Addressing Cultural Rights in Disaster Management

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Addressing Cultural Rights in Disaster Management: A Checklist for Disaster Managers

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1   Introduction

Imagine that a disaster warning is to be issued within a multilingual community; imagine also that a disaster rescue is to take place within a multi-ethnic and multi-religious society: what cultural factors should be considered in these moments and how do they relate to the cultural rights of the affected community? How these issues are addressed may reflect the value placed on culture in the most critical moments of the lives of many disaster victims. In many cases, it may also affect the overall effectiveness of the immediate emergency phase. Most times, however, the immediate demands of a disaster will present little opportunity for disaster managers to critically consider important cultural elements such as languages spoken in the affected area, or the type of food, clothing, religious facilities, etc., that will be needed in the aftermath of a rescue operation. Overcoming this barrier requires a strategy before the disaster strikes.

Although the concept of culture has been studied from various perspectives, it has been defined in the context of disaster as consisting of 'beliefs, attitudes, values and their associated behaviours, that are shared by a significant number of people in hazard-affected places'.[1] Culture's influence on disaster management has been widely discussed and several UN documents note the importance of cultural perspective in disaster risk reduction and management.[2] As acknowledged in the 2014 World Disaster Report, 'people's response

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1   Terry Cannon and Lisa Schipper (eds); International Federation of Red Cross (IFRC), World Disasters Report 2014 – Focus on Culture and Risk (2014) 14.

2   See Lisa Schipper, 'Opinion: The Case for Recognising the Role of Culture in Reducing Disaster Risk' (CDKN blog, 11 August 2014) <https://cdkn.org/2014/08/opinion-the-case-for-recognising-the-role-of-culture-in-reducing-disaster-risk/?loclang=en_gb> last accessed (as

to any DRR [disaster risk reduction] initiative is likely to be much greater when their own beliefs are acknowledged and not ignored'.[3] This statement reflects in several examples shown in the report.

The influence of culture on people's risk priority or response to disaster risk mitigation measures has been discussed in several publications.[4] Dalisay and De Guzman highlight the attitude of "we are used to it" within some communities in the Philippines, who due to the fact that they witness around twenty typhoons every year, failed to prepare for the 2013 typhoon Haiyan.[5] Some residents relied on their usual signs for storms; some refusing to evacuate contrary to the official warning, unaware that storm was going to be different from what they were used to and would cause severe damage to them.[6] Recently, a survey in the Ebola-affected areas of the DR Congo found that low institutional trust and belief in misinformation were associated with a decreased likelihood of people adopting preventive behaviours such as accepting the Ebola vaccines and seeking formal health care when they develop signs of sickness.[7] Some people even do not believe that the disease is real, manifesting in the low compliance with the prevention measures (including attacks on response teams).[8]

Despite its importance, culture seems to be overlooked when devising disaster management frameworks: not much thought is given to cultural rights aspects, and the precise mechanisms by which they could be implemented in such frameworks are poorly understood, especially in multilingual, multi-ethnic and multi-religious settings. Arguably, achieving a cultural right-based approach requires a more thorough understanding of cultural rights and their elements that are relevant in disaster scenarios. Drawing on insights from

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any subsequent URL) on 27 June 2019; CARISMAND Project, 'Deliverable D4.1 – Mapping Risk Perception Concepts in the Context of Disasters' (2016); Cannon (n. 1); UNISDR, 'Report of the World Conference on Disaster Reduction' (18–22 January 2005) UN Doc A/CONF.206/6; UNISDR, Third UN World Conference on Disaster Risk Reduction (14–18 March 2015).

3 Cannon (n. 1) 187.

4 See Soledad Dalisay and Mylene De Guzman, 'Risk and Culture: The Case of Typhoon Haiyan in the Philippines', (2016) 25/5 Disaster Prevention and Management: An International Journal, 701; Udayangani Kulatunga, 'Impact of Culture towards Disaster Risk Reduction', (2010) 14/4 International Journal of Strategic Property Management, 304; IFRC (n. 1); Patrick Vinck, Phuong Pham, Kenedy Bindu, Juliet Bedford, and Eric Nilles, 'Institutional Trust and Misinformation in the Response to the 2018–19 Ebola Outbreak in North Kivu, DR Congo: A Population-based Survey', (2019) 19 The Lancet Infectious Diseases, 529.

5 Dalisay (n. 4) 706.

6 *Ibid.*

7 Vinck (n. 4) 532.

8 *Ibid.*, 533.

multidisciplinary fields such as law, psychology, sociology, mass communication, and practitioners' experiences, the CARISMAND project[9] sought to understand how cultural issues affect disaster management.

The CARISMAND project (2015–2018) was funded under the EU Horizon 2020 framework, and aimed to address issues associated with disaster management, which are influenced by the cultural background of individuals and society, and in the end to provide a framework for improving policies and practices by taking into consideration a disaster victim's cultural and personal uniqueness. The project's objectives included: to provide a broad multidisciplinary overview of existing knowledge about the cultural factors that may shape and influence citizens' risk perceptions, emotions, and risk behaviour in the context of man-made, natural and technical disasters; to establish a theoretical basis for improving disaster policies and procedures; to provide a gap analysis between current legal frameworks, policies, regulations and actual practices across different European countries regarding the inclusion of cultural aspects in the disaster management cycle; and to identify best-practice examples and the structural potential to implement them in other locations. To achieve these aims, the project created a 'cultural map'[10] that represents a structured framework of a knowledge base that follows the equally dynamic 'nature' of culture and its connections with other factors, such as socio-economic and environmental factors, within the context of disaster. The project also conducted a survey of practices in eleven European countries geared towards understanding how cultural rights are implemented within their frameworks.[11] The result indicates a divergent pattern of implementation; variations in nature, level of detail and granularity of policies, guidelines or practices for identifying which cultural expressions should be recognised in furtherance of a rights-based approach in disaster management.

The present article draws insights from this survey and presents the contribution of the project in the aspect of cultural rights in disaster management. The article aims to contribute to a better understanding of the approaches to implementing cultural rights and to introduce a more harmonised approach for considering and implementing cultural rights at all levels of disaster

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9   Culture And RISK management in Man-made And Natural Disasters – CARISMAND <http://www.carismand.eu/>. This project has received funding from the European Union's Horizon 2020 research and innovation programme under Grant Agreement No. 653748.

10   See the CARISMAND Cultural Map <https://culturalmap.carismand.eu/>.

11   These countries are Bulgaria, France, Germany, Malta, the Netherlands, Italy, Portugal, Romanian, Spain, Serbia, and the UK. The selection of these countries was informed by the location of the project partners.

management. It will reference important factors and present a checklist, which could guide the operations of disaster managers. This article is structured in two layers of abstraction, first is an exploration of culture and cultural rights, followed by concrete examples of how such rights have been implemented in the context of disaster management. The rest of the chapter proceeds as follows: the relationship between culture, law and cultural rights is further explored in Section 2. Section 3 identifies the rubrics of cultural rights and examples of their reflection in disaster management. Section 4 then presents the checklist, while Section 5 concludes the article.

2 The Relationship between Culture, Law and the Cultural Dimension of Human Rights

Culture is a complex concept, and its linguistic nature and usage in several systems of thought add to this complexity.[12] As noted by the UN Committee on Economic, Social and Cultural Rights (UNCESCR) 'culture is a broad, inclusive concept encompassing all manifestations of human existence'.[13] This all-encompassing approach of conceptualising culture makes it difficult to append a definite definition to it.[14] And may also explain why major high-level international human rights instruments describe rather than define culture or cultural rights,[15] although they contain provisions that are important for participation in cultural and social life such as freedom of expression, freedom of thought, conscience and religion, etc.[16]

Some scholars have sought to clarify the relationship between law and culture at least in theory, and many commentators identify a mutual relationship

12   See Raymond Williams, Keywords: A Vocabulary of Culture and Society (Revised edition, Oxford University Press 1983) 87.

13   CESCR, 'General comment No. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights)' (21 December 2009) E/C.12/GC/21, 3.

14   See Helen Spencer-Oatey, 'What is culture? A Compilation of Quotations' (GlobalPAD Core Concepts 2012).

15   See Universal Declaration of Human Rights, 10 December 1948, art. 27; International Covenant on Social, Economic and Cultural Rights, 16 December 1966, art 15; International Covenant on Civil and Political Rights, 16 December 1966, art 27; International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, art. 5.

16   See Charter of Fundamental Rights of the European Union, 18 December 2000; European Convention on Human Rights, 4 November 1950; European Social Charter, 18 October 1961.

between the two concepts.[17] The expression 'law as culture and culture as law' sums up this mutual relationship, which as Mezey explains, emphasize 'the mutuality and endless recycling between formal legal meaning-making and the signifying practices of culture, demonstrating that, despite their denials and antagonisms, these processes are always interdependent'.[18] Nafziger, Paterson and Renteln have even attempted to establish the concept of 'cultural law', which they refer to as 'a set of relationship between law and culture', encompassing the core themes of linguistic and other cultural rights of fundamental importance to people around the world.[19] While the concept of cultural law has not seen much debate, scholars tend to agree that culture can be influenced by the law and vice versa. As Mezey concludes: 'if one were to talk about the relationship between culture and law, it would certainly be right to say that it is always dynamic, interactive, and dialectical – law is both a producer of culture and an object of culture'.[20]

In this regard, the law can, on the one hand, encourage certain cultural practices such as the "Good Samaritan" provision under the German Criminal Law, which obliges everyone to assist another in danger in situations that such assistance could be possible.[21] Conversely, a legal prohibition might effectively eliminate a cultural practice such as female circumcision[22] or the criminalising of the centuries-old Hindu tradition of Chhaupadi, where women are banished from the home during menstruation.[23] Law can also alter how certain

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17 See James Nafziger, Robert Peterson and Alison Renteln, Cultural Law: International, Comparative and Indigenous (Cambridge University Press 2010); Franz Reimer, 'Law as Culture? Culturalist Perspective in Legal Theory and Theory of Methods', (2017) 18/2 German Law Journal, 255; Naomi Mezey, 'Law as Culture', (2001)13 Yale Journal of Law & the Humanities, 35; Werner Gephart, Law, Culture, and Society: Max Weber's Comparative Cultural Sociology of Law (Vittorio Klostermann 2015); Werner Gephart, 'From "Natural Law" to "Cultural Law"? "Culture" as a New Source of Normative Validity' (Forum Lecture, Bonn, 13 October 2015).

18 Mezey (n. 17) 55.

19 Nafziger (n. 17) 64.

20 Mezey (n. 17) 46.

21 Criminal Code (StGB) (FRG) sec 323c. See, Darko Janjevic, 'Three Germans Face Court for Not Helping a Stricken Pensioner' Deutsche Welle (Bonn, 18 August 2017) <http://www .dw.com/en/three-germans-face-court-for-not-helping-a-stricken-pensioner/ a-40556496>.

22 United Nations Population Fund, Driving Forces in Outlawing the Practice of Female Genital Mutilation/Cutting in Kenya, Uganda and Guinea-Bissau (October 2013) <https:// www.unfpa.org/resources/driving-forces-outlawing-practice-female-genital -mutilationcutting-kenya-uganda-and-guinea>.

23 Deutsche Welle, 'Nepal Criminalizes Centuries-old Hindu Tradition of Chhaupadi for Women' Deutsche Welle (Bonn, 10 August 2017) <http://www.dw.com/en/nepal-criminal izes-centuries-old-hindu-tradition-of-chhaupadi-for-women/a-40035024>. Similarly, the

practices are carried out in a society such as the prohibition for anyone to conceal their face in public places.[24] On the other hand, the law naturally does not operate in a vacuum; it is realised within the culture of society as certain legal rules may be ignored if a community finds them offensive or contrary to their culture.[25] As Reimer notes, 'no regulation can really be understood outside the background of its specific tradition and culture'.[26]

From a jurisprudential perspective, culture could serve as a primary source of normative validity.[27] This argument could be appreciated in the French government's submission that clothing designed to conceal one's face in public places is contrary to the values of the French Republic – liberty, equality, fraternity,[28] of which the European Court of Human Rights (ECtHR) seems to agree with by observing, '[i]t can thus be said that the question whether or not it should be permitted to wear the full-face veil in public places constitutes a choice of society'.[29] It cannot be denied, however, that despite their mutual relationship, the interplay between law and culture can be intricate in some cases, especially when resolving conflicts in the cultural relations of diverse subpopulations, which Stamatopoulou has identified as majority society and minorities – national, ethnic, religious, and linguistic groups in a classical sense.[30] Such conflict also arises from individuals as they interact with each other.

The complex relationship between the State and the cultural entities that make it up also reflects on how the legal system draws boundaries within

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ban of Triple Talaq (a practice among Muslims where a man could divorce his wife by simply saying 'I divorce you' three times) in India, which the Indian Supreme Court has confirmed to unconstitutional is another example. See Michael Safi, '"Talaq" and the Battle to Ban the Three Words that Grant India's Muslim Men Instant Divorce' The Guardian, (London, 20 October 2016); BBC, 'Triple Talaq: India Court Bans Islamic Instant Divorce' (London, 22 August 2017) <https://www.bbc.com/news/world-asia-india-41008802>; *Babu and Ors. v Respondent: A. Naseema and Ors*, MANU/TN/1770/2017.

24   See Alice Foster, 'Where in the world are the Burka and Niqab Banned?' Express (7 December 2016) <https://www.express.co.uk/news/world/652842/Burka-Niqab-Islamic -Face-veil-Ban-UK-Fine-France-Belgium-Netherlands-Europe-Muslim-dress>.

25   See Greta Olson, 'Introduction: Mapping the Pluralist Character of Cultural Approach to Law', (2017) 18/2 German Law Journal, 233.

26   Reimer (n. 17) 261.

27   See Gephart (n. 17) 15–16. 'If we take account of unwritten law, the *lex non scripta*, among some groups and peoples, all culture form a kind of customary law' writes Nafziger (n. 17) 134.

28   See ECHR, *S.A.S. v. FRANCE* Application no. 43835/11 (1 July 2014).

29   *Ibid.*, 57.

30   Elsa Stamatopoulou, Cultural Rights in International Law (Nijhoff, 2007) 111. Note that other sub-cultural groups also exist within the majority and minority cultures.

cultural walls, as well as how cultural elements are protected and enforced within multicultural societies.[31] Such protection is readily seen in the criminalisation of intentional acts to destroy wholly or partly national, ethnic, or religious groups' heritage,[32] or cultural property,[33] as well as the prohibition of trafficking in cultural goods.[34] The recent conviction of Ahmed al-Faqi by the International Criminal Court (ICC) concerning the destruction of cultural heritage in Timbuktu is a good example.[35]

Law also regulates the cultural dimension of human rights, which are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.[36] However, articulating which aspects of human rights are cultural, in general, has not been an easy task due to the diversity and dynamic nature of culture in time and space, even within a society.[37] As Symonides puts it, 'the scope of cultural rights also depends on the understanding of the very term "culture". In the absence of any binding definition, "culture" may be understood in different ways […]'.[38] Ahrén re-echoes this thought, pointing out that the term "cultural right" is not self-explanatory and can be divided into many kinds of sub-groups depending on the context.[39] As such, different methodologies have been adopted by States to interpret and implement their legal obligations in the area of culture and cultural rights,

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31   *Ibid.*, 111–112.

32   See Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948.

33   See Caroline Ehlert, Prosecuting the Destruction of Cultural Property in International Criminal Law (Martinus Nijhoff Publishers 2014).

34   See Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 14 November 1970.

35   Jason Burke, 'ICC Ruling for Timbuktu Destruction "Should be Deterrent for Others"' The Guardian (London, 27 September 2017) <https://www.theguardian.com/world/2016/sep/27/timbuktu-shrines-icc-sentences-islamic-militant-nine-years-destruction-ahmad-al-faqi-al-mahdi>; Laura Collins, 'Protecting Cultural Heritage: The International Criminal Court's Prosecution of Destruction of Cultural Property' Human Rights Brief (Washington, 5 November 2016) <http://hrbrief.org/hearings/protecting-cultural-heritage-international-criminal-courts-prosecution-destruction-cultural-property/>.

36   United Nations, 'Human Rights' <http://www.un.org/en/sections/issues-depth/human-rights/>.

37   Valentina Sara Vadi, 'Elsa Stamatopoulou. Cultural Rights in International Law', (2010) 21/4 European Journal of International Law, 1111.

38   Janusz Symonides, 'Cultural rights: A Neglected Category of Human Rights', (1998) 50/158 International Social Science Journal, 559, 560.

39   Matthias Ahrén, 'Protecting Peoples' Cultural Rights: A Question of Properly Understanding the Notion of States and Nations?' in Francesco Francioni and Martin Scheinin (eds) Cultural Human Rights (Nijhoff publishers 2008) 92.

which is often marked by a lack of harmony between right creation and enforcement.[40]

Despite these different approaches, cultural rights seem to be underdeveloped, as most jurisdictions see them as political commitments of a programmatic character that create, at most, moral expectations or non-justiciable rights.[41] However, while most cultural issues are perceived as within the domain of states, developments in international law have also played a significant role in identifying substantive rights, which may fall under the notion of cultural rights in a broad sense. This can be seen, for example, from the provisions mostly invoked by the ECtHR in relation to cultural issues such as the right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, the right to education, and the protection of cultural heritage.[42] More radically, Meyer-Bisch and Bouchard opine that there is a cultural element inherent in each human rights: '[t]he cultural dimension also implies a culturally inclusive interpretation of each human right [...] This is particularly true of civil freedoms [...] What is a freedom of expression without knowledge and mastering of a language and its writings?'.[43] In this regard, the Universal Declaration on Cultural Diversity 2001, which refers to cultural rights as an integral part of human rights is significant.[44]

While no consensus has been achieved in classifying cultural rights, the works of the UN Special Rapporteur[45] in the field of cultural rights offer a good insight into what could be termed as cultural rights.[46] As the Special Rapporteur

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40   Andrzej Jakubowski, 'Culture and Human Rights: Concepts, Instruments and Institutions' in Andreas Wisend et al (eds) Culture and Human Rights: The Wroclaw Commentaries (De Gruyter 2016) 2.

41   Francesco Francioni, 'Culture, Heritage and Human Rights: An Introduction' in Francesco Francioni and Martin Scheinin (eds) Cultural Human Rights (Nijhoff publishers 2008); Jakubowski (n. 40).

42   European Court of Human Rights, 'Cultural rights in the case-law of the European Court of Human Rights' (CoE 2017) <https://www.echr.coe.int/Documents/Research_report_cultural_rights_ENG.pdf>.

43   See Patrice Meyer-Bisch and Johanne Bouchard, 'Cultural Dimensions of Human Rights' in Andreas Wisand et al (eds) Culture and Human Rights: The Wroclaw Commentaries (De Gruyter 2016), 128.

44   Universal Declaration on Cultural Diversity, 2 November 2001, art. 5.

45   UN Office of the High Commissioner for Human Rights, 'Special Rapporteur in the Field of Cultural Rights' <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRRightsIndex.aspx>.

46   Special Rapporteur notes: '[c]ultural rights relate to a broad range of issues, such as expression and creation, including in diverse material and non-material forms of art; information and communication; language; identity and belonging to multiple, diverse and changing communities; development of specific world visions and the pursuit of specific

notes many explicit and implicit references to cultural rights can be found in international instruments and the practice of human rights mechanisms, in particular:

1. The right to take part or participate in cultural life;
2. The right to enjoy the benefits of scientific progress and its applications;
3. The right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which a person is the author;
4. The freedom indispensable for scientific research and creative activity;
5. The right to education;
6. In provisions and instruments relating to minorities;
7. The respect for the cultural identity of migrant workers;
8. The non-discrimination principle;
9. The right of everyone to rest and leisure.[47]

Although as noted earlier, the above references do not represent "official" categorisation of cultural rights per se, they provide a good background on the subject matter. The discussion in this section is perhaps summed up by Mezey's remarks that 'law shapes individual and group identity, social practices as well as the meaning of cultural symbols, but all of these things (culture in its myriad manifestations) also shape law by changing what is socially desirable, politically feasible, legally legitimate'.[48] Having identified rights that are popularly seen as cultural, the next section will explore their salience in the context of disaster management.

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ways of life; education and training; access, contribution and participation in cultural life; the conduct of cultural practices and access to tangible and intangible cultural heritage'. UN Office of the High Commissioner for Human Rights, 'Legal Framework and Thematic Issues Addressed by the Special Rapporteur' <http://www.ohchr.org/Documents/Issues/CulturalRights/Summary_thematic_issues.doc>.

47   *Ibid*. These are similar to Stamatopoulou's normative elements of the right to participate in cultural life – non-discrimination and equality, freedom from interference in the enjoyment of cultural rights, freedom to create and contribute to cultural life; freedom to choose in which culture(s) and cultural life to participate, the freedom to manifest one's culture; freedom of dissemination; freedom to cooperate internationally; right to participate in the definition, preparation and implementation of policies on culture; and other elements connected to the right to cultural life. See Stamatopoulou (n. 30) 115–148. Note also that the Fribourg Declaration on Cultural Rights proposes six substantive articles of cultural rights: the right to identity and cultural heritage; the right of reference to cultural communities; the right to access to and participation in cultural life; the right to education and training; the right to communication; and the right to take part in cultural cooperation and policies. See Cultural Rights, Fribourg Declaration <http://hrlibrary.umn.edu/instree/Fribourg%20Declaration.pdf>.

48   Reimer (n. 17) 46.

3 Rubrics of Cultural Rights and Operationalisation in Disaster Management Frameworks

Over the years, a handful of cultural elements have been reflected in different disaster management frameworks. In particular, references to culturally accepted food, burial rites, family reunion, the involvement of the local community, etc., are found in a number of disaster discussions, operational guidelines and legal instruments.[49] For example, the report by the Disaster Preparedness Resources Centre at the University of British Columbia contains suggestions on how to overcome cultural and communication barriers before and during an emergency.[50] Humanitarian organisations equally endeavour to respect cultural factors, as seen from policy documents and standards such as the Sphere Handbook[51] and the Code of Conduct of the International Red Cross and Red Crescent Movement.[52] Similarly, the IDRL guidelines on international disaster relief operations,[53] as well as the Framework Convention on Civil Defence Assistance,[54] enjoin assisting actors to provide assistance in a manner that is sensitive to cultural, social and religious customs and traditions of the beneficiaries.

At a national level, there are various guidelines for disaster managers on addressing subjects of cultural importance, as promulgated, for example, in the UK.[55] Several other approaches to dealing with such issues ranging from ethics

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49 See Eleni Polymenopoulou, 'Cultural Rights During Disasters' in Flavia Giustiniani, Emanuele Sommario, Federico Casolari, and Giulio Bartolini (eds) Routledge Handbook of Human Rights and Disasters (Routledge 2018); Wayne Bergeron, 'Cultural Considerations in Consequence Management and Emergency Response' in Denis Čaleta and Paul Shemella (eds) Managing the Consequences of Terrorist Acts – Efficiency and Coordination Challenges (Institute for Corporative Security Studies 2012); Lucien Canton, 'Is Your Planning Culturally Sensitive?', Emergency Management (29 May 2015); IFRC, Law and Legal Issues in International Disaster Response: A Desk Study (IFRC 2007); UNESCO, 'Culture in Emergencies' <http://en.unesco.org/themes/culture-risk-0>.

50 Gabriela Solis, Henry Hightower, June Kawaguchi, 'Guidelines on Cultural Diversity and Disaster Management' (December 1997) <http://www.publications.gc.ca/collections/Collection/D82-45-1997E.pdf>.

51 Sphere Association, The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response (Practical Action Publishing 2018[4]).

52 ICRC, Annex VI: The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, (1996) 310 International Review of the Red Cross.

53 IFRC, Introduction to the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IFRC 2011).

54 The Framework Convention on Civil Defence Assistance 2000, principle 3.

55 See UK Government, 'Guidance Human aspects in Emergency Management' (22 March 2011) <https://www.gov.uk/government/publications/human-aspects-in-emergency-management>.

and unwritten practices to specific directives could be identified in other countries.[56] Academic discussions also tend to approach the issue from different perspectives, including field experience and research.[57] Polymenopoulou, for example, considers how disaster affects group rights and indigenous livelihoods and calls for a more dynamic approach towards enforcing cultural rights and building cultural resilience for the vulnerable population.[58] However, no comprehensive mapping of cultural elements to the cultural rights of the disaster victims could be identified, as well as how to operationalise these rights in the daily routines of disaster managers. These discussions have tended to take a piecemeal approach, and are largely not viewed from a cultural rights-based approach.

The CARISMAND project addressed this gap in terms of developing a cultural map in the context of disaster, as well as a matrix of cultural rights considerations relevant to disaster management.[59] This matrix was created through analysing references to cultural elements in disaster management publications, practices, regulations and guidelines. In this context, cultural rights were grouped into five cultural rubrics by bringing together examples of closely cultural-related elements in general disaster discussions and practices identified from the literature and the survey. Although some elements overlap, the grouping respectively focuses upon rights to cultural identity and participating in cultural life; rights protecting cultural heritage and artefacts; the right to education; rights that protect against discrimination on cultural grounds; and rights protecting certain groups whose vulnerability is contributed to by cultural factors.[60]

Diverse approaches were found within the European states surveyed, arguably, reflecting the cultural diversity and maturity of the disaster management framework in these states. Several policy documents or guidelines that consider cultural aspects in detail were seen in the UK and Bulgaria. Germany, Italy and the Netherlands, have a mix of guidelines and practices. Fewer guidelines were identified in France, Malta, Serbia, and Spain, while Portugal and

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56   See CARISMAND Project Deliverable D6.3 – Report on Cultural Issues as Provided for within Select European States and their Relevance in Disaster Situations (2017).

57   See Canton (n. 49); Polymenopoulou (n. 49); Bergeron (n. 49).

58   Polymenopoulou (n. 49).

59   CARISMAND Cultural Map (n. 10); Deliverable D6.3 (n. 56).

60   It is important to point out that these rubrics are not intended to be an exhaustive list, as culture is dynamic and new issues may become relevant in the future. Moreover, context-specific elements in each rubric could overlap in certain cases. For example, similar elements could be found under the rubrics of participation in cultural life and identity, and the rubrics of rights that protect against discrimination and exploitation of vulnerability due to cultural perceptions. But they could be differentiated by the targeted groups (e.g. Dominant vs Minority groups).

Romania rely mostly on informal practices. Below we discuss each of these rubrics.

i   *Rights regarding Cultural Identity and Participating in Cultural Life*
The protection and respect for the right to cultural identity and participation in cultural life[61] itself take various forms, encompassing the protection of everyone's right to enjoy their culture, profess, and practise their religion; their freedom to use their native language in the community and to identify with their ethnic group; the freedom to observe traditional practices, etc.[62] For its part, the UNCESCR identifies three interrelated main components of the right to participate in cultural life: (a) the ability of everyone to participate alone or in association with others in the free choice of his or her identity and to seek, develop and share cultural knowledge, expressions and creativity; (b) access to know and understand his or her own culture and that of others through education and information, and to receive a quality education and training with due regard for cultural identity; and (c) contribution to the cultural life of the community, which inversely includes the right not to participate.[63]

As noted earlier, one reason that respecting the cultural life and identity of the disaster-affected community is an important element of disaster management is because this may well affect how people accept the relief operations and respond to disasters. Providing "culturally unacceptable food", for example, may result in a waste of aid in disaster operations as the community may reject it.[64] At the same time, there is also a strong view that culturally embedded practices that violate people's human rights (e.g. denial of education to girls and female genital mutilation) should not be supported in any situation (including by implication as part of disaster response/relief).[65]

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61   See ICCPR, art. 27; ICESCR, art. 15; UDHR, art. 27; CESCR (n. 13).

62   See the Universal Declaration on Cultural Diversity, 2 November 2001, art. 5. See also V.T. Thamnilmaran, 'Cultural Rights in International Law', (2001) 13 Sri Lanka Journal of International Law, 63.

63   The UNCESCR equally identifies some elements of this right regarding (i) availability; (ii) accessibility; (iii) acceptability; (iv) adaptability; and (v) appropriateness. See UNCESCR (n. 13) 4–5.

64   For example, tinned pork was sent to staunchly Muslim Aceh during the Indonesian tsunami relief operation. A *fatwa* declaring all aid food *halal* regardless of contents was made before it was accepted. UCA News 'Islamic Council Declares Tsunami Food Relief "Halal"' (14 January 2005) <https://www.ucanews.com/story-archive/?post_name=/2005/01/14/islamic-council-declares-tsunami-food-relief-halal&post_id=25244>; John Telford and John Cosgrave, 'Joint Evaluation of the International Response to the Indian Ocean Tsunami: Synthesis Report' (TEC 2006) 52.

65   See Sphere Project, Humanitarian Charter and Minimum Standards in Humanitarian Response Handbook (2011 edition, Practical Action Publishing 2011) 56–57.

CARISMAND identified several practices implementing elements of culture relating to this rubric, including issuing disaster communication in multiple languages (inclusive of sign and special languages) and facilitating the observation of religious or other cultural practices or rituals such as the provision of dietary and healthcare needs in consideration of culture. Regarding multiple language communication, thanks to the innovations in the ICT sector, there are facilities for multilingual websites and apps or other means of multi-language communication in disaster situations. This is common in all the survey states, albeit in different degrees. For example, some apps for communicating disaster warning (e.g., France, Germany) or information on the civil protection websites of most states could be assessed in a second language (at least in English). This gives a higher opportunity for those who are not native language speakers to get the necessary information about civil protection. An interesting approach is seen in Serbia, which indicates that if 15% of the population of an area speaks a different language, such a language must be integrated into the official language system.[66] This has a direct implication in disaster warning systems to the effect that these multiple official languages must be considered in national disaster communication.

With respect to religious or other cultural rituals and practices, key examples of culturally sensitive disaster management here include providing a place for prayers, observing burial rites and ritual for the dead victims, separating men and women where culture demands, assigning them to health facilities where a healthcare worker of the corresponding gender is available, providing dietary needs based on peoples believes and cultural practices, are some of the examples found. These aspects are well-developed in the UK.[67] The Bulgarian framework also addresses the specific needs of religious and cultural groups in disaster events both on the national and municipal level. For example, the accommodation process adheres to the rules that families are not separated; consideration is also given to groups with different cultural, ethnic or religious identities.[68] There is strong evidence demonstrating respect and protection of

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66   The Law on the Official Use of Languages and Scripts (Official Gazette No. 45/91, 53/93, 67/93, 48/94, 101/2005 and 30/2010) (RS) art. 11.

67   See documents accompanying the UK Government's Guidance on Human Aspects of Emergence such as 'the Needs of Faith Communities in Major Emergencies'; 'Identifying People Who Are Vulnerable in a Crisis – Guidance for Emergency Planners and Responders', etc. <https://www.gov.uk/government/publications/human-aspects-in-emergency -management>.

68   See the Council of Ministers of the Republic of Bulgaria, Ordinance on the Conditions and Procedures for Conducting Evacuation and Deconcentration (2012); Plan for Disaster Evacuation and/or Deconcentration of People, Animals, Cultural and Material Values of

cultural identity in Germany, Romania, Italy and the Netherlands with varying degree. By contrast, the response from France suggests a distinct approach, reflective of the so-called "laïcité" principle, a principle that religion or ethnicity should not interfere in State matters and in return the State will not touch religious affairs. As such the State will endeavour to remain neutral, for example, in disaster food distribution, notes the survey respondent.

ii   *Rights Protecting Cultural Heritage and Artefacts*

Protecting cultural heritage and artefacts is a way of safeguarding culture for the present and future generations. Cultural heritage comprises two aspects: a tangible entity (e.g. an archaeological site, cultural landscape, historic district, historic site, historic building, historic structure, historic object) and cultural practice associated with a way of life (e.g. musical performance, craft production).[69] Destruction of heritage sites and cultural properties by natural and man-made disasters represent a major threat that can cause irreversible damage to both movable and immovable heritage, as well as the economic livelihood of the affected communities. Most nations now have provisions for safeguarding cultural heritage in their disaster management plans either as part of their obligation under international law[70] or specific requirement of the national civil protection law.

The Serbian Law on Emergency Situations, for instance, made several references to the safeguarding of cultural goods and obligates responsible persons or bodies to assess all the threats to cultural properties and to provide special protection to cultural properties of historical importance.[71] Similar protection mechanism was found in all the other surveyed countries. Practices protecting cultural heritage is reflected not only in having an inventory of cultural heritage and plans to evacuate movable cultural properties in heritage sites, museums, libraries, etc., when they are threatened by predictable disasters,[72] but

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Dobrich Municipality, Municipal Council of Dobrich (2015); Plan for Disaster Protection of the Byala Slatina Municipality, Municipal Council of Byala Slatina (2013).

69   Sandra Fatorić and Erin Seekamp, 'Securing the Future of Cultural Heritage by Identifying Barriers to and Strategizing Solutions for Preservation under Changing Climate Conditions', (2017) 9/11 Sustainability, 2143.

70   For example, the Convention for the Safeguarding of the Intangible Cultural Heritage, 17 October 2003, art. 11, requires States Parties to 'take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory'.

71   Law on Emergency Situations (Official Gazette of the Republic of Serbia No. 111/2009, 92/2011, 93/2012) (RS).

72   See for example, Justin Huggler and Rory Mulholland, 'Louvre to Close and Evacuate Artworks Amid Flood Threat', The Telegraph (2 June 2016) <https://www.telegraph.co.uk/news/2016/06/01/flash-floods-lash-france-and-germany-endangering-16th-century-ch/>.

also in environmental and architectural laws and policies regulating construction around certain historical places.

iii   *Right to Education*

Everyone's right to participate in cultural life 'is also intrinsically linked to the right to education'.[73] Stamatopoulou notes that '[t]he right to education is itself a cultural right and a precondition of the enjoyment of various other cultural rights, including language rights, the capacity to participate in the arts and other areas'.[74] Providing education (formal and non-formal) facilities for children in refugee and displacement camps or long-term evacuation centres is a common practice of implementing this right in disaster situations.[75] It is also notable that in the context of armed conflict (a form of man-made disaster) targeting schools is prohibited.[76]

Measures reflecting this right as found from the CARISMAND survey include incorporating disaster protection modules in the education plans in some school systems and in the general civic education.[77] A similarly important point to note here is the impact of training of disaster managers in cultural competencies – a set of behaviours, attitudes, and policies fostered in an organisation that enables its professionals to work effectively in cross-cultural situations.[78] A module on cultural competencies is part of the EU civil protection mechanism introduction course undertaken by most disaster managers within the EU. This module helps in understanding various cultural beliefs and practices that may affect the disaster operation, and is undoubtedly a very important tool in all phases of disaster management. It assists in identifying the risks faced by vulnerable cultural groups, and gives the disaster manager

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73   CESCR (n. 13) para. 2.

74   Stamatopoulou (n. 30) 148.

75   Margaret Sinclair, 'Education in Emergencies' (Commonwealth Education Partnerships 2007) <http://www.cedol.org/wp-content/uploads/2012/02/52-56-2007.pdf>.

76   See the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977, art. 52; the Rome Statutes of the International Criminal Court, 17 July 1998, art. 8(2)(e)(iv). See also Zama Coursen-Neff and Bede Sheppard, 'Schools as Battlegrounds Protecting Students, Teachers and Schools from Attack' (Human Rights Watch, 2011) <https://www.hrw .org/world-report/2011/country-chapters/africa-americas-asia-global>.

77   This is an example seen in Bulgaria, France and Germany.

78   Ethnic Communities' Council of Victoria Inc., 'Cultural Competence Guidelines and Protocols' (December 2006) 2 <https://docplayer.net/20933176-Cultural-competence -guidelines-and-protocols.html>.

the opportunity to counter-influence cultural beliefs that might otherwise increase disaster risks.[79]

iv   Rights that Protect against Discrimination on Cultural Grounds

A plethora of international and national instruments prohibit making an unjustifiable distinction between individuals based on certain personal characteristics which have negative consequences for some individuals. Although discrimination is not defined in core international human rights instruments, the UN Human Rights Committee (UNHRC) interprets the term as:

> any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.[80]

These grounds include elements of cultural construction that have been used in some instances to discriminate against women, children, old person, migrants and detainees.[81] In any case, it is important for disaster managers to assess and understand how and what discriminatory factors apply within their environment and institute measures to check such factors in their operations.

The prohibition of discrimination correlates to the principle of equality, although it is notable that the enjoyment of rights and freedoms on equal footing does not mean identical treatment in every instance.[82] As such, the UNHRC 'observes that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant'.[83]

The result of the survey indicates that, in general, there is convergence regarding non-discrimination based on cultural grounds in all the surveyed countries; there is evidence of protection against discrimination on racial,

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79   See John Scott, 'Concept Paper: Importance of Cultural Competency in Disaster Management', <https://www.hsdl.org/?view&did=6108>.

80   HR Council, 'General Comment No. 18: Non-discrimination' (10 November 1989) HRI/GEN/1/Rev.9 (Vol. I) para 6.

81   Meyer-Bisch (n. 43) 129.

82   Krzysztof Śmiszek, 'Discrimination' in Andreas Wisend et al (eds) Culture and Human Rights: The Wroclaw Commentaries (De Gruyter 2016) 149–151.

83   HR Council (n. 80) para. 13.

ethnic or other cultural grounds, as well as the application of the equality principle in disaster situations. However, there appear to be differences in interpreting how the exemption to the principle of equality applies. In Portugal, for example, the right to equality, according to the respondent, meant that there is no standing rule on giving priority in disaster situations, it is done on individual cases.[84] By contrast, the UK has an official categorisation of people who are considered vulnerable in the context of disaster management and therefore should have priority and special plans in certain cases by default.[85]

v   *Rights Protecting Certain Groups Whose Vulnerability Is Contributed to by Cultural Factors*

Vulnerable groups in the context of disaster management refer to people considered to have a diminished capacity to anticipate, cope with, resist and recover from the impact of a disaster.[86] Their exposure to risk could result from factors such as belonging to a group, gender, ethnic or other identities, age, poverty and its common consequences such as malnutrition, homelessness, poor housing, and destitution, among others.[87] In general, children, pregnant women, elderly people, people with disabilities or sick people are particularly considered vulnerable in disaster scenarios and are given priority assistance where necessary, ranging from evacuation procedures to continuity of services after evacuation.[88] Infants and children, for example, need more care; some require special food and items (milk, diapers, etc.). Pregnant women and women, in general, may have specific needs for certain products, and the elderly or the sick may need special support to move (e.g. wheelchairs).

Minority groups defines as 'an ethnic, religious or linguistic group, significantly fewer in number than the rest of the population, whose members share

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84   See the Portuguese respondent's answer to the questionnaire.

85   See the UK respondent's answer to the questionnaire. See also Cabinet Office, 'Identifying People Who Are Vulnerable in a Crisis Guidance for Emergency Planners and Responders' (2008) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61228/vulnerable_guidance.pdf>.

86   IFRC, 'What is Vulnerability' <http://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/what-is-a-disaster/what-is-vulnerability/>.

87   See WHO, 'Vulnerable Groups' <http://www.who.int/environmental_health_emergencies/vulnerable_groups/en/>; Ben Wisner and John Adams (eds), 'Environmental Health in Emergencies and Disasters: A Practical Guide' (WHO 2002) 13–15.

88   See BMZ, 'Disaster Risk Management for All the Inclusion of Children, Elderly People and Persons with Disabilities' (2013); see also the United Nations Convention on the Rights of Persons with Disabilities, 13 December 2006.

a common identity',[89] may fall into the category of vulnerable groups in the context of disaster. These groups are affected by disasters in diverse ways: migrants for instance, often struggle to access resources, services, opportunities and information that are key to ensuring safety and well-being in the face of hazards due to limited language proficiency; limited knowledge of the legal and social systems of their host community, etc.[90]

In practice, there are varying mechanisms to protect vulnerable and minority groups in disaster situations.[91] Some jurisdiction such as the UK[92] and Serbia[93] have defined vulnerability for emergency management purposes. The UK Civil Contingencies Act 2004, for example, stresses the need for responders to have particular regard to the needs of members of vulnerable and minority groups when formulating their plan. One UK County Council guidance on evacuation and shelter, for example, requires emergency planners to consider individuals or groups who may have special requirements such as dietary (halal food), cultural (unisex facilities) or religious (need for prayer facilities).[94] By contrast, as indicated earlier, onsite assessment is the approach in Portugal. This may be criticised because it may affect the level of planning necessary to cater for these groups (e.g., it may be too late to procure some items after the onsite assessment). In Bulgaria, there is a provision that considers the needs of groups with special needs and with different cultural, ethnic or religious identities during evacuation and de-concentration.[95] In Italy, a more visible mechanism for consulting and collaborating with minority groups in disaster planning and execution was identified by the survey respondent.

The table below summarises these examples, mapping them to the relevant rights and freedoms affected.

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89   United Nations High Commissioner for Refugees, 'Emergency Handbook: Ethnic, Religious or Linguistic Minorities and indigenous Peoples' (4th edition, version 1.7) 1 <https://emergency.unhcr.org/entry/94568/ethnic-religious-and-linguistic-minorities-and-indigenous-peoples>.

90   Lorenzo Guadagno, Mechthilde Fuhrer and John Twigg (eds), Migrants in Disaster Risk Reduction Practices for Inclusion (IOM 2017) 9 <http://publications.iom.int/system/files/pdf/migrants_in_drr.pdf>.

91   Specific guidelines concerning vulnerable groups such as children, women, the elderly, and those with disabilities were identified in Bulgaria, France, Germany, the Netherlands, Serbia and the UK.

92   See Cabinet Office (n. 85).

93   Law on Emergency Situations (RS), art. 57.

94   See the Equality Impact Assessment issued by Tameside and Glossop County Council, <www.tameside.gov.uk/eia/execsupport/eia_emergency.pdf>.

95   Council of Ministers of the Republic of Bulgaria, 'Ordinance on the Conditions and Procedures for Conducting Evacuation and Deconcentration' (2012).

TABLE 11.1   Cultural rubrics and their examples in disaster management

SN	Rubrics of cultural rights	Possible rights, freedoms and obligations to be considered	Examples of operationalisation in disaster management
1	Rights regarding cultural identity and participating in cultural life	■ Right to participate in cultural life ■ Freedom of religion ■ Right to private and family life ■ Right to education ■ Right to health ■ Freedom of association	■ Multiple languages and communication styles; ■ Freedom to religious and ritual practices; ■ Segregation of men and women as a cultural practice; ■ Provision of dietary needs and healthcare in consideration of cultural diversity; ■ Respect for family roles and family cohesion.
2	Rights regarding cultural heritage and artefacts	■ Right to participate in cultural life ■ Intellectual property rights ■ Environmental rights ■ The obligation to protect cultural heritage ■ Prohibition of certain acts on cultural heritage	■ Plans for evacuation of heritage site and properties; ■ Plans for rehabilitation and restoration of heritage items where necessary.
3	Right to education	■ Right to education ■ Freedom to disseminate and receive knowledge ■ Right to cultural identity and participation in cultural life ■ The obligation not to target schools during armed conflict	■ Civic education on disaster issues; ■ Training disaster managers in cultural competencies; ■ Education of children in refugee or displacement camps; ■ Reconstruction of educational institutions after a disaster.

SN	Rubrics of cultural rights	Possible rights, freedoms and obligations to be considered	Examples of operationalisation in disaster management
4	Rights that protect against discrimination on cultural grounds	■ Right against discrimination ■ Minorities rights ■ Rights of the child ■ Women's rights	■ Consultation with minority communities; ■ Protection against discrimination.
5	Rights protecting certain groups whose vulnerability is contributed to by cultural factors	■ Minorities rights ■ The right of the child ■ Women rights ■ Rights of those with disabilities ■ The rights of elderly people ■ Right against discrimination	■ According special and priority attention to women, children, the elderly, the sick and those with disabilities where necessary: ■ Disaster communication in the language that the minorities understand: ■ Consultation with minority communities in disaster planning and execution.

4   A Checklist for Disaster Managers

From the analysis of the survey responses and literature, CARISMAND developed a checklist of cultural elements that are relevant to disaster management. The initial draft of the checklist was reviewed internally within the project and later presented to stakeholders in a summit. They were also part of the outcome (toolkit) of the project presented in its final conference in Florence, Italy on the 18–19 September 2018. All feedback concerning the checklist has been considered in this article.

As presented in Table 11.2, the checklist is suggested to assist disaster managers in addressing cultural rights issues in their framework. It is not intended to be an exhaustive list, but rather is drafted in the form of assessments to be

TABLE 11.2   Checklist of cultural elements to be considered in disaster management

S/N	Checklist of cultural elements to be considered	Possible implementation measures
1	Assess whether the area covered by your operation involves a multi-cultural society, and what predominant languages are spoken within such a society.	Adopt a communication/warning strategy that incorporates multiple languages including sign language. Translators and interpreters should be integrated where necessary.
2	Assess the risks faced by cultural heritage and cultural properties and map out plans for their protection.	The plans for protecting cultural heritage should include evacuation, rehousing and restoration of items where possible. Architecture and building regulations should be considered to allow a holistic and long-term approach.
3	Check whether your disaster training kit has a module on cultural competencies to educate disaster actors on cultural issues that may affect their operations	The EU Civil Protection Mechanism has an introductory course on cultural competencies which could serve as a model in developing a module tailored to the local environment.
4	As a disaster preparation mechanism, check whether the education system and civic education on disaster and civil protection include cultural aspects.	Consider a proposal for policy reform to the responsible authorities to include such in the education system where it does not exist.
5	Check whether your system incorporates and encourages the participation of the local community and cultural stakeholders, including minority groups in the disaster planning and execution phases where necessary.	Initiate programmes and awareness campaigns that will target the local and minority communities and consult with them right from the disaster planning phase through the recovery phase. Local and minority communities have the best knowledge of their needs and abilities, and their input in disaster planning and execution can add value to the programme.

S/N	Checklist of cultural elements to be considered	Possible implementation measures
6	Assess whether there is an appropriate system in place to prevent and respond to violence, exploitation, discrimination or abuse of vulnerable groups.	Ensure that all programmes consider vulnerable groups and that they receive information about the programmes they are entitled to access in disaster situations.
7	Check whether culturally sensitive measures have been built into the healthcare, evacuation, dietary, psychological and other aspects of the disaster management plans.	Consider carrying out a thorough cultural impact assessment to identify relevant measures within your jurisdiction such as separating men and women, keeping family members together, assigning same gender healthcare takers to victims, having food plans that accommodate different cultures or religions, etc.
8	Assess cultural barriers that may contribute (besides physical factors) to make children, women, the elderly, and the sick particularly vulnerable, and consider various measures to address these barriers including giving specific and prioritised attention to vulnerable groups where necessary.	Ensure that vulnerable groups are represented in discussions affecting them.
9	Check for discriminatory and biased practices that may be introduced due to cultural perceptions.	This should be covered in the training programme and the cultural impact assessment.
10	Check whether a feedback mechanism from the communities, minorities and vulnerable groups exists and if the lessons learned from every incident are incorporated into the system.	Continuous revision of disaster management plans will ensure that lessons learned are implemented.

made by disaster managers when they want to implement cultural aspects in their management. In general, while there may be different levels of obligation among different disaster management actors, this checklist has been designed for multiple stakeholders – national/local authorities and humanitarian organisations. It could, therefore, be adapted to the specific environment and needs of the user, for example, when carrying out a cultural impact assessment.

5   Conclusion

As this article has shown, there are several legal instruments (national legislation or international law) aimed at promoting and protecting cultural rights across the globe, though it is not immediately clear how they are implemented in the context of disaster management. However, examples identified in this paper show the possibility of mapping elements of cultural rights in disaster management; various policies and guidelines of varying nature and granularity, have also been identified. The importance of cultural diversity in Europe cannot be ignored when comparing how cultural rights have been operationalised in the countries survey in the CARISMAND project. Thus, in some cases, issues of cultural importance appear to be tackled in an unsystematic manner – a pattern that arguably reflects the level of development and experience of the civil protection institutions, as well as the culture of the society at large. In this regard, it could be said that one benefit of this project is that common grounds and best practices could be identified in Europe as reflected in the non-exhaustive checklist presented in this article. Indeed, the latter has been viewed favourably by the project partners and contributing to some of the institutional reforms some of them are undergoing. At the same time, further research is needed to see how this checklist compares with other regions of the world. Similarly, future work will be required to analyse its impact in the field from across different disaster management institutions from different cultural backgrounds. Such experience will be relevant in a subsequent revision of the checklist, since it is intended to be flexible and adaptable to accommodate the cultural values of the society in which it will be used. It is hoped that this article will open further discussion on the respect for cultural rights in disaster management, and ultimately result in the acceptance of disaster policies and programmes by the affected community.