**Committee on Economic, Social and Cultural Rights**

**Day of General Discussion**

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**GC on sustainable development and economic, social and cultural rights**

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Thank you so much for the opportunity to make my plea to you.

This discussion could not come at a better time for my mandate. My previous report to the UNGA was on the principles on sustainable development and cultural rights, whereas my forthcoming report to the UNGA will be on the international governance of sustainable development and cultural rights.

**NEGLECT OF CULTURAL RIGHTS**

Several United Nations General Assembly resolutions have repeatedly made the link between development and cultural rights[[1]](#footnote-1) and have acknowledged the role of culture as an enabler and a driver of sustainable development. Resolution 76/214 recognises that ‘culture is an essential component of human development, that it represents a source of identity, innovation and creativity for the individual and the community and that it is an important factor in social inclusion and poverty eradication, providing for sustainable economic growth and ownership of development processes.’[[2]](#footnote-2)

But the reality is that cultural rights are still very much neglected in all discussions. The references to ‘economic, social and cultural rights’ more often than not leave cultural rights aside. Economic rights are discussed, social rights are discussed, the right to environment and the issue of climate change are given priority, but even today in the discussions we have had so far, cultural rights have not been mentioned once, except for the interest in technology. It is essential that this is reversed.

**WHY IS IT ESSENTIAL?**

First, for the development of human rights. The Committee is the main treaty body in the human rights architecture that focuses on cultural rights. If the Committee does not address cultural rights as much as economic and social rights, then these rights are doomed. There is really no other treaty body to address comprehensively cultural rights violations in sustainable development apart from you, dear members of the Committee and me, my mandate. It is imperative that we work closely to stop cultural rights from being the Cinderella of human rights.

Second, it is important that the General Comment addresses comprehensively cultural rights because **cultural rights are affected** currently, continuously and gravely in the name of sustainable development. Both I and my predecessors have issued several communications to this end and States do not respond or even are not clear on how cultural rights are included in the debates. Recent communications on violations of cultural rights in development projects have been issued to the United States of America, Türkiye, the United Republic of Tanzania etc. It is important that the Committee addresses the violations of cultural rights in the name of sustainable development.

The Committee does from time to time address cultural rights in development processes. But research done in the concluding observations shows that such violations are addressed to a rather limited degree and mainly with respect to indigenous communities. This may have given the wrong impression that cultural rights are only to be taken into account when we have indigenous peoples or other marginalised groups, not more generally. The right of everyone to participate in cultural life means just that. Yet, we see that States tend to focus on cultural rights in processes of sustainable development only really with respect to specific groups. So we have to rebalance this.

In addition to addressing specific violations of cultural rights that take place in the name of sustainable development, it is important to **reframe the debate**. Cultural rights and cultural development are the basis of much of the debates regarding sustainable development. There is a need to understand and acknowledge that the exercise of cultural rights is a also a way to attain sustainable development. Yet, the framing of these discussions is not done on the basis of cultural rights. For example, discussions about resisting to seeing development as only production focused, what earlier was called the hegemonic model of development, are very much based in the importance of cultural rights, so taking into account the values, philosophies and practices and visions of all individuals and groups within States. The link between colonialism and sustainable development is a matter of cultural rights. In preparing for my report, many stakeholders said that they regret the omission of cultural rights[[3]](#footnote-3) and the lack of consideration for values, world views, identities and diversity in the sustainable development framework and strategies.

What I am saying is that the General Comment has to address comprehensively cultural rights in two ways: *first*, in the violations of cultural rights that are being committed and what solutions we can offer for this; and *second*, in reframing the debate within a cultural rights framework.

**Suggestions**

So, in terms of specific suggestions for the GC:

It is clear to me that the General Comment has to address violations of cultural rights in sustainable development. The destruction of cultural sites in the name of tourism or development projects or economic benefits is ongoing and clear around the world. The Committee refers to it in several concluding observations. Balancing of rights and interests often leans towards economic development because States and international financial organisations insist.

The GC must also address the need for **indicators and data** regarding the violation of cultural rights in sustainable development projects. Often, there is no requirement for human rights impact assessment; at the best of times, the impact of development projects on cultural rights is hidden in the so called ‘**social impact assessments’**. Hence, there is no assessment of how cultural rights are affected.

More generally, **indicators and data** are important in addressing cultural rights issues in sustainable development. In the General Comment, your guidance is really important in using the availability, accessibility, acceptability, adaptability and appropriateness conditions, in other terms the necessary conditions for the full realisation of the right of everyone to take part in cultural life, as outlined in GC21, and the data generated by such forms of measurement to provide more understanding of the effects of sustainable development on cultural rights.

More generally, cultural rights have to provide the frame to discussions on the concepts of development and the visions and priorities regarding development that Dr Kanade spoke about earlier.

Also, and maybe more ambitiously, Mr Abashidze talked about the three pillars of sustainable development, but I think that in view of the Committee being in charge of economic, social *and cultural rights,* **discussion of a forth pillar, that of cultural development,** would address an imbalance of sustainable development that ignores cultural rights, as currently recognised in international law, including the recognition of self-determination and its cultural element. Recognition of this fourth pillar of cultural development would really be based on existing standards of international law and would move the protection of cultural rights forward.

The General Comment also has to address the importance of the **cultural sector** in sustainable development activities and priorities. This can be under the wider issue of resources, that it seems you will address. Resources are not only of a financial nature, as we heard earlier today. Indeed, museums, art, cultural heritage sites and all the individuals working in such places, working with creativity, are really important resources in allowing us to reflect on our visions for the future, to shape our priorities; essentially to aspire. This needs to be made clear in the General Comment.

Finally, I am more and more convinced that the **international governance** of trade and finance pay little attention to cultural rights. I know that the World Bank, the IMF and other such bodies are very sensitive to any reference of human rights. But the effect their projects have on cultural rights in sustainable development is so big that I think we should resist and include something about the need to respect the different visions of all in their models, economic or not; create effective participatory structures to address these issues; and focus on these issues. In working on my next report to the UNGA on the international governance of development, I am becoming only too aware how much these organisations resist any discussion on these issues. We have to make them see their relevance; it is not only the states and the business sector that have dire effects on cultural rights.

A final remark: I heard with great interest the debate on **technology and sustainable development**. A very interesting aspect that indeed has to be highlighted. The issue does fall within my mandate and I have promised a forthcoming report on the right to science. The Committee’s comment is hugely helpful in an underexplored area such as this. Suffice to agree with a previous speaker that we should not only talk about access to technology, because then we restrict the scope of this human rights. Participation is very important in this respect.

I look forward to working together with the Committee to make cultural rights have their rightful place next to all rights, so that the indivisibility of human rights does become obvious in monitoring, interpreting and clarifying human rights standards in sustainable development and beyond.

1. Resolutions 65/166, 66/208, 68/223, 69/230, 70/214, 72/229, and 74/230. [↑](#footnote-ref-1)
2. Preamble, p.2. [↑](#footnote-ref-2)
3. For example, Beatriz Barreiro Carril and Kevin Grecksch, p.1; Cris González Gabarda and Vicente Bellver Capella, p.1; International Federation of Library Associations and Institutions (IFLA), p.6. [↑](#footnote-ref-3)