



United Nations
Educational, Scientific and
Cultural Organization



Diversity of
Cultural Expressions

14 IGC

DCE/21/14.IGC/13
Paris, 5 January 2021
Original: French

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

Fourteenth session
Online
1 – 6 February 2021

Item 13 of the provisional agenda: Synergies with the 1980 Recommendation concerning the Status of the Artist

At its thirteenth session, the Committee requested the Secretariat to continue its efforts to strengthen the synergies between the 1980 Recommendation concerning the Status of the Artist and the Convention, to reflect on ways to reduce and streamline reporting obligations for Member States and to submit proposals to it at its fourteenth session ([Decision 13.IGC 9](#)). This document provides an overview of the measures taken to improve the synergies in the implementation and monitoring of the two standard-setting instruments, and suggests approaches to be considered to capitalize on the complementarities between their respective monitoring systems.

Decision required: paragraph 20

I. Introduction

1. Adopted by UNESCO's General Conference in 1980, the Recommendation concerning the Status of the Artist (hereinafter "the 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. Above all, the 1980 Recommendation upholds 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. Forty years after its adoption, the 1980 Recommendation is more relevant than ever given the persistent challenges surrounding the social and economic rights of artists and the impact on their work of new technologies – challenges that were exacerbated in 2020 by the effects of the COVID-19 pandemic, which has weakened the entire creative ecosystem.
2. The monitoring of the 1980 Recommendation is the responsibility of UNESCO's Executive Board and is ensured by its Committee on Conventions and Recommendations (hereinafter "the CR Committee"). In accordance with the Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, adopted by the Executive Board at its 177th session and amended at its 196th session, reports on the implementation of the Recommendation are submitted every four years. As per the four-year work timetable of the CR Committee, the Secretariat submits to the Executive Board, for its approval, draft guidelines (or a questionnaire) for the preparation of national reports on the implementation of the 1980 Recommendation, which it will subsequently send to all Member States. Upon receipt of Member States' national reports, the Secretariat prepares a consolidated report on the implementation of the 1980 Recommendation, which is submitted to the Executive Board and then to the General Conference, together with the Board's comments.¹
3. Since 2015, the governing bodies of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter "the 2005 Convention") and of the Organization have stressed the importance of pursuing synergies in the implementation and monitoring of these two normative instruments (Resolutions [7.CP 14](#), [6.CP 12](#) and [5.CP 14](#) of the Conference of Parties, Decision [13.IGC 9](#) of the Committee, [Resolution 40 C/91](#) and [38 C/95](#) of the General Conference and Decisions [207 EX/23.IV](#) and [204 EX/18.III](#) of the Executive Board). Though the 1980 Recommendation focuses more on the material conditions that facilitate the expression of artists' creative talents, it shares one of the Convention's core guiding principles: the promotion of respect for human rights and the fundamental freedoms of expression, information and communication as essential elements in the creation, dissemination and enjoyment of diverse cultural expressions.
4. Given the high degree of complementarity between the subject matter of the two normative instruments, the Secretariat has endeavoured to provide integrated support for their implementation in all of its international cooperation and assistance programmes. In particular, the UNESCO-Aschberg Programme for Artists and Cultural Professionals (hereinafter "the UNESCO-Aschberg Programme") has enabled the development of materials and methodologies to offer technical assistance to Parties wishing to review their legislative frameworks and social security provisions concerning artists and cultural professionals, as well as training on the notion of artistic freedom, which is understood as a bundle of rights protected

1. The fourth and most recent consultation on the implementation of the 1980 Recommendation was launched by the Director-General in June 2018 and its results were summarized in a report presented to the 207th session of the Executive Board, and then to the 40th session of the General Conference (12-27 November 2019) (Document 40 C/38). These results were accompanied by an in-depth study, part of the Policy & Research series, titled "Culture & Working Conditions for Artists".

by international law, including the right to support, disseminate and remunerate artistic creation and the right to benefit from social and economic protections.

II. Monitoring the implementation of the 1980 Recommendation

5. At its seventh session, the Conference of Parties to the 2005 Convention invited the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter “the 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 for the period 2020-2021 (Resolution [7.CP.14](#)).
6. Also at that session, the Conference of Parties approved the revision of the Convention’s Operational Guidelines on “Information Sharing and Transparency” with a view to aligning the quadrennial periodic reporting framework with the Convention’s monitoring framework, which in turn led to a greater alignment of the quadrennial periodic reporting framework with the 1980 Recommendation (Resolution [7.CP.12](#)). As a result, at the present session, the Committee will consider for the first time quadrennial periodic reports that include explicit information on policies and measures to protect and promote the freedom of creation and expression, participation in cultural life and the social and economic rights of artists and cultural professionals.²
7. At its thirteenth session, the Committee included, for the first time, an agenda item on synergies with the 1980 Recommendation, in which it requested 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 submit proposals at its fourteenth session for possible consideration by the CR Committee at the 212th session of the Executive Board (Decision [13.IGC.9](#)).
8. In the present case, the reporting obligations of Member States derive from independent legal processes. On the one hand, for the 1980 Recommendation, the obligation of UNESCO Member States to present reports derives from Article VIII of the UNESCO Constitution³ and Article 17⁴ of the Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution. On the other hand, for the 2005 Convention, the obligation of Parties to submit a quadrennial periodic report derives from Article 9 of the Convention. In view of Member States’ obligations under the Constitution and the aforementioned Rules of Procedure, it would be difficult to envisage reducing the reporting burden of Parties to the Convention with respect to the Recommendation.
9. Nonetheless, the participatory process for the elaboration of the questionnaires for monitoring the implementation of the Recommendation, as stipulated in the Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided,⁵ offers flexibility that leaves room for enhanced complementarities and streamlining between the two monitoring mechanisms of the

2. See document DCE/21/14.IGC/6.

3. “Each Member State shall submit to the Organization, at such times and in such manner as shall be determined by the General Conference, reports on the laws, regulations and statistics relating to its educational, scientific and cultural institutions and activities, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4.”

4. 1- The Member States shall submit, by the dates specified by the General Conference, reports on the measures that they have adopted in relation to each convention in force and each recommendation adopted. / 2- The General Conference may invite the Secretariat to assist the Member States in the implementation of the convention or recommendation concerned and in the preparation and follow-up of such reports.

5. In Annex to document 196 EX/36.

two instruments, while ensuring a better integration of the perspectives and priorities of both governmental and non-governmental stakeholders.

10. In the framework of the preparation of the fifth consultation on the implementation of the 1980 Recommendation, to be considered by the 212th session of the Executive Board in the fall of 2021, with a view of launching the consultation in 2022 and presenting the results to the 42nd session of the General Conference, the Secretariat could draw on the experience of the quadrennial periodic reports submitted by Parties to the Convention in 2020 to identify which issues related to the 1980 Recommendation have not been sufficiently covered by Parties and deserve more attention in the development of the questionnaire for the fifth consultation.
11. Though the periodic reports submitted by Member States under the Convention and the Recommendation are legally independent, it is the responsibility of the Secretariat to make the best use of the information gathered, irrespective of the instrument for which it was provided, in order to inform the monitoring of both instruments and the technical assistance provided to Members States for their effective and complementary implementation in a cross-cutting manner. Accordingly, the information collected through the fourth consultation on the implementation of the Recommendation has informed the special edition of the Convention's Global Report series, [Freedom and Creativity: Defending Art, Defending Diversity](#), published on 3 May 2020, and will feed, as appropriate, the third edition of the Global Report *Re |Shaping Cultural Policies*, scheduled for publication in February 2022. Thus, the monitoring mechanisms of the two instruments will be mutually reinforcing, and the data collected through one or the other will make it possible to compile a complete inventory of the legislation, policies and mechanisms put in place around the world to promote cultural and creative sectors and to protect artists and cultural professionals.

III. The 1980 Recommendation at the heart of the consequences of the COVID-19 pandemic on the cultural and creative sectors

12. While the COVID-19 pandemic disrupted the entire cultural value chain in 2020, considerably weakening the status of artists and cultural professionals, the Secretariat continued the exceptional efforts undertaken in the previous biennium to enhance the synergies between the 1980 Recommendation and the 2005 Convention, both in their monitoring and in advocacy efforts for the protection of the social and economic rights of artists. Indeed, further integration of the 1980 Recommendation into the work of the Secretariat had already been undertaken prior to the pandemic, including through the mutualization of resources for the implementation and monitoring of the Convention.⁶
13. In accordance with Resolution [7.CP 14](#), cooperation between the Culture Sector and the Communication and Information Sector continued in the framework of strengthening synergies between the 1980 Recommendation and the Convention. The special edition of the Convention's Global Report series, [Freedom and Creativity: Defending Art, Promoting Diversity](#), referred to in paragraph 11, was published on 3 May 2020 on the occasion of World Press Freedom Day with the support of the UNESCO-Aschberg Programme and the Swedish International Development Cooperation Agency, and was disseminated through [the global FACTS media campaign](#). The report provides an overview of the challenges encountered and

6. As reported to the Committee at its thirteenth session (document DCE/2020/13.IGC/9), the additional support provided to Member States through the UNESCO-Aschberg Programme enabled the 1980 Recommendation to be reincorporated into the Programme and Budget (C/5) of the Organization. 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", documents 39 C/5 and 40 C/5 now propose as performance indicators, respectively, the "Number of supported Member States that have designed, implemented and monitored policies and measures to promote the 1980 Recommendation concerning the Status of the Artist 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 concerning the Status of the Artist, especially artistic freedom, contributing to the goals of the 2005 Convention in a gender-responsive manner".

the efforts that governments and civil society are making to maintain sustainable, free and diverse environments for creation, dissemination and access to cultural life. In particular, it takes stock of the progress achieved in the monitoring of artistic freedom, with a focus on two major transversal themes: first, online harassment and the risks that the digital environment poses for artistic creation, and second, the challenges specific to women artists. The report, which was written before the onset of the COVID-19 pandemic, reveals vulnerabilities in the area of artistic freedom that the health crisis has further exacerbated, and highlights positive developments on which to build for the post-crisis recovery.

14. Unprecedented advocacy efforts were undertaken by UNESCO throughout 2020 to raise awareness among the public and governments of the specific challenges confronting the creative sector. The ResiliArt movement, launched by UNESCO on 15 April 2020 in partnership with the International Confederation of Societies of Authors and Composers (CISAC) in response to the COVID-19 pandemic, provided a platform for artists and cultural professionals from all regions of the world to share the challenges they were facing, discuss potential solutions, and work together to collectively imagine a new ecosystem for culture and the creative economy. As of 30 November, more than 231 debates had been held in 101 countries, during which cultural professionals from all over the world called for increased efforts to boost the resilience of the cultural and creative sectors, especially by rethinking the ways in which culture is supported, to make its actors more resilient in times of crisis.⁷ The status of the artist has been a recurring theme in ResiliArt debates. Many debate participants expressed their hope that the current crisis would serve as an opportunity to reflect strategically on issues that are at the heart of the 1980 Recommendation, such as artists' access to social security systems that take into account the distinctive nature of their profession, the fair remuneration of artists for the distribution and commercial exploitation of their work, the participation of organizations representing artists in the elaboration of cultural and employment policies, and the support needed to enable artists to benefit from – or not to be negatively impacted by – new technologies, especially digital technologies.
15. Since 2020 marked the fortieth anniversary of the 1980 Recommendation, the fifteenth anniversary of the 2005 Convention and the tenth anniversary of the International Fund for Cultural Diversity, the Secretariat organized several activities and events to highlight the importance of these instruments and increase their visibility, implementation and monitoring. Among these was a high-level ResiliArt debate titled "[Celebrating 15 Years of Diversity and Creativity](#)", which took place on 21 October 2020 and was streamed on UNESCO's social networks. On this occasion, the speakers stressed the importance of ensuring that artists have access to appropriate economic and social protection mechanisms. The Secretariat also launched an online communication campaign, which aimed, among other things, to raise awareness of the importance of the 1980 Recommendation while demonstrating its timeliness and relevance in designing or updating policies and measures that provide artists with the necessary conditions to create and live in dignity from their work. To mark this triple anniversary, the Secretariat also published [Culture in Crisis: A Policy Guide for a Resilient Creative Sector](#), which presents a sample of measures taken by governments, civil society and the private sector to help artists, creators, organizations, businesses and cultural institutions weather the COVID-19 crisis. Under the heading "Direct support for artists and cultural professionals", measures are classified in four categories: social benefits; commissioning and purchase of works; compensation for loss of income; and skills development—each with practical advice for states wishing to emulate them.
16. Lastly, on the occasion of the World Press Freedom Conference, co-organized by the government of the Netherlands and UNESCO on 9-10 December 2020, the Secretariat organized a panel titled "Creativity without Fear or Favour: Towards Greater Collaboration Between the Press and Artists", during which speakers advocated for the strengthening of the ecosystems that protect artistic freedom at the international, regional, and national levels, and

7. A preliminary analysis of the conclusions of the movement can be found in DCE/21/14.IGC/5.

recalled the importance of the 1980 Recommendation as an instrument for the defence of human rights, and in particular the right to freedom of artistic expression.

IV. Conclusions and next steps

17. The COVID-19 pandemic has caused the world to realize the importance of ensuring the effective implementation of the 1980 Recommendation in order to guarantee fair remuneration for artists, enabling them to create and live with dignity in line with the Sustainable Development Goals, and especially with Goal 8: to promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all. At the 210th session of the Executive Board and on the occasion of the 40th anniversary of the 1980 Recommendation, many members of the CR Committee commended the Secretariat for its efforts to strengthen the synergies between the 1980 Recommendation and the Convention, while emphasizing the Recommendation's increased relevance in the face of the acute impact of the COVID-19 pandemic on the creative sector and, more particularly, on the professional, social and economic conditions of artists and cultural professionals. In this context, they encouraged the Secretariat to pursue synergies between the 1980 Recommendation and the normative instruments administered by the Culture Sector, especially the 2005 Convention, as an effective means of giving new impetus to the implementation of the Recommendation, increasing its visibility, and enhancing its impact
18. One of the Secretariat's areas of action that has been most affected by the COVID-19 pandemic is the technical support it provides to countries for the development of policies or measures to improve the status of artists and cultural professionals, within the framework of the UNESCO-Aschberg Programme. Although Member States continue to approach the Secretariat for such technical and legal support, in 2020, the Secretariat has not been able to establish an international group of experts for this purpose that would complement the Convention's Expert Facility. In view of the travel restrictions put in place in many parts of the world, it is difficult at this point to anticipate the creation of such a group to deliver face-to-face training. Other formats could be envisaged in 2021 in order to make this specialized expertise available to the Member States that request it, and to accompany participatory and multidisciplinary processes, involving ministries and organizations representing artists and cultural professionals, with a view to developing or revising legislative or regulatory frameworks governing artistic activity and the rights and obligations of artists and cultural professionals.
19. The Secretariat will continue its awareness-raising efforts to highlight freedom of artistic expression as a pillar of freedom of expression and to put artists and cultural professionals at the heart of cultural policies and the development of cultural and creative industries. This work is vital if progress is to be made towards the 2030 Agenda for Sustainable Development, especially its goal of promoting decent work and building peaceful, inclusive societies in which the fundamental freedoms of all citizens are protected. As we enter the first year of the [United Nations Decade of Action](#), which calls for bold initiatives to make the 2030 Agenda a reality by mobilizing more governments and businesses and calling on all peoples to make the global goals their own, the 1980 Recommendation offers a roadmap to encourage the development of an inclusive, sustainable creative economy, based on the well-being of artists and cultural professionals.
20. The Committee may wish to adopt the following decision:

DRAFT DECISION 14.IGC 13

The Committee,

1. *Having examined Document DCE/21/14.IGC/13;*
2. *Recalling Resolution 7.CP 14 of the Conference of Parties and 40 C/Resolution 38 of the General Conference as well as its Decision 13.IGC 9,*
3. *Takes note with satisfaction of the efforts undertaken by the Secretariat in the framework of the UNESCO-Aschberg Programme for Artists and Cultural Professionals to*

strengthen the synergies between the Convention and the Recommendation concerning the Status of the Artist (1980) in terms of their monitoring and raising awareness of their relevance, and invites Parties to contribute financially to this programme in order to enable the Secretariat to pursue such efforts;

4. *Requests the Secretariat to continue its efforts to strengthen the synergies between the two normative instruments, notably on the occasion of the preparation of the next consultation on the implementation of the Recommendation concerning the Status of the Artist (1980), and to make optimal transversal use of the information gathered in the regular monitoring reports received under both instruments;*
5. *Further requests the Secretariat to present to it, at its fifteenth session, a status report on its efforts to enhance the synergies between the two normative instruments, as part of the Secretariat's report on its activities (2020-2021).*