

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 27: Right to Cultural, Artistic and Scientific Life

The monumental Buddhas of Bamiyan, statues 10 to 16 storeys high hewn from sandstone cliffs, inspired reverence and awe in central Afghanistan for 15 centuries – until the Taliban blew them to smithereens in 2001. In 1993, during the Bosnian War, Stari Most, the gracefully-arched Ottoman bridge that gave the town of Mostar its name, was deliberately targeted by a barrage of artillery shells, sending the 427-year-old protected monument into the Neretva River.

When attacking armed groups want to crush the morale of civilians or opposing forces, they often deliberately destroy symbols of cultural heritage.

Article 27 of the Universal Declaration of Human Rights (UDHR) helped lay the ground for this to be recognized as a war crime, and in a landmark judgment in September 2016, the International Criminal Court declared Ahmad Al Faqi Al Mahdi, a member of the Ansar Dine armed group operating in Mali, guilty of the war crime of attacking historic and religious buildings in Timbuktu. He was sentenced to nine years in prison.

It was the first time the destruction of cultural sites had been prosecuted as a war crime at the ICC, giving hope that more such court cases would follow – especially for members of ISIS who carried out wanton targeted destruction of a wide range of cultural and religious monuments in territory it once held in northern Iraq and Syria.

The ICC Al-Mahdi case was the first time someone had been charged with the destruction of cultural heritage as a stand-alone war crime. Other tribunals have charged individuals with the criminal destruction of cultural heritage sites – including the destruction of the bridge in Mostar -- but only as an additional offence attached to more established war crimes such as summary executions and torture.

All but one of the historic mausoleums Ahmad Al Faqi Al Mahdi had helped destroy were UNESCO World Heritage sites, and UNESCO Director-General Irina Bokova has described this war tactic of tearing communities apart as “cultural cleansing.”

According to the Special Rapporteur on cultural rights, Karima Bennouna, “the destruction of cultural property with discriminatory intent can be charged as a crime against humanity, and the intentional destruction of cultural and religious property and symbols can also be considered evidence of intent to destroy a group within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide.”

“It takes centuries, sometimes thousands of years to create a culture, but genocide can destroy a culture instantly.”

–**Raphael Lemkin, proponent of 1948 Genocide Convention**

Article 27 says everyone has the right to freely participate in the cultural life of the community, to share scientific advances and its benefits, and to get credit for their own work. This article firmly incorporates cultural rights as human rights for all. They relate to the pursuit of knowledge and understanding, and to creative responses to a constantly changing world. A prerequisite for implementing Article 27 is ensuring the necessary conditions for everyone to continuously engage in critical thinking, and to have the opportunity to interrogate, investigate and contribute ideas, regardless of frontiers.

One of the great unachieved goals of the UN’s ill-fated predecessor, the League of Nations, was protection of minority groups. Charles Malik, the Lebanese drafter who made important contributions to the UDHR as it was drawn up between 1946 and 1948, strongly defended the rights of minority groups. He wanted to make sure members of minority communities were protected from extreme forms of assimilation. In the end, the Declaration did not include a separate article devoted to the rights of members of minority groups, but the term “culture” is understood to also refer to “the way of life” of ethnic, religious and linguistic minorities. It is about preserving diversity.

Article 27 is closely linked to Articles 22 and 29 in asserting that economic, social and cultural rights are indispensable for human dignity and development of the human personality. Taken together, they show the UDHR drafters’ determination not just to guarantee basic minimum standards, but to help us all become better people. All three rights were subsequently enshrined in other international treaties including the International Covenant on Economic, Social and Cultural Rights, ratified by 169 states.

Under a separate topic covered by Article 27, lies a concern that everyone’s right “to share in scientific advancement and its benefits” has been attacked in recent years, particularly in debates over climate change and disease.

“Science is a beautiful gift to humanity; we should not distort it.”

–**A.P.J. Abdul Kalam, scientist and former President of India**

In some circles, the issue of whether humans cause climate change, or whether climate change even exists, is treated as a matter of personal belief rather than rigorous science. And scientific publications have expressed alarm at what one described as “a rise of populist antagonism to the influence of experts.” In 2018, a group of 58 experts wrote an open letter condemning a misplaced sense of balance creating “a false equivalence between an overwhelming scientific consensus and a lobby, heavily funded by vested interests” that intentionally

sows doubt. Climate change is real, they declared: “We urgently need to move the debate on to how we address the causes and effects of dangerous climate change” because the alternative, they said, will be “catastrophic.”

“The point of modern propaganda isn’t only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth.”

–Gary Kasparov, former world chess champion and Russian politician

Scepticism about science, or pseudoscience, can cost lives, as tragically illustrated by pressure placed on parents not to vaccinate their children against diseases which had greatly diminished after decades of successful vaccination campaigns. The World Health Organization says 21 million lives were saved by the measles vaccine between 2000 and 2017. But between 2016 and 2017, reported measles cases jumped 30 percent, in part

because of parents refusing to use the vaccine because of false claims about its risks. In 2017 alone, WHO estimates 110,000 children died from the virus

In the same way, putting commercial interests before the common good can also lead to loss of life, when patent policies and subscription prices for specialist publications make knowledge and its application inaccessible to those who need it. This is true in medicine, but also in food production, architecture, engineering and many other spheres.

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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