of the defamation of religion resolutions at the Human Rights Council, sponsored by the OIC, was to protect religion from harm done by freedom of expression in the same manner as national-level blasphemy laws—and as such, to limit that right. These resolutions argued that “respect of religions and their protection from contempt is an essential element” of the right to “freedom of thought, conscience and religion,”³⁵¹ i.e. that the right of freedom of religion entails protection of and respect for religion as such.

These are examples of a deep and persistent reframing and co-optation of the existing human right to freedom of thought, conscience, and religion. While at times the anti-rights discourse posits a ‘right’ to oppress—i.e. that the requirement not to discriminate against others is in itself discriminatory—as central to their presentation of religious liberty, the central move is to suggest that the right to freedom of religion is intended to protect a religion rather than those who are free to hold or not hold different religious beliefs. As the UN Special Rapporteur on freedom of religion and belief has expressed on multiple occasions, the right protects believers, not beliefs:



The focus of the defamation of religion resolutions at the Human Rights Council, sponsored by the OIC, was to protect religion from harm done by freedom of expression in the same manner as national-level blasphemy laws

In line with the human rights approach in general, and article 1 of the Universal Declaration of Human Rights in particular, freedom of religion or belief always protects human beings in their freedom and equality in dignity and rights...freedom of religion or belief protects “believers rather than beliefs.”³⁵²

Indeed, the human right to freedom of thought, conscience, and religion includes the right not to profess any religion or belief³⁵³, or to change one’s religion or belief.³⁵⁴ Human rights law further holds that freedom to manifest one’s religion is subject to limitations, including those that are necessary to protect the “fundamental rights and freedoms of others.”³⁵⁵ The right to freedom of religion in the International Covenant on Civil and Political Rights was expressly determined not to be relied

The human right to freedom of thought, conscience, and religion includes the right not to profess any religion or belief, or to change one’s religion or belief

upon to justify discrimination against women.³⁵⁶

In many ways, the anti-rights discourse on freedom of religion represents a familiar gambit: co-opting human rights language to shift the subject of rights and endow already powerful States and ideologies with more power. When confronted with these persistent acts of reappropriation, it is relevant to recall that the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social, and Cultural Rights state that no rights included in these instruments shall be interpreted as implying for any State, group, or person any right to engage in any activity aimed at the destruction of any of the rights and freedoms recognized therein.³⁵⁷

11. Right to culture and traditional values

The deployment of references to culture and tradition to undermine human rights, including the right to equality, is a common tactic amongst anti-rights actors at national, regional, and international levels. Culture is considered monolithic, static, and immutable; further, culture is often presented as characteristic of non-Western persons rather than a universal phenomenon, or in opposition to ‘Western norms.’ With respect to human rights, this conception of culture is held up in opposition to the rights of women and individuals with non-conforming genders or sexualities: cultural rights as an obstacle to rights related to gender and sexuality.

Culture is considered monolithic, static, and immutable; further, culture is often presented as characteristic of non-Western persons rather than a universal phenomenon

Allusions to culture by anti-rights actors in international policy debates generally aim to undermine the universality of rights, arguing for cultural relativism that trumps or limits rights claims. In the 2016 Human Rights Council resolution on sexual orientation and gender identity, for example, several States pushed amendments:

Reiterating the importance of respecting regional, cultural and religious value systems as well as particularities in considering human rights issues...

and,

Underlining the fundamental importance of respecting relevant domestic debates at the national

level on matters associated with historical, *cultural, social and religious sensitivities*.³⁵⁸

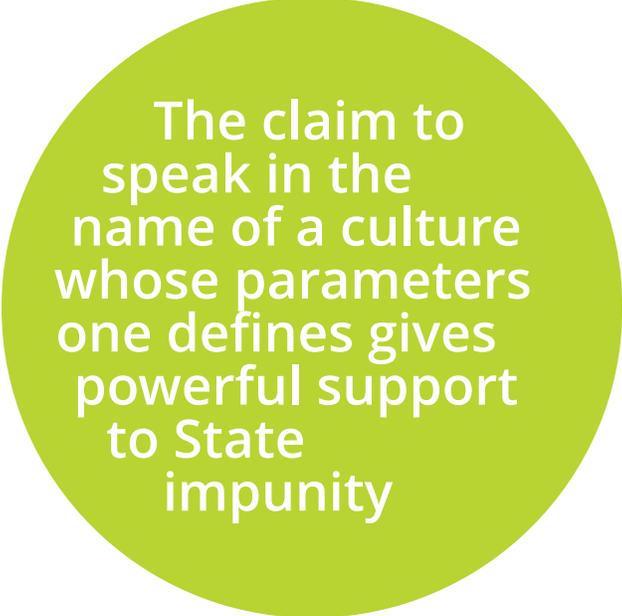
The emphasis on a monolithic conception of culture was especially clear in the 2016 Protection of the Family resolution at the Human Rights Council, which stated:

*The family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society.*³⁵⁹

In this discourse culture is represented as something rigid and of a fixed nature: how else can it be preserved? Member States are left to interpret the definition, content, and breadth of what is referred to as cultural identity and traditions, cultural sensitivities, and cultural value systems. The claim to speak in the name of a culture whose parameters one defines (as patriarchal, heteronormative) gives powerful support to State impunity. It also claims that gender stereotyping and discriminatory practices and policies are justified in the name of culture.

The resolutions and rhetoric around traditional values at the UN pushed this discourse further, calling for human rights not only to be limited by culture, but for traditional values to operate by 'guiding the interpretation' of human rights. While the former move functions to create ostensibly justified opt-outs and derogations from fundamental human rights, the latter attempts to ground all rights in a conservative framework.

Spearheaded by Russia, a series of resolutions on traditional values were passed by the UN Human Rights Council in 2009, 2011, and 2012. Resolution 16/3³⁶⁰ called for a reinterpretation of human rights in accordance with traditional values and for setting up an Advisory Committee to make recommendations to the Council in a study "on how a better understanding and appreciation" of traditional values could "contribute to the promotion and protection of human rights."³⁶¹ As mentioned above, rhetoric around traditional values was



The claim to speak in the name of a culture whose parameters one defines gives powerful support to State impunity

central to the Russian Orthodox Church's nascent co-optation of the language of rights, grounding human rights in traditional morality and arguing that the source of human rights is "traditional values rooted in...world religions."³⁶²

The 2012 resolution, for example, stated that "a better understanding and appreciation of traditional values" would "contribute to promoting and protecting human rights...worldwide;"³⁶³ that traditional values "can be practically applied in the promotion and protection of human rights;"³⁶⁴ and that traditional values have a role in the "development of human rights norms and standards."³⁶⁵

This discourse was criticized by treaty bodies, Special Procedures mandate holders, and the OHCHR. In addition, the Advisory Committee study flagged several ways in which it was incompatible with international human rights:

[P]erceptions of what constituted 'traditional values' were highly subjective and dependent on societal power structures...some practices and attitudes at odds with human dignity were derived from traditional values. Tradition is often invoked to justify maintaining the status quo, failing to take into account the reality that traditions, cultures and social norms have always evolved...a human-rights approach, by contrast, often requires changes to the status quo in order to ensure compliance with international human rights standards.³⁶⁶

The Advisory Committee went on to highlight:

Those who benefit most from the status quo are more likely to appeal to tradition to maintain power and privilege, and also to speak on behalf of tradition, while those most marginalized and disenfranchised have the most to lose from a traditional values approach to human rights.³⁶⁷

Ultimately, the traditional values and cultural rights discourses employed by anti-rights actors operate to crush dissent and dynamism, justify human rights violations, and promote discrimination through strategic ambiguity and appropriation of human rights language.

Those who benefit most from the status quo are more likely to appeal to tradition to maintain power and privilege, and also to speak on behalf of tradition

Yet international human rights law clearly demonstrates that invocations of culture or tradition cannot justify violations of human rights, including rights related to gender and sexuality. The Human Rights Committee stresses, "State Parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality."³⁶⁸ Both the Vienna Declaration and Programme of Action (VDPA) and the Beijing Declaration and Platform for Action hold that "it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect *all* human rights and fundamental freedoms."³⁶⁹ What's more, as the Advisory Committee flagged, States have a positive obligation to take "sustained and systemic action to modify or eliminate stereotypes and negative, harmful and discriminatory practices justified by traditional values."³⁷⁰ This obligation is mirrored in the VDPA and called for by article 5 of the CEDAW Convention.³⁷¹

It is also significant that anti-rights actors' evocation of cultural rights is founded on a *purposeful misrepresentation* of the content of human rights related to culture. According to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, cultural diversity can be protected only when fundamental freedoms are guaranteed³⁷², rather than eroded or derogated, and no one may invoke cultural

diversity to infringe upon human rights nor to limit their scope.³⁷³

The Universal Declaration of Human Rights³⁷⁴ and the International Covenant on Economic, Social, and Cultural Rights³⁷⁵ both recognize the right to take part in or participate in cultural life. In a similar move to the discourse on religious freedom, ultra-conservative actors portray cultural rights as protecting an immutable culture rather than individual and marginalized communities' access to and participation in cultural life. The subject of the right is not (a monolithic understanding of) culture, and all individuals have the right to take part in or participate in cultural rights on a basis of equality³⁷⁶ and non-discrimination. Individuals have the right to participate in all aspects of social and cultural life³⁷⁷ and the right of access to cultural life.

The right to take part in cultural life in international human rights law can be characterized as a freedom. For this right to be ensured, it requires positive action from the State party, i.e. ensuring preconditions for participation, facilitation, and promotion of cultural life, and access to and preservation of cultural goods. Further, "cultural life" in the context of this right refers to "culture as a living process, historical, dynamic, and evolving."³⁷⁸

Rather than operating as a block on rights related to gender and sexuality, human rights law calls for the equal enjoyment of cultural rights, including by women, religious, and racial minorities, and those with non-conforming gender and sexuality. It is essential for States to ensure that they have access to, participate in, and contribute to all aspects of cultural life, as the Special Rapporteur in the field of cultural rights emphasizes³⁷⁹. This includes the right to actively engage in identifying and interpreting cultural heritage and to decide which cultural traditions, values, or practices are to be kept, reoriented, modified, or discarded.³⁸⁰



Ultra-conservative actors portray cultural rights as protecting an immutable culture rather than individual and marginalized communities' access to and participation in cultural life

12. Universal or fundamental human rights

Ultra-conservative actors also attempt to use the language of universality to subvert its principles. The universality of rights is a fundamental principle of international human rights law. As the Vienna Declaration and Programme of Action states:

*All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights...in a fair and equal manner, on the same footing, and with the same emphasis.*³⁸¹

As noted above, the Vienna Declaration demonstrates that the universality of rights cannot be undermined by limitations justified by reference to culture or religion, i.e.

*[I]t is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.*³⁸²

However, anti-rights actors in international policy spaces increasingly manipulate references to universal or fundamental human rights to reverse the meaning of the universality of rights; indeed, this central discourse underpins several of their initiatives. As noted briefly above, these terms are then used to describe not the entirety of indivisible and interrelated human rights, to be treated equally and with the same emphasis, but to delineate and describe a subset of human rights as *truly* fundamental, whilst other rights are framed as subject to State discretion, 'new' or optional. This discourse is especially powerful, as their category of the truly universal remains unarticulated and ambiguous. In this way, regressive actors can exclude anything from the unknown black box of fundamental human rights once they see it conflicting with their agenda.

At the negotiations on the Agreed Conclusion of the 2015 Commission on the Status of Women, for example, the Holy See repeatedly suggested the use of the word fundamental before any mention of human rights, and has previously used the same approach with the term universal.³⁸³ The intention in this context is to attempt to exclude human rights norms and instruments that recognize a range of sexual and reproductive rights. Word play with terms deriving from universality recently featured in a number of negotiations. The hostile amendments to the resolution on sexual orientation and gender identity at the Human Rights Council in 2016³⁸⁴ notably employed this language to chip away at the universality of rights. Pakistan, on behalf of the OIC States aside from Albania, proposed 11 amendments to the SOGI resolution, including the following two, which were among those retained in the final text:

*Concerned by any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters, including private individual conduct, that fall outside the internationally agreed human rights legal framework, and taking into account that such attempts constitute an expression of disregard for the universality of human rights.*³⁸⁵

And,

*...[T]he present resolution should be implemented while ensuring respect for the sovereign right of each country as well as its national laws...the various religious and ethical values and cultural backgrounds of its people, and should also be in full conformity with universally recognized international human rights.*³⁸⁶

The latter amendment brings in common anti-rights discourses on sovereignty, culture, and religion, and attempts to use 'universally recognized' to limit the set of rights under discussion. The former amendment takes

the co-optation of universality further, suggesting first that attempts are being made to impose concepts and norms that fall outside of the human rights framework, and second that the imposition of new rights in itself constitutes a violation of the universality of human rights. This is an attempt to reinvent the very meaning of universality.

Ultra-conservative actors also attempt to use the language of universality to subvert its principles

A number of different actors employ this discursive strategy on the international stage, and feature it prominently as part of anti-rights training. Alliance Defending Freedom (ADF) International, for instance, recently circulated a white paper entitled “The Rise of Faux Rights: How the UN went from recognizing inherent freedoms to creating its own rights,” which includes amongst its plan of action to “ensure that the OHCHR, treaty bodies, and the Universal Periodic Review focus exclusively on universally agreed, fundamental rights.”³⁸⁷



Ultra-conservative actors also attempt to use the language of universality to subvert its principles.

- 246 Juan Marco Vaggione, *Reactive Politicization and Religious Dissidence: The Political Mutations of the Religious*, Social Theory and Practice, Vol. 31, No.2 (April 2005).
- 247 Doris Buss and Didi Herman, *Globalizing Family Values: The Christian Right in International Politics*, 2003.
- 248 Jennifer S. Butler, *Born Again: The Christian Right Globalized*, 2006.
- 249 *ibid*
- 250 UN Doha Declaration, 2004, <http://www.difi.org.qa/about-difi/doha-declaration/doha-declaration>.
- 251 "The family plays a crucial role in the *preservation of cultural identity, traditions, morals, heritage* and the values system of society." (emphasis added)
- 252 Please see below for more on the 2016 resolution (32/23). The full title of resolution 32/23 is *Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities*, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.35
- 253 See also the joint Special Rapporteur 2015 statement and letter to the President of the HRC on the ways in which the 'protection of the family' resolution fails to respect State obligations on the right to equality in families, <http://www.ohchr.org/Documents/Issues/Women/WRGS/JointLetterPresidentHRCProtectionFamily.pdf>
- 254 See e.g. UN Human Rights Council, *Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities* : resolution / adopted by the Human Rights Council, 18 July 2016, A/HRC/RES/32/23, paragraphs 5 and 11.
- 255 Available at <https://civilsocietyforthefamily.org/>.
- 256 Available at <http://www.worldfamilydeclaration.org/>.
- 257 Group of Friends of the Family, *Statement in Support of the Family*, May 2016, http://www.familywatchinternational.org/fwi/documents/GoFF_May_2016.pdf.
- 258 Family Watch International, *Various Forms of the Family*, http://www.familywatchinternational.org/fwi/documents/fwipolicybrief_Various_Forms_000.pdf
- 259 Family Watch International, *Binding Obligations of States to Protect the Family*, http://www.familywatchinternational.org/fwi/documents/fwipolicybrief_Binding_Obligations_updated.pdf.
- 260 The agenda and concept note for the intersessional seminar ('Intersessional Seminar on the protection of the family and disability'), which took place in February 2017, are available at <http://www.ohchr.org/EN/HRBodies/HRC/Pages/IntersessionalSeminarProtectionFamilyDisability.aspx>.
- 261 UN Human Rights Council, *Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities* : resolution / adopted by the Human Rights Council, 18 July 2016, A/HRC/RES/32/23, para 24.
- 262 *Ibid*, para 25.
- 263 Soft international law refers to rules and documents that are not strictly legally binding or enforceable, but that hold normative and persuasive power.
- 264 ICCPR article 6(1). The full article reads:
 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
 4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon, or commutation of the sentence of death may be granted in all cases.
 5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
 6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.
- 265 UDHR article 3, "[e]veryone has the right to life, liberty and security of person."
- 266 Amy L Coates, Peter S Hill, Simon Rushton & Julie Balen, *The Holy See on sexual and reproductive health rights: conservative in position, dynamic in response*, *Reproductive Health Matters*, 22:44, 114-124 (2014).
- 267 Holy See, *Statement at the 7th Ordinary session of the Human Rights Council on the report of the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health*, A/HRC/7/11. 11 March 2008, http://www.vatican.va/roman_curia/secretariat_state/2008/documents/rc_seg-st_20080311_health-care_en.html; and Holy See, *Explanation of position on the resolution of the 65th Session of the GA on global health and foreign policy*. A/RES/65/L.27. 9 December 2010, <http://www.holyseemission.org/statements/statement.aspx?id=81>.
- 268 Family Watch International, *Written Contribution for the Half Day of Discussion on General Comment No.26 – Article 6: Right to Life*, June 2015.
- 269 Programme of action of the International Conference on Population and Development, 1994, Chapter II, principle 1.
- 270 UN Convention on the Rights of the Child, 1990, Article 6.1: States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.
- 271 UN Convention on the Rights of the Child, Preamble: Bearing in mind that, as indicated in the Declaration of the Rights of the Child, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.
- 272 *ibid*
- 273 In the *travaux préparatoires*, the proposed and rejected text read, "the right to life is inherent in the human person from the moment of conception."
- 274 The European Court of Human Rights has declined to find that a fetus enjoys the right to life. See e.g. *A, B and C v. Ireland*, 2010, and *Open Door and Dublin Well Woman v. Ireland*, 1992.

- 275 For more discussion, please see Center for Reproductive Rights, *Written Contribution to the Human Rights Committee Day of General Discussion: General Comment on Article 6*, June 2015. The text of the American Convention protects the right to life “in general, from the moment of conception” (emphasis added).
- 276 The ongoing campaign is organized by Family Watch International. It aims to block and defund comprehensive sexuality education, and calls upon teachers, school administrators, and government bodies at the local, national, regional, and international levels to join in this effort.
- 277 Stop CSE Campaign, *CSE Violates Parental Rights*, <http://www.comprehensivesexualityeducation.org/parental-rights/>
- 278 Stop CSE Campaign, *CSE Promotes Disrespect for Parents and Religious and Cultural Values*, <http://www.comprehensivesexualityeducation.org/how-comprehensive-sexuality-education-cse-harms-children/cse-denigrates-the-religious-and-cultural-values-of-their-parents-or-community-if-they-teach-any-restraints-on-sexual-behavior/>
- 279 Stop CSE Campaign, *What is CSE?*, <http://www.comprehensivesexualityeducation.org/what-is-cse/>
- 280 *ibid.*
- 281 E.g. that “the higher suicide rates of homosexuals, allegedly caused by homophobia, may be caused by problems inherent in homosexual behavior instead,” that “promiscuous sexual lifestyle contributes to health disparities,” and so on.
- 282 See e.g. Family Watch International, *Protecting Children from the Sexual Rights Revolution*, 2015.
- 283 E.g. Family and Life, Howard Center.
- 284 E.g. Brigham Young University, in Provo, Utah.
- 285 ARC International, *An Analysis of the Hostile Amendments*, 2016, <http://arc-international.net/global-advocacy/human-rights-council/32nd-session-of-the-human-rights-council/appointing-an-independent-expert-on-sexual-orientation-and-gender-identity-an-analysis-of-process-results-and-implications/iii-understanding-the-e-sogi-resolution-2016/an-analysis-of-the-hostile-amendments/>
- 286 For more discussion on the discourse around the universal/universality, please see below and the sub-section under ‘opposition discourses’.
- 287 For more on this discourse, please see the sub-section below.
- 288 *Amendment L.78 to draft resolution A/HRC/32/L.2/Rev.1 - 32/... Protection against violence and discrimination based on sexual orientation and gender identity*, A/HRC/32/L.78, June 2016.. Note that this amendment passed with a majority vote and is now part of the final draft of the 2016 SOGI resolution, situated in the preamble.
- 289 Public Research Institute Staff, *UN Agenda Targets Refugees: High Commissioner takes up population control*, November 1997, <https://www.pop.org/un-agenda-targets-refugees-un-high-commissioner-takes-up-population-control/>.
- 290 Concerned Women for America, *Concerned Women for America Disputes Population Myth*, October 1998.
- 291 Population Research Institute, *Population Control and the New Global Racism*, PRI Weekly News Briefing, October 1999.
- 292 See e.g. Family Watch International, *Protecting Children from the Sexual Rights Revolution*, 2015.
- 293 *ibid.*
- 294 See e.g. Doris Buss and Didi Herman, *Globalizing Family Values: The Christian Right in International Politics*, 2003.
- 295 Family Watch International, *Protecting Children from the Sexual Rights Revolution*, 2015.
- 296 <http://www.theunchoice.com/suicide.htm>
- 297 Family Watch International, *Protecting Children*, 2015.
- 298 Family Watch International, *Declaration on the Rights of Children and their Families: A Call from the Children of the World (Declaration)*, http://www.familywatchinternational.org/fwi/declaration_on_the_rights_of_children.cfm
- 299 Declaration, Article IV. The article reads: Recognizing that parents have the primary responsibility for the upbringing and development of the child (CRC Art. 18); and that parents have a prior right to choose the kind of education that shall be given to their children (UDHR Art. 26(3)); and that only in cases of extreme abuse or neglect shall the State have the right to intervene in the parent/child relationship (CRC Art. 9); we call upon States Parties and the United Nations system to respect family autonomy and the responsibilities, rights and duties of parents to direct the upbringing of their children (CRC Art. 3, 5 & 18; ICPD (1994), II, Principle 11).
- 300 UN General Assembly, *Convention on the Rights of the Child (CRC)*, 20 November 1989, United Nations, Treaty Series, vol. 1577, article 3.
- 301 CRC article 5: “States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.”
- 302 For example, *The Rights Of The Child: Parents, Science and Experience*, Conference, October 2016, <http://www.un.org/webcast/pdfs/161007am-child-belarus.pdf> . See also the Declaration, articles II: “each child has the right to a family” and III: “each child has the right to a married mother and father”, full text available at http://www.familywatchinternational.org/fwi/declaration_on_the_rights_of_children.cfm
- 303 Family Watch International, *Protecting Children*, 2015.
- 304 *ibid.*
- 305 *ibid.*
- 306 *ibid.*

- 307 The CRC Committee stated, for example, its particular concern that “in dealing with allegations of child sexual abuse, the Holy See has consistently placed the preservation of the reputation of the Church and the protection of the perpetrators above children’s best interests, as observed by several national commissions of inquiry.” UN Committee on the Rights of the Child (CRC), *Concluding observations on the second periodic report of the Holy See*, 31 January 2014, CRC/C/VAT/CO/2,,para 29.
- 308 In the case of some anti-rights actors, such as REAL Women of Canada, the framing is of “different approaches to achieving equality.” In contrast, other actors such as the Holy See and OIC states emphasize and promote equity or complementarity instead of equality. These discourses are explored in greater detail below.
- 309 See e.g. <http://www.realwomenofcanada.ca/about-us/>. REAL Women of Canada are especially active in planning parallel events at the CSW in connection with other North American Christian Right organizations. In their words, “*Most women agree with the concept of equality for women, but there are different approaches to achieving equality.* REAL Women believes the social and economic problems of women can be resolved only by considering the effects on family life and society as a whole. We believe the family is the basic unit in society, it is the ideal model to nurture the young, protect the vulnerable and care for the elderly” (emphasis added).
- 310 See e.g. *Big Ocean Women, Founded by LDS to Promote ‘Maternal Feminism’*, https://www.reddit.com/r/latterdaysaints/comments/42ahn7/big_ocean_women_founded_by_lds_women_to_promote/ and Big Ocean Women, About Us, <http://www.bigoceanwomen.org/about-us/>
- 311 Big Ocean Women, About Us, <http://www.bigoceanwomen.org/about-us/>
- 312 *ibid.*
- 313 The full text is available online at http://www.familycapital17sdgs.org/wp-content/uploads/2016/10/FamilyCapital.SDGs_Book_.2016.09.08.pdf (Susan Roylance, Family Capital and the SDGs Implementing the 17 Sustainable Development Goals, Sustainable Families Group, United Families International, World Congress of Families, 2016).
- 314 *ibid.*
- 315 *ibid.*
- 316 The Vatican was active in advocacy on this topic during the 1995 Beijing negotiations; preoccupation and concerns with gender also furthered its alliances with OIC States during that and subsequent negotiations.
- 317 Associated Press, *Pope Complains Schools Are Telling Children They Can Choose Their Gender*, The Guardian, August 2016, <https://www.theguardian.com/world/2016/aug/02/pope-complains-gender-children-schools-telling-choose>.
- 318 Family Watch International, *Protecting Children*, 2015.
- 319 Mary Ann Case, *After Gender the Destruction of Man? The Vatican’s Nightmare Vision of the ‘Gender Agenda’ for Law*, 31 Pace Law Review 802 (2011).
- 320 See John L. Allen, Jr., *Secularism, Africa and Characters in Rome*, Nat’l Cath. Rep. (August 2010).
- 321 Samuel Osborne, *Pope Francis says gender theory is part of a ‘global war’ on marriage and family*, The Independent, October 2016, <http://www.independent.co.uk/news/people/pope-francis-catholic-church-gender-theory-global-war-traditional-marriage-family-a7341226.html>
- 322 “Pope Francis has lamented that children are being taught at school that gender can be a choice.” *Pope Complains Schools Are Telling Children They Can Choose Their Gender*, The Guardian, August 2016, <https://www.theguardian.com/world/2016/aug/02/pope-complains-gender-children-schools-telling-choose>
- 323 Vince Chadwick, *Poland’s Catholics and socially liberal clash on ‘gender ideology’*, Sydney Morning Herald, January 2014, <http://www.smh.com.au/world/polands-catholics-and-socially-liberal-clash-on-gender-ideology-20140110-30mg2.html>
- 324 Hilary White, *Radical ‘gender’ paradigm could be leading to global totalitarianism*, LifeSite, September 2014, <https://www.lifesitenews.com/news/radical-gender-paradigm-could-be-leading-to-global-totalitarianism-author>
- 325 The current form of the doctrine of complementarity is an invention of the twentieth century. For more, see Mary Anne Case, *The Role of the Popes in the Invention of Complementarity and the Vatican’s Anathematization of Gender*, Online Religion and Gender (2016).
- 326 UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979, A/RES/34/180, Article 5(a).
- 327 For more on the distinctions between equality and equity, please see Sida, *Gender Tool Box – Brief: Gender Equality and Gender Equity*, November 2016, available at <http://www.sida.se/contentassets/3a820dbd152f4ca98bacde8a8101e15/brief-hot-issue-equity-equality.pdf>
- 328 Holy See, *Report of the Holy See in Preparation for the Fourth World Conference on Women*, 1995.
- 329 Aurora C Griffin, *The Complementarity of Men and Women, Across the Religious Spectrum*, The Catholic World Report, September 11, 2015, http://www.catholicworldreport.com/Item/4158/the_complementarity_of_men_and_women_across_the_religious_spectrum.aspx
- 330 John Paul II, *Letter to Women*, 1995.
- 331 The Congregation develops initiatives to “spread sound doctrine and defend those points of Christian tradition which seem in danger because of new and unacceptable doctrines.” Congregation for the Doctrine of the Faith, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_pro_14071997_en.html.
- 332 Steven Lopes, Helen Alvaré (editors), *Not Just Good, but Beautiful: The Complementary Relationship between Man and Woman*, Plough Publishing House, September 2015, <http://www.plough.com/en/topics/life/marriage/not-just-good-but-beautiful>.
- 333 Peter Montgomery, *Religious Right Leaders Join Vatican Man-Woman Marriage Event*, Right Wing Watch, November 2014, <http://www.rightwingwatch.org/post/religious-right-leaders-join-vatican-man-woman-marriage-event/>.
- 334 Musawah, *CEDAW and Muslim Family Laws*, 2011.
- 335 *Ibid.*

- 336 See Mary Anne Case, *The Role of the Popes in the Invention of Complementarity and the Vatican's Anathematization of Gender*, Online Religion and Gender (2016).
- 337 See for e.g., <https://www.wya.net/about-wya/history/>. See also the Human Dignity Curriculum launched in 2015.
- 338 Kristina Stoeckl, *The Russian Orthodox Church and Human Rights*, Routledge Press, 2014.
- 339 Russian Orthodox Church, *Basic Teaching on Human Dignity, Freedom and Rights*, section I (emphasis added), <https://mospat.ru/en/documents/dignity-freedom-rights/>
- 340 *ibid.*
- 341 World Congress of Families newsletter, August 26, 2016
- 342 As discussed above. See also, Public Research Associate's 'Globalizing the Culture Wars', <http://www.politicalresearch.org/wp-content/uploads/downloads/2012/11/africa-full-report.pdf>; and 'Colonizing African Values,' <http://www.politicalresearch.org/wp-content/uploads/downloads/2012/10/Colonizing-African-Values.pdf>
- 343 I.e. making reference to 'national sovereignty' in order to suggest or argue that the State in question is not required to respect, protect and fulfill the relevant area of international human rights law.
- 344 Available at http://www.familywatchinternational.org/fwi/documents/fwipolicybrief_National_Sovereignty.pdf. Similarly, see also the Plan of Action in http://www.familywatchinternational.org/fwi/documents/Rise_of_Faux_Rights_ADF.pdf
- 345 *ibid.*
- 346 *ibid.*
- 347 See e.g. Nathalie Baptiste, *It's Not Just Uganda: Behind the Christian Right's Onslaught in Africa*, Foreign Policy In Focus, April 2014, <http://fpif.org/just-uganda-behind-christian-rights-onslaught-africa/>.
- 348 Associated Press, *Pope complains schools are telling children they can choose their gender*, August 2016, <https://www.theguardian.com/world/2016/aug/02/pope-complains-gender-children-schools-telling-choose>
- Father Federico Lombardi, emphasis added, Kate Childs Graham, *The Cynical Use of "Freedom Of Religion"*, Religion Dispatches, June 2009, <http://religiondispatches.org/the-cynical-use-of-freedom-of-religion/>
- See Musawah, *CEDAW and Muslim Family Laws*, 2011, pg 12, http://www.peacewomen.org/assets/file/Resources/NGO/wps_cedawandmuslimfamilylaws_march2011.pdf
- A/HRC/7/L.15, March 2008, para 10. "Emphasizes that respect of religions and their protection from contempt is an essential element conducive for the exercise by all of the right to freedom of thought, conscience and religion."
- A/68/290, para 23, emphasis added. See also the SR on freedom of religion and the SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in their 2006 report, A/HRC/2/3, para 37.
- UN Human Rights Committee, General Comment 22.
- Universal Declaration of Human Rights, article 18.
- UN General Assembly, *International Covenant on Civil and Political Rights (ICCPR)*, 16 December 1966, United Nations, Treaty Series, vol. 999, article 18(3).
- UN Human Rights Committee, General Comment 28. "[A]rticle 18 [of the Covenant] may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion."
- See UDHR, article 30; ICCPR, article 5; and ICESCR, article 5.
- 358 UN Human Rights Council, *Protection against violence and discrimination based on sexual orientation and gender identity: resolution I* adopted by the Human Rights Council, 15 July 2016, A/HRC/RES/32/2, emphasis added.
- 359 HRC, 2016 Protection of the Family resolution, emphasis added.
- 360 UN Human Rights Council, *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: resolution I* adopted by the Human Rights Council, 8 April 2011, A/HRC/RES/16/3, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/16/3
- 361 UN Human Rights Council, *Study of the Human Rights Council Advisory Committee on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, 6 December 2012, A/HRC/22/71, http://www.ohchr.org/documents/HRBodies/HRCouncil/AdvisoryCom/Session10/A.HRC.22.71_en.pdf
- 362 See further the section on the Russian Orthodox Church above.
- 363 UN Human Rights Council, *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices*, 21 September 2012, A/HRC/21/L.2, para 1.
- 364 *Ibid.*, para 4.
- 365 *Ibid.*, preamble.
- 366 UN Human Rights Council, *Study of the Human Rights Council Advisory Committee on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, 6 December 2012, A/HRC/22/71, para 40.
- 367 *Ibid.*
- 368 UN Human Rights Committee (HRC), *CCPR General Comment No. 28*, 29 March 2000, CCPR/C/21/Rev.1/Add.10 (interpreting the binding International Covenant on Civil and Political Rights).

- 369 UN General Assembly, *Vienna Declaration and Programme of Action*, 12 July 1993, A/CONF.157/23, and Beijing Programme for action Chapter II, para 9.
- 370 UN Human Rights Council, *Study of the Human Rights Council Advisory Committee on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, 6 December 2012, A/HRC/22/71, para 76.
- 371 CEDAW, article 5a. Reading in full: "State Parties shall take all appropriate measures...[t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."
- 372 Article 2(1) of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, <https://en.unesco.org/creativity/node/4436>.
- 373 *ibid*, article 4.
- 374 UDHR, article 27(1). "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."
- 375 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, 16 December 1966, United Nations, Treaty Series, vol. 993, article 15(1)(a).
- 376 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, art. 5 (e) (vi). See also UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106, art. 30, para. 1.
- 377 *Convention on the Elimination of All Forms of Discrimination against Women*, art. 13 (c).
- 378 *Ibid*, para 11.
- 379 See e.g. UN Special Rapporteur in the field of cultural rights, *Cultural Rights of Women: thematic report*, 10 August 2012, A/67/287.
- 380 *Ibid*.
- 381 *Vienna Declaration and Programme of Action*, para 5, emphasis added.
- 382 *Ibid*.
- 383 Anne Marie Goetz, *The New Cold War on Women's Rights*, United Nations Research Institute for Social Development, 22 June 2015, <http://www.unrisd.org/beijing+20-goetz>.
- 384 UN Human Rights Council, *Protection against violence and discrimination based on sexual orientation and gender identity : resolution / adopted by the Human Rights Council*, 15 July 2016, A/HRC/RES/32/2.
- 385 Amendment L.78, emphasis added.
- 386 Amendment L.79, emphasis added.
- 387 Pgs. 19-20, Meghan Grizzle Fischer, *The Rise of Faux Rights: How the UN went from recognizing inherent freedoms to creating its own rights*, ADF International, February 2017, http://www.familywatchinternational.org/fwil/documents/Rise_of_Faux_Rights_ADF.pdf. The other elements of the Plan of Action detailed therein include: "assert that international law does not guarantee these controversial 'rights' and that States have national sovereignty in these areas," "assert that UN entities have no binding authority on States," "ensure that UN entities do not exceed their mandates," and "ensure that documents include language recognizing and respecting State sovereignty and religious, cultural and ethical values."

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