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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Agenda item 10

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Bangladesh\*, Burundi\*, Cameroon\*, China, Congo, Cuba, Democratic  
People's Republic of Korea\*, Dominican Republic, Iran (Islamic Republic of)\*,  
Kenya\*, Libyan Arab Jamahiriya\*, Mozambique\*, Nicaragua\*, Panama\*,  
Sudan, Syrian Arab Republic\*, Thailand\*, Togo, Viet Nam\*, Zimbabwe:  
draft resolution**

**2004/... Promotion of the enjoyment of the cultural rights of everyone and  
respect for different cultural identities**

*The Commission on Human Rights,*

*Recalling* the Charter of the United Nations, the Universal Declaration of Human Rights  
and the International Covenant on Economic, Social and Cultural Rights, as well as other  
pertinent human rights instruments,

*Recalling also* its resolution 2003/26 of 22 April 2003,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional  
commissions of the Economic and Social Council.

*Noting* that numerous declarations within the United Nations system promote respect for cultural diversity, as well as for international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the United Nations Educational, Scientific and Cultural Organization Universal Declaration on Cultural Diversity, adopted by its General Conference in 1966 and 2001 respectively,

*Emphasizing* the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Stressing* the importance of the promotion of the cultural rights of everyone and of respect for different cultural identities,

*Convinced* that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on a profound understanding of the variety of problems existing in different societies, on full respect for their economic, social and cultural realities and on the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

*Reaffirming* the interdependence and the mutually reinforcing nature of democracy, development and respect for human rights and fundamental freedoms,

*Reaffirming also* that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies,

*Recalling* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, and the Convention on Stolen or Illegally Exported Cultural Objects, adopted on 24 June 1995 by the International Institute for the Unification of Private Law,

*Aware* of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

*Expressing its concern* about the illicit traffic of cultural property and its damage to the cultural heritage of nations,

*Expressing its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible and interdependent;
2. *Reiterates* 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;
3. *Also reiterates* that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author;
4. *Affirms* that each culture has a dignity and value which must be respected and preserved and that every people has the right and the duty to develop its culture;
5. *Recognizes* that States have the primary responsibility for the promotion of the full enjoyment of cultural rights by everyone and for the enhancement of respect for different cultural identities;
6. *Stresses* that cultural cooperation shall contribute to the establishment of stable, long-term relations between peoples, which should be subjected as little as possible to the strains which may arise in international life;
7. *Recognizes* that the promotion and protection of the full enjoyment of cultural rights by everyone and the respect for different cultural identities are vital elements for the protection of cultural diversity in the context of the ongoing process of globalization;
8. *Reaffirms* that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

9. *Underlines* the importance of cultural cooperation for all peoples and all nations, which should share with one another their knowledge and skills, and that international cooperation, while promoting the enrichment of all cultures through its beneficent action, should respect the distinctive character of each;

10. *Emphasizes* that cultural cooperation is specially concerned with the moral and intellectual education of young people in a spirit of friendship, international understanding and peace and should foster awareness among States of the need to stimulate talent and promote the training of the rising generations in the most varied sectors;

11. *Recognizes* that the promotion and protection of cultural diversity implies a commitment to human rights and fundamental freedoms guaranteed by international law and advances the application and the enjoyment of cultural rights by everyone;

12. *Also recognizes* that the promotion of the cultural rights of everyone, of respect for the distinct cultural identities of peoples and of protection of the cultural diversity of humanity advances the implementation and enjoyment of all human rights by all;

13. *Stresses* that, in the face of current imbalances in flows and exchanges of cultural goods and services at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level;

14. *Underlines* that market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development, and from this perspective recognizes that the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed;

15. *Calls upon* States and intergovernmental and non-governmental organizations to take appropriate measures and action for the implementation of the present resolution;

16. *Expresses its appreciation* to States and intergovernmental organizations that responded to the consultations held pursuant to its resolutions 2002/26 of 22 April 2002 and 2003/26 of 22 April 2003;

17. *Recognizes* the need to seek the views of a larger number of States and intergovernmental and non-governmental organizations on the possibility of establishing a thematic procedure the basis of whose mandate would be the comprehensive implementation of the present resolution;

18. *Underlines* that the objective of the proposal for the establishment of a thematic procedure on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities is not to develop a new monitoring mechanism, but the appointment of an independent expert who could elaborate voluntary guidelines and concrete proposals and recommendations on the implementation of the present resolution, taking into account the work already done in this field by other bodies, organs and organizations of the United Nations system;

19. *Requests* the United Nations High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on the possibility of establishing a thematic procedure the basis of whose mandate would be the comprehensive implementation of the present resolution, and to report on the results of those consultations to the Commission at its sixty-first session;

20. *Decides* to continue its consideration of this matter at its sixty-first session, under the same agenda item.

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