



GENEVA CENTRE FOR HUMAN RIGHTS
ADVANCEMENT AND GLOBAL DIALOGUE

UNITED NATIONS HUMAN RIGHTS COUNCIL

Interactive Dialogue with the Special Rapporteur in the Field of Cultural Rights

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PRESENTATION OF THE THEMATIC REPORT

Ms. Alexandra XANTHAKI, Special Rapporteur in the Field of Cultural Rights

The SR presents her new thematic report dedicated the **digitalisation of cultural heritage**. Digital technologies can certainly bring critical added value for enhancing awareness and accessibility to cultural heritage for education, research, and employment purposes. However, digitalisation can only bring long-lasting outcomes if it goes according to a human rights approach. Cultural professionals, whether in the government, the administration, private companies, or non-governmental circles, must become more aware of the implications that the digitalisation of cultural heritage has for cultural rights.

She is concerned that in digitalising cultural heritage, cultural rights are not taken into account. So instead of protecting the right to cultural heritage, digitalisation often leads to further violations of cultural rights. So for being a possible solution, digitalisation of cultural heritage becomes a problem. The **right to cultural heritage for all has to be guaranteed in digitalisation processes** through state measures. Source communities, namely communities that consider themselves as the custodians or owners of a specific cultural heritage, people who are keeping cultural heritage alive and have taken responsibility for it, must be acknowledged as such, and



the right to the specific cultural object or practise must be recognised. Communities should retain control of their cultural data and should be involved in further digitalisation processes.

Data sovereignty is a key issue here. This is key in **preventing cultural misappropriation**. Digitalisation of cultural heritage cannot allow new digitalised cultural expressions that do not understand, do not respect, or honour the original cultural or historical significance.

Which cultural forms to be digitalised must be chosen with the active and meaningful participation of the people whose heritage is digitalised. The interpretation, messages, and narratives of the digitalised forms must be driven by them, not the state, not the outside experts. Digitalised forms must not be used in ways that reinforce negative stereotypes, that disrespect sacred traditions, or dispossess or exclude the persons and groups related to that cultural expression from their use or their benefits.

All these violations of cultural rights have to be prevented in digitalised processes. In essence, the report insists that contrary to what techs and private companies tell us every day, digitalisation processes are not neutral activities. **Artificial intelligence's potential for cultural homogenisation and maintaining biases is of significant concern**. It is up to the States who have undertaken an obligation to respect cultural rights to prevent this and deal with the issues.

In many respects, the **intersection between copyright regimes and cultural rights** poses several challenges that also have to be discussed and addressed. I have said several times from this podium that it is important to ensure that WIPO's work is consistent with cultural rights. Despite years of scholarship and interventions that acknowledge the problems, there still has been no real progress in addressing these contradictions and getting WIPO to deal with these issues in a cultural rights approach.

UNESCO conventions also need to ensure that in protecting cultural heritage, the cultural rights for all are taken into account. The human rights standards, **the cultural rights standards established within the UN context, have to be infused in the interpretation of UNESCO instruments, policies and practises**.

PRESENTATION OF COUNTRY VISIT REPORTS

Turning to country visits, the SR informs the Council that in 2024 she visited **Lao PDR**. The rights of Indigenous Peoples and local populations to decide on their future have been very prominent in her visit. In this connection, her report will be submitted and discussed in the March 2026 session. Last year, the SR visited **Chile**, whose country visit report is presented today. The SR congratulates Chile for its commitment to multilateralism and the constructive reactions to her visit and her opinions Chile has already taken measures to implement some of her recommendations, which she warmly applauds.

The recent shift in narrative in Chile **from a focus on access to culture to democratising culture** and decentralising decision-making is very promising. The creation of the Commission for Peace and Understanding is a positive step towards addressing past wrongs and creating a space for dialogue. Integrated and sustainable development of the country cannot be achieved if some parts of the society are not involved in the debates that define the values that development aims to fulfil.



Her main recommendation to Chile is to focus more on the generic application of the right to participate in cultural life, both in law and practise, and to take specific and **positive measures for everyone to exercise this right**. Many public servants still believe that the protection of diverse cultural expressions and practises are a private matter and not a State obligation. The society needs to be educated on the scope and breadth of the State's obligations regarding cultural rights.

Her second firm recommendation is that now is the time for Chile to move from plans to actions in improving the effective implementation of cultural rights. So there should be a systematic training in public bodies of the importance of **effective, bottom-up and meaningful participation**. There should be clear campaigns and measures to destroy the existing hierarchies in the society that deprive people from real participation and to maintain respect for all cultural frameworks.

The SR recognises the efforts that are being made for the eradication of discrimination of LGBTQI people, but machismo and specific structures continue to prevail in the country. **All forms of cultural expression should be funded and promoted in an open and inclusive manner**, and have big, free, pride-informed consent, not just the right to consultation and not a weak right to participation, should be recognised in matters that affect directly Indigenous peoples and Afro-Chileans, as well as local populations. Development must not go ahead without the real involvement of the local population.

To conclude, the SR shares how impressed she has been with the **women of Rapa Nui** whom she visited, who stood firm against attempts to use the transformational concept of culture to justify weaker sentences for recognised crimes and violations of some of their rights. the SR encourages the Council of Elders in Rapa Nui to publicly join them and affirm that the Rapa Nui culture today, as evolved, is also shaped by the values and activism of these women.

PRESENTATION ON COMMUNICATIONS

During the past year, the SR led on or joined 74 communications about alleged violations of cultural rights in letters addressed to 29 countries and to 37 other actors such as international organisations and private companies. She followed up on a number of cases, including for **individuals sentenced to death for the exercise of artistic freedom**. In particular, the SR names Mr. Toomaj Salehi in Iran and Mr. Yahaya Sharif-Aminu in Nigeria. She remains concerned about the fate of these persons.

The work of the mandate has also focused this year on the **rights of everyone to participate in sports without discrimination**. The SR expressed her concern to **France** in particular about women wearing the hijab that have been prohibited from participating in sports competitions. She is even more concerned now as the French Senate has recently adopted a bill expanding these bans for all sports associations. This gives the SR the opportunity to reiterate the importance of respecting women's and girls' bodily autonomy and agency, as well as their free informed choices, while firmly rejecting any form of coercion or imposed codes.

The **right to cultural heritage and to express one's cultural identity**, including through language and religion, remains at the centre of my mandate. **Serbia's** attempts to destroy parts of such cultural heritage without the appropriate consultation and participation has led to a communication to the State. Rejecting the possible destruction of the General Staff Building as



an attack on Serbia's historical and cultural memory, the students' protests sparked by the preventable deaths of 15 people in Novi Sad reflect a wider struggle to uphold accountability, transparency, and the right to participate in shaping the country's cultural and civic landscape. The persistent protests throughout highlight the crucial link about accountability and cultural rights. Their call for justice is also a fight for a society where open debate, artistic expression, and academic freedom are safeguarded. The SR has also engaged with the Government of **China** regarding the situation in Tibet, in particular regarding the impacts of the construction of the Kamtok (Gangtuo) hydroelectric power plant.

Other communications to other States also touched upon development projects and how they negatively impact cultural rights. Several issues of **academic and scientific freedoms** also arose during last year. Only two weeks ago, there were cancellations of events in university campuses in **Germany** relating to the genocide in Palestine. The fact that it was a discussion by the UNSR on occupied Palestinian territory adds a more serious dimension to this. Academic freedom does not focus on protecting ideas that the state agrees with, but encourages informed debates about various ideas, including those contrary to the state and even the public opinion. It is up to the State to take measures to protect such voices, not to silence them.

CONCLUDING REMARKS

In response to the comments by **Chile**, the SR concurs with the statement of the delegation on the positive and constructive nature of the collaboration, while regretting that developments following the visit cannot be taken into account in reports. The SR takes note of the comments regarding inaccuracies within the report, but concluded that it is difficult to cross-reference certain narratives.

Referring to comments on whether UNESCO understands the digitalisation process through a cultural rights lens, the SR contends that more still needs to be done to **ensure that UNESCO standards are in line with UN human rights standards** more broadly. In relation to the comments from **Iran** regarding paragraph 6 of the report, the SR emphasises that while she is aware that the person concerned has escaped the death penalty, there is still no written statement on his current status while sources suggest that he is still facing charges.

The SR further addresses the question of how to ensure that corporations follow UN standards and obligations by calling on States to enforce their own national laws and regulations, referring to mere political will. Regarding the **digital divide**, the SR reminds States that the divide is not just among States but also within States, calling on all countries to take action at the domestic level in order to bolster international efforts.

In response to concerns raised about the role of the UNHRC in ensuring accountability for malpractice, the SR calls for more resolutions to be passed on the matter to ensure greater clarity and strict standards; more critical attention at the Universal Periodic Review; and more specific reports from States on the status of Article 15 of the International Covenant on Economic, Social and Cultural Rights.

The SR emphasises the significance of all States seemingly recognising that a **right to cultural heritage exists**. However, she reminds States that it is not their right, but people's right. While it is useful to hear of national initiatives on the preservation of this right through digitalisation efforts, there is still very limited insights offered into how such efforts are advanced. The SR calls for more detailed reporting on the degree of **direct community engagement and participation in digitalisation initiatives**. She reiterates the need for digitalisation processes to be inclusive



of women, minorities, Indigenous Peoples, migrants, persons with disabilities and persons of lower socioeconomic status. The focus needs to be on the process, not solely results.

INTERACTIVE DIALOGUE

Views Expressed by the Country Concerned

Chile welcomes the observations of the SR and expressed appreciation for the recognition of institutional progress and advancements in fostering dialogue with Indigenous communities. However, Chile cautions that certain aspects of the report, particularly historical and normative assessments, do not fully align with Chile's reality. It regrets the omission of corrections that the State had previously flagged but were not addressed in the final report.

Chile acknowledges the report's recognition of budgetary constraints as a challenge in advancing cultural rights, while highlighting that, following the SR's visit, the Government made a historic effort to increase funding for cultural protection and the enjoyment of cultural rights.

While noting the absence of a general normative framework for cultural rights in Chile, the country emphasises the significant progress made in August 2024 towards addressing this gap. Additionally, Chile recognizes the challenges posed by increased human mobility and reaffirms its commitment to addressing these complexities in cultural policy.

Chile further stresses that the process of cultural decentralisation is inherently complex, but reaffirms the Government's commitment to promoting relevant initiatives. Expressing Chile's genuine gratitude to the SR, it underscores the high value the country places on her report. Finally, Chile encourages other States to welcome similar visits, recognising their importance in advancing cultural rights globally.

Views Expressed by State Delegations

Taking the floor through Ms. Jazmin Beirak, Director-General for Cultural Rights, **Spain** affirms that the digitalisation of cultural heritage is a fundamental cultural rights issue and an essential component of their realisation. Spain stresses that this process must not be unilateral but instead inclusive and participatory. Spain emphasises the importance of questioning which voices are missing in digitalisation efforts to ensure that cultural heritage remains representative of diversity and accessible to all. Spain cautions against the risk of digitalisation becoming a space of exclusion, where existing inequalities are reinforced, and the true meaning of cultural heritage is undermined. Highlighting the ongoing challenges related to access, Spain calls for greater efforts to ensure that digitalisation serves as a tool for cultural rights rather than a mechanism that deepens disparities.

On behalf of a group of countries, **Lithuania** emphasised that cultural heritage is crucial for strengthening national identities, preserving historical memory, and fostering diversity. It asks how states and the UNHRC could better engage with private entities to support digitalisation efforts.

On behalf of the Arab Group, **Jordan** stresses the transformative potential of digitalisation for promoting and conserving cultural heritage, by highlighting the Arab region's rich history and the numerous national and regional measures taken to advance digitalisation, with the Arab League playing a central role.



On behalf of the African Group, **Ghana** points out that Agenda 2030 places cultural rights at the heart of sustainable development, and describes the digital divide as a major challenge, particularly for marginalised communities.

The **Marshall Islands** warns that rising sea levels pose a serious threat to the preservation of cultural heritage. It highlights the benefits of 3D mapping and called for safeguards to protect vulnerable communities.

Jordan discusses the progress made in digitalising historical manuscripts and archaeological sites. It stresses the need for international organisations, including UNESCO and the UNHRC, to develop clear standards, particularly for Indigenous cultural rights, while warning against the instrumentalization of digitalisation to disappropriate cultural heritage, especially in conflict zones.

Vanuatu emphasises the need to strengthen Indigenous control over digitalisation processes. It calls for the effective recognition of Indigenous customary law, provided it aligns with international standards.

Nepal highlights the importance of preserving information exchange in light of the heightened risks posed by natural disasters.

Malawi stresses the need for a cultural rights-based approach to digitalisation, while raising concerns about the digital divide and transparency in digital heritage initiatives.

Vietnam discusses Vietnam's national digitalisation plan, which includes over four million cultural heritage subjects, and asks for recommendations on how states could prioritise cultural heritage preservation.

Saudi Arabia underscores the role of innovation and the importance of archiving cultural heritage using best digitalisation practices.

Switzerland calls for the monitoring of cultural heritage destruction in conflict and disaster settings. It stresses the importance of a coordinated approach and the exchange of best practices.

Iraq states that cultural rights are not just a means of expression but a fundamental necessity. It calls for the creation of an environment that respects and upholds these rights.

Iran criticises paragraph 6 of the SR's report, stating it is based on unreliable and outdated sources, while noting that the person mentioned has since been acquitted.

Burkina Faso highlights legislative progress, including the adoption of a new cultural heritage law in August 2023, while noting financial difficulties and limited access to information as challenges for civil society organisations.

Egypt warns against the unequal commercialisation of cultural heritage, arguing that digitalisation should not be used to promote cultural hegemony. Egypt introduced the national



cultural portal and calls for efforts to bridge the digital divide to prevent discrimination.

Togo links digitalisation to economic development and the need to consider local priorities. Togo has had a normative framework in place since the 1990s and is working with UNESCO to develop a virtual museum.

Malaysia calls for empowering communities in cultural heritage preservation and asks how digitalisation could be used to ensure inclusion.

Nigeria stresses the importance of protecting Africa's cultural diversity, and further suggests that the SR's report has been diluted.

Algeria links digitalisation to human rights universality and the importance of involving children and youth. It asks how educational institutions could contribute to cultural heritage preservation.

Oman notes that the digital world faces similar challenges to the physical world, particularly regarding certain countries' dominance in disseminating cultural narratives.

Russia emphasises the State's role in protecting cultural rights and criticises the 'anti-Russian politicisation' of cultural heritage, thereby warning against the distortion of historical facts for geopolitical purposes.

China expresses a willingness to engage in mutual learning and collaboration to accelerate cultural heritage development.

Bangladesh stresses the complementary role of digitalisation in cultural rights. It highlights the digital divide between the Global North and South and calls for unrestricted access to cultural heritage.

Stating that digitalisation should enhance, not replace, cultural heritage, **Greece** highlights the importance of protecting heritage in conflict and disaster settings and calls for ethical considerations in digitalisation efforts.

Cuba frames cultural heritage as a tool for building bridges and fostering dialogue. Cuba rejects imposed cultural codes and stresses the importance of music archives for younger generations.

Panama stresses the importance of ensuring equal opportunities for women and girls in cultural heritage preservation. Panama highlights copyright protections, intellectual property rights, and the need to prevent bias in digitalisation, and also asks about the role of the Global Digital Compact in regulating digitalisation efforts.

Lao PDR stresses the need for regional and international partnerships on technical assistance to bridge the digital divide which is crucial for comprehensive cultural research and innovation.

Cambodia clarifies that the international community needs to be focused on the development of high quality cultural goods that showcase diversity and inclusivity.

Ethiopia links cultural heritage to peace, development, and social cohesion. It stresses the need for technical assistance to support digitalisation efforts.



Cyprus describes cultural rights as a fundamental pillar of the human rights framework and called for stronger accountability mechanisms.

Belarus notes that Belarus has taken significant steps to implement UNESCO conventions and calls for strengthening international cultural links.

Georgia explains the development of the GIS Portal and the efforts of the Ministry of Sport and Culture to create online archives. Georgia raises concerns for the destruction of cultural artifacts in the Russian occupied areas.

Afghanistan expresses concern over the Taliban's restrictions on cultural expression, while stressing the need for digitalisation to preserve Afghanistan's eroding cultural heritage and calling for protection for those working in this field.

Tunisia highlights the role of culture in fostering tolerance and peaceful coexistence. Tunisia's Constitution, particularly Chapter 49, guarantees freedom of artistic and cultural creation. Tunisia has ratified the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and has implemented a cultural development plan to ensure the cultural sovereignty of the Tunisian people.

Venezuela warns against the risk that digitalisation could be used as a smokescreen for economic exploitation without respecting the significance and integrity of cultural heritage. It further stresses that illegal unilateral coercive measures have prevented Venezuela from obtaining the necessary technical assistance to support cultural digitalisation efforts.

Bolivia underscores the importance of involving traditional knowledge holders in any use of their heritage. It warns that these guardians of cultural traditions are often overlooked and calls for their meaningful participation in decision-making processes related to digitalisation.

Armenia expresses strong support for the SR's mandate. It voices deep concern regarding the preservation of Armenian cultural heritage in Azerbaijan, urging increased international attention and protective measures.

Sudan condemns the systematic targeting of cultural heritage, including museums, public libraries, and archaeological sites, as part of ongoing aggression. It calls on UNESCO to publicly condemn these actions and take concrete steps to safeguard Sudan's cultural heritage from deliberate destruction.

Ukraine laments Russia's destruction of Ukrainian cultural infrastructure and noted that 149 Ukrainian artists had been killed in the conflict.

Bulgaria cautions against the risks associated with incorporating artificial intelligence (AI) in the digitalisation of cultural heritage, noting potential challenges related to bias, misrepresentation, and ethical concerns.

Benin highlights the historical removal of African heritage and collective memory during the colonial period, while explaining that restoring and reclaiming this heritage has been a key diplomatic priority for Benin, which requires continued international cooperation.



India commends India's national efforts in digitalising cultural heritage, which have been guided by international best practices. However, there is a need for further action to bridge the digital divide, prevent piracy, and ensure equitable access to digital resources.

Eswatini underscores the role of digitalisation as a tool for documentation, education, and cultural exchange. However, digital initiatives must complement rather than replace the lived cultural experience. It further stresses the importance of upholding dignity in all cultural rights efforts.

Kenya notes the progress made in national initiatives for cultural preservation. It stresses the need for stronger intellectual property protections, greater community engagement, and increased funding to support digitalisation efforts.

Lebanon explains that its national cultural heritage has suffered significantly due to Israeli aggression. It calls for international organisations to develop more practical and coordinated measures to protect cultural heritage, ensuring that interventions work in synergy rather than in isolation.

Azerbaijan states that Armenian cultural destruction is extensive and calls on Armenia to cooperate with UNESCO on a fact-finding mission.

The **Philippines** raises concerns about the significant risks posed by climate change to both the Philippines and its diaspora. It highlights the role of indigenous communities in cultural preservation and stressed the importance of obtaining their free, prior, and informed consent in heritage-related initiatives. It further notes the challenges posed by a rapidly changing cultural landscape.

Views Expressed by Inter-Governmental Organizations

The **European Union** recognises the role of cultural heritage in promoting democracy and development. She underscored the need to harness new technologies and asked how digitalisation could be accelerated while ensuring equitable access.

Views Expressed by National Human Rights Institutions

The **Palestinian Independent Commission for Human Rights** condemns repeated calculated assaults on Palestinian identity and existence by Israeli forces through the destruction of cultural infrastructure. The Commission laments the widespread erasure of Palestine's rich history in the process, and argues that Israeli forces have breached the 1954 Hague Convention. Thus, there is a pressing need for a full-scale investigation into the devastation of cultural rights in Palestine. It calls on the international community to not remain silent and to take measures to prevent further erosion.

Views Expressed by Non-Governmental Organizations

Helsinki Foundation for Human Rights raises concerns about development projects in Tibet, warning that they are eroding Tibetan culture, causing family separations, and leading to the loss of religious identity. The Foundation calls on China to respect the cultural rights of the Tibetan people.

Sikh Human Rights Group states that colonialism has already distorted cultural narratives and warns that digitalisation must not exacerbate this issue. It further stresses that dominant groups



should not define cultural histories and that communities must have sovereignty over their cultural data and equitable involvement in heritage preservation.

Associação Brasileira de Gays, Lésbicas e Transgêneros highlights the increasing exclusion of LGBT cultural history and public demonstrations and the need to protect LGBT individuals' right to expression.

Beijing Guangming Charity Foundation stresses the importance of volunteer services in cultural preservation efforts. It calls for broad societal participation in fostering cultural prosperity in the modern world.

INHR warns that cultural heritage policies can be used as tools for exclusion and oppression. He expresses concern that state-led restrictions on cultural rights undermine democracy and noted a growing global trend of illiberal policies restricting artistic expression.

ILGA World highlights that trans individuals in Chile have been disproportionately excluded from transitional justice reparation processes. It calls for the urgent inclusion of trans heritage and oral history in memory initiatives.

Humanists International advocates for emphasising commonalities rather than divisions to combat hate. It stresses the importance of preventing the erasure of source communities and ensuring that non-religious heritages maintain ownership without religious dominance. It also calls for dismantling colonial patterns that continue to shape cultural narratives.

International Muslim Women's Union draws the Council's attention to the systematic marginalisation of Kashmiri culture and language, calling for recognition and protection.

Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC) criticised 'peace holidays' programmes, arguing that they serve as a humanitarian cover for child indoctrination and cultural erasure.

Všj 'Žmogaus teisių apsauga' expressed concern over the growing control of the Estonian Orthodox Church. He called for objective examinations of the issue.

FACTS & FIGURES ON ID PARTICIPATION

48 State Delegations

1 Inter-Governmental Organization

1 National Human Rights Institution

10 Non-Governmental Organizations

BRIEF ANALYSIS BY THE GENEVA CENTRE

The interactive dialogue on cultural rights showcased a diverse range of perspectives on the opportunities and challenges of digitalisation in cultural heritage preservation. While many States highlighted the potential of digital tools to safeguard historical memory and promote inclusion, concerns over accessibility, equity, and ethical considerations remained central to the discussion.

Delegations from Ghana, Malawi, and Bangladesh stressed the persistent digital divide, particularly its impact on marginalised communities and the Global South. Similarly, Vanuatu



and Bolivia emphasised the need for Indigenous and traditional knowledge holders to have control over digitalisation processes. Meanwhile, the Marshall Islands and the Philippines raised urgent concerns about environmental threats, underscoring the necessity of digital preservation in the face of climate change.

The discussion also revealed geopolitical tensions, with statements from Armenia, Ukraine, Sudan, and Azerbaijan reflecting broader conflicts over cultural heritage destruction and accountability. Additionally, delegations from Bulgaria and Egypt warned of the risks associated with AI-driven digitalisation and the potential for cultural hegemony.

A recurring theme was the need for international cooperation, clear regulatory frameworks, and sustainable funding to ensure that digitalisation serves as a tool for protection rather than a mechanism for exclusion or exploitation. As States move forward with cultural heritage digitalisation efforts, it is imperative that they prioritise community-driven approaches to ensure the preservation and accessibility of cultural heritage for future generations.