

## **Submission in follow-up to HRC resolution 15/25 “The Right to Development”**

### **UNESCO**

#### **Background**

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is pleased to send a contribution, in reply to the Note Verbale dated 5 April 2011 of the Office of the United Nations High Commissioner for Human Rights.

UNESCO welcomes the documents under consideration: the Report of the Working Group on the Right to Development on its eleventh session (Geneva, 26–30 April 2010) (A/HRC/15/23); the Report of the high-level task force on the implementation of the right to development on its sixth session (Geneva, 14–22 January 2010) (A/HRC/15/WG.2/TF/2 and Corr. 1); Consolidation of findings of the high-level task force on the implementation of the right to development (A/HRC/15/WG.2/TF/2/Add.1 and Corr. 1); and Right to development criteria and operational sub-criteria (A/HRC/15/WG.2/TF/2/Add.2).

UNESCO is committed to the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development (1986) and fully endorses the work of the Human Rights Council, the intergovernmental open-ended Working Group on the Right to Development and its High Level Task Force on the implementation of the right to development.

The work undertaken by the High-level Task Force since 2004 aimed at elaborating right to development criteria and operational sub-criteria and developing practical tools, including objective indicators, for the periodic evaluation of global partnerships as identified in MDG 8, further advances the capacities of States and international organizations to translate the human rights norms and principles into parameters accessible to policymakers and development practitioners. UNESCO welcomes that the analytical work integrates in its findings the contributions by experts of academic and

research institutions and relevant United Nations agencies, including UNESCO, and other relevant global organizations (cf paragraph 8 of A/HRC/15/WG.2/TF/2/Add.2). UNESCO appreciates that the right to development is addressed in a comprehensive way with three components: human-centered development; participatory human rights process; and social justice and equity.

### **UNESCO's action on the right to development**

In its action in the areas of education, science, culture and communication, UNESCO places human beings at the centre of development through the human rights based approach respectful of all human rights. Its programmes offer numerous opportunities for building consensus on development policy and practice.

Through its standard-setting action, the Organization serves as a central forum for coordinating ethical, normative and intellectual issues, fostering multidisciplinary exchange and mutual understanding, working – where possible– towards universal agreements on these issues and defining benchmarks. The Conferences of Parties and the Intergovernmental Committees established by virtue of UNESCO's Conventions together with intergovernmental programmes set up by the Organization's General Conference epitomize the "partnership approach" to development that is based on shared responsibilities, shared values, and mutual commitments between developed and developing countries and the international organization.

The Recommendations, Declarations and Conventions adopted by UNESCO's General Conference include provisions on cooperation for development. In some case, these are coupled with funding mechanisms. [The Convention concerning the Protection of the World Cultural and Natural Heritage \(1972\)](#) establishes a system of international co-operation and assistance through a Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value that receives compulsory contributions by the States Parties to the Convention. This compulsory system provides for International Assistance for World Heritage sites, including technical assistance. The

Convention is almost universally accepted, 187 countries having adhered to it. The Convention also provides for mechanisms of direct cooperation, including twinning of sites or major Funds-in-Trust Projects for operations at sites under threat. Local communities benefit from these projects, as World Heritage sites become motors for regional development. The theme of the 40<sup>th</sup> anniversary of the 1972 World Heritage Convention celebrated throughout 2012 is “World Heritage and Sustainable Development: the Role of Local Communities”. Similar funding mechanisms are contained in the [Convention for the Safeguarding of the Intangible Cultural Heritage \(2003\)](#), the [International Convention against Doping in Sport \(2005\)](#), and the [Convention on the Protection and Promotion of the Diversity of Cultural Expressions \(2005\)](#) – although not compulsory in the case of these last two Conventions. For the 2003 Convention, in addition to compulsory contributions, States are making voluntary contributions, and these contributions play an important role in the implementation of the Convention and namely in capacity-building activities, in particular in developing countries. A number of Funds-in Trust projects have also led to significant contributions towards safeguarding the world’s intangible cultural heritage. The celebration of the 10<sup>th</sup> anniversary of the Convention in 2013 will be an occasion for the international community to conduct an initial assessment and to identify main challenges, constraints and opportunities related to the implementation of the Convention and its role for sustainable development. The [Convention on the Protection and Promotion of the Diversity of Cultural Expressions \(2005\)](#) furthermore introduces the innovative concept of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions.

UNESCO advocates a holistic and comprehensive approach to development understanding that peace and security, development and human rights are interlinked and mutually reinforcing. The process of development should be respectful of all human rights and should promote social justice. An accountability framework including all actors in the development process ought to guarantee through legal, administrative, or political mechanisms that individuals, as right-holders, can claim their rights. UNESCO has developed the manual *Empowering the Poor through Human Rights Litigation* in 2011 with a view to assisting non-governmental organizations in promoting the human rights-

based approach to the eradication of poverty and the justiciability of economic, social and cultural rights through advocacy, capacity-building and policy-oriented action.

### **Education and Development**

Education is an essential foundation for human development. Increasingly, targeted responses to the needs of the marginalized and to reach gender equality in education have to be designed. The indicators contained in Criteria 1(a) concerning public spending on education, school enrolment rates, school completion rates, international scores for student achievement, are essential to assess the extent to which States are individually and collectively taking steps to realize the right to education for all. Through UNESCO's annual *Education for All Global Monitoring Report*, MDG 2 is systematically monitored in synergy with the monitoring of the [Convention and the Recommendation against Discrimination in Education \(1960\)](#) and the [Recommendation concerning Education for International Understanding, Cooperation, Peace and Education relating to Human Rights and Fundamental Freedoms \(1974\)](#).

### **Culture and Development**

UNESCO advocates that development is not synonymous with economic growth alone, but is a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence. As such, development is inseparable from culture. Strengthening the contribution of culture to sustainable development is a goal that was launched in connection with the World Decade for Cultural Development (1988-1998). The major challenge is, at the one hand, to integrate the principles of cultural diversity and the values of cultural pluralism into all public policies, mechanisms and practices, be they related to education, science, communication, health or environment and, on the other hand, to support the development of the cultural sector through creative industries, cultural tourism, cultural heritage conservation, and cultural institutions. The [Convention on the Protection and Promotion of the Diversity of Cultural Expressions \(2005\)](#) is considered as the standard setting instrument that puts culture and development at its core for the first time as it explicitly recognizes culture as a mainspring contributing to sustainable development and that cultural aspects of development are as important as

its economic components. The importance of culture for development and its contribution to the achievement of the MDGs has been recognized in the Outcome document of the MDG Summit 2010 (A/RES/65/1) and in Resolution [A/RES/65/166](#) entitled Culture and Development, adopted in December 2010, which calls for the integration of culture in global development policies.

With a view to assessing the contribution of culture to development, and in order to integrate in Criteria 1 (a) a new sub-criteria 1 (a) (vi) Culture, UNESCO is currently developing a [Culture and Development Indicators Suite](#) with seven dimensions: 1. Economy; 2. Education; 3. Cultural Heritage; 4. Communication; 5. Governance; 6. Social; and 7. Gender equality. Research by UNESCO on an Analytical Framework for the Culture and Development Indicator Suite is ongoing with the support from the Spanish International Development Agency – AECID. UNESCO also implements a wide array of operational projects where the culture and development nexus is strong, with regard to economic revenues, jobs creation, empowerment of women, social cohesion and intercultural dialogue, thus contributing to promoting peace and social cohesion, as well as fostering cultural rights, and human-rights approaches to development.

### **The right to freedom of opinion and expression and development**

In promoting freedom of expression, press freedom, media independence and pluralism as prerequisites and major factors of democracy and development, UNESCO is providing advisory services on media legislation and sensitizing governments, parliamentarians and other decision-makers. This work has involved reflecting on and producing resource materials on human rights in the context of communication for sustainable development, including advocating for science journalism as a key feature of journalism education. Through the International Programme for the Development of Communication, UNESCO supports media development projects in developing countries – with a focus on media as partners in development. Accordingly, UNESCO proposes to add Media Development Indicators in the context of Criteria 2 (c) , Sub-criteria 2 (c) (iii), with a clear recognition of freedom of expression and freedom of the press as basic preconditions for the fulfillment of the right to development. This would enable the

identification of gaps in the media landscape, and assisting in the formulation of media-related policies and targeted media development efforts.

In 2010, ITU and UNESCO have launched a Broadband Commission for Digital Development. The purpose of the Commission is to define strategies for accelerating broadband rollout worldwide and examine applications that could see broadband networks improve the delivery of a huge range of social services, from healthcare to education, environmental management, safety and much more.

The Organization has consistently stressed that the mechanisms of Internet governance should be based on the principles of openness, privacy and diversity, encompassing universal access, interoperability, freedom of expression and measures to resist any attempt to censor content. It should also respect cultural and linguistic diversity. Accordingly, UNESCO is actively contributing to the international debates on Internet governance in particular through its participation in the meetings of the Internet Governance Forum established by the UN Secretary-General in 2006.

In accordance with ECOSOC Resolution E/2000/L.9 the spirit of which was integrated into the United Nations Millennium Development Declaration (55/2), access to telecommunications infrastructure also relies on the availability of diverse content<sup>1</sup>. Accordingly a sole indicator that measures mainline and cellular telephones as proposed in Criteria 1 (g) Sub-criteria 1 (g) (vii) would seem insufficient. UNESCO encourages its Member States to develop strong policies which promote and facilitate language diversity on the Internet. In this regard, the Organization supports the inclusion of new languages in the digital world, the creation and dissemination of content in local languages, and encourages multilingual access to digital resources in cyberspace. In line with the [Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace](#) adopted by UNESCO's Member States in 2003,

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<sup>1</sup> « ...The development of local content on the Internet and the ability of people to freely access it will help foster a culturally and linguistically diverse cyberspace and encourage broad and sustainable use of the Internet. Local content can also facilitate entrance to the knowledge-based economy for individuals and firms in developing countries and also as a means to expand their participation in the new networked economy. »

UNESCO advocates for a multilingual cyberspace by focusing its interventions in three areas:

- including new languages on the Internet
- creating and disseminating content in local languages in cyberspace
- providing multilingual access to digital resources

UNESCO is encouraging research for measuring progress towards multilingual cyberspace to understand what has been achieved and how to better focus its future efforts. The Language Observatory Project, on which the World Network for Linguistic Diversity and UNESCO have been working since 2002 to develop scientific methodologies to measure the presence of languages in the cyberspace and raise awareness on this very relevant component of cultural and linguistic diversity produces relevant research that could feed into the development of an appropriate indicator.

### **The right to benefit from scientific progress and its application and development**

UNESCO proposes to consider in the context of the Right to development the right to enjoy the benefits of scientific progress and its applications. Rapid scientific and technological developments result in drastic changes in the daily life of both individuals and the societies they live in. Access to the benefits of scientific progress not only allows improving one's socio-economic situation, but also gives the opportunity to take a meaningful part in the life of communities whether they are local, national or international. Restriction of access to scientific progress may lead to stagnation, regression and exclusion. On the contrary, the enjoyment of the right to enjoy the benefits of scientific progress and its applications is important to redress the negative effects of globalization and to eradicate poverty.

One of the main issues at stake is the accessibility of the benefits of scientific progress. Everyone should fully enjoy the benefits of scientific progress. Scientific advances in the field of medical research and medicine, for example, should be within (financial) reach for all. The same applies to the access to modern technologies and devices in the fields of education, communication etc. At the same time, the norm requires that individuals should be protected from possible negative effects of scientific and technological

progress on the enjoyment of human rights. Scientific advancements in medicine and food production should be tested to avoid possible damage to individuals and the environment. In information and communication, new technologies should not put the right to privacy at risk. The World Conference on Human Rights (1993) reaffirmed the right to benefit from scientific progress (Paragraph 11 of the Vienna Declaration). The World Conference noted that certain advances, notably in biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and called for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern. Serious challenges in relation to the right to enjoy the benefits of scientific progress arise in connection with bioethics and biotechnology. [The Universal Declaration on the Human Genome and Human Rights \(1997\)](#), the [International Declaration on Human Genetic Data \(2003\)](#) and the [Universal Declaration on Bioethics and Human Rights \(2005\)](#), adopted by UNESCO, were adopted in response to these challenges.

The right to enjoy the benefits of scientific progress and its applications is closely related to other human rights. It is especially connected to the other rights enshrined in Article 15 ICESCR: the right to take part in cultural life (paragraph 1 (a)), the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author (paragraph 1 (c)), as well as the right to freedom indispensable for scientific research and creative activity (paragraph 3). The Right is also intrinsically linked to the right to food (Article 11), the right to health (Article 12) and the right to education (Article 13 and 14), as well as with other rights enshrined in both the ICESCR as well as in the International Covenant on Civil and Political Rights (ICCPR), including the right to an adequate standard of living (Article 11), the right to seek, receive and impart information (Article 19, paragraph 2 of the ICCPR), the emerging rights to a clean and healthy environment and to access to safe drinking water. All of the above shows that the realization and enjoyment of a number of civil, cultural, economic, political and social rights, and hence the right to development, depend upon the sharing of the benefits of scientific progress.