CHAPTER TWO

THE RIGHT TO PARTICIPATE IN CULTURAL LIFE IN INTERNATIONAL INSTRUMENTS AND PRACTICE

A. International Instruments

This chapter provides an overview of international standards regarding the right to participate in cultural life as well as the practice of relevant international bodies and mechanisms in terms of cultural rights. A review of international standards and literature regarding cultural rights demonstrates that these rights are inextricably linked to the concept of human dignity, to people’s sense of their own self-respect and identity, therefore stirring some of the most profound emotions, whether in individuals or in groups with a distinct culture. Cultural rights have been incorporated in the major international human rights instruments adopted by the UN, UNESCO, the International Labour Organization and regional organizations\(^1\) and a close examination reveals the normative elements of cultural rights. Below is a compilation of the relevant provisions of international instruments which are analyzed and synthesized in chapters III and IV so as to distill the normative elements of cultural rights.

1. Universal Declaration of Human Rights

The right to participate in cultural life is boldly enshrined in article 27 of the Universal Declaration of Human Rights which states that:

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

2. *International Covenant on Economic, Social and Cultural Rights*

The major human rights treaty that proclaims cultural rights is the International Covenant on Economic, Social and Cultural Rights which has included the term “cultural rights” in its title. In article 15 the Covenant states that:

1. The States Parties to the present Covenant recognize the right of every one:
   (a) To take part in cultural life;
   (b) To enjoy the benefits of scientific progress and its applications;
   (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

3. *International Covenant on Civil and Political Rights*

The International Covenant on Civil and Political Rights, although not explicitly using the term “cultural rights”, in Article 27, states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

As I explain below in Chapter Four A, this article has been the basis of pioneering jurisprudence of the Human Rights Committee regarding the cultural rights of persons belonging to minorities and indigenous peoples.