



Human Rights Council

Tenth Session

Resolution 10/23. Independent expert in the field of cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 62/155 of 18 December 2007 and 63/22 of 13 November 2008, and Council resolution 6/6 of 28 September 2007,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001 respectively,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and annexes thereto,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and which entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;
2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;
3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;
4. *Recalls*, as expressed in the Universal Declaration on Cultural Diversity, that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;
5. *Reaffirms* that States have the responsibility to promote and protect cultural rights;
6. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity (A/HRC/10/60);
7. *Expresses its appreciation* to the States and intergovernmental and non-governmental organizations that responded to or participated in the consultations held pursuant to Commission on Human Rights resolutions 2002/26 of 22 April 2002, 2003/26 of 22 April 2003, 2004/20 of 16 April 2004 and 2005/20 of 14 April 2005, and pursuant to Council resolution 6/6 of 28 September 2007;
8. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;
9. *Decides* to establish, for a period of three years, a new special procedure entitled “independent expert in the field of cultural rights”, as set out in the relevant United Nations human rights instruments, with the following mandate:
 - (a) To identify best practices in the promotion and protection of cultural rights at the local, national, regional and international levels;
 - (b) To identify possible obstacles to the promotion and protection of cultural rights, and to submit proposals and/or recommendations to the Council on possible actions in that regard;
 - (c) To work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels aimed at the promotion and protection of cultural rights through concrete proposals enhancing subregional, regional and international cooperation in that regard;
 - (d) To study the relationship between cultural rights and cultural diversity, in close collaboration with States and other relevant actors, including in particular the United Nations Educational, Scientific and Cultural Organization, with the aim of further promoting cultural rights;

(e) To integrate a gender and disabilities perspective into his and her work;

(f) To work in close coordination, while avoiding unnecessary duplication, with intergovernmental and non-governmental organizations, other special procedures of the Council, the Committee on Economic, Social and Cultural Rights and the United Nations Educational, Scientific and Cultural Organization, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, including by attending and following up on relevant international conferences and events;

10. *Calls upon* all Governments to cooperate with and assist the independent expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

11. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the independent expert;

12. *Requests* the independent expert to present his or her first report to the Council in 2010 in accordance with its programme of work;

13. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

*43rd meeting
26 March 2009*

[Adopted without a vote.]
