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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

## Intersessional workshop on cultural rights and the protection of cultural heritage

### Report of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report, submitted pursuant to Human Rights Council resolution 49/7, contains a summary of discussions at the intersessional workshop on cultural rights and the protection of cultural heritage, which took place on 1 December 2023. The workshop was focused on: (a) mainstreaming a human rights-based approach to cultural heritage, including tools; and (b) cultural heritage in crisis and supporting the work of cultural rights defenders working on cultural heritage protection. Recommendations were formulated, including with respect to the review, identification and sharing of best practices and appropriate tools for the dissemination of the rights-based approach to the protection, restoration and preservation of cultural heritage.

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## I. Introduction

1. In its resolution 49/7, the Human Rights Council requested the United Nations High Commissioner for Human Rights, in consultation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Special Rapporteur in the field of cultural rights, to convene, before the fifty-fifth session of the Council, a one-day workshop to review and promote the tools for the dissemination and possible methods of implementation of an approach to the protection, restoration and preservation of cultural heritage that promotes universal respect for cultural rights by all, and to make the workshop accessible to persons with disabilities.
2. Pursuant to that resolution, on 1 December 2023 the Office of the United Nations High Commissioner for Human Rights (OHCHR) convened the intersessional workshop on cultural rights and the protection of cultural heritage. The workshop was structured in two sessions. Session 1 comprised a panel discussion on mainstreaming a human rights-based approach to cultural heritage, including tools. The panel was chaired by the Permanent Representative of Cyprus to the United Nations Office in Geneva and other international organizations in Switzerland, Olympia Neocleous. Opening statements were made by the United Nations Deputy High Commissioner for Human Rights, Nada al-Nashif; the Permanent Representative of Iraq to the United Nations Office and other international organizations in Geneva, Abdul-Karim Hashim Mostafa; the Assistant Director-General for Culture at UNESCO, Ernesto Ottone Ramírez (video message); and the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki. The panellists were Vasiliki Kassianidou, Deputy Minister of Culture of Cyprus; Francisco Calí Tzay, Special Rapporteur on the rights of Indigenous Peoples; Claire McGuire, Policy and Research Officer of the International Federation of Library Associations and Institutions; Mayki Gorosito, Director of the Escuela Superior de Mecánica de la Armada (ESMA) Museum and Site of Memory, Argentina (video message); and Paolo De Stefani, Professor of International Law of Human Rights, University of Padova, Italy (online).
3. The panel discussion in session 2, on cultural heritage in crisis and supporting the work of cultural rights defenders working on cultural heritage protection, was moderated by Pradeep Wagle of OHCHR. The panellists were Krista Pikkat, Director, Culture and Emergencies Entity, Culture Sector, UNESCO (online); Aparna Tandon, Senior Programme Leader, International Centre for the Study of the Preservation and Restoration of Cultural Property; Elke Selter, Programmes Director, International Alliance for the Protection of Heritage in Conflict Areas; El-Boukhari ben Essayouti, Head, Cultural Mission of Timbuktu (online), Mali; Maider Maraña, Director, Baketik Foundation; and Penivao Moealofa, Assistant Secretary, Ministry of Local Government and Agriculture, Tuvalu (video message).
4. The present summary was prepared by OHCHR pursuant to Human Rights Council resolution 49/7.<sup>1</sup>

## II. Opening statements

5. Ms. Neocleous opened the workshop, noting that this was the third intersessional workshop mandated by the resolution on cultural rights and the protection of cultural heritage. She explained that the resolution, coordinated by Cyprus since 2016 and tabled by a cross-regional core group,<sup>2</sup> had been unanimously adopted by the Human Rights Council to solidify a human rights-based approach to cultural heritage protection and promote respect for cultural rights. The resolution was also aimed at increasing discussion of cultural rights in human rights debates and strengthening the Council's role in urging States to respect, promote and protect cultural rights, including the right to access and enjoy cultural heritage. The resolutions and workshops sought to further integrate a human rights-based approach to

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<sup>1</sup> See para. 17.

<sup>2</sup> The core group consists of Argentina, Cyprus, Ethiopia, Greece, Iraq, Ireland, Italy, Mali, Poland, Serbia and Switzerland.

cultural heritage protection, promote inclusive heritage management and create equitable societies that celebrated cultural diversity.

6. The United Nations Deputy High Commissioner for Human Rights recalled the importance of cultural rights and heritage in addressing global challenges and promoting sustainable development, stressing that they were integral to social inclusion and cohesion. She underscored that human rights should be considered when determining who defined what cultural heritage was and its significance, which cultural heritage deserved protection, and the extent to which individuals and communities participated in the interpretation, preservation and safeguarding of cultural heritage, and had access to it and enjoyed it. Recalling the High Commissioner's report outlining his vision on economic, social and cultural rights,<sup>3</sup> she highlighted the need to strengthen the work of OHCHR on cultural rights and to provide context-specific support to Member States. She also emphasized the need to support human rights defenders in the field of culture, facilitating their access to protection and remedy avenues and engagement with United Nations and national human rights mechanisms.

7. Mr. Hashim Mostafa stressed that Human Rights Council resolution 49/7 contained elements essential for preserving, developing and sustaining cultural heritage, the most important of which was international cooperation in preventing the looting of cultural property, returning stolen artefacts, and assisting affected countries. He underlined the State obligations to protect cultural heritage, as set out in the Universal Declaration of Human Rights and relevant treaties. Iraq had hosted the Forum of Ancient Civilizations as part of its efforts to preserve heritage and have cross-cultural dialogue for promoting world peace. It had also acceded to the 2001 Convention on the Protection of Underwater Cultural Heritage. Referring to the destruction of Iraqi cultural heritage by the actions of Da'esh in 2014, he called for international cooperation to return stolen artefacts and prevent smuggling. He commended the work of UNESCO, such as the Mosul revival initiative, and of the Special Rapporteur in the field of cultural rights.

8. Mr. Ottone Ramírez emphasized that the work of UNESCO in the field of culture was firmly rooted in a human rights-based approach. Culture should be looked at as a whole, beyond tangible and intangible heritage, and people should be placed at the centre of heritage protection efforts in order to realize the full potential of culture for resilience, peace and sustainable development. A human rights-based approach to cultural heritage involved understanding the needs of communities, respecting the significance and values of heritage for the community, and using heritage for community-building, cohesion and peace. He introduced the efforts of UNESCO to reconstruct heritage and revive cultural life in places such as Yemen, and Beirut, Mosul and Timbuktu, with a focus on fostering access to culture and the enjoyment of cultural rights. He also highlighted the strengthened global commitment to forging a rights-based approach to culture in public policies as a condition for sustainable development through the UNESCO World Conference on Cultural Policies and Sustainable Development (MONDIACULT 2022) Declaration.<sup>4</sup>

9. Ms. Xanthaki emphasized the importance of recognizing cultural heritage as a human rights issue and of promoting dialogue between States, the United Nations and others. While noting documents, instruments and training materials focusing on the protection of cultural heritage per se, she stressed the need to address the rights of individuals and groups in this regard and to include living and natural heritage in the discussion. Recalling that the right to cultural heritage was a human right, not a right of States, she called for greater attention to the heritage of marginalized individuals and groups, including refugees and migrants. She stressed the need for inclusive decision-making in defining cultural heritage, particularly for women and Indigenous Peoples. She encouraged States to engage with organizations such as the World Bank, the International Monetary Fund, the World Intellectual Property Organization (WIPO) and the United Nations Development Programme on their roles and responsibilities in protecting cultural rights to heritage. She stressed the importance of providing redress and restitution for violations of cultural rights to heritage, citing the case

<sup>3</sup> A/HRC/54/35.

<sup>4</sup> See <https://www.unesco.org/en/articles/unesco-world-conference-cultural-policies-and-sustainable-development-mondiacult-2022?hub=758>.

of Ahmad al-Faqi al-Mahdi,<sup>5</sup> and urged States to fulfil their human rights obligations with regard to the protection of cultural heritage.

### III. Mainstreaming a human rights-based approach to cultural heritage, including tools

#### A. Statements by the panellists

10. Ms. Kassianidou emphasized that the mainstreaming of a rights-based approach to cultural heritage should prioritize participatory decision-making and the inclusion of marginalized communities, highlighting the need for inclusive dialogue, cultural rights education, and cross-sectoral cooperation at all levels. Laws, policies and programmes should support cultural impact assessments in development projects to ensure equitable access to cultural resources and to enhance public understanding. The protection of cultural heritage in crises required urgent and concerted action, while cultural rights defenders needed steadfast support. The division of Cyprus continued to affect the right of access to and enjoyment of cultural heritage, and since 1974, Cypriot antiquities from the occupied part had been desecrated or illegally traded. Crisis situations required rapid response mechanisms, guidelines for risk assessment and emergency interventions, and frameworks for the recovery and restoration of damaged sites and the restitution of stolen cultural property. She called for platforms to promote international cooperation and knowledge- and resource-sharing, citing collaborative efforts that Cyprus had engaged in, such as its bilateral agreements with the United States of America and Switzerland, conclusions of the Council of the European Union<sup>6</sup> and the Council of Europe Convention on Offences relating to Cultural Property (the Nicosia Convention).<sup>7</sup> In responding to the interventions from the floor, she stated that Cyprus fully complied with its international obligations to protect and promote its cultural heritage in its entirety, and supported the Technical Committee on Cultural Heritage, facilitating its role of restoration of diverse sites. The culture of the island in all dimensions should be considered as a unifying force, and its full protection not only an obligation but a human right for all people of Cyprus.

11. Mr. Calí Tzay highlighted the need to mainstream a human rights-based approach to cultural heritage protection, highlighting the vital role of Indigenous Peoples, especially women, in creating cultural expressions and preserving and transmitting knowledge. He stated that post-colonial racism had historically excluded them from heritage discussions, with conservation programmes often displacing them from their lands and denying them economic or other benefits from protected sites on their lands. Emphasizing that UNESCO inscription should only occur with the free, prior and informed consent of the Indigenous Peoples affected, he called for a stronger collective will to utilize the United Nations Declaration on the Rights of Indigenous Peoples, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the relevant work done by the special procedure mandate holders on the issue of cultural heritage.<sup>8</sup> He also urged States to adopt educational measures to revitalize and transmit Indigenous cultural heritage, including through education in Indigenous languages.

12. Ms. McGuire highlighted the connection between cultural rights, freedom of expression, and access to information in the library field, as libraries provided access to history, science, creativity, religion and world views. Meaningful access included digital access, resources in relevant languages and guidance on finding and sharing information. She

<sup>5</sup> International Criminal Court judgment, ICC-01/12-01/15, see <https://www.icc-cpi.int/mali/al-mahdi>.

<sup>6</sup> Council conclusions on the European Union approach to cultural heritage in conflicts and crises, available at <https://www.consilium.europa.eu/media/50557/st09837-en21.pdf>; and Council conclusions on the fight against trafficking in cultural goods, available at <https://data.consilium.europa.eu/doc/document/ST-10249-2023-INIT/en/pdf>.

<sup>7</sup> See <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=221>.

<sup>8</sup> For example, the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples; see [E/CN.4/2002/97](#), [A/HRC/30/53](#), [A/HRC/EMRIP/2015/2](#), [A/71/229](#), [A/77/238](#) and [A/HRC/51/28](#).

highlighted the challenges that libraires faced, especially when managed separately from authorities overseeing monuments and museums, which affected disaster response and recovery. Emphasizing that documentary heritage was vital to identity, and faced threats in conflict, she presented the various tools of the International Federation of Library Associations and Institutions.<sup>9</sup> Discussing the rise of digital heritage, which posed challenges such as data loss, file degradation and copyright barriers, she referred to useful tools such as the WIPO preservation toolkit and the UNESCO PERSIST (Platform to Enhance the Sustainability of the Information Society Transglobally) guidelines for the selection of digital heritage for long-term preservation, and stressed the need to address the digital divide to ensure meaningful access. She highlighted the issue of theft and trafficking of documentary heritage and the need to adapt tools to the library context. She called for the inclusion of libraries in broader heritage protection strategies.

13. Ms. Gorosito noted that the Escuela Superior de Mecánica de la Armada (ESMA) Museum and Site of Memory had gained global recognition through its recent inscription on the UNESCO World Heritage List. Once a clandestine detention, torture and extermination centre during the 1976–1983 civil-military dictatorship in Argentina, the site had been transformed into a place of memory, with testimonial archives, and of human rights advocacy, housing human rights organizations and related State and regional departments. She said that its governance involved close collaboration with survivors, victims' families, human rights organizations and government bodies. She emphasized that the museum's UNESCO inscription underlined the importance of preserving such sites, promoting public dialogue, and linking heritage with memory, while protecting them from potential political shifts. She stated that recognizing the political nature of heritage encouraged reflection on the values guiding history preservation and promoted critical citizenship for future generations.

14. Mr. De Stefani highlighted the risks of overtourism at UNESCO World Heritage List sites such as the Venice Lagoon and the Prosecco Hills in Italy, and its impact on human rights. He stressed that cultural heritage was part of an ecosystem, with environmental, social, economic and historical factors providing its unique value. Overtourism could disrupt this ecosystem, transforming it into a tourist monoculture. He noted that, despite the growing role of migrant communities in cultural cities, they were not adequately involved in understanding and reinterpreting the shared heritage, and that cultural policies did not prioritize strengthening their sense of belonging. He identified the universal periodic review, the treaty bodies, including their individual communications procedures, the mandate of the Special Rapporteur in the field of cultural rights and the Inter-Agency Platform on Culture for Sustainable Development as tools that could help broaden discussions on cultural heritage and its links to the impacts of overexploitation and the rights of migrants.

## **B. Interactive discussion**

15. During the interactive discussion, interventions were made by representatives of the following Member States: Australia, China, Colombia, Italy, Türkiye and the United States of America. Malaysia provided its written inputs. Contributions were made also by non-governmental organizations and academic institutions, including the International Council on Monuments and Sites, Maat for Peace, Development and Human Rights and the University of Technology Sydney.

16. Australia reaffirmed its commitment to enhancing the participation and influence of First Nations Peoples in decision-making under the World Heritage Convention, within the framework of the United Nations Declaration on the Rights of Indigenous Peoples, particularly the principle of self-determination. Australia was building capacity in First Nations World Heritage List decision-making processes, including through an international expert workshop held in January 2024. Recognizing the impact of climate change on the culture of First Nations and Indigenous Peoples, Australia was working to build the capacity of First Nations Peoples and heritage managers to address the challenges of climate change,

<sup>9</sup> These tools are listed in the annex to the present report.

to record and protect cultural stories and knowledge that may be at risk, and to integrate the climate science and First Nations perspectives in addressing climate change.

17. China emphasized that culture was fundamental to the soul of a nation and that cultural rights were inseparable from other rights, underlining its people-centred approach to the protection of all rights, including cultural rights. Referring to the Global Civilization Initiative, China reaffirmed its commitment to promoting international cultural exchanges and cooperating with other States in this regard. China attached great importance to the protection of cultural heritage and called for stronger international cooperation to prevent and combat illegal trafficking of antiquities. China expressed concern that some States refused to return illegally acquired cultural property to the countries of origin and urged them to cease violating the cultural rights of the owners of such property and return it immediately.

18. Colombia reaffirmed its commitment to protecting cultural heritage through legislation and regulations, including special protective regimes for cultural property, and instruments on intangible cultural heritage, and highlighted its status as a party to relevant conventions. The country's development plan considered culture and the exercise of cultural rights as a mechanism for social change and justice through building a culture of peace and inclusion and promoting art for life and intercultural dialogue, particularly for women, Indigenous Peoples and rural populations. Colombia prioritized improving the cultural knowledge and living conditions of workers in the cultural sector, and ensuring territorial planning to protect water resources, ecosystems and heritage.

19. As a member of the core group for Human Rights Council resolution 49/7, Italy reaffirmed its commitment to protecting cultural heritage, also during or after armed conflicts. Italy highlighted its 2016 memorandum of understanding with UNESCO to establish a national task force in the framework of the #Unite4Heritage campaign, and the recent launch of a capacity-building course on Italian life and heritage. Italy underlined the contribution of cultural heritage, both tangible and intangible, to social cohesion, sustainable development and human rights, advocating for a human rights-based approach to preserve this interconnection. Referring to the art exhibition to be presented by Italy in the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Italy stressed the role of arts in advancing the culture of human rights.

20. Malaysia emphasized that its cultural heritage reflected its background influenced by the various cultures of its ethnic groups, religions, races and nationalities. Highlighting its ratification of UNESCO conventions, Malaysia acknowledged its responsibility to identify, protect, conserve, present and transmit the cultural and natural heritage, which belonged primarily to that State, to future generations. The National Heritage Act ensured the protection and conservation of heritage sites, and the Department of National Heritage had been established to conserve sites. Malaysia was leading multinational efforts to nominate *kebaya* as a shared heritage, and provided expertise as an elected member of the UNESCO Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage.

21. Türkiye stressed that, between 1963 and 1974, mosques, shrines and other sites of importance to the Turkish Cypriots in 103 villages across the island had been damaged or destroyed by Greek Cypriots. Türkiye cited recent studies, according to which, out of more than 140 mosques in southern Cyprus, 32 had disappeared while most of the remaining mosques were in extremely poor condition due to negligence. Türkiye emphasized that cultural artifacts from those sites, including manuscripts, had been destroyed or looted, affecting both Turkish-Muslim and Christian heritage. Referring to the establishment of the bilateral Technical Committee on Cultural Heritage, Türkiye reiterated its commitment to restoring cultural heritage on both sides of Cyprus.

22. The United States of America, as a diverse nation of people from all backgrounds, religions and traditions, reaffirmed its commitment to respecting and valuing all cultures. The representative cited efforts in that regard, including the first National Strategy to Advance Equity, Justice and Opportunity for Asian American, Native Hawaiian and Pacific Islander Communities, the White House Initiative on Advancing Educational Equity, Excellence and Economic Opportunity for Hispanics, the Ancestral Footprints of the Grand Canyon National Monument, and the President's Advisory Council on African Diaspora Engagement. She

stressed that cultural rights should not be sacrificed in the name of economic development or national security and asked the panel about tools for survivors of attacks on cultural rights.

23. The representative of the International Council on Monuments and Sites advocated a people-centred, rights-based approach to cultural heritage management. She noted that the Council's "Our Common Dignity: Rights-based Approaches" working group had raised awareness of human rights in heritage management, developed tools for World Heritage List sites, and created a glossary linking human rights to cultural heritage while emphasizing participation and recognizing rights holders and duty bearers (online).

24. The representative of Maat for Peace, Development and Human Rights condemned Israeli actions against Palestinians and their cultural sites, including bombing a Greek Orthodox church, bulldozing the Yasser Arafat memorial, throwing stun grenades inside a mosque and defacing graves. She stated that those acts constituted war crimes and that Israeli education attempted to erase the history of Palestinians prior to the establishment of the State of Israel (video message).

25. The representative of the University of Technology Sydney introduced the UNESCO University Twinning and Networking Programme (UNITWIN) Network on Culture in Emergencies, which prioritized developing a toolkit for sustainable cultural heritage protection during conflicts and disasters. She called for a stronger link between heritage protection and human rights and endorsed further collaboration between UNESCO and OHCHR (online).

## **IV. Cultural heritage in crisis and supporting the work of cultural rights defenders working on cultural heritage protection**

### **A. Statements by the panellists**

26. Ms. Pikkat stressed that the protection of cultural heritage in emergencies had long been an integral part of the priority actions of UNESCO, as seen in the reconstruction of the Mostar Bridge in Bosnia and Herzegovina and the destroyed mausoleums in Timbuktu, Mali, as well as in Iraq, Nepal and the Syrian Arab Republic. She highlighted the enhanced capacity of UNESCO for rapid response through mechanisms such as the Heritage Emergency Fund. She also underlined the importance of involving local communities in the design of recovery interventions for culture. She identified the holistic approach of UNESCO to heritage protection by engaging with diverse actors and maintaining such relationships not only during emergencies, as key to a comprehensive and effective strategy. She discussed the challenges facing heritage protection, such as the need for better coordination in response to the increasing involvement of multiple actors in different sectors, particularly in the context of ongoing conflicts, such as in Ukraine. She stressed that the increasing frequency of crises called for greater preparedness for emergencies at the local, national and international levels.

27. Ms. Tandon presented the First Aid and Resilience for Cultural Heritage in Times of Crisis programme, of the International Centre for the Study of the Preservation and Restoration of Cultural Property, which focused on safeguarding heritage in crisis through training, building knowledge, raising awareness and informing policy, and adopted a people-led approach. This programme used tools, such as inSIGHT to promote dialogue among communities, heritage practitioners and local governments to assess vulnerability, and the Peacebuilding Assessment Tool for Heritage Recovery and Rehabilitation to help heritage practitioners make informed decisions. The Net Zero: Heritage for Climate Change initiative, also of the International Centre for the Study of the Preservation and Restoration of Cultural Property, linked traditional knowledge with climate science to develop mitigation and adaptation strategies, particularly for individuals and communities with strong cultural ties to the environment. She emphasized the need for an improved normative framework that bridged the divide between tangible and intangible heritage and nature and culture as well as for an adequate recognition that heritage could cause harm as well as promote harmony.

28. Ms. Selter explained that the International Alliance for the Protection of Heritage in Conflict Areas focused on the protection and rehabilitation of heritage in conflict and post-crisis zones and strove to contribute to peace and sustainable development, citing its work in Iraq to rehabilitate Yazidi shrines and restore the cultural diversity of Mosul. She emphasized that it operated with neutrality, regardless of the conflicting sides. It provided support to cultural rights defenders at risk and displaced cultural professionals through initiatives such as the Heritage Solidarity Fund. She called for better preparedness of heritage sites by ensuring that inventories, emergency plans and appropriate tools were in place, the integration of heritage protection into humanitarian action, and increased cooperation for the protection of cultural rights and their defenders. She stressed the need to further align the work of the International Alliance for the Protection of Heritage in Conflict Areas with that of OCHCR and the Special Rapporteur in the field of cultural rights.

29. Mr. Ben Essayouti explained that Timbuktu, a UNESCO World Heritage List site since 1988, faced multiple threats, including poverty, climate change, population growth and violent extremism. In 2012 and 2013, extremists had targeted its key monuments, including mausoleums, and destroyed invaluable cultural artefacts, including manuscripts. The local population, with the support of organizations such as UNESCO and the European Union, had played a central role in restoring the damaged heritage sites. This process had led to a shift in their perception of heritage, from a local to a universal one. He also highlighted the challenges of reconstructing sites without documentation, reconciling traditional knowledge with modern techniques, and ensuring security in a volatile environment. He emphasized that the reconstruction efforts created local employment opportunities and promoted social cohesion, thus countering extremist ideologies.

30. Ms. Maraña emphasized the importance of focusing on both pre-crisis prevention and post-crisis measures. Before conflicts, it was crucial to train, empower and involve communities in participatory processes of heritage identification and protection, including by creating cultural cartographies. Such inclusive participation, especially of women and minority groups, with a rights-based approach – where communities were seen as cultural rights defenders – would promote greater appreciation of heritage and improve responses during crises. Having preventive measures in place would also make it easier to identify heritage damage and find solutions after a crisis. She emphasized the key role played by cultural heritage in reparation processes and the need for post-crisis reparations at both the individual and the community levels. These processes should focus on restoring lost heritage, making collective decisions, providing resignification to address pain and help victims rebuild, and ensuring guarantees of non-repetition. She also called for the adaptation of existing legal frameworks on heritage to incorporate perspectives on crisis and conflict.

31. Mr. Moealofa highlighted the threats posed by climate change to Tuvaluan cultural heritage, which was deeply linked to the land and the sea. In response to the rising sea levels endangering their land and way of life, Tuvalu had ratified the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2017 and had worked to preserve heritage through community-based initiatives. He noted that several archaeological sites, including ancient settlements and underwater cultural heritage sites, needed urgent protection. In 2024, Tuvalu had ratified the 1972 Convention for the Protection of the World Cultural and Natural Heritage, with the aim of developing disaster risk reduction and adaptation strategies for cultural heritage and institutions. He expressed gratitude for the support and called for global action to protect the cultural heritage of Tuvalu.

## **B. Interactive discussion**

32. During the interactive discussion, interventions were made by representatives of the following Member States and a regional integration organization: Armenia, the Russian Federation and Ukraine, and the European Union. Contributions were also made by representatives of non-governmental organizations and academic institutions, including Blue Shield International, Hamad Bin Khalifa University, Leiden University, the Nhimbe Trust, RASHID International, Shahid Beheshti University, University College Dublin and the University of Geneva.



33. Armenia emphasized that Human Rights Council resolution 49/7 condemned the unlawful destruction of cultural heritage during or in the aftermath of armed conflict. Citing the destruction of Palmyra, Nimrud and Nineveh, the representative stressed that Azerbaijan had similarly destroyed and misappropriated Armenian cultural heritage in order to wipe out the memory of the nation. She quoted the communication of the Special Rapporteur in the field of cultural rights<sup>10</sup> expressing concerns about allegations that “the combined attacks to people, monuments and symbols, the falsification of the historical narrative and erasure of place names and the negative discourses about Armenians may amount to cultural cleansing”. The representative stated that culture, as a strong factor for preserving national identity, fell victim to identity-based crimes.

34. The European Union stressed that cultural heritage could drive conflict and be a subject of attacks in undermining the cultural identity and nationhood of other countries, as seen in the aggression by the Russian Federation against Ukraine. It was also a vector for peace, reconciliation, mutual understanding and sustainable development. The European Union promoted cultural rights and the right to enjoy cultural heritage through internal and external policies, integrating cultural heritage into all phases of conflicts and crises. The representative cited the European Union’s Action Plan against Trafficking in Cultural Goods and the Creative Europe programme and highlighted the support of the European Union for heritage preservation in crises, including with the International Alliance for the Protection of Heritage in Conflict Areas, in Ukraine, and with UNESCO in Basra and Mosul in Iraq, in Central Asia, and in Afghanistan, the Islamic Republic of Iran and Yemen.

35. The Russian Federation reaffirmed its commitment to international legal obligations and stated that the protection of cultural monuments should not depend on any national or religious affiliation, as heritage was for all of humanity. The representative stressed that the international community and human rights mechanisms had remained silent on the destruction of its cultural heritage, including the Soviet-associated monuments in Estonia, Latvia and Lithuania, and Russian-associated monuments in Ukraine. Such destruction was unacceptable under Human Rights Council resolution 49/7. The representative also referred to the refusals to take part in exhibitions with Russian participants or to return museum exhibits and called for the protection of cultural heritage from political influences.

36. Ukraine underlined the relevance and urgency of today’s discussion and condemned violations of the cultural rights of Ukrainians and others opposing the occupation in the context of the invasion of Ukraine by the Russian Federation. Ukraine emphasized that the Russian Federation was erasing and rewriting Ukrainian culture and history by destroying its national self-consciousness, cultural objects and traditions. The damage to cultural heritage, including museums, monuments, libraries and archives, was often overshadowed by other aspects of the ongoing war, but the consequences were no less eloquent. The representative stressed the need to preserve and transmit the cultural heritage of Ukraine as well as to document and preserve evidence of those violations for accountability purposes.

37. The representative of Blue Shield International stated that its committee in the United States of America protected cultural heritage through international conventions, community assistance, outreach and education, while its international working group on countering the trafficking of cultural materials worked to prevent the trade in looted objects and to facilitate their return. She emphasized that preserving tangible heritage was essential for accessing and participating in cultural life and for realizing intangible cultural rights (online).

38. The representative of Hamad Bin Khalifa University highlighted the importance of preserving the Palestinian identity through cultural expressions, the role of artists whose works symbolized resilience and resistance, and the need to protect those cultural voices, many of whom were human rights activists. She stated that the ongoing Gaza crisis had damaged heritage sites, underscoring the importance of safeguarding them for the world’s cultural richness (online).

<sup>10</sup> AZE 2/2023, available at [https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28351&fbclid=IwAR3n-7kmRPgyhZvXkgjTgp-I3PO7eHePQ5hBKrYXsHun\\_PecsY7hUeUB6FU](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28351&fbclid=IwAR3n-7kmRPgyhZvXkgjTgp-I3PO7eHePQ5hBKrYXsHun_PecsY7hUeUB6FU).

39. The representative of Leiden University stressed the shortcomings of existing treaties and called for a new set of guiding principles on cultural heritage to help States address relevant issues, such as restitution. Commending the Expert Mechanism on the Rights of Indigenous Peoples for its work on restitution, she emphasized the need for justice for past injustices, mandatory due diligence for the art trade to mitigate the risks of looted objects, and independent monitoring of cultural heritage during conflict (online).

40. The representative of the Nhimbe Trust highlighted the increased vulnerability of cultural rights defenders in crisis and the need for State capacity to address that in law and in practice. She emphasized that cultural rights defenders were often overlooked in human rights mechanisms, including the universal periodic review, and called for a specific declaration outlining their rights, roles and threats, and corresponding State obligations in times of crisis (online).

41. The representative of RASHID International, an organization dedicated to protecting cultural heritage of Iraq, advocated for advanced inventory preparation and the use of technologies such as invisible chemical tracer liquids to protect cultural heritage, a method already applied in Iraqi museums. He called for a better use of the List of Cultural Property under Enhanced Protection, created under the 1999 Second Protocol to the 1954 Hague Convention, for greater protection of heritage sites (online).

42. The representative of Shahid Beheshti University discussed the 2018 results-based framework of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, which assessed States' implementation progress, with a focus on community and civil society participation, inclusivity and diversity. She stated that aligning the Convention's reporting with the framework enabled States to report on human rights-related indicators, influencing policies and strategies (video message).

43. The representative of University College Dublin discussed cultural landscape protection amid unsustainable development and the ability of communities, particularly those not legally recognized, to challenge land use decisions affecting their heritage, highlighting the report of the Special Rapporteur in the field of cultural rights.<sup>11</sup> She stressed the need to elaborate on cultural rights to access and protect heritage in a justiciable way, supporting cultural heritage defenders and shifting approaches from harm to prevention (online).

44. The representative of the University of Geneva presented the findings of the 2023 Geneva Human Rights Dialogue on cultural rights,<sup>12</sup> such as the lack of a shared normative framework on cultural rights, diverse interpretations and implementations of cultural rights, including within the cultural conventions of UNESCO, and a fragmentation in mainstreaming cultural rights. He also called for bridging these gaps and effectively mobilizing cultural rights (online).

## V. Concluding remarks

45. In her concluding remarks, Ms. Xanthaki highlighted the need to move from a top-down, tangible-only approach to cultural heritage to a human rights-based approach. She urged States to align national practices with international obligations and highlighted the lack of effective enforcement mechanisms within the current framework. She called for the development of indicators to better integrate cultural heritage as a human right into development and human rights discussions.

46. In his concluding remarks, Mr. Wagle reaffirmed the commitment of OHCHR to expanding its work on cultural rights, supporting the work of cultural rights defenders and removing barriers to the enjoyment of cultural rights by all.

<sup>11</sup> [A/77/290](#).

<sup>12</sup> See <https://www.unesco.ch/as-co-organizer-and-key-stakeholder-of-the-geneva-human-rights-dialogues-the-swiss-commission-for-unesco-scu-is-pleased-to-present-the-summary-report-and-video-of-the-third-dialogue-which-was/?lang=fr>.

## VI. Conclusions and recommendations

### A. Conclusions

47. The discussions were focused on the implementation of the human rights framework and the development of tools for the dissemination of a human rights-based approach to the protection, restoration and preservation of cultural heritage. Participants highlighted the vital role of culture and cultural rights, and their connection to people and to their identities and survival. They stressed the need to recognize cultural heritage as a human right, to integrate it into broader human rights and development discussions, and to make more effective use of existing international instruments and mechanisms.

48. Participants underscored several key aspects for developing and mainstreaming a human rights-based approach to the protection of cultural heritage, including inclusive dialogue, meaningful participation of marginalized groups and individuals, cultural rights education, and enhanced coordination across sectors and government levels. Speakers highlighted the crucial roles of libraries and museums in promoting cultural rights and protecting cultural heritage. The need for specific strategies to preserve digital heritage and ensure meaningful access, including by addressing the digital divide, was discussed.

49. Participants also addressed challenges in protecting cultural heritage, such as threats posed by climate change, conflict, and overexploitation, including overtourism. They highlighted the need for preventive measures, including community-based initiatives and educational programmes, along with the importance of post-crisis reparations to restore lost heritage and to support communities in rebuilding their cultural identity.

50. Participants identified key tools for the development and implementation of legal and policy frameworks that adopt a human rights-based approach to the protection, restoration and preservation of cultural heritage, as well as capacity-building tools. A list of these tools is attached as an annex to the present report.

### B. Recommendations

51. The following section highlights the recommendations made by the participants during the workshop. In addition, participants emphasized that relevant recommendations made by United Nations human rights mechanisms – including the treaty bodies, particularly the Committee on Economic, Social and Cultural Rights, the universal periodic review, and the mandate of the Special Rapporteur in the field of cultural rights,<sup>13</sup> and those contained in the reports of the two previous intersessional workshops,<sup>14</sup> should be implemented in full.

#### 1. Recommendations addressed to States

52. States should:

(a) Ratify relevant human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights, and the UNESCO cultural heritage conventions and protocols and other relevant international and regional standards in the field of cultural heritage;

(b) Fully incorporate relevant international human rights standards into the domestic legal order and ensure that cultural rights, including the right of access to and enjoyment of cultural heritage,<sup>15</sup> are justiciable, and report on the progress of the national implementation to the international human rights mechanisms, such as the treaty bodies and the universal periodic review;

<sup>13</sup> See [A/71/317](#), [A/73/227](#), [A/75/298](#), [A/HRC/17/38](#), [A/HRC/31/59](#) and [A/HRC/31/59/Corr.1](#), [A/HRC/43/50](#), [A/HRC/46/34](#), [A/77/290](#) and [A/HRC/52/35](#).

<sup>14</sup> [A/HRC/37/29](#) and [A/HRC/48/40](#).

<sup>15</sup> See, for example, International Covenant on Economic, Social and Cultural Rights, art. 15; and Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009), paras. 44–59.

(c) Take necessary steps to investigate all allegations of violations of cultural rights, bring perpetrators to justice, and provide victims with adequate access to effective remedies;

(d) Strengthen the efforts to bridge the divide between tangible and intangible heritage, adopt a holistic approach to protecting them both, and ensure that all types of heritage and the rights to have access to them and enjoy them are protected on an equal basis;

(e) Ensure full and meaningful consultation, participation and empowerment of concerned communities and individuals, particularly of marginalized groups and individuals, including women, Indigenous Peoples and migrants, throughout the process of identification, selection, classification, interpretation, preservation, stewardship and development of cultural heritage. In particular:

(i) Ensure that no inscription on UNESCO lists relating to cultural heritage or on national lists or registers is requested or granted without the free, prior and informed consent of the communities concerned, particularly in the case of Indigenous Peoples;<sup>16</sup>

(ii) Conduct cultural impact assessments for development and tourism projects, including on the negative impact of overtourism, fully considering the complaints by concerned groups and individuals about misuse, misrepresentation, misappropriation or endangerment of cultural heritage by such projects or relevant activities;

(iii) Recognize the growing role of migrants in the cultural sector, including in tourism, and devise cultural integration policies that emphasize cultural heritage as a shared value between host societies and migrants.

(f) Develop and maintain advanced inventories of cultural heritage, including through the use of digital technologies, to enhance preparedness and the effective protection of cultural heritage from crisis, including armed conflict, disasters and other public emergencies;

(g) Ensure that policies, laws and programmes on the protection of cultural heritage include documentary heritage, such as library collections, both analogue and digital, and address specific challenges affecting documentary heritage;

(h) Address the digital divide in accessing digital heritage, including both digitized and born-digital materials, with a view to enabling full and meaningful access to and participation in cultural life;

(i) Promote effective cooperation and coordination in the field of cultural heritage with local, national and regional authorities across different sectors such as culture, education, foreign affairs, justice, defence and tourism, and with international and intergovernmental bodies, including international financial institutions and non-governmental organizations;

(j) Develop and implement capacity-building programmes for public officials and other professionals working in the field of cultural heritage, and strengthen civil society capacity and raise public awareness, including by integrating cultural rights and cultural heritage into school curricula;

(k) Ensure that States, in preparation for the protection of cultural heritage during and after crises, have in place emergency response mechanisms and guidelines, and frameworks for the recovery and restoration of damaged heritage sites and the restitution of cultural objects;

(l) Prevent looting and illicit trafficking of cultural objects, including through enhanced due diligence, and strengthen cooperation at the international and bilateral levels to facilitate the repatriation of stolen and looted artefacts in line with applicable international law;

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<sup>16</sup> See the United Nations Declaration on the Rights of Indigenous Peoples.

(m) Recognize the crucial role of cultural rights defenders in the protection of cultural heritage, include them in preparing and implementing national and local preparedness plans for cultural heritage preservation, and strengthen the efforts to respect and protect their rights, particularly during crises;

(n) Ensure that the voices of the culture and cultural heritage sectors and of individuals and communities who have close cultural ties with the environment are represented in climate policy discussions, including through their full and meaningful participation in decision-making, and ensure that culture, traditional knowledge and cultural heritage in all its forms are incorporated in adaptation and mitigation efforts;

(o) Consider developing a human rights instrument, such as a set of guiding principles, related to the protection of cultural heritage, the rights of cultural rights defenders and the respective State obligations.

## **2. Recommendations addressed to the United Nations system**

53. OHCHR and UNESCO, in collaboration with the Special Rapporteur in the field of cultural rights, should:

(a) Strengthen the efforts to ensure that cultural heritage is recognized as a human right and included in broader development and human rights discussions at the international, regional and national levels;

(b) Widely disseminate tools for the human rights-based approach to the protection of cultural heritage among international, regional and national stakeholders and the general public;

(c) Ensure, in collaboration with Member States, that cultural rights defenders, particularly those working in crisis situations, fully benefit from protection frameworks and mechanisms, and develop additional specific standards as necessary, building on the Declaration on Human Rights Defenders.

## Annex

### List of tools

- United Nations Educational, Scientific and Cultural Organization (UNESCO) conventions:
  - Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto
  - Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
  - Convention for the Protection of the World Cultural and Natural Heritage
  - Convention on the Protection of the Underwater Cultural Heritage
  - Convention for the Safeguarding of the Intangible Cultural Heritage
  - Convention on the Protection and Promotion of the Diversity of Cultural Expressions
- UNESCO World Conference on Cultural Policies and Sustainable Development (MONDIACULT 2022) Ministerial Declaration<sup>17</sup>
- Council of Europe Convention on Offences relating to Cultural Property
- UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects
- Bilateral agreements on the repatriation of stolen cultural property to countries of origin
- Rome Statute of the International Criminal Court and the Policy on Cultural Heritage of the Office of the Prosecutor of the International Criminal Court
- ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- United Nations human rights instruments, including:
  - International Covenant on Economic, Social and Cultural Rights
  - Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders)
  - United Nations Declaration on the Rights of Indigenous Peoples
- Human Rights Council resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights
- Human Rights Council resolution 54/22 on promoting and protecting economic, social and cultural rights within the context of addressing inequalities
- Reports of the Special Rapporteur in the field of cultural rights to the Human Rights Council<sup>18</sup> and to the General Assembly<sup>19</sup>
- Reports of the Special Rapporteur on the rights of Indigenous Peoples<sup>20</sup>

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<sup>17</sup> See <https://www.unesco.org/en/articles/unesco-world-conference-cultural-policies-and-sustainable-development-mondiacult-2022?hub=758>.

<sup>18</sup> [A/HRC/31/59](#) and [A/HRC/31/59/Corr.1](#) and [A/HRC/58/60](#).

<sup>19</sup> [A/71/317](#).

<sup>20</sup> [E/CN.4/2002/97](#), [A/71/229](#) and [A/77/238](#).

- Report of the Expert Mechanism on the Rights of Indigenous Peoples<sup>21</sup>
- Abu Dhabi Declaration on heritage at risk in the context of armed conflicts
- Sendai Framework for Disaster Risk Reduction 2015–2030 and related guidelines
- WIPO Toolkit on Preservation for Cultural Heritage Institutions – Libraries, Archives and Museums<sup>22</sup>
- UNESCO capacity-building and other tools:
  - *First Aid to Cultural Heritage in Times of Crisis – Handbook* (2018)
  - *Protection of Cultural Property: Military Manual* (2016)
  - Massive open online course on living heritage and sustainable development<sup>23</sup>
  - Curriculum of the global capacity-building programme on intangible cultural heritage<sup>24</sup>
  - Publication entitled *Defending Creative Voices – Artists in Emergencies: Learning from the Safety of Journalists*
  - Guidance note on climate action for living heritage
  - Ethical Principles for Safeguarding Intangible Cultural Heritage
  - Operational principles and modalities for safeguarding intangible cultural heritage in emergencies
  - Guide for urban search and rescue at heritage sites (with the Office for the Coordination of Humanitarian Affairs and the International Centre for the Study of the Preservation and Restoration of Cultural Property)
  - *Empowering Creativity: Implementing the 1980 Recommendation concerning the Status of the Artist*
  - *Methodological Guide for the Participatory Development of a Law on the Status of the Artist*, in cooperation with the International Labour Organization
- Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights
- Guiding Principles for Safe Havens for Archives at Risk
- Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore
- International Federation of Library Associations and Institutions:
  - Principles of Engagement in library-related activities of disaster risk reduction and in times of conflict, crisis or natural disaster; Principles for Responding to Conflict;
  - Disaster Preparedness and Planning manual;
  - Guidelines for the Care, Handling and Storage of Photographs; Planning the Digitization of Rare Book and Manuscript Collections;
  - Principles for the Care and Handling of Library Material; Guidelines for Audiovisual and Multimedia Materials in Libraries and Other Institutions.

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<sup>21</sup> [A/HRC/30/53](#).

<sup>22</sup> See <https://www.wipo.int/documents/d/copyright/docs-en-toolkit-on-preservation.pdf>.

<sup>23</sup> Module 6: Intangible cultural heritage for resilience, environmental sustainability and peacebuilding.

<sup>24</sup> Available from the UNESCO capacity-building materials repository at <https://ich.unesco.org/en/capacity-building-materials>. See, for example, unit 38 (ethics for safeguarding intangible cultural heritage), unit 22 (free, prior and informed consent) and units 48 (gender and intangible cultural heritage) and 49 (a gender-responsive approach to safeguarding intangible cultural heritage).