



Cultural Rights Defenders Experts Meeting

Bahá'í International Community's UN Offices
866 United Nations Plaza, Suite 120, New York
October 22, 2019, 2-6 pm

Concept Note, Agenda, and List of Participants

Background to the Meeting

Cultural rights are a core part of the body of international human rights law, grounded in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural rights, as well as in various articles of the International Covenant on Civil and Political Rights, and standards that cover the rights of specific categories of persons, including indigenous persons, LGBTI persons, migrants, minorities, persons with disabilities, rural persons and women.

Cultural rights¹ are vital to the human experience and critical to implementing other human rights, as well as to sustainable development. They include the right to take part in cultural life, without discrimination (one component of which is the right to access and enjoy cultural heritage), as well as the rights to freedom of artistic expression, and scientific freedom.

Despite the importance of these rights, and their normative grounding, they are not given the attention they deserve, and not always recognized as human rights with the same standing as other rights. Cultural rights defenders (CRDs) - human rights defenders who defend the range of cultural rights - are therefore often not fully recognized for their work, do not receive adequate support and are not granted appropriate protection. This must change.

To that end, the UN Special Rapporteur in the field of cultural rights, Karima Bennoune, is preparing a report for the March 2020 session of the UN Human Rights Council about the

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- ¹ These rights protect in particular (a) human creativity in all its diversity and the conditions for it to be exercised, developed and made accessible; (b) the free choice, expression and development of identities, which include the right to choose not to be a part of particular collectives, as well as the right to exit a collective, and to take part on an equal basis in the process of defining it; (c) the rights of individuals and groups to participate, or not to participate, in the cultural life of their choice and to conduct their own cultural practices; (d) the right to interact and exchange, regardless of group affiliation and of frontiers; (e) the rights to enjoy and have access to the arts, to knowledge, including scientific knowledge, and to an individual's own cultural heritage, as well as that of others; and (f) the rights to participate in the interpretation, elaboration and development of cultural heritage and in the reformulation of cultural identities. Summary of cultural rights from §15 of the Special Rapporteur's Tenth Anniversary Report, drawing from definition elaborated by first mandate holder.

work of cultural rights defenders. The report will include a definition of cultural rights defenders, an overview of the diverse kinds of human rights work they engage in and the positive contributions they make, the challenges and risks they face, the international legal framework which must protect them and enable their work, and specific recommendations as to how to more greatly recognize, defend, and support them.

Objectives of the Meeting

In preparation for the Special Rapporteur's next report to the Human Rights Council in March 2020 on the work of cultural rights defenders, this meeting aims to convene experts from across the spheres of human rights and cultural rights, including artistic freedom. They include UN experts and representatives of UN bodies, representatives from NGOs, frontline cultural rights defenders, experts in cultural heritage work and scientific freedom, and more, as well as those working on the cultural rights of specific categories of persons, including women, persons with disabilities, LGBTI people, minorities, indigenous peoples, artists, and cultural heritage defenders.

The purpose of the meeting is to gather examples of: 1) the way in which the human rights defender label is being defined and used (or not) by relevant actors across the field of cultural rights, 2) the achievements and initiatives of cultural rights defenders, 3) the range of risks and challenges they are facing and 4) the recommendations the Special Rapporteur should make in this context.

The meeting also aims to learn from efforts to support other (often overlapping) constituencies of human rights defenders engaging in work closely related to cultural rights, such as to promote freedom of expression, freedom of religion or belief, or the right to a healthy environment.

Please note that because of the limited time available, the meeting will begin on time and will only have one very short break. The organizers would be very grateful if participants might arrive on time, and in advance of the meeting be thinking of specific examples from their own work and experience across the categories above to share.

The meeting will be held in accordance with Chatham House rules.

For more information about the work of the mandate, please see ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx and @UNSRCulture, and for the work of the Artists at Risk Connection (ARC), please see artistsatriskconnection.org and @AtRiskArtists. Thank you very much for your participation.

Toward a Definition of Cultural Rights Defenders

The Definition of Human Rights Defenders in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) is as follows: "Individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals" (fourth preambular paragraph). CRDs pursue the elimination of violations of cultural rights and the respect, protection and fulfilment for and of cultural rights.

- We need to clarify, on the basis of the UN Declaration on HRDs, who may qualify as CRDs. Not every claim based on cultural (including religious) arguments makes the person who makes it a CRD. While “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms” according to, the UN Declaration on Human Rights Defenders, such human rights defenders must accept the universality of human rights, as defined in the Universal Declaration of Human Rights, and act in accordance with international human rights norms. As the Special Rapporteur has repeatedly stressed, cultural rights are not tantamount to cultural relativism. They are not an excuse for violations of other human rights. They do not justify discrimination or violence. They are firmly embedded in the universal human rights framework.
- Human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working locally. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector. See <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>.

Brief Introduction to *Some* Challenges Facing Cultural Rights Defenders:

The former UN Special Rapporteur on human rights defenders, Hina Jilani, noted in a report focused on defenders of Economic, Social and Cultural Rights (ESCR) (A/HRC/4/37, 2007) that:

- “defenders working in the field of ESCR often have a harder time having their work accepted as human rights work. This might have several effects, including difficulties attracting funding, a lack of coverage from the media to violations of these defenders’ rights, and a lack of attention paid to these violations and a hesitation in seeking remedial measures at the domestic or international level.” § 78.
- There is a “misconception that defenders working in the field of ESCR are not “real” human rights defenders.” § 79.

Many people may be cultural rights defenders without necessarily qualifying themselves as such (cultural heritage professionals and defenders, artists, curators, public space defenders, academics, scientists, professors and teachers). They deserve the same level of attention and protection as other human rights defenders. Of course, it is also important to respect a person’s right to characterize their own work, and to recognize that in certain contexts people may fear that they will actually be further penalized or stigmatized for being labelled a human rights defender. However, in other contexts there may be significant added value for being recognized as such, including funding, international and national recognition of the importance of the work being done, and protection and support of a variety of kinds.

Selected Threats

Many human rights defenders face pushback in their work and take great risks. However, there are / may be specific difficulties and challenges, and particular root causes of violence and

repression against CRDs, as well as some specific kinds of human rights abuses they may suffer. These need to be addressed. Relevant issues include:

- Power relationship: cultural (including religious) arguments are often put forward as an instrument of domination / discrimination. As explained in the artistic freedom report, “In most cases, restrictions on artistic freedoms reflect a desire to promote a world vision or narrative “while simultaneously blocking all others”” (§ 36). This is the same more generally for many other cultural rights.
- CRDs may challenge this cultural argument, together with its symbols. Challenging symbols may create many strong and emotional reactions from States authorities as well as other actors. This leads to threats and violence against CRDs.
- Misuse of the cultural diversity argument against CRDs: for example, women or LGBTI human rights defenders are not protected when they challenge discriminatory cultural patterns. This lack of protection is justified in the name of respect for cultural diversity, when these persons actually defend cultural rights (of women and LGBTI people).
- Other threats?

Selected Challenges

- “Many cultural rights actors have not incorporated a gender perspective into their work, while many women’s rights advocates have not considered cultural rights issues.” (§61)
- There is often a lack of redress mechanisms available to defenders and to ensure the effective protection and justiciability of cultural rights. (A/HRC/4/37, § 81)
- General repression of cultural rights by state actors or non-state actors, either by enshrining of broad enforceable and restrictive free speech regulations, intentional destruction of cultural heritage, or enforced erasure of cultural identity.
- Fundamentalist and extremist ideologies, in particular “how they attempt to stamp out diversity and dissent, having particular effects on the cultural rights of women, minorities and lesbian, gay, bisexual, transgender and intersex persons.” (§29 A/HRC/40/53)
- Proliferating cultural relativism and cultural excuses for human rights violations (§4 A/HRC/40/53).
- Meanwhile, in recent years, respect for cultural diversity has also been threatened by those who seek to impose monolithic identities and ways of being, by those who advocate various forms of supremacy and discrimination.
- Threat of catastrophic climate change (A/HRC/40/53)
- Public space is being privatized and the impulse to censor thrives (A/HRC/40/53)
- Other challenges facing specific categories of CRDs, including advocates for the cultural rights of persons with disabilities, minorities and indigenous peoples?

Agenda

1:45 pm	Arrival
2:00 – 2:15 pm	Prompt Start, Introduction to the Meeting Brief Introductions to the Meeting from Karima Bennoune and Julie Trébault (ARC)
2:15 – 3:00 pm	Session 1: Discussion of Definition of Cultural Rights Defenders (CRDs); To whom does it apply and when; added value Chair: Karima Bennoune
3:00 – 4:00 pm	Session 2: Contributions by CRDs to advancing human rights; Examples of work CRDs are doing across sectors Chair: Julie Trébault
4:00 – 4:05 pm	Short Break
4:05 – 5:00 pm	Session 3: Risks/challenges faced by diverse CR Defenders Measures of protection/support needed Chair: Dragana Korljan
5:00 – 5:45 pm	Session 4: Recommendations that should be made in the report Chair: Karima Bennoune
5:45 – 6:00 pm	Closing Discussion – Way Forward Chairs: Karima Bennoune & Julie Trébault

List of participants

1. Karima Bennoune, UN Special Rapporteur in the field of cultural rights
2. Julie Trébault, Director of PEN America's Artists at Risk Connection (ARC)
3. Bani Dugal, Principal Representative, Bahá'í International Community
4. David Boyd, UN Special Rapporteur on human rights and the environment
5. David Kaye, UN Special Rapporteur on Freedom Expression
6. Victor Madrigal-Borloz, UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity
7. Marie Paule Roudil, Director of UNESCO Liaison Office New York
8. Lily Gray, Senior Liaison Officer of UNESCO Liaison Office New York
9. Dragana Korljan, Office of the High Commissioner for Human Rights
10. Johanne Bouchard, Office of the High Commissioner for Human Rights
11. Masih Alinejad, Iranian American journalist, author, and political activist
12. Terry Anderson, Executive Director, Cartoonists Rights Network International (*remote participation*)
13. Joshua Castellino, Executive Director, Minorities Rights Group International
14. Brian Daniels, Director of research and programs for the Penn Cultural Heritage Center, University of Pennsylvania
15. Daves Guzha, Chairman of Arterial Network (*remote participation*)
16. Felix Kaputu, Writer at Risk in Residence, Fordham University
17. Polina Kovaleva, PEN America's Project Director, Eurasia
18. Kate Kroeger, Executive Director, Urgent Action Fund
19. Rebecca McGinnis, Senior Managing Educator, Accessibility, The Metropolitan Museum of Art
20. Binalakshmi Nepram, Author and Activist
21. Elizabeth O'Casey, Director of Humanists International
22. Srirak Pliplat, Executive Director, Freemuse
23. Cynthia Rothschild, Independent Activist and Consultant with a focus on United Nations advocacy and policy, sexual rights
24. Alison Russo, Director of the Artist Protection Fund
25. Adam Shapiro, Head of Communications & Visibility, Frontline Defenders
26. Betty Siegel, Director, Office of VSA & Accessibility

Staff

27. Gabriel Fine, Program Assistant, PEN America's Artists at Risk Connection (ARC)
28. Revantika Gupta, Intern, PEN America's Artists at Risk Connection (ARC)
29. Emily D'Alterio, Communications Officer, Freemuse
30. Jasmina Lazovic, Eastern Europe Program Officer, Freemuse
31. Justine Massey, Student, University of California, Davis School of Law
32. Vanessa Hofman, Student, University of California, Davis School of Law
33. Thibaut Guillet, Office of the High Commissioner for Human Rights