***Cultural rights and the protection of cultural heritage***

**Inter-sessional seminar organized by
the Office of the United Nations High Commissioner for Human Rights,
in collaboration with the Special Rapporteur in the field of cultural rights**

**7 July 2017**

**Room XIX, Palais des Nations, Geneva, Switzerland**

**Preliminary Agenda**

**1. Objectives of the seminar**

As mandated in resolution 33/20, the seminar aims at addressing ways to prevent, contain and/or mitigate the detrimental impact of the damage to or destruction of cultural heritage on the enjoyment of human rights, including cultural rights by all, and at identifying best practices in this regard.

To achieve this, the seminar is designed to build on the recommendations already available in 3 reports by the Special Rapporteur in the field of cultural rights and her predecessor (A/HRC/17/38, A/HRC/31/59 and A/71/317), the relevant study of the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/30/53), Human Rights Council resolution 33/20 of 27 September 2016 and Security Council resolution 2347 of 24 March 2017, and to discuss practical and concrete actions that should be taken towards their full and timely implementation. Participants are encouraged to read or review all of these documents ahead of time so as to maximize the output of the discussion.

Over the last few years, a number of reports, international conferences, expert meetings and initiatives have focused on cultural heritage, many of them as a response to high profile incidents of its intentional destruction. This seminar will aim to avoid repeating such discussions, and instead to focus on drawing together lessons learned from all of them, identifying gaps and priorities for implementation.

The program will focus on the human rights approach to cultural heritage, as elaborated in the reports of the Special Rapporteur in the field of cultural rights. It will adopt a holistic approach, including consideration of different models and patterns of intentional destruction of cultural heritage, tangible and intangible, in time of armed conflict as well as in time of peace, by State and non-state actors. In doing so, it will also consider the cultural heritage of *inter alia* indigenous peoples, minorities, women and other non-dominant groups. Specific challenges related to participation in cultural heritage, the relationships between cultural heritage destruction and displacement, questions of accountability and transitional justice will also be raised.

**2. Format**

The seminar will be an open meeting. It will be structured in 3 three thematic sessions with panellists, one in the morning and two in the afternoon, with a time for preliminary conclusions respectively at the end of the morning and of the afternoon.

For each thematic session, 2 to 3 expert panellists will make a short presentation in their field of expertise and suggest concrete implementation strategies, taking into consideration the issues proposed for consideration. The remainder of the session will be dedicated to interaction between all participants (limited to 2 minutes per intervention), concluded by 15 minutes for comments and replies by the panellists.

At the end of the morning and of the afternoon, time will be devoted to compiling possible conclusions and recommendations to be included in the summary report of the seminar, which will be prepared by the Office of the High Commissioner for Human Rights and presented at the 37th session of the HRC. Participants will also be invited to share their ideas on possible follow-up steps that could be taken to implement the Special Rapporteur’s and other relevant reports, as well as to follow up from the seminar.

**3. Participation**

Participants are encouraged to intervene in an interactive way, through questions, comments and sharing of experiences, good practices and challenges as well as suggested recommendations on the way forward, with a view to stimulating constructive debate. States, national human rights institutions, non-governmental organizations and other stakeholders are also encouraged to include in their respective delegations relevant cultural heritage professionals or other actors involved in the protection of cultural heritage.

People who will not be able to attend the seminar have the possibility of submitting a written contribution of max 2’000 words, mentioning the issue for discussion from the agenda they are addressing.

**4. Preliminary agenda**

**7 July**

**10:00 – 11:00: Opening of the seminar**

* Welcoming remarks by the Chair
* Short presentation of the program and of all participating experts by the moderator
* Opening statement

**Morning**

**SESSION I: Cultural Heritage Protection**

Overview of advances in the last few years, including Human Rights Council Resolution 33/20 and the Special Rapporteur’s reports, Security Council Resolution 2347, the verdict in Prosecutor v. Al Mahdi at the International Criminal Court, UNESCO’s Unite 4Heritage and other initiatives, the first ratification of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict by a permanent member of the Security Council, and other international, regional and national developments, with a view to identifying the added value of a human rights approach to the field and the obstacles to its mainstreaming.

**11:00 – 12:30: Existing protection mechanisms and recent developments**

Introductory presentations by panelists, followed by interactive discussions with participants. Issues to be discussed include, *inter alia*:

* Impact of the new developments on protection of cultural heritage on the ground and the work of people and organization involved in it.
* Perceived progresses in and obstacles to mainstreaming the human rights approach, incorporated into HRC Resolution 33/20 but absent from SC Res. 2347.
* Outstanding gaps or limitations

**12:30- 13:00: Implementation priorities for a human rights approach to cultural heritage**

Identification of top priority areas to focus on in regards to implementation, including in the areas of prevention and accountability.

**13:00 – 15:00: Lunch**

**Afternoon**

**Respecting, protecting and fulfilling cultural rights in the field of cultural heritage**

 Consideration of the cultural rights of all persons and groups in regards to cultural heritage protection, including cultural rights defenders and the challenges they face, the most appropriate conditions to ensure meaningful engagement of persons and groups in the identification, interpretation and stewardship of cultural heritage, as well as participation in decision-making concerning its restoration, reconstruction and eventual destruction. Identification as well of emerging or exiting human rights challenges in the field of cultural heritage that have received too little attention and could be addressed through a human rights and cultural rights approach.

**SESSION II**

**15:00 – 16:30: Conditions for free and meaningful engagement of right holders**

Introductory presentations by panelists, followed by interactive discussions with participants. Issues to be discussed include, *inter alia*:

* Challenges facing cultural rights defenders in the field of cultural heritage protection and measures to minimize the risks and ensure their safety and security
* The implication of different stakeholders in the areas of prevention, accountability, reparation and reconstruction, including cultural heritage professionals, local and displaced populations (memorialization initiatives)
* Recognition of the cultural heritage of those who are not in position of power
* Specific challenges connected with intolerance and non-respect of cultural diversity
* General awareness and education to cultural heritage, as well as specific training needs
* International cooperation for cultural heritage protection that is compatible with human rights

**SESSION III**

**16:30 – 17:30: Issues needing further attention**

Introductory presentations by panelists, followed by interactive discussions with participants. Issues to be discussed include, *inter alia*:

* Consideration of other major threats to cultural heritage, such as from economic developments and natural disasters.
* Participatory approach to identifying and defining the meaning of cultural heritage that should be protected and safeguarded, before and during threats.
* The relationship between safe havens for cultural goods in times of conflicts and the people from the same region, who have living relationships with that heritage
* Policies and regulations to strengthen due diligence regarding illegally removed cultural heritage goods.
* Where cultural heritage, and especially intangible heritage, has been lost, measures, policies and processes to create favorable conditions for the development of new and shared meanings, values and practices.

**17:30 – 18:00: Recommendations and possible follow-up**