

## Universality of human rights and respect for the cultures of peoples

The functioning of the Human Rights Council requires the cooperation of all UN member states in the defence and promotion of universally recognised rights. However, a number of these member states violate these rights themselves and support each other when one of them is accused. Among the defensive arguments used is that of lack of respect for the cultures of the people. Cultural diversity is sometimes invoked in opposition to universality, notably by some governments and other actors who misuse it as an excuse to justify violations of the universal human rights in which its enjoyment is explicitly embedded, and by other actors who refute the concept altogether. For example, the website of the Supreme Council for Human Rights of the Islamic Republic of Iran states: "It is worth noting that human rights texts written in the West are being imposed on other peoples by various means. This all-out attack...goes as far as denying other peoples of the world their individual and social freedoms, while the proud peoples of the world, relying on their indigenous and regional values, and building on cultural diversity, are fighting this Western mechanism."

Thus, there are either frontal, reductive, or selective attacks on the universality of human rights. The selective approach to universality is one that grants basic rights only to certain individuals, or commits to certain rights, such as civil and political rights or economic, social, and cultural rights, but not to the whole indivisible and interdependent system of human rights; or recognises as universal only those rights on which all are deemed to agree, but not all the rights in the universal framework guaranteeing human dignity and equality for all.

On the other hand, cultural rights are an expression of, and a prerequisite for human dignity. They protect the rights of each person, individually and together with others, as well as groups of people, to develop and express their humanity, their worldview, and the meanings they attribute to human existence and development through, among others, values, beliefs, convictions, languages, knowledge and the arts, institutions, and ways of life. The UNESCO Universal Declaration on Cultural Diversity (2001) emphasises that "Culture takes diverse forms across time and space. This diversity is embodied in the originality and plurality of the identities that characterise the groups and societies making up humanity. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for the living world. In this sense, it constitutes the common heritage of humanity and must be recognised and affirmed for the benefit of present and future generations (Article 1). It also stresses that respect for cultural diversity is a guarantor of international peace and security and social cohesion, and a root of development, as well as an "ethical imperative, inseparable from respect for the dignity of the human person" (Article 4).

However, the same Declaration stresses: "No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope." (art. 4).

Therefore, the implementation of human rights must take into account the respect for cultural rights, even if cultural rights themselves take into account the respect for other universal human

rights standards. Universality should not be used as a weapon against cultural diversity, just as cultural diversity should not be used as a weapon against universality. The two principles are meant to be mutually reinforcing and interlocking.

Several questions arise for our study:

1. Is it legally possible to maintain the universality of human rights if certain countries do not ratify certain treaties or conventions?
2. Can the universality of human rights prevail over cultural diversity if these human rights are only based on positive international law?
3. Given that cultural practices, such as excision, are to be revoked, can a legal perspective of human rights be sufficient, or must a universal ethic be postulated and made explicit?
4. How does one establish a well-argued dialogue on certain rights about which the Holy See has reservations, such as the notion of "reproductive health" invoked in favour of abortion?
5. The Catholic Church, from its origins, has been faced with the challenge of maintaining the uniqueness of faith and Gospel content in an inculturation or inter-culturation. Is there anything to be learned from the experience of its successes and failures?
6. What insights can the Order of Preachers' own tradition bring to the understanding of cultural diversity?