



General Assembly

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Human Rights Council

Seventeenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Belarus*, Bolivia (Plurinational State of)*, Brazil, Burkina Faso, China, Cuba,
Djibouti, Ecuador, Indonesia*, Malaysia, Nicaragua*, Nigeria, Pakistan, Palestine*,
Philippines*, Uruguay, Venezuela (Bolivarian Republic of)*, Viet Nam*: draft
resolution**

17/... 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 December 2009 and 64/174 of 18 December 2009, Council resolution 10/23 of 26 March 2009, by which it established, for a period of three years, a special procedure entitled “independent expert in the field of cultural rights”, and Council resolution 14/9 of 18 June 2010,

Taking note of 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 on 4 November 1966 and 2 November 2001 respectively,

Taking note with appreciation of general comment No. 21 on the right of everyone to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights on 13 November 2009,

* Non-Member State of the Human Rights Council.

Noting with appreciation the increasing number of 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, which entered into force on 18 March 2007,

Recalling the holding of the seminar on the theme “Implementing cultural rights: nature, issues at stake and challenges” 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, 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 States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, 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 and that these rights should be guaranteed for all without discrimination;

6. *Recognizes* that respect for cultural diversity and the 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. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion, and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the independent expert in the field of cultural rights¹ focusing on the right of access to and enjoyment of cultural heritage;

10. *Also takes note* of the work conducted by the independent expert, including the questionnaire on access to cultural heritage, as well as the holding of an experts’

¹ A/HRC/17/38.

meeting on the right of access to and enjoyment of cultural heritage, on 8 and 9 February 2011, and a public consultation in Geneva on 10 February 2011;

11. *Reiterates its call 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;

12. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the independent expert;

13. *Requests* the independent expert to present her next report to the Human Rights Council at its twentieth session, and decides to consider the report under the same agenda item in accordance with its programme of work.
