ICOMOS response to Joint Questionnaire by Special procedure mandate holders
Subject: Protecting human rights during and after the COVID-19

Thank you for your letter of 22 May 2020 from the UNCHR Special Branch giving international organizations the opportunity to share reflections on protecting human rights during and after the COVID-19.

As an Advisory Body to the World Heritage Convention, ICOMOS, the International Council on Monuments and Sites, monitors closely the challenges posed by COVID-19 to cultural heritage and World Heritage sites and of the impact of such threats on Human Rights.

For many years, ICOMOS has been working to increase awareness of its members, national authorities and the States party to the World Heritage Convention to take into account Human Rights. ICOMOS is particularly proud to have initiated in 2011 the "Our Common Dignity Initiative" in close cooperation with ICCROM and IUCN, to promote rights based approaches in World heritage processes and has reiterated its commitment to Human Rights by adopting the Buenos Aires Declaration making the 70th anniversary of the UDHR.

Impact on Human Rights
The Covid-19 pandemic is affecting cultural heritage sites and communities across the globe. Poignant images are circulating of monuments, landscapes and town squares without a living soul. The contribution of cultural heritage to well-being becomes visible at these times of crisis as does the inequity of the world. At the same time, many cultural heritage sites appear to benefit from reduced human and pollution impacts. The crisis raises the immediate need to support those communities who sustain this heritage and longer-term imperatives for equitable transformation to sustainable models which upholds the rights and dignity of these communities.

Understandably, at the beginning of the pandemic the focus of most States was on public health rather than on human rights. This has led to the adoption of measures that either did not take into account the needs and rights of fragile communities or to measures that have an unintended negative impact on them.

Our experience is that the situation differs significantly in countries from region to region. However, the main challenge for the post-Covid19 period is shared: Will the post-Covid19 policies be economy-centred (= "business as before", to catch up) or will they be people-centred and take into account human rights?

The fragile communities include the elderly, poor, indigenous peoples, heritage communities such as artisans, folk artists, migrant workers. By heritage communities, ICOMOS understands communities as defined in the Council of European Framework Convention on the Value of Heritage for Society (Faro Convention) and communities who live and/or subsist in heritage places and from heritage skills and practices.

The Covid-19 response from the ICOMOS "Our Common Dignity" working group April 18th 2020 pointed out fragile heritage communities, urging authorities and citizens to ensure that these communities receive the support they need. Further that they are empowered in maintaining and developing their livelihoods with dignity and that the measures taken in resolving the pandemic respect
their dignity and human rights. ICOMOS highlighted the resilience and creativity embedded in the culture and heritage of local societies and how this knowledge and these values gives all of society hope for the future.

ICOMOS ambition post Covid-19 is that this crisis becomes an agent for positive change and sustainable practice approaches which aid security and resilience of cultural heritage communities, - as the pandemic provides for opportunities as well as threats. The post-Covid19 measures are still being developed in many countries. It is still unclear whether they will be mainly people-centred (which would be positive for the enjoyment of human rights) or economy-centred (which for some results in benefits for the people).

The different text-boxes in this ICOMOS response provide answers on Covid-19 from the perspective of diverse countries:

- In India the Covid 19 pandemic has deeply and irreversibly impacted the sense of wellbeing of the most vulnerable communities. More specifically, the migrant workers from the rural areas who find work in urban areas in factories and construction sites have been hugely impacted. The lockdown imposed from midnight of march 24th, the announcement of which was made at 8:00 PM the same night left the workers and their families with no savings to take care of their essential needs like food and shelter. The sudden closure of public transport prevented them from leaving the cities for their homes in villages. When the lock down was partially lifted, several hundreds of thousands started to walk back to their villages on foot with minimal resources. The media has reported that many died due to exhaustion and mental stress.

- In Ireland, we have had ‘lockdown’ since mid-March (before our National holiday, St Patrick’s Day) in an effort to avoid the hospitals being totally overwhelmed. Statistically, Ireland has a very low number of ICU places / head of population. There is a time-table for the lifting of these restrictions. We did not even have a government - had a caretaker government, while coalition talks were ongoing to form a new government, as no party had a majority. Measures have been widely accepted as necessary - and they have been very successful in ‘flattening the curve’. They required people to self-isolate, yet certain groups of people – immigrants for instance, live in ‘Direct Provision’ and are unable to do this. The closure of schools has impacted greatly on the access of children to special needs programmes. This has placed families under enormous strain – including single parents. A payment was introduced to support the loss of incomes.

- In Canada, Covid-19 emergency measures implemented at the national and provincial levels impacted land rights cases of Indigenous peoples on a temporary basis. The length of the impact will correspond to the length of the implementation of emergency measures. There is concern on the part of the Indigenous communities impacted that continued emergency measures or length of post-covid19 recovery time could indefinitely delay land rights negotiations.

- There is a need for businesses to develop new services and new business models, to include ethical approaches that take into account human rights. The European Institute of Directors (ECODA) is fully aware of this and has organized webinars on the subject (How ethics can remain a driving force while priorities have shifted?). It will take time for people to feel the positive effect of most measures, especially those that have a long-term view. We are finding out as we go along. Responses are driven by the desire to keep people safe – and vulnerabilities have been exposed.
Statistical information

- In Ireland nursing home residents have suffered more than 50% of the deaths. Explained by the nature of the virus and its targeting the older members of the community. Other groups disproportionately affected have been meat-workers. Explained by the difficulty in self-isolating described above. Higher levels of testing have been provided as the need emerged.
- In Canada, nationally, 80% of the deaths due to Covid-19 have been in long-term care facilities.
Protection of various groups at risk and indigenous peoples

- In Canada there are over 630 First Nations (Indigenous) Communities representing more than 50 Nations. All 630 Indigenous communities have a degree of autonomy with self-governance as determined by treaties. Each community also falls within the governance of the province in which their community and land is located. The extent of autonomy is governed in relation to the treaty with that province or Canada.

All of the province of British Columbia is "unceded territory". During colonization, the colonizing powers formed treaties with Indigenous communities as they expanded across the country from east to west. However, by the time the colonizers reached the most western territories of the Pacific west coast they ceased to form treaties, and all of the territory, which is now the province of British Columbia is "unceded", meaning the Indigenous peoples never "ceded" the land to the colonizers. Diverse First Nations communities have over long periods of time negotiated treaties with the province and national governments.

Within this context, emergency measures were implemented both at national and provincial level in the protection of First Nations communities. Measures taken by public authorities to protect high-risk populations varied from province to province.

The province of British Columbia is one of the first provinces to recognize the land rights of many First Nations Communities giving these FN communities sovereignty over their land and territory.

The province of British Columbia is the first province in Canada to recognize UNDRIP, which was ratified by the province in 2019.

In addition to provincial and national emergency measures to protect all Canadian citizens, numerous First Nations communities closed the borders to their lands to further protect their peoples.

- The Irish restriction on travel has urban dwellers from travelling down to their holiday homes, where the indigenous population – with a heavily skewed cohort of older and vulnerable people, have been living ‘in fear’ of that invasion. But this has also eliminated the mainstay of the local economy. There have been calls to end Direct Provision, to enable people to physically distance. However, there is currently a housing crisis and no alternative housing available. Today, we have learned that the incoming coalition government have agreed an end to Direct provision.

- Canadian ICOMOS Heritage Experts working closely with Indigenous communities, question measures taken by public authorities to ensure continued provision of services and seek answers from government officials on a government level.

Considerable effort has been made by First Nations (FN) communities in provinces such as British Columbia (BC) to be sustainable for generations now. The BC Indigenous communities are strong advocates of sustainability of land and water resource management.

The response to COVID19 has also been community-based with FN communities closing their borders within provinces to protect their communities, elders, and children.

Nationally, the most vulnerable Indigenous communities are those communities that are located on remote reserves, such as remote northern communities, where there has been a systemic history of lack of sufficient health care, lack of adequate housing, and food insecurity. These problems have been further aggravated by the threat of COVID19.

The greatest number of Indigenous peoples at risk are those who are living in urban centres where they experience housing problems, homelessness, lack of shelter, lack of food, medical issues, lack of medical care, and exposure to addictions. Without community support, Indigenous peoples living in urban centres are at the highest risk.

Emergency shelters have remained open. However, the COVID19 crisis has created a lack of sufficient space within the shelters due to the necessary physical distancing.

Awareness raising and technology

In Ireland, Belgium, France, UK and the Scandinavian countries there has been a daily update on the State sponsored TV news channel. Local and municipal authorities have also been making frequent broadcasts.
Broadly speaking, the cultural heritage sector has responded by increasing and diversifying on-line access and products related to cultural heritage sites. The creativity and resilience of the sector is great. However, the pandemic has shown the divide between the “haves and have nots”: many families and children do not have computers, tablets or phones to access such services; many smaller cultural heritage sites and institutions do not have the capacity and/or human and financial resources to develop such offers. In addition, it is unclear what the business model for such new services will be and how any income will benefit the heritage communities.

- Irish rural internet coverage is sometimes patchy. Older - and disadvantaged members of the community may find themselves left behind and unable to avail of the plethora of on-line initiatives. Actors and cultural arts performers are deprived of their economic opportunities and work that has been in the pipeline for some time may lose its opportunity.

- In Ireland the increased dependence on digital communication has at the same time increased the disparity between different sectors of the community. Remoter areas, particularly the more scenic ones, have long been promoted as holiday destinations and tourism has become the mainstay, along with the remnants of subsistence fishing and agriculture. There is often a resistance - or inability to engage digitally by one (sometimes, the indigenous, usually an older sub-set of that) community. Old divides have not always been eliminated, but sometimes exacerbated.

Questions by the Special Rapporteur on the right to adequate housing

- In Ireland a temporary moratorium on evictions and three month ban on rent increases was introduced in Ireland at an early stage in the pandemic. Yesterday the incoming government coalition was formed on the basis of agreement reached on a number of issues, one of which was the construction of 50,000 new social housing units in the next decade and an end to Direct Provision for asylum seekers and refugees entering the country.
Accountability and justice

- In Ireland, Black Lives Matter marches and demonstrations have failed to socially distance and there are reports of police investigations into this and the potential of charges being brought. The popularity of the (caretaker) government, is at an all-time high due to the effective leadership provided, which reacted promptly calling on people to act in each other’s best interests. Very little legislation has been introduced (other than to enable support payments to be made across the board and to iron out discrepancies revealed in the process; and no enforcement.
- In Ireland, where funerals are an important ritual and usually a gathering place for hundreds of mourners, numbers were limited to five and subsequently to 10 participants. This has created enormous emotional hardship - but the need for it has been accepted and there is little protest.
- In Brussels (Belgium), the mayor authorised a protest march organised on 7 June in support of the Black Lives Matter after the death of George Floyd in Minneapolis, Minnesota (USA). The organisers had taken measures to respect ‘physical distance’ measures however, the participants did not abide by the measures and this was not always possible due to the large number of participants This led to tensions between protestors, citizens who for weeks respected the covid19 physical and social distancing measures, authorities and health experts. There were similar situations in many countries and cities around the globe (Paris, Berlin, London, …) George Floyd’s death was the tipping point for many to express outrage to all forms of racism in society. Historic statues were vandalised and toppled. A new crisis, where cultural heritage plays a central role, has to be handled simultaneously with the pandemic. Many countries are facing this problem, countries where there is racial violence, countries with a colonial past, countries with immigrants, countries that have not fully digested their past.
- In Belgium, churches could remain open during the pandemic but not all of them did. Only ceremonies with very limited attendance were allowed, regardless of the occasion: weddings and even funerals, which for most people was extremely painful. Some young people submitted a request to the Council of State for the religious ceremonies to be resumed. The request was not approved because the government was regularly updating the covid19 measures; in addition new measures were expected a few days later. It was not easy for churches and other religious places to remain open and to welcome people looking for support. Whereas these places have also a heritage value, there is a tendency to encourage a ‘neutral’ approach, which could impact religious freedom or make it less comfortable to defend this right.
- In Nepal there have been demonstrations against the government all over the country led by youth without any political affiliation. It was to pressurize the Government to deliver a better Covid-19 Response and against ongoing corruption. Despite lockdown the protest continued maintaining social distancing and in a peaceful way, while police used force – water cannon and even tear gas to disperse protesters in the first and second days in Kathmandu.

Questions by the Special Rapporteur on the right to food

- In Ireland food markets were closed, while food stores were not. This has impacted heavily and disproportionately on artisan producers. The government rapidly provided an income support measure, known colloquially as the COVID payment.
- In some of the states in India, for instance in Odisha, Kerala and West Bengal, the programs of the state government provided every artisan 2000 INRs in the months of April and May in their bank accounts for basic essential needs. In addition 15 kilograms of free food grains was provided to families below the poverty line.
Questions by the Special Rapporteur in the field of cultural rights

Question 1
What have been the impacts on cultural rights and on cultural life of the pandemic, - and what measures are taken to respond to the pandemic?

- Due to emergency measures taken to protect Canadian citizens from Covid19 both at the national and provincial levels, all cultural venues were closed and continue to be closed such as museums, galleries, theatre, the performing arts, musical events, concerts. All heritage sites were closed, including UNESCO WH sites.

- Norway closed cultural venues March 2020, and opened up slowly two months later. Several urban heritage sites and cultural landscapes have been publicly available, but affected by national regulations on social distancing according to advice by the World Health Organization.

- India closed all its cultural institutions, educational institutions, cultural sites, sites of religion and public spaces on 24th March 2020. The lockdown has been relaxed since the middle of May for several non-essential services. The cultural heritage sites such as monuments and sites continue to be shut down till further notice. Educational institutions including schools, colleges and universities have been directed to undertake online classes while the campuses are under complete lockdown. The more economically privileged educational institutions and students have access to online education classes and materials, but those with limited or no access to computers are facing a huge challenge in the Teaching Learning outcomes. Online education has been imposed for the current semester, till the end of 2020. The pandemic has revealed that Archives in India, at both national and state levels have very poor quality online presence with their resource materials. This makes online research extremely restricted. Further, learning outcomes in school and college campuses are based on personal and interpersonal experiences. With schools and colleges completely shut, the absence of this space for students engagement with each other and the faculty is a cause of mental and emotional stress. Universities are places for free thinking and freedom of expression, through multiple techniques for discourse and debate among the students without being under the ‘watchful eyes’ of the regulating bodies; absence of access to this space for dialogue is extremely restrictive and learning is now dependent on highly regulated ‘online educational materials’.

- In Belgium, cultural venues, museums and heritage sites were closed. The National Committees of ICOM and ICOMOS with other heritage organisations and the national Unesco Commissions have written an Open Letter to the Prime Ministers of the federal government and federal entities underscoring the importance of cultural heritage for communities and asking that they could be fully integrated in the post-covid recovery policies and be opened again with the necessary health measures in place.

- In Nepal lockdown continued for almost 80 days and hampered all the everyday rituals, cyclic festivals, social gatherings and cultural activities. All the temples and monuments visited by people every day were closed. The impact on the continuity of Intangible Heritage, not even affected by the 7.8-magnitude earthquake in 2015, has been huge. Besides socio-economic, other impacts include psychological/ emotional impacts that can neither be measured or calculated in numbers.
**Question 2**
What efforts have been made to guarantee the exercise of cultural rights, in accordance with the requirements of public health? How has the message that cultural life must be enjoyed in ways that respect public health and medical expertise been communicated?

- In Canada measures have not been put in place to guarantee the exercise of cultural rights, in accordance with the requirements of public health. All cultural venues have been closed. Some museums are slowly beginning to re-open depending on the province. All performing arts such as theatre, concerts, dance, etc are on hold.
- Similarly in India. However, some of the religious sites which are places of congregation such as mosques, temples etc have been opened with regulating norms on numbers and with protocols of social distancing. Mobile Apps have been created for online booking for time slots to visit temples for instance in the case of Mahakal temple in Ujjain. [https://play.google.com/store/apps/details?id=in.nic.mahakalapp](https://play.google.com/store/apps/details?id=in.nic.mahakalapp)
- Similarly in Belgium - some but not all activities have resumed. Restrictions do still apply: limiting of the number of visitors, no guided tours in some institutions. See also earlier comment on churches and religious places.
- Similarly in Ireland. Cultural institutions are opening. Festivals are still restricted, indoors and out. Performances - in bars and theatres will be lifted at the end, along with other cultural and contact sports activities.
Question 3
What roles have culture and cultural rights played in responding to the pandemic?

- In India, Non-Government Organisations as well as civil society has played a significant role in providing basic needs - eg food to those in need during the lockdown period. Free community kitchens were organized by the Sikh community for those in need continuing their cultural practices of service to humanity. Organisations such as Khalsa Aid provided food and personal protection gear for the health professionals.
- In many countries (Belgium, France, UK ...) creativity, at both individual and collective levels, provided new ways for access to cultural heritage and practices, and easier access, at least for those who have internet access and the necessary equipment. It was an expression of solidarity between heritage professionals and communities, and between citizens. For the many furloughed workers or independent workers without work, it was a way to express their emotions and their passion. Reduction of visitors led to better protection of some heritage sites, but put other heritage sites at risk of theft and looting. The measures imposed led to a renewed interest in cultural heritage in people’s own neighbourhoods - a rediscovery of their heritage, which they shared through digital means. New works of art were created to commemorate victims which already have heritage values. Many new services and products are digital. As phones, tablets and computers and their operating system are outdated after a few years, this means that elderly people have less access to culture, and cultural heritage and practices, or they are heavily dependent on them. Tech businesses are not yet aware of this dilemma and of the ageing population; they still focus on the young and encourage spend, highlighting one danger of economy and technology-centered approaches instead of people-centered approaches. Historians have recalled previous pandemics. Scientific staff have made every effort to continue their work.
- In Canada, some temporary financial aid has been provided by the National government to those working in the cultural sector as actors, artists, museum staff, librarians. No financial aid has been provided specifically for those working in the heritage sector.
- In India there have been initiatives of civil society members to provide help to the cultural sector. For instance, two artists started an initiative on social media called #artchainindia to help young artists sell their art works online. This was extremely successful and many young artists were able to sell their art works. In return they were required to purchase a work of another artist on selling five of their own works. This has been hugely appreciated by the artist community and has been extensively covered by the media. In the case of the artisans in handicraft and handloom industries, the semi-skilled artisans who produce modest products have been severely impacted. The more established artisans have been less impacted. However, hundreds of thousands of artisans are holding stocks because of cancellation of orders due to the pandemic. Several with infrastructure such as looms lack the raw material to produce new work. Many working in shared facilities due to the interdependence in the value chain of production, have been dispersed, due to social distancing regulations. Local markets of craft and hand made products are adversely impacted as the collective celebrations of festivals and hence their market have been restricted. Overall, the handicraft sector has been severely impacted.
- In India the folk art performers too depend on the local festivals for their livelihoods (eg. Chau dancers in West Bengal) and the cancellation of festivals has impacted them adversely. Several performers invited to international festivals in Europe and other parts of the world, have had these cancelled for the next two years.
- An overview of the measures has been prepared at the European Union level: see list of resources. Measures have not only been taken at government level: the private sector has had to adjust as well. The pandemic has demonstrated the structural dependencies of the cultural sector: precarious and zero hour contracts for workers, less than minimum wages, lack of sustainable financing for many institutions - many of them will not re-open.
Question 4

What steps have been taken to mitigate the impacts of the pandemic, and of measures to counter the pandemic, on the cultural sector and on the human rights of those working in it (including artists, athletes, cultural heritage professionals, cultural workers, librarians, museum workers and scientists).

- In Canada, some temporary financial aid has been provided by the National government to those working in the cultural sector as actors, artists, performing artists, museum staff, librarians. No financial aid has been provided specifically for professionals working in the heritage sector.
- In India there have been initiatives of civil society members to provide help to the cultural sector. See mention of #artchainindia in Q3 above. See also summary paragraph in Q3 above.
- In Norway, new cultural opportunities in Bergen International Festival, www.fib.no, have offered free streamed concerts. At the closure of the two-week festival early June 2002, free concerts had been streamed more than 450 000 times through 116 countries. The performances will be available throughout 2020. This has been possible due to funding of the festival performances and cancellation of all public event, venue costs covered by tickets being annulled.
- Lacking within the Cultural Heritage structure of Canada both at the national and provincial levels are inclusive strategies for risk management and capacity building with local communities, including Indigenous communities. Developing strategies for risk management and capacity building at the community-based level is critical to safeguarding the diverse cultural heritage of Canada and its Indigenous peoples. Capacity building at the community level was one of the principle recommendations to come out of the ICOMOS International Scientific Committee Conference and Forum on Indigenous Cultural Heritage, which was held in the province of British Columbia, Canada, in November 2019. Other recommendation by the Indigenous participants at the Conference and Forum in November 2019 was the lack of access of information flow and communication channels between UNESCO Heritage bodies and Indigenous peoples.
- Norway has granted government support for cultural institutions and actors, to avoid an overall economic collapse of the cultural sector. Digital performances have been plenty, and cultural workers have created new income-generating virtual arenas. Due to Covid-19 lock-down, some cultural heritage institutions and artisans may apply for Norwegian government coverage of basic rents and a small income compensation. Support is granted through online applications to Norwegian Labour and Welfare Administration, and is automatically granted provided all Covid-19 criteria for support are met.

Some resources:

- Declaration by Ministers of Culture from 26 EU MS in support for the CCS in the context COVID-19: http://www.min-kulture.hr/userdocsimages/T%20H%20U%20M%20BO%20V%20(Nov%20odirektorij)/dec/The%20Declaration%20of%202020%20Ministers%20of%20Cultural%20and%20Creative%20Sectors_5.06.20_version%2006.pdf
- The compilation of national measures to alleviate the impact of COVID-19 on the cultural and creative sectors, published on Friday 5 June, https://www.min-kulture.hr/userdocsimages/HRPRES2020/Measures_Covid19_cultural%20and%20creative%20sectors_5.06.20_version%2006.pdf
the Compendium of Cultural Policies & Trends, that monitors current developments regarding the impact of COVID-19 on arts and culture and the national measures undertaken, and publishes country reports and interviews to artists and policy makers: https://www.culturalpolicies.net/Covid-19/


Questions by the Special rapporteur on the rights of indigenous people

To respect human rights it is of the utmost importance that all UN departments/divisions/councils/committees include the voices, perspectives, values, good practices of the diverse cultures of Indigenous peoples.

One of the recommendations put forward by Indigenous peoples at the ICOMOS International Scientific Committee Conference and Forum on Indigenous Cultural Heritage in Canada in November 2019 was how critical it is to include Indigenous peoples, “keepers of the knowledge”, in discussions with UN organizations and international organizations when developing policies, procedures, and good practices.

- Canadian government did take measures through the Minister of Indigenous Affairs and national and provincial Health Ministries to hear the concerns of Indigenous communities to provide some financial aid and to set up testing centres in remote areas to protect Indigenous communities.
- Pre-existing problems in some of the more remote communities as lack of adequate housing, below-standard housing, over-crowded housing conditions, lack of clean water, food insecurity, access to medical services due to distance were further impacted by the Covid19 pandemic.
- Indigenous lands in Canada are protected by treaties with the exception of the province of British Columbia, which is “unceded territory”. However the Province of BC is the first Canadian province to ratify UNDRIP