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ASSEMBLÉE PARLEMENTAIRE PARITAIRE ACP-UE

Committee on Political Affairs

5.3.2015

DRAFT REPORT

on cultural diversity and human rights in ACP and EU countries

Co-rapporteurs: Abdoulaye Touré (Côte d'Ivoire) and Davor Ivo Stier

PART A: DRAFT MOTION FOR A RESOLUTION

CONTENTS

	Page
PROCEDURAL PAGE	3
MOTION FOR A RESOLUTION	5
EXPLANATORY STATEMENT (published separately)	

PROCEDURAL PAGE

At its meeting of 16 March 2014, the Bureau of the ACP-EU Joint Parliamentary Assembly authorised its Committee on Political Affairs to draw up a report, pursuant to Article 2(8) of its Rules of Procedure, on cultural diversity and human rights in ACP and EU countries.

At its meeting of 29 November 2014, the Committee on Political Affairs appointed Davor Ivo Stier and Abdoulaye Touré (Côte d'Ivoire) as co-rapporteurs.

The Committee on Political Affairs considered the draft report at its meetings of ...

At the latter meeting, it adopted the accompanying draft motion for a resolution.

The following were present for the vote: ...

The resolution was tabled for adoption on ...

MOTION FOR A RESOLUTION

on cultural diversity and human rights in ACP and EU countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in ... from ...
- having regard to **Article** 18(1) of its Rules of Procedure,
- having regard to the Cotonou Agreement signed on 23 June 2000 in Cotonou and revised in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010,
- having regard to the Resolution on racism, racial discrimination, xenophobia and related intolerance adopted by the ACP-EU Joint Parliamentary Assembly on 3 April 2002 in Brazzaville,
- having regard to the Resolution on challenges to the democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries adopted by the ACP-EU Joint Parliamentary Assembly on 9 April 2009 in Prague,
- having regard to the European Parliament resolution of 10 December 2013 on Sexual and Reproductive Health and Rights
- having regard to the African (Banjul) Charter on Human and Peoples' Rights adopted by the OAU Assembly on 27 June 1981,
- having regard to the Charter of the United Nations signed on 26 June 1945,
- having regard to the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the UN General Assembly on 21 December 1965,
- having regard to the International Covenant on Civil and Political Rights adopted by the UN General Assembly on 16 December 1966,
- having regard to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly on 16 December 1966,
- having regard to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the UN General Assembly on 14 November 1970,
- having regard to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly on 10 December 2008,

- having regard to the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948,
 - having regard to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the UN General Assembly on 19 December 1979,
 - having regard to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the UN General Assembly on 18 December 1992,
 - having regard to the United Nations Millennium Declaration adopted by the UN General Assembly on 8 September 2000,
 - having regard to the Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly on 13 September 2007,
 - having regard to the Vienna Declaration and Program of Action adopted by the UN World Conference on Human Rights on 23 June 1993,
 - having regard to the Durban Declaration and Program of Action adopted by the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 22 September 2011,
 - having regard to the Declaration of the Principles of International Culture Cooperation adopted by the General Conference of UNESCO on 4 November 1966,
 - having regard to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the General Conference of UNESCO on 20 October 2005,
 - having regard to the Universal Declaration on Cultural Diversity adopted by the General Conference of UNESCO on 2 December 2001,
 - having regard to the American Convention on Human Rights adopted at the Inter-American Specialized Conference of Human Rights on 22 November 1969,
- A. whereas the world's nearly 200 countries are home to some 5000 ethnic groups and two thirds have at least one substantial ethnic and religious minority;
 - B. whereas, therefore, all democracies need to design policies that explicitly recognise cultural differences, while ensuring country development as well as the promotion and protection of human rights;
 - C. whereas a legal framework recognising the equal rights of ethnic, religious and linguistic groups is essential for promoting democratic governance, designing multicultural policies and fostering development;

- D. whereas cultural diversity has been an established feature of most ACP and EU countries and has been growing in the last decades as a consequence of the forces of globalisation;
- E. whereas the accommodation of diverse cultures, religions and languages poses a new challenge to many societies, notably in Europe and the ACP world;
- F. whereas in a globalised world, respect for diversity becomes even more vital, both for states and the international community, in order to prevent social, ethnic and religious conflicts;

Political and legal aspects

- 1. Stresses the importance of respect for and adherence to international, regional and inter-regional legal instruments and structures and the important role of human rights courts, as well as of the International Criminal Court;
- 2. Stresses that human rights are rights inherent to all human beings, whatever their nationality, religion, belief, place of residence, sex, national or ethnic origin, colour, language, or any other status and that human beings are all equally entitled to the same human rights without discrimination;
- 3. Highlights that human rights are universal, inalienable, indivisible and interdependent and that promotion, protection and application of human rights could accordingly not have been interpreted differently within different cultural, ethnic and religious traditions;
- 4. Outlines accordingly that cultural diversity cannot be invoked to infringe upon human rights guaranteed by international law, and based on natural law;
- 5. Calls on all EU and ACP member states to ratify and implement international and regional human rights conventions, including the specific legal instruments for the protection of minority rights, and to develop effective legislation aligned with these international conventions;
- 6. Believes that, where diversity has resulted in violent conflicts or threatens to do so, standing mediation mechanisms should be established which can tackle conflicts before escalation;
- 7. Calls on EU and ACP governments to involve civil society organisations in the political dialogue;
- 8. Underlines the fact that democratic representation of minority groups, as well as their ability to participate in political, social and cultural debates, are a central necessity to ensure the implementation of democratic and good governance principles;

Cultural diversity, development and human rights

- 9. recognises that human rights and cultural diversity are interdependent and mutually beneficial for the development of nations;

10. Within this context, acknowledges that every human being has the right to culture, including the right to enjoy and develop cultural life and identity. However, cultural rights are limited at the point at which they infringe on other human rights. No right can be used at the expense or destruction of another, in accordance with international law;
11. Recognises that human rights such as freedom of religion, thought or expression play a direct role in the promotion and protection of cultural diversity and that enjoyment of human rights is promoted by a pluralistic society;
12. Urges the ACP countries and EU Member States to exercise care in seeking unilaterally to impose on a universal basis rules regarding practises admitted by certain nations, given that no model of civilisation must be imposed on nations in the guise of universal human rights;
13. Acknowledges that there are different policies and constitutional solutions for accommodating cultural diversity;
14. Highlights in particular that equality of rights between women and men is to be strictly ensured and that harmful practices, such as female genital mutilation, early and forced marriages, gendercide including girl infanticide or female foeticide, honour crimes, or denial of women to have a proper education, should therefore be banned and violations of such prohibitions severely punished;

International and regional cooperation and development policy

15. Calls on ACP and EU countries to develop state models ensuring that all diversity is respected; calls on them to respect and promote human rights and cultural diversity;
16. Recalls its attachment to multilateral solutions in a context of global uncertainty and various threats (namely cultural homogeneity or clash of civilisations) to peaceful coexistence and mutual understanding between peoples and cultures;
17. Instructs its Co-Presidents to forward this resolution to the institutions of the African Union and of the European Union, the ACP Council, the ACP Group's regional integration organisations and the Secretary-General of the United Nations.