

Strengthening the Cultural Rights Approach to the Universality of Human Rights: Challenges, Opportunities and Strategies

**Expert consultation organized by
the Special Rapporteur in the field of cultural rights**

Palais Wilson, Conference Room 1st floor, Geneva

28 February – 1 March 2018

1. Issues

As we mark the 70th anniversary of the adoption of the Universal Declaration of Human Rights (UDHR) in 2018, universality is under attack around the world from some governments and non-state actors, from some on the right and some on the left of the political spectrum in diverse regions, from a variety of fundamentalists and extremists and even from some academics. This poses many challenges for all human rights, including the right to take part in cultural life, without discrimination, which is at the core of the mandate of the Special Rapporteur in the field of cultural rights.

The resurgence of cultural relativism represents a particular threat to human rights, including the human rights of women, LGBT people and members of minorities, and its proponents sometimes attempt to use a cultural rights justification for their arguments. Simultaneously, cultural diversity is also facing sustained and escalating assault in many quarters / areas. Thus, human rights advocates and experts must redouble their efforts both to defend the universality of human rights, including cultural rights, and cultural diversity, in accordance with international standards, and to enhance their strategies in this regard.

Around the world, countless human rights defenders and advocates, experts, political actors and, most importantly, ordinary people from many diverse backgrounds have embraced the notion of the universality of human rights as central to their work, their advocacy, their politics, and/or the way they live their lives and take part in cultural life in many ways. The universality of human rights is then itself an important cultural project.

All this makes a cultural rights approach to strengthening the arguments for the universality of human rights, and indeed for understanding this principle and its vital relationship with cultural diversity, essential in 2018 and beyond. The current Special Rapporteur in the field of cultural rights has made clear in her first report to the UN Human Rights Council in 2016 that she is unequivocally committed to the principle of the universality of human rights and to cultural diversity and, just like her predecessor, to recognizing and reinforcing the organic relationship between these two commitments. As UNESCO's 2009 World Report asserts, "recognition of cultural diversity grounds the universality of human rights in the realities of our societies".¹ It is a key moment to explore these important connections, finding effective and relevant ways of making clear both that cultural rights are

¹ UNESCO, *World Report: Investing in Cultural Diversity and Intercultural Dialogue* (2009), p. 225.

not a justification for violations of human rights or attacks on universality, and not tantamount to cultural relativism, but also that respect for cultural rights and cultural diversity, without discrimination and in accordance with international standards and as interpreted by the cultural rights mandate and other human rights bodies, is a core aspect of implementing the idea of universality in practice.

The celebrations of the 70th anniversary of the Universal Declaration in 2018 and the 10th anniversary of the creation of the mandate of the Special Rapporteur in the field of cultural rights in 2019 represent important opportunities to take stock of the manner in which the development of cultural rights has changed the debate on the relationship between universality and cultural diversity and to highlight the various ways in which the fuller realization of cultural rights can further contribute to strengthening, enhancing and defending the universality of human rights.

2. Objectives of the experts meeting

The expert consultation aims at identifying: 1) the ways in which cultural rights can strengthen universality and its interlinkages and synergies with cultural diversity, and 2) strategies for articulating universality in a thoughtful and effective manner and for responding to the current attacks on this foundational concept so as to enhance the enjoyment of human rights, including cultural rights, without discrimination. The consultation will also help elaborate recommendations that could be made to States and other stakeholders in these regards. The discussion will provide valuable insights for the Special Rapporteur and inform her 2018 thematic report to the General Assembly.

3. Format

The consultation will be held on 28 February and 1 March 2018 and will take the form of a private meeting involving 10-15 invited experts, together with the Special Rapporteur in the field of cultural rights. Translation will be provided in French and English.

During day 1 (from 9 am to 6.30 pm), after an opening session, including remarks by the Special Rapporteur, and introductions, two sets of panelists will offer ten minute presentations in response to questions identified in the agenda below. Time for questions and discussion will follow each set of brief presentations. In the final session of the day, the Special Rapporteur will offer a brief summary of the discussion identifying questions, concerns, or challenges she wishes to include in her report, and highlighting outstanding issues.

On day 2 (from 9 am to 1pm), the experts will focus on identifying specific recommendations to relevant actors and stake-holders, in particular those that could be included in the Special Rapporteur's report, as well as possible ways of disseminating and increasing the visibility of the Special Rapporteur's report and contributing to the yearlong celebration of the anniversary of the Universal Declaration of Human Rights.

4. Agenda

The questions below are suggestions and other questions may be raised by the experts. Experts are invited to share examples of concrete and specific challenges in diverse countries and regions.

An optional dinner will be organized on Wednesday 28 February at 7 pm at a restaurant in Geneva for those who wish to take part. Unfortunately the United Nations will not be able to pay for the event, so each person shall cover his/her own expenses.

Wednesday 28 February

9:00 - 9:30	Welcome coffee
9:30 - 10:45	Opening and preliminary remarks by the Special Rapporteur in the field of cultural rights Introductions of the participants
10:45 – 12:15	<i>7 minutes presentations by Chetan Bhatt, Mylène Bidault, Sohib Bencheikh el Hocine, Amsatou Sow Sidibé, Roya Boroumand, Wanda Nowicka and Vicki Tauli-Corpuz.</i> Foundations of universality: <ul style="list-style-type: none"> • What are some of the meanings of the universality of human rights today and why is this idea foundational to human rights and the international human rights system, including to the enjoyment of cultural rights and cultural diversity in accordance with international standards? • What are some of the most significant current challenges or threats to the universality of human rights in diverse regions and how and why do they manifest? • How are culture and cultural rights used in these debates? • What are some of the difficult areas in which our understanding of and application of the concept of universality need to be enhanced and re-articulated?
12:15 -13:00	<i>Roundtable discussions</i>
13:00 – 14:30	<i>Lunch break</i>
14:30 – 16:00	<i>7 minutes presentations by Naureen Shameem, Stephanie Farrior, Alexey Tsykarev, Pragna Patel, Christine Bloch, Silvia Quan and Kseniya Kirichenko.</i> Strategies and discourses concerning cultural rights: <ul style="list-style-type: none"> • How do we in 2018 best articulate the relationship between universality, and cultural rights and cultural diversity? • In particular, how do we use – and popularize the use of - cultural rights as arguments for universality and against cultural relativism, and clearly distinguish cultural rights from cultural relativism, while respecting cultural diversity in accordance with international standards? • How do we make sure that we understand and employ universality in a truly universal way that enhances the enjoyment of human rights, including cultural

16:00 – 17:00	<p>rights, by all in accordance with international standards and without discrimination, and with respect for cultural diversity?</p> <ul style="list-style-type: none"> • How do we ensure that the history of human rights to which we refer includes all of the diverse cultural antecedents and contributions made by people from all regions and many different backgrounds so as to strengthen a truly universal human rights project, to celebrate the contributions of all, and to counter the notion that universality springs from and is relevant to only some regions of the world? • How do we include more systematically persons and groups that may be forgotten or marginalized in debates about and articulations of universality and cultural rights, including women, persons with disabilities, LGBT people, minorities, indigenous peoples and others? • Where are the areas of genuine tension and difficulty in rationalizing universality and arguments for cultural rights and what strategies have been used to resolve these in rights respecting ways? <p><i>Roundtable discussions</i></p>
17:00 – 17:30	<i>Coffee break</i>
17:30 – 18:30	Summary of the day from the Special Rapporteur in the field of cultural rights, including identification of emerging recommendations and outstanding questions for discussion on day 2.

Thursday1 March

9:00 - 11:00	<p>Identifying outstanding issues, as well as specific challenges, appropriate and sustainable contributions that can be made by particular actors and recommendations that should be made to them, as well as future activities to promote and enhance the work of the mandate, experts and civil society around the world, in these areas</p> <p>Relevant actors to be considered include:</p> <ul style="list-style-type: none"> - International and regional organisations - Governments, including at the federal, state and municipal levels - National human rights institutions - NGOs working at the international, regional and local levels - International and regional human rights mechanisms - Educational institutions and the academy - Cultural bodies and organizations - Diverse experts, actors and leaders in the cultural fields
11:00 – 11:30	<i>Coffee break</i>
11:30 – 12:30	<p>Final questions and conclusions from the Special Rapporteur</p> <p>Next steps in refining, disseminating and implementing recommendations</p>