

Mainstreaming Gender in the Protection of Cultural Heritage

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Abstract The purpose of this contribution is to reflect on the relationship between gender equality and CH, from a human rights law perspective. We will demonstrate that the two elements are not conflicting, but mutually reinforcing. Provided that some practices can never be condoned under human rights law, the approach followed in the article is twofold. On the one hand, it should be acknowledged the contribution given by women in the preservation of traditional practices and heritage sites. On the other hand, gender should be mainstreamed in the protection of CH – provided that the participation of local communities is ensured - in order to empower women and gradually combat discrimination against them.

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Keywords Gender. Cultural heritage. Human rights.

1 Introduction

The conference organized in November 2015 on *Cultural Heritage. Scenarios 2015* has inspired me a reflection on the relationship between gender equality – part of my current research – and CH, of which I am almost a neophyte, from the specific point of view of IHRL. The session of the conference where I presented the first draft of this paper was named “Cultural heritage inspires” in the sense that CH promotes and strengthens participation as an essential component to build identities. In developing the text of this article, I have become more and more convinced that the promotion of gender equality has a role to play in the protection of CH, both in terms of participation of women to the process of recognition and of empowerment of women and girls against discrimination on the basis of gender.

At first sight, gender equality and CH seem to conflict in certain circumstances. Consider, by way of illustration, practices that allow and reinforce unequal power relations between men and women or that reduce women to a role of subordination: the male guardianship according to Islamic law

(*mehrem*) is an example. However, as stressed by the then *Special Rapporteur on Violence against Women*, Yakin Ertürk, even practices that are not seen as cultural phenomena, especially in Western countries, such as the portrayal of women as sexual objects, must be considered as a form of objectification of female body entrenched in the culture of a given society and a form of discrimination on the basis of gender.¹

The contribution will start with some terminological issues, before briefly investigate on whether the main international legal instruments on CH do refer to gender equality. We will then propose some examples of traditional practices in order to analyse the complex relationship gender-CH-human rights. We will demonstrate that gender equality and CH are not conflicting but mutually reinforcing and that by applying IHRL it is possible to strike a balance between them.

2 Some Terminological Issues

At the outset, we should define the boundaries of our contribution. First of all, for the purposes of the analysis, we will refer to both tangible CH and ICH, which are extremely intertwined. Language, dances, local know-how are often associated with material culture. As outlined by an author, “the practice of intangible heritage can have tangible results or represent meaningfulness of the heritage” (Blake 2015, 153). In the examples that we will provide in the next pages, the two types of heritage are equally relevant.

Secondly, with regard to gender, in this contribution we will only focus on women and their rights, despite being aware of the fact that the concept of gender does not equate women. Charlesworth (2005, 15) has indeed emphasized that:

reading gender to be essentially about women does not capture the relational nature of gender, the role of power relations, and the way that structures of subordination are reproduced.

Gender refers to “socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences”, which results in “hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women”.²

1 *Special Rapporteur on Violence against Women, its Causes and Consequences* (2007), *Intersections between culture and violence against women*, A/HRC/4/34, para. 48.

2 CEDAW Committee (2010). *General Recommendation no. 28, Core Obligations of States Parties under Art. 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/2010/47/GC.2, par. 4.

With regard to culture, it is not possible to dwell on the meaning of such a complex notion, well analysed by literature, in this short contribution. For our purposes, we will consider culture according to the definition provided by the 1998 Fribourg declaration, as composed of:

those values, beliefs, convictions, languages, knowledge and the arts, traditions, institutions and ways of life through which a person or a group expresses their humanity and the meanings that they give to their existence and to their development.³

We will appreciate culture as an evolving concept, which can be better understood by applying a *gender-based approach*, and whose relationship with human rights are yet to be fully explored. With regard to the manifestations of culture, in this article we will propose examples taken from traditional practices, which have been included in the UNESCO WHL, and in the two lists related to ICH. We will also refer to practices based on convictions well rooted in a given society that have been examined by the UN bodies responsible for the assessment of States' compliance with international human rights conventions, in particular by the HRC and the CEDAW Committee.

3 Gender Equality in International CH Law

Most binding international legal instruments regarding CH are silent on gender equality. Among the UNESCO Conventions, an indirect reference to gender is included in the 2005 Convention, entered into force in 2007. According to art. 7:

Parties shall endeavour to create in their territory an environment which encourages individuals and social groups: (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of *women* as well as various social groups, including persons belonging to minorities and indigenous peoples.

Nonetheless, women are depicted as people in 'special need', therefore vulnerable subjects and not *actors of change*. The central role of women is not mentioned either in the 1972 UNESCO Convention or in the 2003 UNESCO Convention.

The latter Convention includes, however, an interesting provision according to which "consideration will be given solely to such intangible

3 Art. 2(a). See the analysis of culture in Ferri 2015, 50 ff. and related bibliography.

cultural heritage as is compatible with existing international human rights instruments”.⁴ This affirmation clearly encompasses all the major conventions on human rights, including the two 1966 Covenants, namely the ICCPR and the ICESCR, along with the CEDAW.

The absence of any reference to gender equality in the aforementioned texts is quite surprising, since other treaties on human rights and environmental protection do contemplate a gender-based approach, which has progressively permeated different issues of high priority at the international level.

It should be acknowledged that non-binding instruments have better emphasized the role of women in CH, despite the 2001 UNESCO Declaration being silent in that respect. As early as 1998, indeed, the *Stockholm Action Plan on Cultural Policies* recommended States to “give recognition to women’s achievements in culture and development” and to “ensure their participation in the formulation and implementation of cultural policies at all levels”.⁵

More recently, the ICSICH, at its eighth session in Baku in 2013, reported the position of many stakeholders according to which “an in-depth debate about gender equality and intangible cultural heritage has not yet happened” and that the working mechanisms of the 2003 Convention “have been quite gender blind so far”.⁶

At the same meeting, the Committee recommended to revise all relevant documents and forms (including the Operational Directives, the Periodic Reporting formats, and nomination files) to include gender-specific guidance and questions.⁷

Furthermore, in a report commissioned by UNESCO (2014) to which we will refer several times, experts analysed the relation between gender equality and CH, starting a debate which should inspire the activities of UNESCO in the years to come.

At an expert meeting held in Turkey in September 2014, a *draft* paragraph was proposed for the Operational Directives for the implementation of the 2003 UNESCO Convention, later included in the decision of the Committee of December 2015,⁸ and eventually endorsed in the Resolution

4 Art. 2(1). See also Cornett 2007.

5 Adopted during the Stockholm conference held from 30 March to 2 April 1998, objective 2, para. 8.

6 ICSICH (2013). *Report on the evaluation by the Internal Oversight Service of UNESCO’s standard-setting work of the Culture Sector and the related audit of the working methods of Cultural Conventions*, ITH13/8.COM/5.c, 9.

7 ICSICH (2013). Decision, ITH13/8.COM/Decisions, 7 December, para. 11a).

8 Draft Amendments to the Operational Directives on Safeguarding ICH and Sustainable Development, ITH/15/10.COM/14.a, 3 December 2015, para. VI.1.4.

adopted by the General Assembly of the States parties to the Convention in June 2016.⁹

The paragraph related to gender equality is of extreme interest and it reads as follows:

States Parties shall endeavour to foster the contributions of intangible cultural heritage and its safeguarding to greater gender equality and to eliminating gender-based discrimination while recognizing that communities and groups pass on their values, norms and expectations related to gender through intangible cultural heritage and it is, therefore, a privileged context in which group and community members' gender identities are shaped.

States parties, according to the Resolution, are therefore encouraged, among others, to “take advantage of the potential of intangible cultural heritage and of its safeguarding to create common space for dialogue on how best to achieve gender equality”, to “promote the important role that intangible cultural heritage and its safeguarding can play in building mutual respect among communities and groups whose members may not share the same conceptions of gender”, and to “assist communities and groups in examining expressions of their intangible heritage with regard to their impact and potential contribution to enhancing gender equality”.

The Resolution constitutes a landmark step forward in the recognition of gender equality while protecting CH, and confirms the practice of 2003 Convention governing bodies “to give increased attention to gender issues” (UNESCO 2015, 13).

4 Traditional Practices and Gender Equality from an International Human Rights Law Perspective: Different Scenarios

Let us now turn to the analysis of the relationship gender equality - CH from a IHRL perspective. Starting from ICH, different scenarios can be envisaged. The examples concern gender-based discrimination, which can take different forms: violence against women, widely recognised as a form of discrimination, and situations where discrimination amounts to different levels of participation of women in a given society. We have selected cases that demonstrate the relationship under investigation, despite being aware of the differences in the gravity of harm caused to a woman by an

9 2003 UNESCO Convention, General Assembly Resolution 6.GA 7, approving the amendment of the operational directives according to document ITH/16/6.GA/7, June 2016, para. 181.

act of violence or by the use of language.

The first scenario regards traditions that must be prohibited since they are harmful for women. Certain practices can obviously never be condoned from a human rights perspective – such as infanticide, bodily mutilation, child marriage, cannibalism – which constitute clear violations of human rights. In the list we should also include female genital mutilation, which is banned at the international and regional level:¹⁰ despite some criticism on universalism vs relativism of human rights, there is growing awareness of the risks linked to this practice in terms of violation of the right to health and of reproductive rights of women and girls who are forced, because of the pressure coming from the community to which they belong, to undergo such practices.¹¹ Another example is the finger mutilation of girls practised by the Dugum Dani of New Guinea as a way to express grief after the death of a close relative. It constitutes a means through which the capacity of women to work and to use certain instruments, such as the arch, is limited and, as a consequence, it is a way to control them.¹²

The aforementioned examples are crystal clear in showing the negative implications of certain traditional practices on basic human rights such as the right to health and the right to physical integrity. Many other cases of traditional practice, however, “lie in a difficult grey area” in which “identifying the degree of harm to individuals can be extremely problematic and the thorny question is raised of who should make such determinations” (UNESCO 2014, 53).

It is the case of the Fijian practice of *Bulubulu* because of its use in rape cases, whose elimination was recommended to the Fijian government by the CEDAW Committee in a report issued in 2002.¹³ For native Fijians, an apology presented to the father of the female victim of rape, even without her being heard, can be considered a sufficient redress for the sexual offence she suffered. Any charges can then be brought against the alleged perpetrator. The CEDAW considered the practice as “highly patriarchal”, which condoned sexual violence without the involvement of the victim.¹⁴ As an author points out, the State and the Committee then entered into a dialogue in order to reflect on the possible evolution of the practice and this was extremely important in order to raise awareness of the problem of violence in the community (Addo 2010, 633). The Committee recom-

10 See extensively on this topic De Vido 2015.

11 In this sense, see also Lixinski 2013, 172: “This practice, despite being a traditional cultural practice, violates human rights, and as such does not merit protection”.

12 On the life and culture of Dugum Dani see Heider 2017.

13 CEDAW Committee (2002). *Summary Record of 530th Meeting*, CEDAW/C/SR.530.

14 CEDAW/C/SR.530, para. 29.

mended the State party to strengthen “its initiatives to combat gender-based violence” and to adopt “the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women”.¹⁵

However, the position of the Committee has been criticized since *Bulu-bulu* is not limited to cases of rape, but, rather, it constitutes the basis of village life. Therefore, it should be prohibited only when it amounts to a way to take rape cases out of the court. In that respect, it is clear that the CEDAW Committee has proved to be

suspicious of cultural claims, even when they seem deeply rooted historically. It focused narrowly on gender discrimination, rather viewing the intersection between ethnic, religious and class exclusions. (Engle Merry 2006, 132)

If, on the one hand, the risk lies on the fact that cultural practices may reinforce unequal roles for women and men, on the other hand a gender perspective should take into account, as it will be discussed further, the social, economic, and political context in which the practices have developed.

The second scenario is quite the opposite: it is not the cultural practice that has proved to be a form of discrimination against women, but the official recognition of this practice as ICH. It is what has happened in the Gnawa community in Morocco, who is known for its music and rituals. Women were as important as men in their role as ritual specialists and trancers, but now that the practice is famous worldwide, women “are no more than an ornament on a male-dominated stage” (Kapchan 2014, 9). The heritage in this case is conservative in the perpetuation of a patriarchal society, and violates the cultural rights of women in the tradition, whose power has diminished.

The third scenario concerns a gradual transformation of the practice, upon acceptance and involvement of the community concerned, in order to meet the challenges of an evolving society. The illustrative example here is the Japanese *Kabuki* theatre, where women could not traditionally play any role. The tradition is really curious, because it was a woman, Izumo no Okuni, who started the Kabuki dance, but then women were banned from the dance. In 1629, the Shogunate indeed prohibited women to play Kabuki, because they could disturb the public moral. Nowadays, in some areas of Japan, for example the Shimane prefecture, women are allowed to play the Kabuki (for a detailed description of the tradition, Mezur 2005). Another interesting example is Iran, where women have progressively

15 CEDAW Committee (2002). *Concluding Comments of the Committee: Fiji*, UN. Doc. A/57/38 (Part I) (2002).

started to perform *naqāli* poetry in public, an activity which was traditionally reserved to men (Blake 2015, 183). The same could be said for the traditional Venitian gondola, which in history has traditionally been driven by men; only recently a woman passed the exam and became a 'gondoliere', or, to stress the importance of language in gender equality, the first 'gondoliera'.

The fourth scenario concerns practices which are exclusively followed by women and this fact constitutes a way to 'empower' them. For example, in Afghanistan, *landays*, a form of oral poetry of Pushtun women, provides women a social and cultural space and therefore an access to public sphere (UNESCO 2014, 55). This is a way to move beyond the limits of the private sphere, the "domestic walls", and to allow that their 'private' world is recognized as valuable. Their role in the preservation of tradition and culture of communities has been indeed of utmost importance. Furthermore, the differentiation of roles between men and women is not always a synonym of discrimination against women. It is the case of Taquile in Peru, where men use the pedal loom and needles to make garments of Spanish colonial influence, like trousers and hats, and women the plain loom to make more traditional garments, such as blankets (Blake 2015, 183).

Shifting to tangible CH, we have several examples in the world of sites whose access is prohibited to women or, *viceversa*, to men. Take as example the Sacred Sites and Pilgrimage Routes in the Kii Mountain Range, Japan, overlooking the Pacific Ocean. The three sites - Yoshino and Omine, Kumano Sanzan, Koyasan - are linked thanks to pilgrimage routes to Nara and Kyoto, ancient Japanese capital cities. Women are not allowed to enter. Another interesting example can be mentioned here. The Flemish *Béguinage* in Belgium, semi-monastic institution, was one of the few World Heritage sites dedicated to the lives of women. Only women could access the architectural complex. Compared to the previous case, the difference consists in the fact that the institution is currently open to all visitors - male and female - interested to learn *Béguines'* (women who dedicated their lives to God) history (UNESCO 2014, 63).

5 Striking a Balance: where Culture Meets Gender and Human Rights

Culture and rights sometimes “seem at war with each other” (Levitt, Engle Merry 2011, 81). Prohibiting women to have access to certain sites, protecting practices that put women in a subordinate position with regard to men is a clear violation of the principle of non-discrimination on the basis of sex, or – better - on gender. However, it is also extremely important to take into account the history and the culture which have determined the affirmation of certain practices. To be only open to men – or women - is undoubtedly part of the history of the sites, or is even the origin of the devoutness around these safeguarded places.

When we apply a gender-based approach, we must look at “women’s experiences vis-à-vis men and viceversa”; in other words,

we should concentrate not on the differences between these roles, but rather consider whether or not they generate the power to dominate and humiliate. (Blake 2014, 50)

It means that from a HRL perspective, traditional and apparently discriminatory practices can be accepted where they do not consist in a form of subjugation of women. The fact that women in Peru produce traditional garments and men the one of Spanish colonial influence does not constitute a way to exercise a form of control over the women. On the contrary, the system of *Devadasi* women (female servant of deity) in Southern India which turns out to be a form of forced prostitution (Sen-Nair 2005, 161) *does* amount to a severe impairment of women’s rights.

We are convinced that UN Treaty bodies, established by the main international human rights conventions, and UNESCO could play a significant role in recommending countries the best way to achieve gender equality and at the same time promoting CH. The privileged mechanism here is the system of reports presented by States in compliance with human rights conventions: the reports are then examined by the committee concerned, which produces recommendations to the State itself. The discussion which anticipates the writing of the report is extremely useful in order to start a dialogue aimed at ‘understanding’ the culture of a people. Let us propose two examples. The first one regards Zambia, which brought before the HRC information on customs concerning practices such as bride price, polygamy, and sexual cleansing. Because of its obligation to meet the requirements of the ICCPR, which established the Committee, Zambia was induced to explain how it was dealing with such violations of human rights and it replied that it had adopted adequate measures to train local judges and to promote awareness campaigns (Addo 2010, 647). Despite the efforts undertaken by the State, the HRC requested Zambia to

strengthen its action to ensure that local customary laws comply with the rights enshrined in the Covenant.¹⁶ In particular, the Committee stressed the importance of the participation of women in the process of reviewing local laws and practices. The second example regards the custom of *mehrem*, mentioned at the very beginning of the article, present in Saudi Arabia and examined by the CEDAW Committee.¹⁷ The dialogue on the practice showed the weaknesses inherent in the system, which is surely, as expressed by Islamic law, aimed at protecting women and preserving their dignity, but at the same time it places women in a subordinate position which concretely prevents them from denouncing episodes of violence. Therefore, even if women are free to file complaints with the authorities and ask to be released from guardianship as a consequence of domestic violence, they fail to do so, because they are not fully aware of their rights. As pointed out by an author, though, it is not clear to whom such permission must be asked, hence this is a way “to reinforce rather than to challenge the practice” (Addo 2010, 634). The Committee stressed the element of discrimination emerging from the practice, but did not seem to realize the fact that to challenge the practice was almost impossible for women, who are blocked in a male-driven system.¹⁸

In carrying out their activity, however, UN Committees should be aware of the interlinkages between different forms of discrimination – gender, age, ethnicity, sexual orientation – and to strengthen the dialogue with countries in order to understand how to strike a balance between protection of CH, traditional practices and traditions, on the one hand, and respect for human rights, on the other hand. In order to do so, UN experts must know the culture of one State, with the purpose of overcoming several criticisms, such as the biased perception of the notion of gender modelled on European/American standards (Oyewumi 1997).¹⁹

According to Engle Merry, it is possible to integrate human rights norms into certain cultures without being antithetical to the perpetuation of the integrity of certain cultures (2006, 6-10). Culture is not a valid justification for gender inequality (Moghadam, Bagheritari 2007, 12), but, equally, focusing on culture only as a barrier both ignores the extent to which change is taking place and de-emphasizes the importance of economic and political

¹⁶ HRC (2007). *Concluding Observations of the Human Rights Committee: Zambia*, CCPR/C/ZMB/CO/3.

¹⁷ CEDAW Committee (2008). *Concluding Comments of the Committee: Saudi Arabia*, CEDAW/C/SAU/CO/2.

¹⁸ CEDAW/C/SAU/CO/2, para. 15.

¹⁹ Strathern (1988) used a feminist approach to argue that Papuan women are not exploited, but rather that the notion of gender is different in that society compared to the Western one.

factors in furthering those changes (Engle Merry 2005, 132). It ignores possibilities that are embedded in local communities, it misses alternative visions of social justice founded in ideas of sharing reconciliation, and mutual responsibility. Therefore, ICH may also provide “a space for societal dialogue which may present an opportunity for ICH itself to be harnessed in efforts to minimize gender-based discrimination” (UNESCO 2014, 52).

There are examples of the evolution of culture in the sense of gradually ensuring the respect for human rights, in particular the principle of non-discrimination. We have already mentioned the case of the Flemish *Béguinage* in Belgium, semi-monastic institution which are now open to men; or the *naqāli* poetry played in public by both women and men, contrary to the tradition that ruled in favour of men. Culture cannot justify severe violations of human rights but can, and must, take into account them and evolve, since it is not immutable: traditions change and adapt to the evolving times and to an increasing awareness of the existence of human rights.

Some considerations can be drawn from this reasoning. First, let us consider the ‘dimensions’ of CH, namely the individual and the collective one (Logan 2007, 44). According to Zagato, the safeguarding of the ICH, with its explicit reference to groups and communities as well as to individuals, is cut across by “an irrepressible tension between the individual and collective dimension of the cultural right” (2012, 49).

In our case, the collective right to CH can conflict with other individual rights, such as the prohibition of discrimination on the basis of gender or the right to health. In order to overcome this tension, it is essential to appreciate the right to CH in this twofold dimension: as collective and individual right. It means that the individual right to CH cannot be impaired by a collective dimension which affects the enjoyment of that right by virtue of the violation of other fundamental rights. As a woman, I can fully enjoy my CH only as much as the collective cultural rights do not infringe other human rights to which I am entitled. This process requires a systematic engagement in a “cultural negotiation”: “the positive cultural elements are emphasized, while the oppressive elements in culture-based discourses are demystified”.²⁰ This is a way through which it is possible to challenge the discriminatory and oppressive aspects of a local culture.²¹

Engle Merry and Levitt suggested a process of ‘Vernacularization’, as a way to create human rights by civil society groups or by the *community itself*, in order to “establish an aura of universalism at the same time as

20 *Special Rapporteur on Violence against Women, its Causes and Consequences* (2007), para. 52.

21 *Special Rapporteur on Violence against Women, its Causes and Consequences* (2007), para. 53.

they are tailored to fit into existing political and moral worlds” (2011, 100).

An example is provided in the study of the two feminists: in India, a street play called ‘Bandar Khel’ (Monkey show) has been written using songs and performance to address dowry violence and murder (92). Take another example: in the north of Mexico, local women’s movements have used the language of human rights to promote symbolic actions against the culture of impunity and violence against women.

The essential element here is the participation of the community both in the dialogue with international bodies and in the promotion of a change, along with the empowerment of women as actors.

Women can play an active role in this field and should be allowed to contribute to the development and implementation of national plans aimed at the promotion of gender equality. As posited by the *Special Rapporteur in the Field of Cultural Rights* Farida Shaheed, in 2014:

a key challenge is how to ensure women’s equal participation in discussions and decision-making on these issues and enable them to create new cultural meanings and practices. (UNESCO 2014, 5)

This is a way to challenge the gendered development of international human rights law, which has rested and reinforced “a distinction between public and private worlds” (Charlesworth, Chinkin 2000, 232). However, it is not enough to have access to a world that was shaped by men: it is necessary that the decision-making structures also change in order to guarantee substantive equality (Otto 1999, 115).

6 Women in the Promotion of Culture as Collective Memory

We have seen gender equality as an element which must be incorporated in CH as a way to combat discrimination against women and to ensure their participation to cultural changes. Nonetheless, it seems that women can play a further role in the protection of CH, as bearers of the identity and the culture of a people. The example is taken from recent events. Women belonging to the Yazidi and Christian minorities in Syria, victims of sexual exploitation perpetrated by the ISIS, can contribute to preserve the CH belonging to their lands and their communities. For example, with regard to the Christian minority in those territories, a woman, Sister Diana Momeka, spoke in May 2015 before the US Foreign Affairs Committee and witnessed the existence of a culture in danger:

The loss of the Christian Community from the Plain of Nineveh has

placed the whole region on the edge of a terrible catastrophe.²²

In their hands, there is the memory of what that land used to be. Turning to the Yazidi minority, the recent report of the UN Commission of Inquiry for Syria showed that the ISIS fighters “swiftly separated men and boys who had reached puberty from women and other children”, and that, following this separation, ISIS fighters “summarily executed men and older boys who refused to convert to Islam”.²³ The Commission concluded that these acts amount to genocide and recommended that the case is referred to the ICC as a matter of urgency. While thousands of men and boys have been immediately sent to death, women and girls have been facing ‘brutal’ forms of sexual violence.²⁴ They have been sold, such as chattel, to combatants, abused, tortured, and deprived of any freedom. In the future, once the conflict is over, it is in the hands and the memory of these women that the CH of the Yazidi minority has a chance to survive. The role of the UN Commission of Inquiry is and will be of utmost importance to collect witnesses and to preserve the memory of the survivors.²⁵

In this way, culture acquires a new value, as composed of

sets of collective memories, a concept which acknowledges the aspect of culture that consists of shared ideas and beliefs of history ancestry and of life sustained in a community of individuals’ memory, lived, signified, expressed and enacted, which gives heritage and cultural practices their meaning. (Chow 2014, 614)²⁶

In our example, the collective memory is the one of Yazidi and Christian women and girls, upon which the future of the culture of these minorities relies.

22 Sister Diana Momeka, Dominican Sisters of St. Catherine of Siena, Mosul, Iraq House Foreign Affairs Committee, May 13, 2015, *Ancient Communities Under Attack: ISIS’s War on Religious Minorities*

23 Human Rights Co, Report of the Commission of Inquiry for Syria, ‘They came to destroy’: *ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, paras. 32-33 (De Vido forthcoming).

24 A/HRC/32/CRP.2, para. 64.

25 On collective memory in case of rape during armed conflict see De Vido 2016.

26 A gender-based approach of the notion of collective memory, related to cases of rape is the one proposed in De Vido forthcoming.

7 Conclusions

Despite being underexplored, the relationship between gender and CH is of extreme importance, since it

contextualizes the practices and activities of women by analysing the social relationships that women establish and the power system of the society in which they live. (UNESCO 2014, 40)

Reading this relationship from a gender perspective means first to emphasize the contribution given by women in the preservation of traditional practices and heritage sites. Preservation is the specific action taken to prolong the useful life of individual objects or entire collections within a particular institution. We have several examples, such as the WRDS at Ibadan in Nigeria, which is a centre for research, training, and dissemination of information, established in 1986 at the university of the Nigerian city (Falola, Aderinto 2010, 85). This centre demonstrates that CH also, and predominantly, has an educational role, which can be developed in universities. Another case is the Vietnamese *Women's Museum* in Hanoi, which aims to improve the knowledge of the historical and CH of Vietnamese women. It is a

gender museum with functions of research, preservation, and display of tangible and intangible historical and cultural heritages of Vietnamese women and Vietnam Women's Union.²⁷

Secondly, gender should be *mainstreamed* in the protection of CH, which means that women should be actors rather than vulnerable subjects in need of protection, in order to empower women and gradually combat discrimination against them. "The promotion of cultural diversity must be tempered with a gender-based awareness", as pointed out by an author (UNESCO 2014, 54). An interesting example of mainstreaming is the *Waanyi Women's history project*, an oral history project established and led by Aboriginal women in Australia. The purpose is to recognize heritage relevant for them and to address the biases operating in heritage identification and management. This is a strategy to make women's voices heard in the negotiations about the future of their heritage (UNESCO 2015, 10). In other words:

Understanding the relationship between gender and intangible cultural heritage is significant for effective safeguarding in two ways: it can open

27 From the mission on the museum's website <http://www.womenmuseum.org.vn/>.

new avenues to safeguarding and can strengthen steps towards gender equality. Mainstreaming gender in safeguarding is therefore not only an opportunity, but an ethical imperative. (UNESCO 2015, 10)

In this process, the participation of local communities must be ensured with the purpose of preventing any forms of imposition. As we tried to show, gender and CH are mutually reinforcing, and they should be read together in order to protect women and the heritage they are the bearers.

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