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NARODOWA STRATEGIA SPÓJNOŚCI

**UNIA EUROPEJSKA**  
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## **“Respect for Cultural Diversity and Pluralism”**

presented by  
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**Prezentacja multimedialna współfinansowana przez  
Unię Europejską w ramach  
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*„Innowacyjna dydaktyka bez ograniczeń - zintegrowany  
rozwój Politechniki Łódzkiej - zarządzanie Uczelnią,  
nowoczesna oferta edukacyjna i wzmacniania zdolności  
do zatrudniania osób niepełnosprawnych”***



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# Objectives

- ✓ Students should be able to explain the meaning of 'culture' and why it is important to respect cultural diversity
- ✓ Students should be able to explain the meaning of pluralism and why it is important in the field of bioethics
- ✓ Students should be able to deal with cultural diversity and take into consideration cultural specificities (appropriate approach, positive inputs and limits) with respect to the fundamental principles of bioethics and human rights



## Background

- a) Definition of culture and cultural diversity
- b) Value of respect for cultural diversity
- c) Definition and value of pluralism

## Explanation of Article 12

- a) As a theoretical and practical continuation of other articles
- b) The principle will raise questions concerning:
  - i Discrimination
  - ii Infringement of the autonomy principle
  - iii Infringement of national laws



## Outline (con)

### Limits to the consideration for cultural specificities

- a) Human dignity, human rights and fundamental freedoms
- b) Domestic law, national regulations and international human rights laws
- c) Indigenous knowledge and practices
- d) Principles set out in the Declaration





## Definitions and Background

### Definition of Culture and Cultural Diversity

- i According to the UNESCO Universal Declaration on Cultural Diversity: ‘Culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions beliefs.’
  
- ii As stated in Article 1 of the above Declaration: ‘Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind.’



# Value of Respect for Cultural Diversity

## Value of respect for cultural diversity

- i UNESCO considers cultural diversity as the common heritage of humanity and therefore it should be recognized and safeguarded for the benefit of present and future generations.
- ii As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature and it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together.
- iii Thus, policies for the inclusion and participation of all cultural groups and citizens are guarantees of vitality, social cohesion and peace.



# Definition and Value of Pluralism

## Definition and value of pluralism

- i Pluralism is, in a general sense, the affirmation and acceptance of diversity. The concept is used in a wide range of issues: politics, science, medicine and medical practices, religion, philosophy and ethics.
  
- ii Value-pluralism means that there are several values which may be equally correct and fundamental, and yet in conflict with each other. These various values and ideals have no common character apart from the fact that they are ideals.



# Explanation of Article 12

## Explanation of Article 12

- a) As a theoretical and practical continuation of Articles 3 and 10, and to be continued in discussion of Articles 13, 14, and 15
  
- b) The principle will raise questions concerning:
  - i Discrimination
  - ii Infringement of the autonomy principle
  - iii Infringement of national laws





- A) Human dignity, human rights and fundamental freedoms.
- i Respect for cultural diversity can never be invoked when it infringes upon human dignity, human rights and fundamental freedoms.
  - ii Cultural value pluralism thus cannot be used as a way of justifying discrimination and stigmatization. Value-pluralism is an alternative to moral absolutism and differs also from value-relativism in that pluralism imposes limits to differences, such as when vital human needs or rights are violated. The value of cultural diversity may be in conflict with other human rights values. In this case, it is necessary to analyze and balance wisely the values in conflict.



## B) Domestic law, national regulations and international human rights laws

### i Legal limits

Example: blood transfusion for children in the case of Jehovah's Witnesses.

### ii Moral and legal limits

Example: sex selection by the use of prenatal and preimplantation genetic diagnosis without any concomitant medical reason but for 'family balancing' in some societies. Usually used to select male embryos or fetuses, this is considered discrimination.



## C) Risks/benefits of indigenous knowledge and practices

For example practices of traditional healing should be promoted or nationally authorized as long as they are effective and there is no scientific evidence of toxicity or harm. They should be evaluated by the concerned societies and groups although there are disputes about the criteria for evaluation.

## D) Using international declarations/instruments

i Article 4 of the UNESCO Universal Declaration on Cultural Diversity stipulates 'Human rights as guarantees of cultural diversity. The defense of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples.



## Using International Declarations/Instruments

No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope’.

- ii Article 4 of the International Declaration on Human Genetic Data: human genetic data have a special status because: (Paragraph iv) they may have cultural significance for persons or groups. Due consideration should be given to the sensitivity of human genetic data and an appropriate level of protection for these data and biological samples should be established.



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