



Henry McGhie, Curating Tomorrow  
40 Acuba Road  
Liverpool  
UK, L15 7LR  
henrymcghie@curatingtomorrow.co.uk

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## **Submission on the rights to freedom of peaceful assembly and of association to advance climate justice, from the perspective of museums**

Thank you for the opportunity to make this submission, which focuses on the importance of museums as sites of peaceful assembly and association in relation to climate justice. I work as a museum consultant focussed on sustainable development agendas. This submission also includes personal experiences from Culture Unstained, Museums for Future and the Climate Museum (New York) in relation to the inquiry; I am grateful to these organisations for their contributions. I am solely responsible for the recommendations and the human rights context section. This submission will also be made available to the museum sector, to support a better understanding of peaceful assembly and association from human rights and museum perspectives. The submission includes:

1. Responses to the questions, and recommendations
2. Case study contributions, which explore the questions in further detail
3. Overview of the human rights context and how it relates to museums

Assembly, association and protest are used synonymously. Protest is used here to refer to peaceful means of criticism and dissent, and that should be protected as part of people's rights. As some summary points:

1. Climate change is a matter of grave urgency and importance, yet action by governments is insufficient.
2. Public calls for action are increasing, and likely to increase further as climate impacts bite even harder.
3. The rights of expression, assembly and protest are threatened in a number of ways: by oppressive regimes in various forms; by the decline in civic space, through privatisation, under-funding and closure of museums and other public institutions; by over-commercialisation of cultural institutions; by the lack of written constitutions in some countries; by the politicisation of current affairs, of which climate change is an obvious example; and by curbs on protest by authorities.
4. Institutions, such as museums, that are likely focal points for both assembly and protest, are often unaware of their human rights responsibilities and obligations.

### **Public participation as an essential element of climate action**

David Boyd, Special Rapporteur on the Right to a Healthy Environment, has noted:

“Transforming society to achieve a good quality of life for all in harmony with nature

requires scaling up biodiversity conservation, large-scale restoration of degraded ecosystems, a rapid clean energy transition, shifting to a circular economy, decreased material consumption by wealthy individuals and reforming supply chains to reduce environmental impacts. Employing a rights-based approach could serve as a catalyst for accelerated action. History demonstrates – through the progress achieved by abolitionists, suffragettes, civil rights activists and indigenous peoples – the powerful role of human rights in sparking transformative societal changes.”<sup>1</sup>

Participation in climate change matters has already been acknowledged as crucial for climate action by signatories to the UN Framework Convention on Climate Change (article 6) and Paris Agreement (article 12). Public participation ensures “that people can participate effectively in climate change decision-making... governments should seek to integrate civil society perspectives and mobilize the general public. In some places, this will prompt profound changes to how political leaders and civil servants are accustomed to working and encourage people to be more attentive to policy-making.”<sup>2</sup>

A number of studies have explored how museums can broker public participation around science-policy agendas. In a study by Bandelli and Konijns (2015), results “suggest that science centres and museums are regarded by their visitors as potential platforms to facilitate public participation in policy, especially in countries where the general infrastructure for public participation in science is weak.”<sup>3</sup> In another study, Kadlec (2017) noted “As trusted, nonpartisan intermediary organizations and valued cultural institutions, museums and science centers are well positioned to frame important problems for productive public deliberation, and they may be uniquely equipped to help cultivate creative connections between policymakers, scientists and the general public... museums can impact civic issues on wide-scales without becoming politicized, and thus promote improved public problem-solving around vexing problems such as climate change, our energy future, and twenty-first century workforce development.”<sup>4</sup> Public participation may take many forms, and peaceful protest and assembly may be considered as aspects of public participation in climate change matters.

## **Section 1. Responses to questions**

**Q1. Examples of climate justice activism:** Museums have supported climate empowerment and participation in climate change matters through exhibitions, public events, debates and discussions. Many millions of people have taken part in these events. Events provide a peaceful form of assembly and association. A small number of museums have also been sites of peaceful protest, notably through ‘Die Ins’ by Extinction Rebellion. These activities relate clearly to the right of assembly and association. Further examples are provided below

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<sup>1</sup> D. Boyd, report to UN General Assembly (2020), A/75/161. <https://undocs.org/A/75/161>

<sup>2</sup> Action for Climate Empowerment Guidelines (2016), <https://unesdoc.unesco.org/ark:/48223/pf0000246435>

<sup>3</sup> Bandelli, A. and Konijn, E.A., 2015. Science Museum Group Journal, 3(3), pp.1-19.

<sup>4</sup> Kadlec, A., 2017. Mind the gap: Science museums as sources of civic innovation. In Science & Civic Life (pp. 37-54). Routledge.

in the case study submissions. A summary of activity in museums during 2015-19 was submitted to the UN as part of the Doha Work Programme review.<sup>5</sup>

**Q4. Specific examples illustrating violation of the rights to freedom of peaceful assembly and of association against climate defenders:** See case studies from Culture Unstained and the Climate Museum, below.

**Q5. Recommendations to ensure the promotion and protection of freedom of peaceful assembly and of association in the context of climate action:**

- Museum authorities, funders and government agencies and departments can **ensure that their interventions, policies, reporting requirements and funding conditions are in compliance with their human rights obligations** regarding people's civil and political, social and cultural rights, including freedom of assembly and association, expression, and foster an empowering, rather than disabling or disempowering environment.
- Museums and museum organisations (eg. sector-support and funding organisations) can **take greater account of human rights and human rights-based approaches**, including reports and recommendations by relevant Special Rapporteurs and General Comment guidance notes (see section 3), as a basis for decision making, based on internationally recognised and agreed human rights standards.<sup>6</sup>
- Museums and museum organisations should **embrace the UN Guiding Principles on Business and Human Rights** into their codes of practice, as a ready-made template to better understand and fulfil human rights obligations, and guide decision-making so it is transparent, effective and transformative.<sup>7</sup>
- Museums can **use the Sustainable Development Goals and Agenda 2030** as a ready-made framework to promote a culture of peace, tolerance and partnership in seeking to create a better future, based on universal respect for human rights and in a safe and thriving natural environment, and **Disaster Risk Reduction** approaches to reduce tensions.<sup>8</sup>
- Museums and museum organisations can **support their staff and members to properly understand and fulfil their obligations** under human rights and national laws, in terms of supporting peaceful protest and association, and to avoid self-censorship that arises from a low level of understanding or confidence in working with human rights and human rights-based approaches.
- Museums can help **empower everyone – including visitors and non-visitors – to know and claim their rights, including on peaceful assembly and of association**, through supporting Education for Sustainable Development, and Global Citizenship Education pedagogies. They can also educate and inform people about climate change impacts and human rights abuses worldwide relating to climate injustice and inaction, including human rights abuses against Indigenous and local peoples, killings of environmental defenders, and aggressive actions by fossil fuel industries.

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<sup>5</sup> McGhie, HA (2020). Information on steps taken by global museums to implement the Doha work programme..., <https://bit.ly/3bW8cgn>

<sup>6</sup> See McGhie, HA (2020). Museums and Human Rights, <https://bit.ly/3wJ6vLx>

<sup>7</sup> [https://www.ohchr.org/Documents/Publications/HR.PUB.12.2\\_En.pdf](https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf)

<sup>8</sup> See McGhie, HA, Museums and the Sustainable Development Goals (2019) <https://bit.ly/3yKryit>, and Museums and Disaster Risk Reduction (2020) <https://bit.ly/2TiBi38>.

Education is not only about information, but empowering people to have skills to make use of democratic processes.<sup>9</sup>

#### **Q6. The role of multilateral institutions**

The UN, for instance the OHCHR, could provide information in summary form on the relevant rights and obligations through e.g. infographics, to increase awareness, usability and uptake of recommendations from Special Rapporteurs, and/or make stronger connections with practitioners and their networks, on the rights of assembly and association. The UN, for instance UNESCO, UN Climate Change and the SDG Global Festival of Action, can continue to promote public support for, involvement in, and action towards the Paris Agreement and UNFCCC.

## **2. Case studies and contributions (relevant questions from the call for submissions in brackets)**

### **Contribution 1. Culture Unstained**

“(1) Museums and cultural institutions have become increasingly important as sites of protest and civic engagement for the movement for climate justice. In particular, the growing movement for ‘Fossil Free Culture’ has employed art activism and performance protest to great effect in museums, art galleries and theatres, calling for an end to sponsorship deals with major oil and gas firms such as BP, Shell, Equinor and Total. By opposing these sponsorship deals, campaigners and stakeholders have sought to undermine attempts by the fossil fuel industry to sustain its “social license to operate”, an attempt to burnish the industry’s brand identities by associating their logos with iconic cultural spaces, such as the British Museum and Musée du Louvre, and deflect attention from their records of climate inaction, lobbying against crucial climate legislation, and continued investment in new exploration for oil and gas.

(1) In addition, many of these campaign groups work proactively with frontline and impacted communities, using their interventions as an important platform for amplifying the voices of marginalised and under-represented groups, from the Niger Delta to the Gulf of Mexico, and from West Papua to Azerbaijan. Many of these groups have also critically engaged with the contexts in which their protests take place by making institutional critiques and highlighting the intersections between climate change and other issues, such as the role of colonialism in the history of extractivism but also in the origins of many Western museums’ collections.

(1) There are prominent campaign groups addressing links between the cultural sector and the fossil fuel industry in the UK (Liberate Tate, BP or not BP? and others which form the ‘Art Not Oil’ coalition), France (Libérons le Louvre), the Netherlands (Fossil Free Culture NL), the USA (Not An Alternative) and Australia (Fringeworld artists), but with new groups emerging as this issue of “social license” becomes more central to the wider climate

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<sup>9</sup> See, e.g. <https://www.statista.com/statistics/563444/worldwide-killings-of-land-and-environmental-defenders-by-country/>

movement. Some of the most significant shifts the movement has stimulated within the museums and culture sector include:

- In October 2019, the Royal Shakespeare Company dropped BP as a sponsor mid-contract. Just days later, the National Theatre declared a climate emergency and announced the end of its partnership with oil giant Shell. (UK)
- In March 2020, the Southbank Centre and British Film Institute confirmed that their corporate memberships with Shell would also not be renewed. (UK)
- In May 2020, the National Portrait Gallery revealed it had dropped BP as a judge of the BP Portrait Award following protests from artists the previous year. (UK)
- The Van Gogh Museum and Concertgebouw in Amsterdam have both ended their partnerships with Shell. (Netherlands)
- In the US, fossil fuel magnate David H. Koch stepped down from the Board of the American Museum of Natural History following pressure from scientists and campaigners. (US)
- In 2016, both Tate and the Edinburgh International Festival's sponsorship deals with BP were ended after 26 and 34 years respectively. (UK)

(4) While these various campaign groups adopt different tactics, aesthetics and approaches, they all sit within a tradition of peaceful protest and non-violent direct action – and with artistic innovation and creativity at the core. Despite this, their various interventions have exposed and highlighted several issues, both in relation to the right to protest and the role of public and cultural institutions in promoting climate justice:

- In the majority of cases, the right to protest has been recognised and respected, with most museums recognising the value of facilitating dissent and debate as part of debate within an ecosystem of public institutions in democratic societies. However, in some cases, attempts have been made to disrupt or deter peaceful interventions, notably in the Netherlands when a group of [six female arts activists were arrested](#) and detained and [during the COP21 Climate Summit](#) at the Louvre where performers were also arrested and held. While uncommon, such responses serve to deter peaceful protest and civic action and set a concerning precedent.
- In 2016, [an investigation by the Art Not Oil coalition](#) revealed that four BP-sponsored cultural institutions – Tate, the British Museum, the Royal Opera House and the National Portrait Gallery in the UK – had met privately with the oil and gas firm's security team at the company's head office in order to discuss a coordinated response to growing protests against the company's sponsorship deals. Senior management and security staff from each institution were present.
- Overwhelmingly, museum workers, from curators to front-of-house staff, undertake important work in relation to social justice and climate justice, through exhibitions, events and wider programming. However, protests against oil sponsorship have exposed, particularly within larger national and state museums, a cognitive dissonance demonstrated by Directors, Chairs and Boards of Trustees. In particular, the Director of the Science Museum Group in the UK has repeatedly been [a vocal defender of the fossil fuel industry](#), rather than subjecting the companies in question to appropriate scrutiny and due diligence checks. Similarly, the Chair of the British Museum has made misleading claims as he [mounted a defense](#) of BP's business in a broadcast interview on the BBC, as the museum's own BP sponsorship deal faced legitimate opposition.

- These entrenched positions and biases at the top of this handful of major museums can also create “a chilling effect” among staff and stakeholders, limiting the space available for free and open discussion of climate justice issues and examining personal and institutional ethical stances. However, these museums curatorial teams can and do play an important role *as museums* in promoting literacy around climate change and, by extension, stimulating agency amongst their visitors for creating change. However, *as institutions* overseen by the state or governed by Boards dominated by specific elite business interests, there remains a genuine risk that civic engagement in climate justice, as realised through peaceful creative protest against oil sponsorship, may continue to be systematically opposed in an attempt by decision-makers to uphold the status quo or even adhere to the government of the day’s own political stance.”

## **Contribution 2. Museums for Future**

“(1) Our work at Museums For Future is an example of climate activism. As we are an international initiative, we represent a variety of local perspectives from various countries. Museums For Future was founded in late 2019, in Austria, and though we aspire to be a global community, our current members are mainly based in Europe. Museums for Future is a non-profit, independent organization, made up of passionate museum workers, cultural heritage professionals, and dedicated cultural institutions in support of the Paris Agreement and the Fridays For Future movement. We are an alliance to our children, grand-children, and the best available science in our mutual aim to meet the +1.5°C target of the Paris Climate Convention and global climate justice. We envision a world in which every museum is climate-conscious and a bold advocate of the Paris Agreement. These institutions would be and partially already are drawing on their rich cultural capital and storytelling expertise to engage their audiences and communities with relevant and compelling messages that drive positive change to prevent ecological breakdown and secure a sustainable, equitable and culturally diverse future for all.

(1) Museums have the power to shape culture. Now is the time to live up to this potential and take position in current crises proactively. Our mission is to foster dialogue between heritage organizations/institutions, local communities, and the global public around the Paris Agreement; to mobilize museums around the world to participate in coordinated actions that raise awareness to the climate crisis and its direct, local solutions; and to build a network of heritage organizations/institutions inspiring others with their dedication to sustainability. To this end, we organize and coordinate sustainability themed calls to actions that institutions, networks and individuals can join. Shortly after the initiation of MFF, the COVID pandemic has unfortunately disabled group meetings and protests. So we moved our actions - with some local protest under special pandemic-compliant measures - mainly online.

(1) Though we are a young community and our first online call to action was only a year ago (Earth Day 2020), we can already see the massive increase in the number of institutions joining our actions and addressing sustainability issues through joining our calls. For example, while in 2020 around 50 museums and other cultural institutions joined the

#GreenWeek and #MuseumsGoGreen online call to action, in 2021 over twice as many have (we are still counting, but there are already over 180 posts counted on Instagram alone). We strongly believe that we help create a supportive environment for cultural institutions and their employees, as well as everyone interested in culture, in which they are able to join each other, create alliances and find community, in order to take the often difficult but necessary steps towards a more sustainable and just future. Despite local difficulties for peaceful assemblies or protests through political, health or other reasons, our different formats have shown that there are and have to be many ways for inclusive and impactful climate activism.”

**Contribution 3. Climate Museum, New York: Statement on new anti-fossil fuel protest laws in the United States (answering questions 2 and 5):**

“(2 &5) The Climate Museum is a non-profit currently scaling out to a permanent year-round presence in New York City. Its mission is to inspire action on the climate crisis with programming across the arts and sciences that deepens understanding, builds connections, and advances just solutions. The Museum has created an activist cultural approach to community engagement with climate, building on the popularity and public trust held by museums and on the research-backed recognition that most people are worried about the climate crisis but unsure how to take meaningful action.

Addressing the climate crisis successfully will require profound ambition, perseverance, creativity, and community-mindedness; the elevation of both global and community dialogues on all matters climate-inflected; and significant shifts in societal norms. In short, to secure a stable future for humanity, we need a sweeping culture for collective action on climate. This cultural shift can only develop in the presence of basic democratic freedoms: of assembly, of association, and of expression. But in the United States, these rights – as they pertain specifically to climate activism – are being targeted by new legislation severely restricting the right to protest. Recently enacted laws in 18 states bring extraordinarily harsh penalties to bear on existing minor offenses such as trespassing and vandalism when the alleged offense occurs near “critical infrastructure” – a stand-in for the property of the fossil fuel industry.

The statutes are intentionally vague and broad, making it difficult for climate activists to follow them and easy for law enforcement to interpret them overzealously. Here it is worth noting that in at least one case, investigative journalism has exposed fossil fuel industry funding of police agencies close to pipeline construction and largely Indigenous protests against it.<sup>10</sup> These laws are being adopted just as the fossil fuel industry’s social license to operate comes under increasing pressure. This is not a coincidence. The laws are based on a model statute drafted by the American Legislative Exchange Council (ALEC), a corporate lobby group funded by fossil fuel companies that has also drafted anti-clean energy model statutes. ALEC created the model statute and began circulating it in 2017 following highly publicized protests against the Dakota Access Pipeline.<sup>11</sup> Investigators have further exposed

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<sup>10</sup> E. Atkin, “Enbridge is ‘funding and incentivizing’ Minnesota police”, *Heated*, March 17, 2021.

<sup>11</sup> A. Westervelt, “How Fossil Fuel Might Use the COVID-19 Pandemic to Criminalize Pipeline Protests,” *Drilled News*, April 2, 2020.

the receipt of fossil fuel industry campaign donations by legislators introducing and supporting these unconscionable laws.<sup>12</sup>

These statutes punish and restrict free expression on the climate crisis, jeopardizing the development of a robust culture for climate progress and eviscerating fundamental democratic rights for all. They also intensify climate injustice and systemic racism. Fossil fuel infrastructure in the United States is disproportionately sited on Indigenous lands and in communities of color, with grave racialized impacts on public health. The new criminal statutes escalate the substantially racially disparate impact of the fossil fuel industry by effectively targeting climate leaders and protesters near fossil fuel infrastructure, that is, climate leaders and protestors of color who already face disproportionate impacts from the climate crisis specifically and also confront white supremacy as a whole.

### 3. Overview of the human rights context and how it relates to museums

Human rights obligations are typically referred to as the obligations to:

- **Respect:** Refrain from acting in ways that would interfere with people's human rights
- **Protect:** protect people from interferences by private actors such as businesses
- **Fulfil:** Facilitate and fulfil rights where people are unable to secure them for themselves.<sup>13</sup>

Human rights relating to participation in cultural life, to benefit from scientific advancement, health, education, freedom of expression, opinion, assembly and association are protected under the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights (ICCPR), and the International Covenant of Economic, Social and Cultural Rights (ICESCR); the two Covenants are legally binding treaties.

Interpretation of, and guidance on, the freedoms of opinion and expression can be found in a General Comment (No. 34) from the Human Rights Council in relation to the ICCPR.<sup>14</sup> Interpretation of the right of peaceful assembly can be found in a further General Comment, No. 37 (2020).<sup>15</sup> In the context of recent protests, General Comment 37 makes it clear that peaceful assembly is, by its definition, non-violent, and "isolated acts of violence by some participants should not be attributed to others, to the organizers or to the assembly as such", or used to deny others their right to peaceful assembly. Considering the context of the pandemic, General Comment No. 29 expands on limitations of civil and political rights in states of emergency.<sup>16</sup> The UK Equality and Human Rights Commission has published a guide on the right of freedom of expression, as it relates to England, Scotland and Wales.<sup>17</sup>

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<sup>12</sup> G. Colchete and B. Sen, "Muzzling dissent: how corporate influence over politics has fueled anti-protest laws," Institute for Policy Studies, October 2020.

<sup>13</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

<sup>14</sup> <https://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

<sup>15</sup> <https://digitallibrary.un.org/record/3884725>

<sup>16</sup> <https://www.refworld.org/pdfid/453883fd1f.pdf>

<sup>17</sup> <https://www.equalityhumanrights.com/en/publication-download/freedom-expression-legal-framework>

The Human Rights Council has noted: “Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society. The two freedoms are closely related, with freedom of expression providing the vehicle for the exchange and development of opinions. Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.” The right to freedom of expression includes “the right to seek, receive and impart information and ideas of all kinds”, and includes cultural and artistic expression.

### **Climate change and human rights**

It is well-established that climate change threatens a wide variety of human rights, notably the right to life, liberty and security of person; right to health; the right to a social and international order; and the right to development. People have a right of access to justice, and duties to the community, both of which relate to climate action. Climate change ultimately undermines article 1 of the UDHR that ‘all people are born free and equal in dignity and rights’, as it sets an intergenerational inequity. In September 2019, five UN Human Rights Treaty Bodies issued a joint statement on human rights and climate change, setting out how climate change threatens to set back development progress, and disadvantage a wide range of minorities and social groups. The group noted how they “welcome also the mobilisations by civil society and, in particular, by women, children and youth, urging governments to take more ambitious climate action.” The right to a safe, clean, healthy and sustainable environment is legally protected by more than 80% of UN Member States through constitutions, legislation, court decisions and regional treaties.<sup>18</sup> Article 4 of the ICCPR provides States with powers to limit (derogate) obligations arising from the ICCPR in times of “public emergency which threatens the life of the nation”. However, this Article has limitations that should be properly understood. No derogation is permitted for a number of reasons, including those relating to Article 6, on the right to life. As climate change, and its impacts, are pervasive threats to human life, it is questionable whether States can derogate from the ICCPR in matters relating to climate change.

### **Museums obligations from a human rights perspective**

The contents and obligations of the UDHR, ICCPR and ICESCR apply to museums as they do to other organisations. Museums are closely associated with a number of human rights, for example the right to participate in cultural life and to benefit from scientific advancement and the right to education (from the Universal Declaration of Human Rights). However, while it can be tempting to understand museums’ obligations as relating only to a narrow set of rights, it is important to acknowledge that rights are of equal value and are interconnected. All rights apply to all sectors.<sup>19</sup>

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<sup>18</sup> <https://bit.ly/2Rzayew>. See also Society, Rights and the Environment: International Human Rights Standards Applicable to Access to Information, Public Participation and Access to Justice, <https://bit.ly/3vfltZn>

<sup>19</sup> See Museums and Human Rights for an overview, <https://bit.ly/3vba64x>

Museums can also support the three rights established in the Aarhus Convention (1998), on (1) the right of access to environmental information, (2) to participate in environmental decision making (which relates to freedom of opinion and expression, peaceful assembly and association, and duties to the community). (3) Where these rights are not fulfilled, people are entitled to seek recourse, which could be interpreted as access to justice or calling for justice, which relates to protest and assembly.

The UN Guiding Principles on Business and Human Rights apply to museums, as they apply to all sectors, notably the ‘corporate responsibility to respect’ human rights: Principle 14 states “The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure.” The Guiding Principles include the importance of due diligence in business relationships and supply chains, to ensure that human rights abuses are eliminated from business operations and relationships. Principle 13 states that organisations should “Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.” Principle 27 states that human rights due diligence “should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships”. The corporate responsibility can be applied to museums, by museums themselves and those who oversee them, and taking due diligence to ensure their activities to not infringe on people’s rights, including the activities of those they enter into relationships with (suppliers of goods or services, funders, donors, partners).<sup>20</sup>

### **Public mandate**

Public organisations such as museums can base their decisions on intelligence on public opinion, and of public benefit. Notable recent surveys include UNDP’s ‘People’s Climate Vote’ which found that, across 50 countries and 1.2 million people surveyed, 64% considered climate change as an emergency;<sup>21</sup> and the UN75 surveys that found that while COVID19 was the main short-term priority, “respondents in all regions identified climate change and environmental issues as the number one long-term global challenge”, with resounding calls for more environmental protection.<sup>22</sup>

### **The importance of museums and other public spaces for peaceful assembly and association**

Karima Bennoune, Special Rapporteur on Cultural Rights, has previously noted: “it is necessary to preserve existing public spaces [which included museums], as well as to create new ones, for people to learn, develop their creativity and experience the humanity of others, and to foster civic engagement.” Public spaces “are places where various,

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<sup>20</sup> [https://www.ohchr.org/Documents/Publications/HR.PUB.12.2\\_En.pdf](https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf)

<sup>21</sup> <https://www.undp.org/content/undp/en/home/librarypage/climate-and-disaster-resilience-/The-Peoples-Climate-Vote-Results.html>

<sup>22</sup> <https://www.un.org/en/un75/finalreport>

sometimes opposing, world visions can at times be expressed and where controversies can be debated in circumstances that respect the human rights of all.”

Of concern here is the impact of the COVID19 pandemic in terms of a funding crisis for museums, which risks museums either closing or having reduced opening hours, reducing people’s opportunities to participate in cultural life and a range of other rights.

A joint report at the Human Rights Council in 2016 noted:<sup>23</sup> “Assemblies can play a vital role in the protection and fulfilment of human rights and the democratic life of society. They should not be viewed as a threat, but rather as a means of dialogue in which the State should engage. Nonetheless, ensuring the protection of the full range of rights arising in the context of assemblies can present challenges... “An “assembly” ... can take the form of demonstrations, meetings, strikes, processions, rallies or sit-ins with the purpose of voicing grievances and aspirations or facilitating celebrations (see A/HRC/20/27, para. 24). Even sporting events, music concerts and other such gatherings can potentially be included.”

The UN Special Rapporteur on Cultural Rights has previously reported:<sup>24</sup> “Cultural heritage, cultural practices and the arts are resources for marshalling attention to urgent concerns, addressing conflicts, reconciling former enemies, resisting oppression, memorializing the past, and imagining and giving substance to a more rights-friendly future. People often express values and ethical commitments through aesthetic forms and processes.” She made a series of recommendations for States and for cultural institutions to follow. Notably, she recommended that: “Because of the nature of aesthetic engagement, initiatives in the field of culture can make robust and distinctive contributions to creating, developing and maintaining more rights-respecting societies, especially in the aftermath of violence and in deeply divided societies. They provide crucial opportunities to build capacity for critical thinking and respect for cultural diversity, equality and the universality of human rights...”

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<sup>23</sup> <https://undocs.org/pdf?symbol=en/A/HRC/31/66>

<sup>24</sup> <https://undocs.org/A/HRC/37/55>