

4 June 2010

Cuba. Draft Resolution

Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Human Rights Council resolution 10/23 of 26 March 2009, which ~~decided to establish~~, for a period of three years, a special procedure entitled "independent expert in the field of cultural rights",

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001 respectively,

~~*Reaffirming*~~ *Welcoming* General Comment No. 21 (2009) on the right to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights,

~~*Recalling* Council resolutions 5/1 on institution building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and annexes thereto,~~

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and which entered into force on 18 March 2007,

Welcoming the holding of the Seminar entitled "Implementing Cultural Rights: Nature, Issues at Stake and Challenges", which took place in Geneva on 1 and 2 February 2010;

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and

recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls*, as expressed in the Universal Declaration on Cultural Diversity, that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Recognizes* that respect for cultural rights ~~are~~ is essential ~~tools~~ for development, peace and the eradication of poverty, and for building social cohesion, ~~as well as~~ based on mutual respect, tolerance and understanding between individuals and groups, in all their diversity and their identities;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights on the one hand, and respect for cultural diversity on the other, are mutually reinforcing, ~~and that the respect, protection and promotion of cultural diversity are essential for ensuring the full realization of cultural rights;~~

9. *{Welcomes} {Welcomes the submission of}* the first report of the Independent Expert in the field of cultural rights (A/HRC/14/36);

10. ~~Encourages~~ **Recalls the mandate of the Independent Expert to continue to discharge her functions in accordance with the mandate entrusted to her as defined in the Human Rights Council resolution 10/23;**

11. *Takes note* of the identification by the Independent Expert of areas of concern and priority, including: a) Ensuring cultural rights in globalization and development processes; b) Media pluralism, information technologies and cultural rights; c) Cultural rights within the education system; d) Freedom of scientific research and creative activity, and the right to benefit from scientific progress and to access cultural heritage; e) A gendered perspective on cultural rights of persons with disabilities; f) Cultural rights of non-nationals, in particular migrant workers and members of their families;

12. *Calls upon* all Governments to cooperate with and assist the independent expert in the discharge of her mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

13. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the independent expert;

14. *Requests* the independent expert to present her next report to the Council at its 17th session;

15. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.
