



LESSON TRANSCRIPT

History and philosophy of cultural rights

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We created the Interdisciplinary Institute of Ethics and Human Rights and organised a number of symposia on the universality and indivisibility of human rights, the most recent of which focused on the essential core of these rights.

The general context was the development of minority and indigenous rights, and we spoke of cultural rights in collective terms. Peter Leuprecht, Deputy Director of Human Rights at the Council of Europe, told me: «We have an important, philosophical problem, because if we deploy collective rights, it's to the detriment of individual rights within mono-cultural communities or nations.» The purpose of 1991 was to show that cultural rights are not the last wheel in the cart.

Economic, social and cultural rights are often overlooked, placed in a second-tier category compared to civil and political rights. We have shown not only that they are at the same level, but that they have an impact on all human rights, since they directly affect identity.

Following this symposium, we developed a report, published in 1993, affirming that cultural rights are not secondary, like the right to go to the cinema or the theatre, although these activities are important. On the contrary, cultural rights affect identity, and without a healthy identity, we lose capacity. My experience with ATD Quart Monde, which has inspired me since I was a teenager, shows that in extreme poverty we understand the importance of the cultural dimension, education, transmission, pride and self-recognition.

Without this, no rights can be respected, implemented or understood. If cultural rights are not respected, there is a risk of subverting the idea of imposing standard rights on everyone.

The most relevant demonstration was to propose a protocol to the European Convention on Human Rights. However, we realised that a political dimension was missing. We therefore initiated a draft declaration for UNESCO on cultural rights, which the organisation initially shelved. Then, during the preparation of the UNESCO declaration on cultural diversity (1999-2001), we contributed to the inclusion of Article 5 on cultural rights. This declaration marks a paradigm shift: diversity has become a common heritage, a source of universality.

The «Fribourg Group», made up of international members, worked in Strasbourg. We were supported

by experts such as Mireille Delmas-Marty and Alain Touraine, as well as by various experts from the United Nations and UNESCO. In 2002, we collaborated with the Organisation Internationale de la Francophonie on the universality of human rights and the relative importance of cultural diversity, particularly at a symposium in Tunis.

In 2004, we created a Diversity and Cultural Rights Observatory to demonstrate the link between rights and diversity. Back in 2003, with my colleague Gabi Dolff-Bonekämper from the University of Berlin, we worked on a Council of Europe framework convention on the Right to Heritage, defining this right as a Human Right.

Our observatory helped produce a new version of the 1997 declaration, better integrating the notion of diversity. In 2007, we published the Declaration of Cultural Rights, or Fribourg Declaration. This declaration proposes a realistic vision and clarifies the very definition of culture, placing human rights at its heart. Culture includes everyday life: science, sports, religions, philosophies, lifestyles, cuisine, etc. Drafting this declaration allowed previously dispersed legal provisions to be integrated into a single document.

The Declaration of Cultural Rights builds on existing rights, reinforcing their complementarity. This text from civil society, based on international law, sheds light on an important aspect of human rights. In 2009, the United Nations Committee on Economic, Social and Cultural Rights adopted a General Comment on cultural rights, adopting our definition of culture. That same year, a UN resolution created the mandate of a Special Rapporteur on cultural rights, thanks to a coalition of NGOs. Since then, the work of the Special Rapporteurs has greatly advanced knowledge of these rights, demonstrating their fundamental importance and the cultural dimension present in every human right.