

Forum: Human Rights Council

Issue: Protecting the cultural rights of displaced and refugee populations

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Introduction

At the end of 2025, there were 117.8 million people in forced displacement globally, marking the first annual decline in a decade. In humanitarian aid, basic needs such as food, water, shelter, and safety are prioritized. At the same time, culture is either absent from these calculations or treated as something to address after a crisis has ended, even though the right to engage in cultural life is enshrined in international law. For displaced persons, this right is often neglected from the start and then becomes harder to maintain the longer the displacement lasts.

There are two parts to this problem, and each is typically addressed independently. The first is damage to cultural heritage in the areas people have fled, which often causes displacement rather than merely accompanying it: destroying the places of worship, schools, and landmarks that tie a community to its land makes staying unsafe and returning less likely. The second is the gradual loss of languages, practices, and memories in displacement. This paper addresses these challenges as a single problem, as the same communities are affected by both.

Definition of Key Terms

Cultural Rights

The rights of individuals and communities to access, take part in, and contribute to cultural life, guaranteed by Article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). General Comment No. 21 of the Committee on Economic, Social and Cultural Rights (2009) explains that culture encompasses more than monuments and artifacts; it is a dynamic phenomenon that includes ways of life, food, religion, oral traditions, language, and the arts.

Refugee and Internally Displaced Person

A refugee is a person outside their country of nationality who has a well-founded fear of persecution. Internally displaced persons are those forced to leave their homes but remain within their own State. These persons aren't covered by a binding agreement but rather by the 1998 Guiding Principles on Internal Displacement.

Tangible and Intangible Cultural Heritage

Tangible heritage consists of buildings and other material remains primarily covered by the 1972 World Heritage Convention. Intangible heritage comprises skills, knowledge, practices, and performances protected under the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Displacement has a greater impact on the latter, since a building remains even when its community leaves, whereas a practice survives only if the community keeps passing it on. That loss is also harder to quantify: UNESCO has verified damage to 545 cultural sites in Ukraine by Jul, 2026, but no comparable count exists for lost languages, rituals, or skills.

Cultural Cleansing

The deliberate destruction of a community's heritage, language, and identity as a means of removing that community from a territory. UNESCO uses the term to describe attacks on heritage conducted alongside attacks on people.

Forced Assimilation

Pressure on displaced communities to abandon their own language and practices as the price of acceptance in a host society. It is distinct from integration, which doesn't require that surrender.

Background Information

The Legal Framework

The right of minorities to participate in cultural life is recognized in Article 27 of the Universal Declaration of Human Rights and made binding under ICESCR Article 15. In contrast, the right of minorities to maintain their culture, to practice their religion, and to use their language is enshrined in Article 27 of the ICCPR. However, the 1951 Refugee Convention allows for freedom of religion and education, but doesn't provide for a general right to culture.

A separate heritage system rests on the 1954 Hague Convention on cultural property in armed conflict, the 1970 Convention against illicit trafficking, and the 1972 and 2003 Conventions. The Human Rights Council created a mandate on cultural rights in 2009, which is now a Special Rapporteurship, and has also adopted resolutions 33/20 (2016), 37/17 (2018), and 49/7 (2022) that link heritage and cultural rights. In 2023, the Special Rapporteur's thematic report on cultural rights and migration, A/HRC 52/35, found that migrants may share in both their own culture and that of the host state, irrespective of their legal status.

These efforts established that access to heritage is part of the right to cultural life. Gaps remain for displaced communities, however: the resolutions are not binding, the

UNESCO conventions protect sites and practices rather than the people who carry them into exile, and internally displaced persons lack a binding global treaty.

Destruction at the Point of Departure

In 2016, the International Criminal Court convicted Ahmad al-Faqi al-Mahdi of the war crime of attacking religious and historic buildings in Timbuktu, sentencing him to nine years' imprisonment. It was the ICC's first conviction for destroying cultural property alone, showing that such destruction can be prosecuted independently. However, no similar conviction has occurred since.

Erosion in Exile

The longer the displacement lasts, the more cultural transmission relies on institutions outside the community's control, most prominently education. UNHCR's 2025 Education Report puts the gross enrolment rate of refugees, meaning enrolment as a share of the refugee population of the relevant age, at 67% for primary, 37% for secondary, and only 9% in tertiary education, while an estimated 5.7 million refugee children, at least 46% of those of school age, are out of school. Where education exists, it is usually in the host language, which facilitates integration but accelerates the loss of the mother tongue across generations. Cultural practice is also under-supported, as appeals prioritize humanitarian needs and shelters rarely include space for worship, performance, or ritual.

Identity, Statelessness, and Climate Displacement

In some cases, denial of culture is an end, not an effect. At the end of 2025, some 4.5 million people were stateless. The most prominent example is the Rohingya: Myanmar has not recognized the group's name, language, and history, as part of a broader denial of citizenship. Rejections in exile have deepened this loss of identity: in 2019, aid groups in the case of Cox's Bazar, Bangladesh, were barred from teaching nearly 400,00 Rohingya children the Bengali or the Bangladeshi curriculum, or from offering accredited education. Climate displacement poses a new issue, as the land itself might disappear. The 2023 Australia-Tuvalu Falepili Union, the first bilateral agreement on climate-induced migration, allows Tuvaluans to migrate while preserving Tuvalu's statehood, and Tuvalu is developing a "digital nation" to protect its governance, culture, and records if the physical islands become uninhabitable.

Organizations and Major Countries Involved

United Nations Educational, Scientific, and Cultural Organization (UNESCO)

UNESCO is the keeper of the heritage treaty system. It documents damage to cultural property, coordinates emergency protection, and maintains lists of intangible heritage, safeguarding what displaced communities leave behind for their return.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

OHCHR supports the Special Rapporteur on cultural rights, currently Alexandra Xanthaki, whose thematic reports set the main standards on this issue and whose communications to governments give displaced communities a route for raising violations.

United Nations High Commissioner for Refugees (UNHCR)

UNHCR protects and assists refugees and produces the statistics on which policy rests. Through the schools it supports and the settlements it helps plan, it shapes whether refugees have access to education and communal spaces to maintain their culture.

Major Host States

At the end of 2025, the largest refugee hosts were Colombia (2.8 million), Germany (2.7 million), Türkiye (2.4 million), Uganda (1.9 million), Iran (1.7 million), and Chad (1.5 million). Their domestic policies determine whether integration is provided as inclusion or required as assimilation. Enrolling refugee children in national schools while permitting mother-tongue classes is inclusion; making residence or services conditional on abandoning one's language, dress, or religious practice is assimilation.

Bangladesh

Bangladesh hosts the largest Rohingya refugee population and has pursued neither inclusion nor assimilation but separation, restricting camp education on the expectation that refugees would soon return to Myanmar.

International Criminal Court and Heritage Protection Bodies

The ICC sets the precedent for accountability, while Blue Shield International and the ALIPH Foundation protect and rebuild heritage in conflict zones that displaced communities may one day return to.

Possible Solutions

First, the key is education in mother tongues and heritage languages, not instead of but in conjunction with host-language education. This directly targets the primary cause of intergenerational disappearance while still allowing for integration. Likewise, the recognition

of foreign instruction and foreign curricula from countries of origin can achieve the same objective.

Second, cultural preservation presently lies at the edge of humanitarian financing. Setting aside a dedicated budget line for cultural activities within humanitarian response plans, however small, can move cultural preservation from the discretionary to the planned. In settlement and camps, providing communal space for cultural expression (prayer, dance, gathering) is not inexpensive if planned up front rather than retrofitted.

Documentation is important because it is inexpensive, while the losses it prevents are permanent. Community efforts to document oral traditions, crafts, music, civil, and customary law can fill a gap not covered by material solutions, before, during, or after a flight.

Regarding heritage in conflict, wider ratification and enforcement of the Second Protocol to the 1954 Hague Convention (1999) would provide stronger protection at the source. Further prosecutions, building on the Al Mahdi precedent, would also help determine whether that decision is representative or remains an outlier.

Finally, legal identity restoration and the resolution of statelessness serve as the foundation for all other cultural rights. Although these rights apply regardless of legal status, a community whose existence is not recognized often cannot exercise them in practice: identity documents, its members may be unable to enroll in school, register associations, or seek remedies for violations. In addition, cultural continuity can be built into climate migration agreements while they are still being developed.

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