



**CONTRIBUTION TO THE REPORT
“CULTURAL RIGHTS AND DEVELOPMENT GOVERNANCE”**

Estefanía Rodero, member of the Board of Trustees of the Interarts Foundation, Barcelona
April 2023

4.- Please provide information on any mechanism for monitoring or evaluating the effects of your development programs or policies on cultural rights. Also explain if there is a mechanism to file complaints and obtain redress in case of violation.

In relation to the cooperation programs between the European Union and Latin America, but especially in the Project for Responsible Business Conduct in Latin America and the Caribbean (CERALC), which aims to promote the business and human rights agenda in the region, there is a **lack generalized attention to the specificity of cultural rights** within the corpus of human rights. It would be decisive to promote an update on the United Nations Guiding Principles on Business and Human Rights that delve into the **differential impacts that business activity**, especially that linked to development, can have on the violation of the cultural rights of the most vulnerable.

It has been observed that, in due diligence processes, especially in the reparation phase, the absence of this specialized view deepens the existing imbalance of power between companies associated with development projects and affected communities, making access to justice difficult. For example, when linguistic rights are not taken into account in the mechanisms for action and access to effective remedy to which communities are entitled after business damage in a development program, we find ourselves, as organizations such as Intermon Oxfam have pointed out, with falsified information and repair processes, by delivering documentation to the communities in the language of the corporate parent company, without any translation or adaptation. It would therefore be essential for the application of human rights due diligence protocols in development projects to take into account throughout the value chain the need to incorporate specific indicators to monitor the protection of cultural **rights** in general, and language rights in particular.

The right to participate in decision-making processes by communities in development programs is also being affected by the same lack in **prior consultation processes**. Without protection of linguistic rights, especially of indigenous peoples and local populations, neither prior consultation is real nor is there any effective remedy.

Therefore, from civil society organizations specialized in Development Cooperation and cultural policies from a human rights perspective, as is the case of the [Interarts Foundation](#), we observed that:

-
- **training** on cultural rights for agents specialized in business impact measurement and monitoring of the effect of business action on the protection of human rights is urgent, as is the promotion of **legislation** on business due diligence sensitive to the cultural dimension, in cases where it does not yet exist (in Spain, for example)
 - The generalization of **specific methodologies to support** communities in damage repair processes, which have already been proven to be effective (such as the case of Getting It Right-Intermon Oxfam's COBHRA methodology) and boosting them at a glance more specific on the impact of development programs in their business facet on cultural rights, could be an initial measure from which to start acting, especially within the framework of relations between the European Union and Latin America.