

**Excerpt from the Report on the Seventh Session
(E/1993/22 - E/C.12/1992/2), paras. 202-223**

**GENERAL DISCUSSION ON THE RIGHT TO TAKE PART IN CULTURAL LIFE
AS RECOGNIZED IN ARTICLE 15 OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

202. The Committee, at its sixth session (see E/1992/23, para. 379), decided that at its seventh session a day of general discussion would be devoted to the right to take part in cultural life as recognized in article 15 of the Covenant, and welcomed the readiness of Mr. Samba Cor Konaté to prepare a discussion paper on this subject.

203. The discussion was held on the basis of the paper on the implementation of cultural rights and an analysis of article 15 of the Covenant prepared by Mr. Konaté (E/C.12/1992/WP.4), who opened the discussion.

204. Mr. Konaté, introducing his paper, noted that cultural rights, like economic and social rights, were "underdeveloped" largely because of a lack of clarity in respect to their legal nature and content. The international instruments on human rights restricted the definition of cultural rights to their external aspects. The paper particularly emphasized that culture was at the very core of human dignity and, indeed, of life itself.

205. The right to have access to culture and the need for equal opportunities and non-discrimination, which might be regarded as a group right, was also dealt with in the paper. Participation in cultural life must not be imposed by the authorities and individuals must have the right to be involved in defining cultural policy choices. The right of access to culture entailed the freedom to engage in creative activity, access to means of dissemination and protection of the cultural and artistic heritage.

206. The cultural rights of minorities had not received sufficient attention in the past and the Committee should give priority to considering ways to protect these rights.

207. Mr. Konaté stressed the importance of ensuring equal access for all to scientific and technological progress. Scientific progress has limits, particularly from the ethical point of view and of the perspective of the protection of the environment.

208. Concerning measures to be taken by States parties to ensure the implementation of cultural rights, the author of the paper suggested that the Committee should request them to provide information on the Recommendation adopted unanimously by the UNESCO General Conference at its nineteenth session, held at Nairobi in 1976. Scientific progress should be assessed as a function of economic and social development and States should stress the cultural aspect in economic development programmes. Education must play an important role in ensuring access to culture.

209. Representatives of UNESCO stressed that UNESCO was trying to go beyond the materialistic vision of culture to one that included every aspect of the creativity of individuals and groups, both in their style of life and in their mode of practical activity. Lately, UNESCO had been emphasizing all the ethical aspects of human life vis-à-vis the problems posed by

progress in science, technology and economic development in general. UNESCO shared the Committee's view concerning the growing interdependence of cultural development and development in general as well as the Committee's concern that countries should avoid turning in on themselves and developing cultural prejudices and that a means of more effective international cooperation must be found. UNESCO was giving priority to culture and morality, as well as to education and training, to ensure the sharing of knowledge so as to give culture an important place in national development strategies. UNESCO had recently been giving much attention to democracy and human rights, including the right to culture.

210. The representative of the International Movement for Rights and Humanity noted that the right to participate in cultural life revealed a link between civil and political rights on the one hand and economic, social and cultural rights on the other. The definition of cultural life contained many subjective elements and went far beyond high culture and the arts and clearly included food, languages, religion, music, dance and traditional activities and rituals. For indigenous peoples and many others it affected their very survival and way of life. The protection of minorities had given rise to particular problems in Europe, concerning not only the protection of minority groups in the dominant culture but also their rights to develop and participate in their own cultures.

211. Members of the Committee expressed their profound appreciation to Mr. Konaté for the preparation of a legal analysis of the right to take part in cultural life.

212. Members of the Committee agreed that the rights set out in article 15 were complex, especially as they embraced not only cultural rights and cultural life but also scientific research and its applications. Culture was indeed at the centre of human rights.

213. It was stated that culture meant a way of life. Its elements would be language, non-verbal communication, oral and written literature, song, religion or belief systems which included rites and ceremonies, material culture, including methods of production or technology, livelihood, the natural and man-made environment, food, clothing, shelter, the arts, customs and traditions, plus a world view representing the totality of a person's encounter with the external forces affecting his life and that of his community. Culture mirrored and shaped the economic, social and political life of a community.

214. Participation in cultural life, at the very core of which lay a person's duties and responsibilities towards the common good, gave the individual a feeling of belonging and reinforced his sense of identity. Taking part in cultural life, therefore, embraced all the activities of the individual.

215. It was suggested that States parties should be asked to cite their own cultural indicators which the Committee could compare with the ones it itself used. The Committee could draft questions of a general nature regarding cultural life to elicit responses that would reflect concepts peculiar to a particular culture.

216. In respect of the obligation of States to implement article 15, the Committee was always interested in the practical application of rights. The rights in article 15 had a non-self-executing nature which required States to take legislative or other measures for their application. Furthermore, in the current economic recession cultural rights were the first to be sacrificed.

217. The concept of participation in cultural life has two components. The first was the right to create cultural, literary, artistic and scientific – in a word, spiritual - values. The second component was the right to benefit from cultural values created by the individual or the community. The participation in cultural life included both the right to artistic, literary and scientific creation and the right to enjoy the benefits created by it.

218. Attention needed to be focused on the right to culture in countries in the process of transition, which had abandoned their old systems but did not yet have other kinds of infrastructure to support culture and the arts. That aspect should be reflected in the guidelines and questions addressed to States.

219. Since the elderly were included among the particularly vulnerable and disadvantaged groups, attention should be given to ways and means of enabling them to participate in cultural life.

220. States in their reports concerning the implementation of article 15 of the Covenant should give greatest attention to the following aspects: non-discrimination between cultures since no hierarchy of cultures exists, all being equal and therefore having an equal right to protection; the measures States are taking to allow access to culture by the greatest number of people. There is a danger of growing standardization of culture or the lowering of the level of culture to the lowest common denominator, generally due to the invasion of a cultural model from outside which is accepted purely because of economic factors and due to market forces. Questions would need to be formulated to clarify such situations, in view of the need to protect all cultures and to ensure the survival of those economically unable to compete. With respect to the right to freedom of scientific research, questions should be asked about how to prevent the freedom to engage in scientific research from leading to ecological disasters or how to resolve the ethical problems posed by certain scientific advances such as those in the field of human reproduction.

221. In some cases the protection of cultural rights could clash with economic and social development. The Committee should consider how best to tackle such problems.

222. The Chairman and members of the Committee requested Mr. Konaté to draft recommendations on the obligations of States concerning the right to take part in cultural life on the basis of the comments made by the members of the Committee with respect to article 15 of the Covenant.

223. The Committee decided to study these recommendations at its ninth session.