39. Special procedures mandate holders, treaty bodies and OHCHR have published many works that emphasize the importance of ensuring that "traditions", "attitudes" and "customary practices" are not elevated above universal human rights standards. They highlighted the fact that such terms are often used to justify the marginalization of minority groups and gender-based inequalities, discrimination and violence, and that there is a need to situate these terms within a human rights context.

40. In the report of the OHCHR workshop on the traditional values of humankind, attention was drawn to the fact that perceptions of what constituted "traditional values" were highly subjective and dependent on societal power structures. It was noted that 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 and will continue to change with time; a human rights-based approach, by contrast, often requires changes to the status quo in order to ensure compliance with international human rights standards. 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. In its general recommendation No. 19, the Committee on the Elimination of Discrimination against Women stated that traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may thus justify gender-based violence as a form of subordination or control of women.

41. The Special Rapporteur on violence against women, its causes and consequences, noted that cultural relativism is often an excuse to allow for inhumane and discriminatory practices against women in the community, and that, "in the next century, the problem posed by cultural relativism, and the implications for women’s rights, will be one of the most important issues in the field of international human rights." The Committee on the Elimination of Discrimination against Women has consistently expressed concern about the persistence of practices, traditions, patriarchal attitudes and deep-rooted stereotypes that perpetuate discrimination against women, and continues to express concern at States’ failure to take effective and systematic action to modify or eliminate stereotypes and negative traditional values and practices. Similar analysis is reflected in paragraph 119 of the Beijing Declaration and Platform for Action. In the context of the right to take part in cultural life, the Committee on Economic, Social and Cultural Rights emphasized the responsibility of States "to combat practices harmful to the well-being of a person or group of persons", including female genital mutilation and allegations of witchcraft.

42. It is important to note that those who challenge the social constructions of gender on the basis of values said to be traditional, cultural or religious are particularly exposed to the risk of violence and abuse of human rights. In a report on human rights defenders working on gender-related issues, the Special Rapporteur on human rights defenders noted that women defenders were more at risk of suffering certain forms of violence and other violations,
prejudice, exclusion and repudiation than their male counterparts, owing to the fact that women defenders were perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation and the role and status of women in society. The Special Rapporteur in the field of cultural rights stressed that cultural rights include the right not to participate in specific traditions, customs and practices, particularly those that infringe on human rights and dignity, and to revise and (re)negotiate existing traditions, values or practices, regardless of their provenance.