**Article 27 Manifesto**

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Good afternoon.

It is an honor to be with you at the start of this important event. I would like to thank the organizers sincerely for inviting me. Being at this distinguished and engaged gathering is for me a wonderful way to celebrate the 70th anniversary of the Universal Declaration of Human Rights, and its Article 27 which guarantees the right of everyone to take part in cultural life, an anniversary which will take place on Monday December 10.

Hence, my title today is Article 27 Manifesto and I will say in a moment what I mean by that. In the time that I have I will 1) make a few introductory remarks, 2) give an overview of my UN mandate, 3) discuss the legal basis for our work, 4) share a few relevant aspects of my most recent report for the UN General Assembly on universality and cultural diversity, and finally 5) make a few modest proposals regarding the way forward on issues related to Safe Haven, all time permitting. For more information or to find the documents I am referencing, please follow me on **@UNSRCulture**, and visit the [home page of the mandate](http://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx), where you can also sign up for the mailing list.

1. **Introduction**

I salute all those here who work to realize freedom of artistic expression, one of the most vital and most human of human rights. I pay particular tribute to those among us who have faced persecution and human rights violations for their artistic and cultural practice. I salute you for your creativity, your determination and your resilience. I will not claim to understand your experience, though I warmly welcome hearing about what it has meant to you and what we should do about it in this forum and beyond. I know that in the process of trying to determine precisely what Safe Haven means, and in trying to find more ways to afford it, one of the most important aspects is to fully consult and involve you. Our work must always be with you, not for you.

Your experience is one which moves me greatly when I contemplate what you and your families and friends and colleagues have experienced. I know just a little bit about what this might be like because my father Mahfoud was a professor at the University of Algiers who received death threats for openly opposing fundamentalism and teaching evolution from the Armed Islamic Group, the Daesh of those times, which waged war against the population as it tried to take power. From 1993-1997 during Algeria’s “dark decade” of jihadist terror, Mahfoud Bennoune like so many artists, intellectuals, journalists, feminists and trade unionists and others, never knew when they left home in the morning if they would return. I am glad to say my father survived though many of his colleagues did not. But I know that one of the things which hurt them the most in the face of this cataclysm was the lack of international solidarity, apart from a few isolated and laudable NGO initiatives in Italy and France.

From this experience, I do know that when an artist must take risks to continue expressing herself, to continue realizing article 27 for all of us, it can take an unimaginable toll on her or him, and her family and friends and colleagues, are all affected as well. And the effects may last for a very long time. This is why my respect for those of you who have walked this gauntlet is so profound and I am determined to stand with you.

I also learned that attacks on artists cause great pain to their entire audiences, to so many in the societies in which they live and do their work. I have never forgotten how devastated so many Algerians were when the working class *ra**ï* singer Cheb Hasni was assassinated by fundamentalists on September 29, 1994. Nor will I forget how we felt tremendous relief when we learned that Aziz Smati - producer of my favorite youth music program *Bled Music* who played raï music videos on national TV for the first time, survived a February 14, 1994 assassination attempt (though we grieved to know that he would never walk again due to his injuries).

I would also like to offer my sincere gratitude to those amongst us who work to realize safe haven for and with our artist colleagues, either by fighting for artistic freedom around the world and tackling the root causes of its repression, or by helping find refuge and support for those who flee. Your collective efforts to secure these rights, for yourselves, for others, for us all, have never been so important.

Embattled humanity - living in a world of extremists of all kinds, in a world threatened by catastrophic climate change which we are told by some leaders is not happening even as it unfolds in front of us, in a world where hate is acceptable again, where inequalities are growing, and where public space is being privatized and commercialized - embattled humanity in this moment has never needed its artists so much. And that is the spirit of urgency that led me to call this talk a manifesto. Article 27 of the Universal Declaration of Human Rights is critical to the human spirit, but it is also essential for the implementation of all the other articles of the Declaration. And we must continue to insist on its full implementation.

Artistic and cultural initiatives can provide crucial opportunities to build capacity for critical thinking and respect for cultural diversity, equality and the universality of human rights. In some contexts, including those characterized by violence and repression, extreme censorship, stigma regarding artistic expression or discrimination against some artists and cultural practitioners, such as women, merely engaging in artistic and cultural practice can have deep meaning for and an impact on human rights, regardless of the specific content or aims. That is why this has been a priority area for my mandate. This brings me to the somewhat more mundane topic of what exactly is a Special Rapporteur.

1. **Introduction to the Special Rapporteur in the field of Cultural Rights**

We are appointed by the UN Human Rights Council, the highest UN political organ in the area of human rights, and literally report to the council. However, the rapporteurs do not work for the UN, we are volunteers and independent experts. I usually joke and say that “independent: means that we are not paid.” As Special Rapporteur, I present an annual thematic report on cultural rights to the Human Rights Council and another thematic report to the General Assembly. For example, my predecessor Farida Shaheed wrote an important [report on Freedom of Artistic Expression](http://undocs.org/A/hrc/23/34), with input from some of you here back in 2013, and last spring I presented a [report on socially engaged artistic and cultural initiatives](http://undocs.org/A/hrc/37/55) that promote human rights and how states and the international community might better support them.

I am also able to raise specific cases of alleged violations in the cultural rights area confidentially with governments and other actors through the communications procedure, and can make a public statement about them exceptionally as well. Cases can be submitted to me for this purpose through the [website](https://www.ohchr.org/EN/Issues/CulturalRights/Pages/ComplaintsSubmission.aspx) of the mandate. Farida and I have both taken up the cases of many at risk artists, including Ashraf Fayadh, the Palestinian poet still behind bars in Saudi Arabia for the crime of poetry and for whose release I reiterate my call, hoping that anyone here with government affiliation will bring every pressure to bear for his speedy release and to afford him the safe haven he will then likely need.

I undertake two country missions every year to investigate the implementation of cultural rights and issue reports on these countries. In 2017, I travelled to Malaysia where in the state of Kelantan entire art forms are banned and where women cannot perform in public in front of mixed audiences. I met practitioners of wayang kulit, shadow puppetry, who are fighting, sometimes alongside their entire families, to keep this great tradition alive notwithstanding the ban. In my report on Malaysia to be presented to the Human Rights Council on March 1st, I demand the immediate lifting of those bans and measures to revive these art forms and compensate their practitioners for their losses. (The report is forthcoming. For more information, see this [end of mission statement](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22121&LangID=E).)

This autumn I undertook my most recent mission to nearby Poland where I warned that the country’s very rich cultural life is at risk of being eroded by growing limitations on cultural freedom at the national level. Poland’s cultural sector needs international support and solidarity in the face of these developments. (For more information, see the [end of mission statement](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23693&LangID=E).)

**3) Cultural Rights**

So, this is an illustrated overview of what a Special Rapporteur does. Let me now turn to the legal basis of my work, of our work, so that we can remind ourselves that part of what we are doing is working to implement norms of international law binding on states, and trying to remind states of their obligations in this regard. Cultural rights are a key part of the corpus of international human rights law guaranteed by both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights.

*The Universal Declaration of Human Rights*, Art. 27,holds that:

(1) 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. (The Peruvian delegate added the word “freely.”)

*The International Covenant on Economic, Social and Cultural Rights,* Art. 15, a binding treatywhich has 169 State Parties, including Sweden, sets out in relevant part that:

1. The States Parties to the present Covenant recognize the right of everyone:
   1. **To take part in cultural life;** (Clearly this is shaped by the non-discrimination provision of article 2(2) of the Covenant)

[…]

3) TheStatesParties to the present Covenant **undertake** **to respect the freedom indispensable for scientific research and creative activity**.

4) The States Parties to the present Covenant recognize the benefits to be derived **from the encouragement and development of international contacts and co-operation** in the scientific and cultural fields.

The UN Human Rights Council, the highest political body of the UN system in the field of human rights has regularly reiterated, that “cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent.” In recent years, cultural rights have gained in legitimacy. However, much remains to be done to fulfil the Council’s vision and too often these rights are seen as a luxury item, or optional, rather than being recognized as rights that go to the core of who we are as human beings.

We must constantly remind governments that they have international legal obligations to implement artistic freedom at home, and that our work is not humanitarian work that affords assistance, it is human rights work, based on legal obligations of states and other actors and the universal human rights with which all of us, including artists are endowed. We need to insist on a cultural rights approach to safe haven and artistic freedom, grounded in international law, meaningfully implemented at home and around the world, and based on full participation and consultation of affected rights holders. Indeed, we must understand artists and their audiences as rights holders, and in certain circumstances as human rights defenders, cultural rights defenders.

We must demand that national, subnational and municipal governments should:

* + - * 1. Respect and ensure the human rights of artists and those engaging in the cultural field, and their audiences. Take urgent steps to investigate threats to and attacks against such persons and bring to justice alleged perpetrators in accordance with international standards. All artists jailed for exercising artistic freedom must be immediately released;
        2. Provide adequate support and security for artists, cultural workers, audience members and participants; create and promote networks of support for artists and cultural workers taking risks in zones of violent conflict and facing repression;
        3. Offer asylum to those whose artistic or cultural work has led to their persecution, and facilitate the continuation of their work in exile;
        4. Involve artists and cultural workers in the planning, execution and evaluation of initiatives in this area;
        5. Undertaking awareness-raising about the importance of artistic expression and cultural production, including that which is socially engaged, so as to heighten public support for such work and those who take part in it;

and

* + - * 1. (and this is to *all* governments) Increase their budgets for culture as much as possible, and at a minimum comply with the UNESCO recommendation that Governments use 1 per cent of total expenditures for culture.

To work toward just such objectives, the mandate on cultural rights was created nearly 10 years ago now in 2009(I am looking forward to celebrating the 10th anniversary next March) and much has been accomplished in the field since then toward these ends. But there remains so much for all of us to do together, especially in a time when the very basic concepts of human rights we need to do our work defending artists are under threat.

4**) Universality, Cultural Diversity and Cultural Rights**

This bring me to the topic of my [most recent report](http://undocs.org/A/73/227) for the General Assembly, in which I underscored that the universality of human rights is today the cornerstone of human rights law, regularly reaffirmed by states in new legal standards, and a foundational aspect of the human rights system. It greatly enhances the lives of all human beings, including by guaranteeing their cultural rights. It is a critical tool for human rights defenders, including cultural rights defenders, around the world.

However, universality is currently under sustained attack from many directions, including by those who misuse culture and cultural rights justifications and this is a threat to Article 27 and to artistic freedom and all human rights. In response, we need a foundational renewal of universality, and one with a broad youth constituency that can nourish the tradition of the UDHR during its next 70 years. We cannot take universality for granted. I was alarmed that in the recent General Assembly session, there was only one intervention in response to my report (by the European Union) that defended this principle. If we do not all take responsibility to stand up for the vision of the Universal Declaration, including freedom of expression and cultural rights, who will?

Meanwhile, in recent years, respect for cultural diversity has also been threatened by those who seek to impose monolithic identities and ways of being, who advocate various forms of supremacy and discrimination – we are seeing them ascendant all around the world, including in Europe and in the United States. Cultural diversity is still wrongly understood as being in opposition to universality, including by some Governments and other actors who misuse it as an excuse for violations of the very universal human rights within which its enjoyment is embedded, and by others who oppose the concept altogether.

We must recognize the diversity of diversities, not only between, but within all human collectivities. In all countries, there should be provisions and mechanisms to protect those who decide to step outside given cultural and religious frameworks, such as non-religious persons, and many artists, from physical attacks, threats and incitement to hatred and violence. This diversity of diversities breaks the myth of homogeneous cultural blocs, and questions the authority of any person or institution to impose an interpretation on cultural resources.

To improve respect for cultural diversity, in my report I urge that States should inter alia:

* + - * 1. Recognize and value it within the framework of universal human rights and avoid abusively restricting its expression; recognize and respect cultural dissent, syncretism and cultural mixing, and the right to re-interpret cultures;

and

* + - * 1. Reaffirm the importance of secularism and the separation of religion and State, and of both secular and intercultural spaces, for full enjoyment of freedom of religion or belief, and cultural rights.

**Universality is not a weapon against cultural diversity, nor is cultural diversity a weapon against universality. The two principles are mutually reinforcing and interlocking.** In today’s polarized world, we need a sophisticated multi-directional stance. We must simultaneously defend the universality of human rights from those seeking to use cultural claims as a weapon against rights, and at the same time defend cultural rights and respect for cultural diversity, in accordance with international standards, when those principles come under attack. This is an important way to mark the 70th anniversary of the UDHR and its Article 27 guarantee of the right to take part in cultural life without discrimination.

Women’s cultural rights are prime sites of threat to universality and must be rigorously defended, especially in a world where even some leaders openly denigrate women and deny their equality and where as Freemuse’s important new report documents, women artists face particular risks. Equality and universal human rights are not overridden by culture or what is claimed to be culture. Cultural rights are not an excuse for violations of human rights.

Universality is not an idea that belongs to any one country or culture, to any one region or religion. In this seventieth anniversary year, we have an obligation to remind ourselves of the contributions made by women and men from around the world – from India to Pakistan to the Dominican Republic to Lebanon to China as well as from the U.S. to France – and others, to the Universal Declaration. We must promote and share its truly global history. The text adopted in 1948 was not an imposition of the values or cultures of any one region of the world, but rather a product of transcultural negotiation and a foundational challenge to entrenched systems of racial and sexual discrimination that were prevalent. Notwithstanding abstentions, not a single country voted against the Universal Declaration. It has become not only a vital international legal standard, but also one of the most important pieces of intangible cultural heritage created during the twentieth century and, thus, part of the cultural heritage of all humankind. It requires vigilant protection.

Ardent defenders of the universality of human rights are found in all regions, religions and beliefs, and cultures. The opponents of universality are likewise geographically diverse. People and Governments in every part of the world are capable of violating or sustaining the idea of universality. It is no accident that the rhetoric of universality often resonates most strongly with those who are most marginalized and discriminated against.

In contrast to cultural diversity which is positive for human rights, cultural relativism - which suggests that some have lesser or different rights because of the collective to which they are assumed to belong, is destructive and has been repudiated by international law. However, one finds this idea proliferating today in government discourses and even academic classrooms, and here I make a particular appeal to my fellow academics to tackle this grave problem. Let me be clear. There are no second-class humans. Humanity is not a relative concept. It is no accident that people usually make this argument about the rights of others, not about their own rights. And cultural relativism is no mere theoretical construct; the exclusions from rights protection it seeks to create have grave, sometimes lethal, consequences, including for artists, especially those who are women, minorities, LGBT persons or daring to express themselves about difficult topics like religion. Standing up for universality and against cultural relativism is one of the most important big picture things we can do to defend cultural rights, including freedom of artistic expression. We have become too timid – too willing to back down in the face of claimed cultural or religious excuses.

Cultures also have many positive implications for the enjoyment of universal human rights and this must never be overlooked. Cultures can be like oxygen for the human spirit. When enjoyed in accordance with international standards, they can nourish and sustain and challenge and create space for debate and rethinking and resolving conflicts, and for expression and education and enjoyment. This is part of why our battle for artistic freedom and to support at risk artists means so much.

**5) A Few Suggestions for the Way Forward**

This brings me finally to a few suggestions for the way forward. In addition to vigorously defending universality – one of our most precious tools – and standing against cultural relativism – one of our biggest obstacles, I hope you will consider the following ideas in your deliberations. I am deeply grateful for so much that so many of you are already doing, whether in ICORN cities of refuge or the Artists at Risk Connection just to name a few for reasons of time, or through a wide range of residence and programs, and through Safe Havens itself, so forgive me if any of this overlaps with what you are already doing. Consider it a tribute to the fact that I consider it a good idea to be replicated. I think that there is much more civil society, and allies in government, and artists and experts can and must do, and do together, to stand for Article 27.

First and foremost, if you might allow me to say in the friendliest way, that it is essential that we all work cooperatively rather than competitively. Alas, there is enough work for us all to do and if we do not have powerful coalitions and networks and allies and recognize our complementarity we will never succeed in meeting our goals no matter how well our own organizations and initiatives may do.

It is also important to consider that sometimes small amounts of funds provided to local, regional, grassroots, frontline initiatives to help artists and cultural rights defenders *sur place*, to help tackle root causes of human rights violations and persecution can be the most effective way to work, even if it may less flashy than bigger external approaches which may also play a key role – don’t get me wrong. I have seen this in the cultural heritage area as well.

I spent time last weekend with some of the artists and cultural workers forced to flee Algeria for France during the 1990s violence I began by referencing. I asked them what I should tell you here today. For example, I posed this question to Samia Benkherroubi, a feminist activist who was the host of my favorite youth music program *Bled Music* on Algerian national TV and had to leave the country after her producer survived the assassination attempt which left him a paraplegic, and that I mentioned at the start of my remarks. She told me that one of the single most important initiatives she remembered was that of a French theatre director who would organize regular gatherings of Algerian artists and journalists over lengthy dinners in her space to give them a place to gather and talk to each other at a time when they could not afford to go to cafes and desperately needed to share news from home, to exchange with their colleagues and simply to be with those who understood what they were going through. Such modest endeavors need to be multiplied.

While flight was their only option for survival at that time, a number of those who fled then, including leading producers, journalists, radio artists and others remain several decades later unemployed or underemployed, having never recovered career-wise from the experience of forced exile and finding it difficult to go back home once the security situation improved, for financial and family and other reasons. While solidarity and haven in the moment of crisis was essential for them, long term thinking and planning and programming is necessary because for many this is a lifelong experience of cultural, personal and professional loss. And, of course, that loss is also felt deeply back home in terms of the brain drain.

Meaningful save haven must be available urgently *and* have a long-term vision.

I just had the honor of meeting a stalwart Bangladeshi publisher, whose case was one of the first I took up when I became Special Rapporteur, after he survived a nearly life-threatening attack for publishing the work of the assassinated secular writer Avijit Roy. This publisher has thankfully found asylum but he and his family are continuing to heal and trying to rebuild. He is bravely continuing to publish online on a shoestring budget. More support needs to be available for such efforts. He stressed to me the importance of finding ways to support exiled artists to be able to continue the artistic and cultural work which led to their flight in the first place, as many are unable to do so. I also think it would be essential not only to create more such initiatives but to support those which the exiled artists themselves would like to create, including workshops amongst themselves, and more opportunities for their work to be seen and heard.

Meaningful safe haven for creators must include creative space and possibilities.

Turning to the UN level, I wish to make one concrete proposal. Unlike some other issues covered by Special Rapporteurs, many actors working in the cultural field do not necessarily engage with the UN System. Meanwhile, many of the civil society groups that do engage regularly at the UN are not paying adequate attention to culture or cultural rights. This must change urgently.

In the tenth anniversary report I will finish next week, I will call for the creation of a Civil Society Coalition for Cultural Rights at the United Nations, modeled after similar coalitions around inter alia the issue of freedom of religion or belief. This structure could more systematically aid me and future Special Rapporteurs in pushing for implementation of Article 27 and other universal norms. It could work on the dissemination of reports, their translation into other languages, development of implementation toolkits, could organize more participation in interactive dialogues and could lobby states in support of the work of the mandate and on relevant resolutions, and hold them accountable for violations, and could train artists and activists in working at the UN.

It is time for actors in the cultural sphere to recognize the importance and relevance of the United Nations human rights system for their work, and for the United Nations human rights system overall to pay greater attention to culture and cultural rights.

This coalition could also submit more cases under article 15 on violations of artistic freedom to the UN Committee on Economic, Social and Cultural Rights in accordance with its Optional Protocol to build a more robust jurisprudence in these areas. And it could submit more communications to me and my mandate in future. Much harm can be done to cultural rights and artists if we are not there together to defend these rights and this vital constituency in a coordinated fashion. We must stand up to the enemies of cultural rights at the UN Human Rights Council.International organizations and bodies must be encouraged to: (a) Build and strengthen “coalitions for culture” and to integrate culture into all international peacebuilding processes and relevant human rights initiatives.

The cultural rights guaranteed by the Universal Declaration will only be realized if we continue to find new ways to stand up for them, and new allies to stand with. It is not a moment for despair but for hope based on concrete and concerted action. The artists who continue their work on all the frontlines and when driven far from home should be our constant source of inspiration.

When I went to Algeria in 2010 to document some of the 90s horror, I began to collect what writers and artists and intellectuals had produced during those difficult times, transcending terror with their creative spirits. I will never forget an article I found in the newspaper El Watan that had been written by a woman journalist in her office in the rubble at Press House several hours after a devastating truck bomb there killed 18 people. Ghania Oukazi’s brave words should stay with us, should incite us to keep fighting for the realization of Article 27. For the word “pen” in the quote I am about to read, you could also substitute brush or guitar or voice. Ghania asked: “Pen against Kalashnikov. Is there a more unequal struggle?” And on that night of what another journalist called “rubble, dust and tears” back in 1996, Ghania answered her own question, writing. “What is certain is that the pen will not stop…”[[1]](#footnote-1)

Let us determine to go forward together to creatively and doggedly realize cultural rights in support of all who live this creed. In December 2018, 70 years after the adoption of the Universal Declaration of Human Rights, and its as yet unrealized promise of the equal and inalienable rights of all members of the human family, let this be our Article 27 manifesto.

Thank you. *Tusen Tack*.

1. Ghania Oukazi, “Hier, l”horreur,” El Watan (Algiers), 12 February 1996, p.2, cited in Karima Bennoune, *Your Fatwa Does Not Apply Here,* 2013, p.129. [↑](#footnote-ref-1)