

The input to the questionnaire on the rights to culture Iranian Islamic Human Rights Commission (IHRC)

The inputs of Iranian Islamic Human Rights Commission on the sent questionnaire on rights to culture by the United Nations Special Rapporteur is as following:

1. Cultural heritage is known as one of the significant cultural rights of people. Like all other forms of human rights violation, the intentional destruction of cultural heritage should be forbidden and all the legal systems in the world should criminalize it. In Iran's legal system, there are crimes related to the intentional destruction of cultural heritage. Under the Islamic penal law in the Articles 558 to 568, crimes related to cultural heritage has been recognized precisely. The penalties for these kinds of crimes are including various fins to short and long-term imprisonments.

The problem that most countries including Iran is dealing with on this subject is that, some times the destruction is not direct but indirect. For instance, building some commercial constructions besides a heritage site which may destroy the beautiful landscape of it. In addition to this, sometimes in the countries' economical development plans, the value of cultural heritage is neglected which has negative impact on its cultural rights as well. This matter in Iran is highly concerned by our cultural rights advocates.

With out any doubt, destruction of those kinds of tangible cultural heritage which are in relation with intangible cultural right will affect that negatively as well. Some people or institutions may try to control and manage the cultural beliefs and values in order to reform the inhumane traditions which is reasonable but if the possession of cultural values is not for that reason then should be forbidden.

2. These days, for referring to examples of armed intentional destruction of heritage sites, what terrorists do in Syria and Iraq can be named which Iran is also worrying about it. Except for the armed destruction, in some countries there are two main problems recognized for the violation of cultural heritage right:

A) The destruction of cultural heritage sites happens due to insufficient financial support and human resources for protecting the site.

B) The indirect destruction of cultural heritage due to the implementation of economical development plans. (Iran's ' cultural rights advocates are concerning this matter the most)

3. In Iran there are numerous heritage sites and accordingly, the governments financial resources and facilities are limited and insufficient for covering all the requirements of protecting all these sites and unfortunately the private section has not been highly and effectively involved in this field yet. Therefore expecting to reach reasonable and good situation for heritage sites deals with many challenges.

Fortunately, these days people and advocates knowledge on these matters of cultural heritage is increased. Therefore, in many of economical and constructional developing plans like constructing commercial buildings, building subways, dams and roads near to

heritage sites that may have negative impact on the situation of the heritage sites, advocates started campaigns and fightings against these plans even making complaints at judicial authorities in order to stop the named plans to protect the heritage sites. These kinds of protesting actions found its way in changing these commercial and economical development plans in a way to protect the heritage site from any damage.

4. The human rights advocates are enjoying some specific rights according to the 1998 Declaration on Human Rights Defenders which the cultural rights defenders as one group of human rights activist, can also benefit it.

All the civil and governmental defenders focussing on the protection of heritage sites through the international structure of it, should be known as cultural rights defenders.

Suggestions:

- It is suggested that, the Special Rapporteur of United Nations on the Cultural Rights or the organizations such as UNESCO inaugurate some virtual or real centers within UN to develop a network of advocates on the cultural rights throughout the world. These kinds of initiation will work as a platform to foster the advocating activities on cultural rights in a more managed and effective way throughout sharing the information, the recent events and create a better protection of advocates among the network.
- It is also suggested that, an in detailed declaration centering the cultural rights defenders be codified by Human Rights Council to be ratify in the council.