

Opening address by the United Nations Special Rapporteur in the field of cultural rights, Ms Alexandra Xanthaki

Riga, 15 June 2023

I welcome the entry into force of the Nicosia Convention.

In the preamble, the convention makes the link between cultural heritage and the effect its destruction has on people.

This is what my mandate as the United Nations Special Rapporteur in the field of Cultural Rights¹ focuses on: not the protection of cultural heritage *per se*, but the rights of individuals and communities to cultural heritage. In focussing on the implementation of cultural rights, my role, created in 2009 aims to give greater visibility to cultural rights, and to foster a better understanding of what cultural rights entail, of the severity of their violations, and of the opportunities of their realisation for all.

The Nicosia Convention is important to my mandate because the unlawful appropriation, exploitation and falsification of cultural objects may deeply affect individuals and communities. Everyone has the right to participate freely in culture and such crimes put obstacles to this right. Therefore, a **human rights framework** in interpreting and applying the Nicosia Convention is of paramount importance.

Very recently, in December 2022, the committee of another related convention, the UNESCO Committee monitoring the 2nd protocol of the 1954 Hague Convention, decided explicitly to include a human rights and cultural rights perspective in its work (decision of December 2022).

The UN has a clear set of standards of **cultural rights**, including article 15 of the ICESCR, that my mandate would strongly encourage to be followed. Cultural rights must be taken into account:

- in defining the gravity of the offences that the Convention establishes. The effect that the cultural misappropriation, destruction, removal or falsification of the cultural object on the cultural rights of individual and groups has to be an important deciding factor;
- in identifying which heritage objects are to be protected;

¹ For more information about the mandate and to consult the reports containing the cultural standards in the field of heritage and the related obligations of States, see www.ohchr.org/en/special-procedures/sr-cultural-rights.

- in ensuring the participation of the concerned persons and communities in assessing the value of the objects and the most adequate forms of reparations;
- and ultimately in ensuring that a bottom-up approach is applied in these matters, including in the narrative constructed and transmitted about the offences.

The ongoing work on this topic at the United Nations Human Rights Council, since 2016 (res. 33/20, 37/ 17 and 49/7), seeking to implement cultural rights in the protection of cultural heritage, the repeated commitment of States to this cultural rights approach, and the need to further coordinate to make sure this approach is mainstreamed (also in the training and working methods of all professional groups involved) are important elements in the further collaboration between the Council of Europe and my mandate.

I wish the conference fruitful discussions and look forward to working together on these elements.

Thank you.