

Inter-Sessional Meeting Speech Day Two: Cultural Heritage Defenders

Thank you, Mr. Chair. My renewed greetings to all on the second day of this important gathering. I thank the organizers sincerely for ensuring that this important session about “Supporting the work of cultural rights defenders working on cultural heritage protection” is on the agenda. To me it is one of the most important sessions.

I would like to begin by paying tribute to those cultural rights defenders in the field whom we lost to COVID19, including the Chairman of the General Organization for Antiquities and Museums in Yemen, Mohanad al-Sayani, a bridge-builder whose death created uncertainty about the ongoing work to safeguard the cultural heritage of Yemen. The pandemic has dealt significant setbacks to work in this area, something which must be acknowledged and addressed with urgency.

I also wish to acknowledge and honor the work of all those cultural rights defenders around the world who work to protect cultural heritage, sometimes laboring in obscurity without adequate resources, sometimes continuing at the risk of their lives or careers. I will never forget those dedicated people I have met who do this work –people in the north of Mali who hid precious manuscripts from jihadists, sometimes even under their floorboards, preserving their legacy for future generations, the museum directors who have put their careers at risk to defend the independence and integrity of their institutions, the dedicated curators and guides at the UNESCO World Heritage site at Auschwitz-Birkenau who do the harrowing work of helping people to learn important lessons about genocide every day, the staff at the Afghan national museum who have worked for decades – in grave danger - to preserve their artefacts from attack by a range of perpetrators, who have used those artefacts to try to teach lessons about tolerance

and diversity in the face of violence, and who need our urgent support in the months ahead. I am sorry that those who destroy often get more attention than those who protect and reconstruct. We must work together to change that. And today I want to talk about why and how a human rights approach to cultural heritage can help us to do that.

1) Who are Cultural rights defenders?

First, let me define the term “cultural rights defender.” In my March 2020 report to the human rights council¹, I explained that cultural rights defenders are simply human rights defenders who defend cultural rights in accordance with international standards. They are a critically important constituency among human rights defenders. Their work in every region of the world is essential for the implementation of cultural rights, which are an integral part of the universal human rights framework. However, they are often not fully recognized for their work, do not receive adequate support and are not granted appropriate protection. This too must change.

According to the Declaration on Human Rights Defenders adopted by the General Assembly, everyone has the right to strive for the protection and realization of human rights. Hence, cultural rights defenders have the right to undertake their work. Cultural rights defenders are not in a new category. Instead, the term is a way of explicitly naming, and seeking to empower and raise the profile of an existing, often ignored, category of human rights defenders. We must urgently find cross-sectoral collaborative pathways to encourage the provision of funding and the development of improved support and protection programs for people working on cultural rights, and to work against their unintentional erasure.

¹ [A/HRC/43/50 - E - A/HRC/43/50 -Desktop \(undocs.org\)](https://undocs.org/A/HRC/43/50-E-A/HRC/43/50-Desktop)

2) What roles to Cultural Rights Defenders play in the protection of cultural heritage? What risks do they face? What support do they need?

A critical dimension of the human rights approach to cultural heritage, and one which currently receives insufficient attention, is the support and protection of the cultural rights defenders working in the field of cultural heritage, some of whom are at risk and many of whom face great challenges in their work. In many circumstances, defenders of cultural heritage acting in accordance with international human rights norms should be recognized as cultural rights defenders, and thus as human rights defenders. In line with the UN Declaration on Human Rights Defenders, and Human Rights Council resolution 31/32 on protecting defenders, of economic, social and cultural rights, States should recognize the legitimacy of their work, address the threats and risks that they face and guarantee them, in their defence of human rights, a safe, enabling environment. In conflict situations, Article 15 of the 1954 Hague Convention provides that personnel engaged in the protection of cultural heritage are to be respected and must be allowed to carry on their work if they and the cultural property for which they are responsible fall into the hands of an opposing State party.

Sometimes we wish to create new and highly visible international initiatives or new tools for implementation, and yet there is insufficient determination to support local cultural rights defenders working in the field of cultural heritage, such as through small grassroots initiatives. They may have already developed tools but need resources and assistance to continue or increase their use. Though deaths of prominent defenders may be mourned after the fact, we must ask prospectively, preventively, are we doing enough to arrange for the protection or evacuation of or asylum for those who are at risk? Are we finding ways to enable them to continue their work, including together, at institutions elsewhere? Such initiatives can have a significant impact but

are often hampered by the inability to obtain funds, or lack of political will, notwithstanding the international community's professions of outrage at heritage destruction. Such small, potentially effective initiatives are to be favoured over more visible window dressing.

Threats to cultural rights defenders working in the field of cultural heritage also pose a grave risk of the loss of their expertise. Further, conflict situations and political turmoil frequently result in restrictions on the travel of those working to protect heritage. As a consequence, their access to necessary guidance and support is denied and their access to cultural heritage is limited. I think of one esteemed cultural heritage defender from Afghanistan whom I invited to speak both in Geneva and New York but who could not get a visa for either event.

All efforts to assist cultural rights defenders require their full consultation and participation. States and international organizations must consult frontline cultural heritage defenders, such as museum curators, archaeologists, archivists. They are rarely at the table. All too often we talk about them, not with them. This is yet another thing which must change.

The wide range of vital standards guaranteeing the rights and recognizing the work of human rights defenders, including cultural rights defenders, should be fully implemented without delay. However, many of the standards on human rights defenders omit mention of aspects of human rights work specific to cultural rights or cultural rights defenders. While the general standards can and should be interpreted to cover these issues, elaboration of more explicit standards related to the work of cultural rights defenders could be a positive step. For example, my successor could encourage the Human Rights Council to adopt a resolution on this topic.

Cultural rights defenders who have faced human rights violations have stressed to me that they feel safer when their cases and work receive international attention. When we spoke

yesterday about accountability for violations of the right to access and enjoy cultural heritage, we must also underscore accountability for violations of the rights of cultural rights defenders, including those working in the field of heritage protection.

Cultural rights defenders working for the protection of the right to access and enjoy cultural heritage in some situations have even lost their lives in doing their work, such as Khaled el Asaad, the brave 83 year old Syrian archaeologist murdered by Daesh whose remains were just found in February of this year, and Anas Radwan, an architect based in Aleppo, who, in 2013, established and led the Syrian Association for Preservation of Archaeology and Heritage team, and was killed in April 2014, reportedly by a barrel bomb employed by the Government, while documenting damage to monuments in the Old City of Aleppo, and Samira Saleh al-Naimi, an Iraqi lawyer abducted and killed in September 2014 after denouncing destructions of religious and cultural sites by Daesh in her home city of Mosul, and Berta Cáceres, noted defender of indigenous rights, who had long campaigned to protect indigenous heritage, including natural heritage, and was gunned down in Honduras in March 2016.

These are only a few of the cultural heritage heroes who have fallen. I have not been able to find any source of comprehensive records of the threats made to, and human rights abuses perpetrated against, cultural heritage defenders. I hope that more documentation will be carried out in this area, and we will see the emergence of more work to defend their safety, such as in the case of journalists.

In any case, the greatest memorial that members of the international community could raise to those who died defending heritage would be a continuation of their work and the provision of support to those still on the front lines. We must not wait until we are mourning their deaths to rally to the cause of cultural heritage defenders at risk.

The right to access and enjoy cultural heritage will not realize itself. The work of cultural rights defenders to protect and promote this right is urgently needed in today's fraught world, as is our collective work to support them in doing so. Thank you.