

# THE RIGHT TO CULTURE

## QUESTIONS & ANSWERS

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### WHAT IS THE RIGHT TO CULTURE?

Article 27 of the Universal Declaration of Human Rights states that “everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” Cultural rights are, therefore, inseparable from human rights, as recognized in Article 5 of the 2001 UNESCO Declaration on Cultural Diversity, and can be defined as the right of access to, participation in and enjoyment of culture. This includes the right of individuals and communities to know, understand, visit, make use of, maintain, exchange and develop cultural heritage and cultural expressions, as well as to benefit from the cultural heritage and cultural expressions of others. Other human rights, such as the rights to freedom of expression, the right to information and the right to education, are key to the realization of cultural rights. However, varying degrees of cultural rights may be recognized, as cultural rights cannot be used as a justification to limit other human rights enshrined in international law.

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### WHY DEFEND THE RIGHT TO CULTURE?

Culture is fundamental to human dignity and identity. Understanding the link between cultural rights and human rights is therefore essential to the safeguarding and promotion of culture, as well as the rights of people. Cultural rights force us to take into account the rights of individuals and communities in relation to culture and, in particular, to connect cultural heritage and expressions with the people who produce them. Accessing and enjoying culture is an important part of being a citizen, a member of a community and, more widely, a member of society. At a time when artists, cultural minorities, cultural heritage and cultural expressions are increasingly under attack, defending the cultural rights of individuals and communities has never been more important.

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### HOW DOES UNESCO WORK TO PROMOTE ACCESS TO AND PARTICIPATION IN CULTURE?

- i. **Countering the destruction of cultural heritage.** In light of the growing, deliberate destruction of cultural heritage, UNESCO has: partnered with security and humanitarian actors to provide training, expertise, monitoring and support on the ground; launched the social media campaign [#Unite4Heritage](#); and has supported the reconstruction of heritage in Mosul, Timbuktu and beyond.
- ii. **Working with the International Criminal Court.** UNESCO provided key evidence in the ICC case that ultimately resulted in the conviction of Ahmed Al-Faqi Al-Mahdi for his role in the destruction of the mausoleums of Timbuktu, which the court ruled as a war crime under the Rome Statute.
- iii. **Supporting artistic freedom.** The UNESCO Global Report Re/Shaping Cultural Policies takes stock, for the first time, of what UNESCO Member States are doing to protect human rights and fundamental freedoms for the promotion of the diversity of cultural expressions. In June 2018, UNESCO launched a global survey on policies and measures taken to support the economic and social rights of artists.
- iv. **Fostering equal participation and access to heritage.** Through the 2003 Intangible Heritage Convention, UNESCO works to ensure that local communities – including women and indigenous groups – can participate in the identification, inventorying, safeguarding and transmission of their intangible heritage. World Heritage sites such as Virunga National Park in the Democratic Republic of Congo are working to ensure that women have access to every level of site management, including park ranger positions. To mark the World Day for Cultural Diversity for Dialogue and Development 2018 and the 70th anniversary of the Declaration of Human Rights, UNESCO brought together a panel of UN representatives, museum directors, artists, tech leaders, and experts to discuss strategies for expanding access to culture for all.

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## KEY MESSAGES



**Cultural rights** can be defined as the right of access to, participation in and enjoyment of culture. Recognized under Article 27 of the Universal Declaration on Human Rights, cultural rights include the rights of individuals and communities to enjoy and make use of cultural heritage and cultural expressions, as well as the right to play an equal role in the identification, safeguarding and transmission of their cultural heritage.



**As stated in Articles 4 and 5 of the 2001 UNESCO Universal Declaration on Cultural Diversity**, the defence of cultural rights is inseparable from the achievement of human rights and fundamental freedoms, in particular the rights of women, minorities and indigenous peoples.



**At a time when artists, cultural minorities, cultural heritage and cultural expressions are increasingly under attack**, defending the cultural rights of individuals and communities has never been more important.



**The right of artists to express themselves freely is increasingly under threat.** Freedom House reported that, on average, one person per week was prosecuted for expressing themselves artistically in 2017. Violations of artistic freedom range from censorship (including self-censorship), killings, attacks, abductions, imprisonments and threats, with musicians suffering the most serious violations.



**Across the world, violent extremists have put cultural rights at risk**, targeting cultural minorities and destroying our shared heritage as a strategy of war. Under Article 8 of the Rome Statute of the International Criminal Court, intentionally directing attacks against cultural heritage may be considered a war crime, and must be punished as such. Expanding the notion of the “responsibility to protect” to cultural heritage is essential in this regard.



**In response to the challenges facing cultural rights**, UNESCO strives to protect cultural heritage under attack, support freedom of artistic expression, and foster the participation of local communities in the identification, safeguarding and transmission of their cultural heritage.

**For more information, see the past reports of the Special Rapporteur in the field of cultural rights:**

[The contribution of artistic and cultural initiatives to creating and developing right-respecting societies.](#) (2018)

[The impact of fundamentalism and extremism on the cultural rights of women.](#) (2017)

[The impact of fundamentalism and extremism on the enjoyment of cultural rights.](#) (2017)

[Preliminary views on destruction of cultural heritage as a violation of human rights.](#) (2016)

[Patent policy and the right to science and culture.](#) (2015)

[The impact of commercial advertising and marketing practices on the enjoyment of cultural rights.](#) (2014)

[The writing and teaching of history.](#) (2013)

[The right to freedom of artistic expression and creativity.](#) (2013)

[The enjoyment of cultural rights by women on an equal basis with men.](#) (2012)

[The right of access to and enjoyment of cultural heritage.](#) (2011)