



Cultural Rights: moving from law to life

Forum Cultural Mundial, 27 November 2006

Plenary Session

27 November at 9:30 – 11:30

Workshop 1 and 3 : 27 November at 14-16

Workshop 2 and 4 : 27 November at 17-19

Introduction

Background

Cultural Rights: Moving from Law to Life

Plenary Session

Workshops

Speakers

INTRODUCTION

In the recent years we have witnessed how cultural rights regulations and diversity-thinking have entered the field of general consciousness and governance, and that has resulted in a slowly growing number of legal initiatives and regulatory documents. What has been achieved so far in the field of cultural rights? How could cultural rights be translated into effective policies? Who are affected by different cultural rights policies, and how could different groups benefit from cultural rights development?

The Interarts Foundation and the Forum Cultural Mundial organise a full-day programme under the title: “**Cultural rights and practice: moving from law to life**”. The programme contains a plenary session and four work shops. The general title of the programme refers to the objective of finding ways to translate cultural rights laws and regulations to policies and concrete actions with positive outcomes.

The plenary session will consist of two key-note presentations (one on the legal framework and the other one on the challenges for the practice) by two experts and short commentaries on policies and actions by other experts. The introductory and more general plenary session will be followed by four workshops that concentrate on specific themes relevant to the cultural rights scenario. The workshops will tackle the issues of Access to Culture (workshop 1), Cultural Rights of Minorities (Workshop 2), Instruments and policies (workshop 3) and the role of Artists in Cultural Rights (workshop 4).

BACKGROUND

Interarts has been working with cultural rights since its founding in 1995. First as an observatory of urban and regional cultural policies where cultural rights were included in the applied research on local development, and from then on widening the scope to work with communities; national, local and regional administrations; experts and cultural activists and artists themselves. Interarts has a decade-long experience in working with cultural rights from different aspects and within its cultural rights initiatives it carries out research and follow-up on cultural policies in order to study how rights and obligations are translated into policies, policies into actions and actions into results at the local level but also what is the perception that people have on cultural rights, and what are the needs, necessities and priorities that help to form obligations and policies. Interarts was the main organizer of the International Congress on Cultural Rights and Human Development within the Universal Forum of Cultures Barcelona in August 2004 and has been invited to assist several processes on cultural rights in different countries. Interarts is currently carrying out several initiatives on cultural rights, including a comparative study on cultural rights standards in different countries and how cultural rights have been included in policy planning, plans of action, government programmes and concrete actions.

As Cultural Rights is one of the themes addressed during the Forum Cultural Mundial in Rio de Janeiro in November 2006 Interarts Foundation has been invited to lead the development on this issue. In order to give solid content and wide perspective to the theme in the sessions on 27 November, Forum Cultural Mundial and Interarts have invited eight well-known experts to share their insight, knowledge and expertise on the theme. All the invited experts have different backgrounds which enable to bring in different points of view and have a large picture of the current issues, problems, advancements and prospective related to cultural rights.

CULTURAL RIGHTS: MOVING FROM LAW TO LIFE

As world's societies are facing new challenges due to the socio-political changes, technological development and globalization, there is a need to find tools to tackle the problems societies go through. At the same time individuals are every time more conscious of their own rights and entitlements and prepared to require action from authorities. Cultural rights form part of the human rights family with the intention to assure the rights of all people to choose the life style of their own election and adopt cultural traditions and customs that do not violate any fundamental rights or freedoms. They aim at safeguarding the legal basis of our rights to use our own

language, enjoy arts and culture, have certain basic freedoms such as freedom of expression and freedom of religion, and have an equal access to cultural goods and services. They foster the fundamental fact that culture forms an integral part of human life and is an important element in the well-being of individuals and societies.

After several decades of gaining growing yet still peripheral attention, cultural rights-work is slowly strengthening its troops. Together with lawyers and policy makers, civil society organisations and artists are starting to put more interest in the protection of culture and ways of life. A lot remains to be done on the norms and regulations that cultural rights should have and the policies that should take cultural rights as their guiding principles. At the same time, it is important to try to find ways to bring a practical sense of the daily life into the debate on cultural rights and find ways to translate regulations into concrete outcomes in order to help individuals and cultural communities to face the challenges that cultural coexistence brings along.

The programme “Cultural Rights: moving from law to life” aims at enlarging and fostering of the cultural rights debate, and reflecting on the theme from different points of view. Interarts Foundation has invited eight experts from different countries and continents to bring on their professional and personal experience in order to exchange ideas with the participants and plan new actions, learn from each other and further enrich the development of the conceptual and practical sides of cultural rights.

PLENARY SESSION

The main objective of the plenary session is to offer an accurate and critical insight to cultural rights. What are cultural rights? Who do they belong to? What forms do they take and are they universal or regional, or can they be both? These and other questions will be discussed in this session that brings an introductory touch to the theme of cultural rights. The session aims at presenting the main legal arguments and instruments (agreements, declarations, conventions, etc.) and the legal development on what is meant by cultural rights in international public law. The basic principles and legal elements of cultural rights will be introduced by Yvonne Donders. After her presentation, Olu Alake will concentrate on the challenges of cultural rights to cultural communities in the daily life, and reflect on the importance of further development of cultural rights and the elements that should be taken into account in this work. The two presentations will be shortly commented by Nina Obuljen and Jordi Pascual who will reflect on these issues from the point of view of the civil society and local administration. Mathilde Ribeiro, Brazilian Minister for the Promotion of Policies for Racial Equality is also expected to comment.

The session will be chaired by Naseem Khan.

WORKSHOPS

Following the path set by the morning's plenary session, the working groups will be simultaneous and concentrate on four specific themes. The main objective of the working groups is to try to translate the issues on cultural rights into interactive reflection between the participants of the workshop and present practical outcomes, case studies, current problems and challenges, and find recommendations for further work.

The workshops share a common structure in a way that they will be chaired by two experts who set the framework of the session through their introductory approach and then lead the debate between participants. The workshops share common questions that will be introduced during the session and give structure to the debate. The common questions are:

- Key concepts of the theme
- Indicators (if exist)
- Policies and what forms they could / should take
- Best practices

Workshop 1: Access to culture (Jordi Pascual and Leonardo Brant)

Access and participation are the leading elements of cultural rights work. Cultural rights in general aim at assuring a large and equal access to culture, cultural life and cultural goods and services by everyone and foster participation of all in cultural life of their own election. In order to foster participation, the elements of access must be well placed. What does access to culture mean? How can access be made more democratic and equal? What forms can initiatives and activities take to facilitate access to culture? What kinds of initiatives there exist on access to culture, and how can we measure access?

Workshop 2: Rights of minorities (Naseem Khan and Lynn Maree)

The balance of cultural rights and cultural duties is an increasingly burning issue, as migration continues to affect national demographics. In many western European countries, popular opinion appears to be turning against minorities' retaining their heritage cultures. Among other elements, this workshop presentation will use a UK case study – based on a collaborative project between the BBC and Arts Council England – to examine how communities can be drawn into the mainstream without crushing their own cultures.

Workshop 3: Instruments and policies (Yvonne Donders and Nina Obuljen)

In order to translate cultural rights regulations into practical outcomes, policy-planning plays an important role. The relationship between international instruments and policy action is not always the easiest one and it takes political engineering to move from laws and regulations into practical actions. How can international regulations support policy-making at national and local level? Does cultural rights-work mainly take the form of principles and good intentions in decision-making but is hardly translatable into concrete actions?

Workshop 4: The role of artists in cultural rights (Olu Alake and Shermin Langhoff)

In a recent study, according to the opinion of the general public, artists were pointed out to be the main subjects of cultural rights. The study showed that themes such as censorship, artistic freedom, intellectual property rights and access to funding are issues that very complex. In cultural rights-work, artists tend to take a distant position or feel left-out of the regulations-work. Reasons for this might be the distant relation between art and law, or the hesitance the artists feel to enter a field of rights and regulations. However, there is a great body of work by artists on cultural rights and entitlements, and many artists manifest for freedom and 'better world' through their art work. What is the stake of artists in cultural rights field? What role do they play? How do the complexities of market laws, globalisation and commercialization affect artists and cultural rights? What would be the proper way to protect art work and creation? Does freedom of expression has its limits or where do lay the boundaries of artistic freedom?

The sessions are coordinated by Interarts Foundation. For further information, please contact Annamari Laaksonen (alaaksonen@interarts.net) in Barcelona or Jordi Baltà (jbaltà@interarts.net), the sessions' coordinator in Rio de Janeiro.

SPEAKERS



Olu Alake

Olu Alake is the current Head of Communities, Partnerships & Programmes at the Commission for Racial Equality. He was previously Head of Cultural Diversity at Arts Council England. He is a mentor and learning facilitator at the community development charity '100 Black Men of London' and also sits on that organisation's management board. Olu has a B.Sc (Hons) in Economics from University of Ife, Nigeria, Postgraduate Diploma in Management Studies (DMS) from University of East London, and M.Sc in Race and Ethnic Relations (Birkbeck College, University of London). He is currently researching his PhD thesis on Hip-Hop Culture in the Formation of Social Identities of Black British Boys.



Leonardo Brant

Consultant and researcher in cultural policies, president of Brant Associados, an agency for cultural policies that among other initiatives has founded the Institutes of Pensarte, Cultural Diversity (Diversidade Cultural) and ArteCidadania. He is author of two book Mercado Cultural (Cultural Market), Políticas Culturais vol.1 (org.) and Diversidade Cultural (Cultural Diversity) (Org.), and editor of electronic newsletters Cultura e Mercado (Culture and Market) and ArteCidadania. He is Vice-President of the International Network for Cultural Diversity, and has participated in numerous conferences in various countries and continents. Leonardo was Director of the Journal, where he developed socio-cultural campaigns of international scale.



Yvonne Donders

Deputy Director of the Amsterdam Centre for International Law of the University of Amsterdam. Previous to her current post she worked four year as a Programme Specialist on Economic, Social and Cultural Rights in the Division of Human Rights of UNESCO Headquarters in Paris. She has graduated from Utrecht University in international relations and has done her PhD at the Law Faculty of Maastricht University on cultural human rights and the right to cultural identity.



Naseem Khan

Naseem Khan has been at the forefront of developments in the UK's cultural diversity policy of over thirty years. After a recent period at Arts Council England as its Head of Diversity, she has returned to freelance consultancy work and writing.



Shermin Langhoff

Freelance curator & producer for film, theatre & interdisciplinary projects. She has curated cultural festivals, like "beyond belonging" at hebbel am ufer in berlin and co-operated in films like Fatih Akin's "Against the Wall" and "Crossing the Bridge: Sounds of Istanbul". She is a board member of rat für die künste berlin and berlin-istanbul-network.



Lynn Maree

Lynn Maree is a sociologist turned arts administrator and arts policy commentator who has worked in the UK and South Africa. She serves on the dance advisory panel of the National Arts Council of South Africa and is the author of the chapter The State of the Art(s) in the South African Human Sciences Research Council publication The State of the Nation 2004-2005. She currently runs an umbrella organisation for dance in the province of KwaZulu-Natal and also works as a facilitator of workshops in the field of social justice and anti-racism.



Nina Obuljen

Vice-Minister of Culture of Croatia. She was the Responsible for culture in the negotiations of Croatia's adhesion to the European Union and has been member of the Board of the International Network for Cultural Diversity. She was the Head of the Croatian Delegation in the negotiations on the Convention on Cultural Diversity at UNESCO; and researcher at the Institute of International Relations of Zagreb.



Jordi Pascual

Researcher in cultural policies and local development. Coordinator of the Working Group on Culture (WGC) of United Cities and Local Governments (UCLG) for the Institut de Cultura (Barcelona City Council). The main aim of the WGC is the progress of the "Agenda 21 for culture - an undertaking by cities and local governments for cultural development". He has BA in geography (1992) and a MA in European Cultural Policies and International Cultural Relations (1997). His previous professional engagements include working as a researcher at the Autonomous University of Barcelona (1992-96), researcher and project coordinator at the Interarts Foundation (1996-2000) and civil servant at the Culture Department of the Barcelona City Council (2000-03).

The Interarts team in Rio de Janeiro

Rosa Maria Carrasco, president, Interarts Foundation

Jordi Baltà, coordinator of the sessions, Interarts Foundation

Coordination of the programme

Annamari Laaksonen, coordinator of the programme, Interarts Foundation (Barcelona)

CULTURAL RIGHTS AND PRACTICE: Moving from Law to Life

