



United Nations  
Educational, Scientific and  
Cultural Organization



Diversity of  
Cultural Expressions

# 13 IGC

DCE/20/13.IGC/9  
Paris, 14 January 2020  
Original: English

## INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

Thirteenth session  
Paris, UNESCO Headquarters  
11 - 14 February 2020

**Item 9 of the Provisional Agenda:** Synergies with the 1980 Recommendation concerning the Status of the Artist

### Summary

At its seventh session (Resolution 7.CP 14), the Conference of Parties invited the Intergovernmental Committee to “pursue synergies in the monitoring of policies and measures related to the 1980 Recommendation concerning the Status of the Artist as well as with the activities of the Communication and Information Sector and the Division for Gender Equality” in its future activities. This document provides an overview of actions undertaken to improve synergies between the two standard-setting instruments both in their implementation and in their monitoring.

Decision required: paragraph 10

1. At its seventh session (Resolution 7.CP 14), the Conference of Parties invited the Intergovernmental Committee to “pursue synergies in the monitoring of policies and measures related to the 1980 Recommendation concerning the Status of the Artist as well as with the activities of the Communication and Information Sector and the Division for Gender Equality” in its future activities. This document provides an overview of activities implemented or currently planned for the future. This programme of work is made possible mainly through the support of the Aschberg Programme for Artists and Cultural Professionals. Adopted by the UNESCO General Conference in 1980, the Recommendation concerning the Status of the Artist (hereafter ‘1980 Recommendation’) calls upon Member States to improve the professional, social and economic status of artists through the implementation of policies and measures related to training, social security, employment, income and tax conditions, mobility and freedom of expression. It also recognizes the right of artists to be organized in trade unions or professional organizations that can represent and defend the interests of their members. In adopting the 1980 Recommendation, Member States agreed to recognize the right of artists ‘to benefit from all the legal, social and economic advantages pertaining to the status of workers’, while taking into account the particular conditions of their profession. The 1980 Recommendation also invites Member States to recognize the importance of the role that artists are called upon to play in society and, therefore, the need to actively involve them in the design, implementation and evaluation of cultural policies.
2. As with all conventions and recommendations adopted by the General Conference and for which no specific institutional mechanism is provided, monitoring the 1980 Recommendation is ensured by the Executive Board’s Committee on Conventions and Recommendations (CR) which examines Member States periodic reports before transmitting a consolidated report to the General Conference. In recent years, the governing bodies of both the Convention and the 1980 Recommendation have stressed the importance of ensuring synergies in the implementation and monitoring of these two normative instruments<sup>1</sup>. Moreover, at its 206<sup>th</sup> session, the CR requested to the Director-General to present, at its 209<sup>th</sup> session, ‘ a report on the measures to improve visibility, implementation, monitoring and cooperation concerning standard-setting instruments in the areas of culture, science and communication and information monitored by the Committee on Conventions and Recommendations’<sup>2</sup>. The initiatives described below already respond to such request. If governing bodies of both normative instruments share the same wish to see such synergies continue and welcome the Secretariat’s efforts in this direction, it is that they are unique in recognizing the well-being of artists, individually and collectively, as a prerequisite for the vitality and diversity of cultural expressions. While the 1980 Recommendation naturally dwells more on the specific conditions that characterise the well-being of artists, it shares one of its core guiding principles with the Convention: promoting respect for human rights and fundamental freedoms of expression, information and communication as a pre-requisite for the creation, distribution and enjoyment of diverse cultural expressions.
3. While the monitoring of the 1980 Recommendation had suffered from the financial constraints faced by the Organization during the past biennia, the re-designed Aschberg Programme for Artists and Cultural Professionals<sup>3</sup> provided the Secretariat with valuable means to improve synergies between the two normative instruments, both in their monitoring and in the technical assistance provided to Member States to translate their provisions into national policies and legal frameworks. Thanks to the programme, the reinforced complementarity of the two instruments has become a feature of the support provided to Member States in the implementation of the 2030 Agenda on Sustainable Development, especially in achieving SDGs 8.5 (“By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of

---

<sup>1</sup> Resolutions 7.CP 14, 6.CP 12 and 5.CP 14 as well as 40 C/Resolution 38, 38 C/Resolution 95 and 207 EX/Decision 23.IV and 204 EX/Decision 18.III.

<sup>2</sup> 206EX/Decision 26, paragraph 6.

<sup>3</sup> 197 EX/Decision 11

equal value”), 10.7 (“Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”) and 16.10 (“Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”). The re-designed Aschberg Programme thus provided the Secretariat with the support needed to assist Member States in implementing the provisions of the 1980 Recommendation around two of the Convention’s overarching goals: achieve a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals from the Global South (Goal 2) and promote human rights and fundamental freedoms (Goal 4).

4. The additional support provided by the re-designed Aschberg Programme made it possible to bring the 1980 Recommendation back into the Organization’s Programme and Budget (C/5) and to highlight, for the first time, cultural policies and measures to protect and promote artistic freedom as a factor for assessing the implementation of the 1980 Recommendation. The 39C/5 and 40C/5 include as a performance indicator, under Expected Result 7 ‘Policies and measures to promote the diversity of cultural expressions designed and implemented by Member States, in particular through the effective implementation of the 2005 Convention’, the ‘Number of supported Member States which have designed, implemented and monitored policies and measures towards the 1980 Recommendation on the Status of Artists in synergy with the 2005 Convention’ and the ‘Number of supported Member States that have designed, implemented and monitored policies and measures to promote the 1980 Recommendation on the Status of Artists, especially artistic freedom, contributing to the goals of the 2005 Convention and in a gender-responsive manner’, respectively. The alignment between the governing bodies of the Convention and those of the Organization therefore seems to respond to a renewed interest, at the global level, in issues relating to the status of the artist and to a greater awareness of the need to put artists back at the heart of cultural policy-making.
5. Several initiatives testify to enhanced synergies between the two normative instruments. Concerning their monitoring at the global level, the mutual harmonization of their monitoring tools was a two-way process. At the seventh session of the Conference of Parties, Parties approved revisions to the Operational Guidelines of the Convention on “Information Sharing and Transparency” to better align the framework for quadrennial periodic reports with the Convention’s monitoring framework<sup>4</sup> which, in fact, resulted in better alignment with the 1980 Recommendation. Artistic freedom, understood as a bundle of rights protected under international law<sup>5</sup>, is one of the monitoring areas included in the Convention’s framework. As of 2020, Parties will provide information, in their quadrennial periodic reports, on policies and measures to promote and protect freedoms of creation and expression and participation in cultural life as well as the social and economic rights of artists and cultural professionals. The key questions now included in the form for periodic reporting form are intended to guide Parties to the Convention in providing special information of special relevance to the monitoring of the 1980 Recommendation. The table below gives an overview of such correspondences.

Convention’s area of monitoring	Key questions included in the form for periodic reporting	Relevant provisions of the 1980 Recommendation
Digital environment	<ul style="list-style-type: none"> <li>• digital literacy programmes for creation and experimentation</li> <li>• initiatives to promote digital creativity and competencies of artists and other cultural professionals working with new technologies</li> </ul>	Regarding employment, working and living conditions of artists ‘national and international legislation concerning the status of artists is lagging behind the general advances in technology.’ Member States are called upon to ‘assist artists and organisations of artists to remedy, when they exist, the prejudicial effects on their

<sup>4</sup> Resolution 7.CP 12

<sup>5</sup> These include the right to create without censorship or intimidation; the right to have artistic work supported, distributed, remunerated; the right to freedom of movement; the right to freedom of association; the right to the protection of social and economic rights; the right to participate in cultural life.

Convention's area of monitoring	Key questions included in the form for periodic reporting	Relevant provisions of the 1980 Recommendation
		employment or work opportunities of new technologies.'
Mobility of artists and cultural professionals	<ul style="list-style-type: none"> <li>• measures supporting the outward mobility of artists and cultural professionals;</li> <li>• work permit regulations supporting the inward mobility of foreign artists and cultural professionals</li> </ul>	<p>The 1980 Recommendation calls upon Member States to:</p> <p>(j) recognize that artistic life and the practice of the arts have an international dimension and accordingly provide those engaged in artistic activities with all the means and, in particular, travel and study grants, likely to enable them to establish lively and far-reaching contacts with other cultures;</p> <p>(k) take all appropriate steps to promote the free international movement of artists, and not to hinder the freedom of artists to practise their art in the country of their choice, while ensuring that these do not prejudice the development of endogenous talents and the conditions of work and employment of national artists.</p> <p>The 1980 Recommendation also highlights the need to encourage international exchanges of works of arts and invites Member States 'to assist freer circulation of such work by, inter alia, flexible customs arrangements and concessions in relation to import duties, particularly as regards temporary importation'.</p>
Gender equality	<ul style="list-style-type: none"> <li>• measures supporting the recognition and advancement of women as artists, cultural professionals and/or creative entrepreneurs</li> </ul>	<p>The 1980 Recommendation recalls that 'Member States should ensure that all individuals, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, have the same opportunities to acquire and develop the skills necessary for the complete development and exercise of their artistic talents, to obtain employment, and to exercise their profession without discrimination.'</p> <p>The Recommendation also encourages Member States to 'give particular attention to the development of women's creativity and the encouragement of groups and organizations which seek to promote the role of women in the various branches of artistic activity'.</p>
Artistic freedom	<ul style="list-style-type: none"> <li>• the constitution and/or national regulatory frameworks formally acknowledge: the right of artists to create without censorship or intimidation? The right of artist to disseminate and/or perform their artistic works?</li> <li>• independent bodies established to receive complaints and/or monitor</li> </ul>	<p>The 1980 Recommendation calls on Member States to provide the economic safeguards to which artists are entitled as people actively engaged in cultural work and to improve the employment, working and living conditions of the artist.</p> <p>Guiding principle 3: "Member States, recognizing the essential role of art in the life and development of the individual and of society, accordingly have a duty to protect, defend and assist artists and their freedom</p>

Convention's area of monitoring	Key questions included in the form for periodic reporting	Relevant provisions of the 1980 Recommendation
	violations and restrictions to artistic freedom <ul style="list-style-type: none"> <li>• initiatives to protect arts at risk</li> <li>• initiatives to ensure transparent decision-making on government funding/State grants and awards for artists</li> <li>• social protection/economic measures that take the professional status of artists into account</li> </ul>	of creation. For this purpose, they should take all necessary steps to stimulate artistic creativity and the flowering of talent, in particular by adopting measures to secure greater freedom for artists, without which they cannot fulfil their mission, and to improve their status by acknowledging their right to enjoy the fruits of their work.”; guiding principle 6: “Since freedom of expression and communication is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights.”

6. The fourth and most recent global survey on the implementation of the 1980 Recommendation was launched by the Director-General in June 2018. Prior to this, the CR approved draft guidelines for the preparation of reports by Member States (204 EX/Decision 18 Part III) which, for the first time, were aligned with the Convention's monitoring framework, in an endeavour to strengthen 'synergies in monitoring the 1980 Recommendation concerning the Status of the Artist and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions as instruments that promote respect for human rights and fundamental freedoms, especially artistic freedom and artists' social and economic rights as well as gender equality'<sup>6</sup>. The survey was thus designed around three of its core policy issues that are also monitoring areas of the Convention: digital environment, mobility of artists and flow of artistic works, and human rights and fundamental freedoms, including artists' social and economic rights, artistic freedom and gender equality. On the occasion of the Culture Commission of the 40<sup>th</sup> session General Conference (20 to 22 November 2019), the examination of the fourth consolidated report on the implementation of the 1980 Recommendation (see document 40C/38) was complemented by the launch of the publication of a more complete analytical study, as part of the *Policy and Research Series*, under the title “Culture & working conditions for artists”<sup>7</sup>. This study is the result of the Secretariat's efforts to harness the wealth of information shared by the 52 Member States<sup>8</sup>. A large majority of submitting countries are Parties to the Convention (83%). This is the first time that the Secretariat is able to publish such an analysis. Although the response rate remains modest and calls for caution, the report provides valuable information that that can inspire countries wishing to improve the status of artists. It points to some progress in this field, particularly with regard to copyright laws and tax measures seeking to fairly remunerate artists in the digital environment, social coverage and gender equality, a number of improvements appear to be only a consequence of broader national policies, and only in very rare cases, such improvements result from policies or measures targeting artists and the atypical nature of their work.

<sup>6</sup> 204 EX/Decision 18 Part III, paragraph 5.

<sup>7</sup> Available at <https://en.unesco.org/creativity/publications/culture-working-conditions-artists>.

<sup>8</sup> The geographical distribution of the submissions was as follows: 11 from Group I (Austria, Canada, Cyprus, Denmark, Finland, France, Germany, Luxembourg, Spain, Sweden, Turkey); 7 from Group II (Czechia, Estonia, Latvia, Lithuania, Russian Federation, Serbia, Slovakia); 10 from Group III (Bolivia (Plurinational State of), Colombia, Costa Rica, Ecuador, Honduras, Jamaica, Mexico, Nicaragua, Uruguay and Venezuela (Bolivarian Republic of).); 10 from Group IV (Cambodia, Fiji, Japan, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand, Timor-Leste); 13 from Group V(a) (Benin, Burkina Faso, Cameroon, Chad, Comoros, Kenya, Madagascar, Mali, Mozambique, Namibia, Senegal, South Sudan, Togo); and one from Group V(b) (Lebanon).

7. This finding can only encourage the Secretariat to continue providing assistance to countries for the implementation of the two normative instruments with the greatest complementarity. The development of dynamic cultural and creative industries and participatory and sustainable systems of governance for culture relies heavily on the promotion of a global vision of the status of the artist that includes artists' fundamental freedoms as well as economic, social and labour rights, training opportunities and contribution to the elaboration and implementation of cultural policies. The Secretariat seized the opportunity provided by the redesign of the Aschberg Programme to expand the Convention's capacity-building programme to include on-demand technical assistance to develop or revise legislation and schemes that concern artists and cultural professionals. Such assistance has already been provided to countries such as Mauritius and Costa Rica and the processes underway continue to be supported in the framework of the preparation of their quadrennial periodic reports to the Convention. By way of example, the opportunity offered by the UNESCO project "Reshaping Cultural Policies for the Promotion of Fundamental Freedoms and the Diversity of Cultural Expressions", funded by the Swedish International Development Cooperation Agency (SIDA) to support Mauritius in the participatory policy monitoring process that should lead to its 2020 quadrennial periodic report provided an appropriate framework for further work on the draft law on the Status of the Artist with policymakers from several ministries, creative workers, artists and civil society engaged in both processes.
8. Since 2015, the annual editions of World Press Freedom Day provide the main platform for intersectoral cooperation with the Communication and Information Sector on issues of artistic freedom. In this context, a training module dedicated to artistic freedom was developed with a threefold objective: i) facilitate a better understanding of the Convention and the Recommendation and their shared goals to promote human rights and artistic freedom; ii) share information and data on existing laws, policies and measures which protect and promote artistic expression, and challenges that countries face; and iii) increase knowledge and understanding of the obligations that governments (in close cooperation with civil society) have in terms of reporting to UNESCO on policies and measures taken to protect and promote artistic freedom. The training module has already been tested on two occasions, during World Press Freedom Day celebrations: in Accra (Ghana) in 2018 and in Addis Ababa (Ethiopia) in 2019, in the form of national capacity-building workshops that also served to start shaping the national teams in charge of elaborating the Convention's quadrennial periodic reports.
9. Since 2017, the re-designed Aschberg Programme for Artists and Cultural Programme has provided an unprecedented opportunity to integrate the implementation and monitoring of the 1980 Recommendation into the implementation and monitoring of the 2005 Convention and vice versa. Pursuing synergies between the two normative instruments depends entirely on the sustainability of the programme and thus of voluntary contributions of Member States to it.
10. The Committee may wish to adopt the following decision:

## **DRAFT DECISION 13.IGC 9**

*The Committee,*

1. *Having examined Document DCE/20/13.IGC/9,*
2. *Recalling Resolution 7.CP 14 as well as 40 C/Resolution 38,*
3. *Takes note with satisfaction of the efforts undertaken by the Secretariat through the Aschberg Programme for Artists and Cultural Professionals to strengthen the synergies between the Convention and the 1980 Recommendation on the Status of the Artist in both their implementation and monitoring and invites Parties to contribute financially this programme to enable the Secretariat to pursue such efforts;*

4. *Further invites Parties to place special emphasis on the sharing of information and good practices relating to the status of the artist through their quadrennial periodic reports on the implementation of the Convention;*
5. *Requests the Secretariat to continue its efforts to strengthen the synergies between the two normative instruments, to reflect on ways to reduce and streamline the reporting obligations for Member States and to submit proposals to it at its fourteenth session for possible consideration by the Committee on Conventions and Recommendations at the 212<sup>th</sup> session of the Executive Board.*