***Cultural rights and the protection of cultural heritage***

**Intersessional seminar organized by the
Office of the High Commissioner for Human Rights**

**Palais des Nations**

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**Opening statement by Peggy Hicks
Director, Thematic Engagement, Special procedures and right to development**

Distinguished delegates,
Dear colleagues and friends,

* We welcome you to the Inter-sessional Seminar on Cultural Rights and the Protection of Cultural Heritage. We open this seminar today with all of you here in the midst of a situation that could not make clearer the importance of your work. And I think the fact that you are all here on a sunny Friday morning in July attests to the fact that this is a topic that is so current and so relevant and so necessary. The High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, sends his regards. He apologizes for not being able to greet you today but urges us to convey to you the importance of this work and our hopes for a very successful seminar today. I open many events here in Geneva, and one of the things that sometimes happen is that in this hallowed halls it is difficult to think of the people directly affected by the issues on which we work. We don’t always see their faces and so I often try to, in my own mind, picture the people who are most directly affected by the human rights abuses that we might not see here in Geneva, but that we know are the subject of our conversations. And in preparing for today’s remarks when I thought of those people, I realized that in my mind’s eyes I had images of my own ancestors, the people who I descend from, the people who I respect, the people whose heritage means something to me. And in my mind’s eyes I also had pictures of my children and how they are affected by what happens to our cultural heritage. In this room today, it is not just about today, it’s about yesterday and it’s about tomorrow, in a way that rarely happens. **Your work is the glue between our ancestors, and our children**, and it makes it all the more important that we draw attention to this work and take the necessary action going forward.
* Cultural rights are about the whole range of civil, economic, political and social rights, **they constitute a vital element of the overall promise of human rights to guarantee each person’s space to live life in dignity**. Both, the Committee on economic, social and cultural rights and the Special Rapporteur in the field of cultural rights remind us that **they protect the development and expression of various world visions, and encompass important freedoms relating to matters of identity** - individual and shared - and non-discrimination.
* Cultural rights also guarantee **access to, enjoyment of and participation in the cultural resources necessary for each person to be empowered to express what they feel is important**, and develop a variety of ways of life, practices and relationships that are meaningful. These resources include all forms of knowledge and expressions of creativity. In this sense, they are key to fully recognize and value cultural diversity.

*Protection of cultural heritage*

* Cultural heritage in all its forms is an important part of those cultural resources. It is transmitted to each of us throughout our lives, sometimes more formally or consciously than others, and each of us, in turn, must decide what we wish to pass on as legacy. This universal significance of cultural heritage for the human condition was addressed as one of the first thematic studies of the mandate in the field of cultural rights. The former Special Rapporteur, Ms. Farida Shaheed, stressed the **significance of cultural heritage as a resource for the identity and development of individuals and communities in all their shapes and forms**, and established a framework for the right to access to and enjoyment of cultural heritage.
* The current Special Rapporteur in the field of cultural rights, Ms. Karima Bennoune whom I also welcome very warmly and thank for her support in preparing this OHCHR seminar, also dedicated her first year of work to cultural heritage, building on the framework already set out by the Committee and her predecessor. She devoted two consecutive reports to the issue of its intentional destruction, highlighting the **negative impact these have on a whole array of human rights and on people’s capacity for resilience and peace**. She made the case that intentional destruction of cultural heritage most often amount to violations of cultural rights and human rights and must be recognized and treated as such by the international community.
* This call by the Special Rapporteur echoed the concerns of many in the world today, who feel that the traces of their past, the witnesses of their current way of life and values, and the legacy they wish to pass on to the next generation are under threat:
	+ Threatened in certain places by conflict and war, where opposing parties wish to establish their power over an area and therefore attempt to wipe out the proofs of the legitimate existence of others;
	+ Threatened by over-simplification or disregard for the value of what heritage tells us about who we were in the past and who we could choose to become in the future, about the historical complexity of our world, and about our right to know our own histories and the histories of our neighbors;
	+ Threatened sometimes by aggressive development projects that neglect the participation of all people in decision-making processes about the future they wish to build for themselves and what they identify as the cultural heritage they wish to transmit.
	+ Threatened also by natural disasters and climate change, which can irremediably erase natural and cultural landscapes that have been built over centuries.
* How can we better protect our cultural heritage against all these threats? How can we ensure conditions that will allow people to engage with cultural heritage as a rich and living resource and be empowered by it? How can we better support and protect the work of those who engage to preserve their cultural heritage, and sometimes put their lives at risk to secure its transmission?
* Respecting, protecting and realizing human rights, especially cultural rights is the best and most sustainable way to protest and preserve cultural heritage. If we promote and protect the rights of people to express their values and creativity, if we foster the conditions for them to learn about their own heritage and that of others through their right to education and information, if we encourage them to participate in cultural works, to engage in critical thinking about their cultural practices and to contribute to the making of decisions that impact on the exercise of their cultural rights, **cultural heritage will serve as a living resource for our chosen identity and values**. This is our common responsibility.

Colleagues and friends,

* Generations before us have entrusted us with the cultural heritage we enjoy today. They cared for and valued these expressions of our human creativity and our collective memory. We have to live up to their trust – make sure that these traces continue to exist and can be transmitted further. Human rights – which are about respect for identity and diversity – can and should guide us in these endeavours.
* I wish you fruitful discussions. I trust that all of you, with your experiences in this field, will contribute today in identifying the most meaningful mechanisms and ways in which we can all improve the implementation of a human rights approach to the field of cultural heritage as a guarantee for its protection. And I trust you will think of the past, the future, the ancestors, and the children that are the glue that binds us together here today.
* And with that I will entrust the conducting of your discussions to Ms. Sneska Quaedvlieg – Mihailovic, Secretary General of Europa Nostra, who I understand had to come back early from the World Heritage Committee meeting to be with us today, for which we thank her enormously.