RE|SHAPING POLICIES FOR CREATIVITY

Addressing culture as a global public good

unesco

2022

MONITORING FRAMEWORK OF THE 2005 CONVENTION

ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

GUIDING PRINCIPLES	Ensure the sovereign right of States to adopt and implement policies to protect and promote the diversity of cultural expressions, based on informed, transparent and participatory processes and systems of governance	Facilitate equitable access, openness and balance in the flow of cultural goods and services as well as the free movement of artists and cultural professionals	Recognize the complementarity of economic and cultural aspects of sustainable development	Respect human rights and fundamental freedoms of expression, information and communication as a pre-requisite for the creation and distribution of diverse cultural expressions
GOALS	SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE	ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
2030 SDGs	4 Quality Education; 8 Decent Work and Economic Growth; 16 Peace, Justice and Strong Institutions; 17 Partnerships for the Goals	8 Decent Work and Economic Growth; 10 Reduced Inequalities; 17 Partnerships for the Goals	8 Decent Work and Economic Growth; 17 Partnerships for the Goals	5 Gender Equality; 16 Peace, Justice and Strong Institutions
EXPECTED RESULTS	National policies and measures support creation, production, distribution and access with regard to diverse cultural activities, goods and services and strengthen informed, transparent and participatory systems of governance for culture	National policies and measures, including preferential treatment, facilitate a balanced flow of cultural goods and services and promote the mobility of artists and cultural professionals around the world	Sustainable development policies and international cooperation programmes integrate culture as a strategic dimension	International and national legislation related to human rights and fundamental freedoms is implemented and promotes gender equality and artistic freedom

AREAS OF MONITORING	***Cultural and creative sectors***	***Media diversity***	***Digital environment***	***Partnering with civil society***	***Mobility of artists and cultural professionals***	***Flow of cultural goods and services***	***Treaties and agreements***	***National sustainable development policies and plans***	***International cooperation for sustainable development***	***Gender equality***	***Artistic freedom***
CORE INDICATORS	Policies and measures support the development of dynamic cultural and creative sectors	Policies and measures support diversity of the media	Policies and measures support digital creativity, enterprises and markets	Measures strengthen the skills and capacities of civil society	Policies and measures support the outward and inward mobility of artists and cultural professionals	Policies and measures support balanced international flows of cultural goods and services	Trade and investment agreements refer to the Convention or implement its objectives	National sustainable development policies and plans include action lines to support diverse cultural expressions	Development cooperation strategies include action lines to support diverse cultural expressions	Policies and measures promote gender equality in the culture and media sectors	Policies and measures promote and protect freedoms of creation and expression and participation in cultural life
	Policy-making is informed and involves multiple public bodies	Policies and measures support diversity of content in the media	Policies and measures facilitate access to diverse cultural expressions in the digital environment	Civil society is involved in the implementation of the Convention at national and global levels	Operational programmes support the mobility of artists and cultural professionals, notably from developing countries	Information systems evaluate international flows of cultural goods and services	Other agreements, declarations, recommendations and resolutions refer to the Convention or implement its objectives	Policies and measures support equity in the distribution of cultural resources and inclusive access to such resources	Development cooperation programmes strengthen creative sectors in developing countries	Monitoring systems evaluate levels of representation, participation and access of women in the culture and media sectors	Policies and measures promote and protect the social and economic rights of artists and cultural professionals

ACTIONS

Strategic decisions of the governing bodies implemented • *Awareness raised* • *Partnerships and networks established, strengthened and fostered* • *Public debates organized*
Information and data collected, analysed and shared • *Policy analysis, benchmarking and monitoring ensured* • *Global reports produced*
Capacities and skills reinforced • *Technical assistance and policy advice provided* • *Projects financed*

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SHORT SUMMARY

Addressing culture as a global public good

Culture and creativity account for 3.1% of global Gross Domestic Product (GDP) and 6.2% of all employment. Exports of cultural goods and services doubled in value from 2005 to reach US$389.1 billion in 2019. Besides being one of the youngest and fastest growing economic sectors in the world, new and ongoing challenges also make the creative economy one of the most vulnerable sectors that is often overlooked by public and private investment.

The cultural and creative sectors were among the hardest hit by the pandemic, with over 10 million jobs lost in 2020 alone. Public investment in culture has been declining over the last decade and creative professions remain overall unstable and underregulated. **Although culture and entertainment are major employers of women (48.1%), gender equality is a distant prospect.** Additionally, only 13% of voluntary national reviews of progress towards the 2030 Agenda acknowledge culture's contribution to sustainable development. Disparities between developed and developing countries are significant, with developed countries leading the trade of cultural goods and services – accounting for 95% of total exports of cultural services.

The cultural and creative sectors account for

3.1% of global GDP

and **6.2% of all employment**

The COVID-19 pandemic is a reminder that no country alone can forge the protection and promotion of diversity within its territory and beyond. Culture's value as a global public good must be cherished and preserved for the benefit of present and future generations.

Re|Shaping Policies for Creativity – Addressing culture as a global public good offers insightful new data that shed light on emerging trends at a global level, as well as putting forward policy recommendations to foster creative ecosystems that contribute to a sustainable world by 2030 and beyond.

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'Since wars begin in the minds of men and women, it is in the minds of men and women that the defences of peace must be constructed.'

Foreword

The COVID-19 pandemic has led to an unprecedented crisis in the cultural sector. All over the world, museums, cinemas, theatres and concert halls – places of creation and sharing – have closed their doors. In 2020, the income drawn by creators fell by more than 10%, or more than 1 billion euros. What was already a precarious situation for many artists has become unsustainable, threatening creative diversity.

At the same time, we have realized how much we need culture, creativity and the diversity of cultural expressions protected by UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. We need the vitality of a sector which employs young people and nurtures innovation and sustainable development. As shown at the height of the crisis, we also need what culture and creation, in all the diversity of their expressions, can do to provide some personal respite and what they can do to unite our societies and forge the road ahead.

Today, we must secure culture's rightful place in our recovery plans in order to overcome the crisis. But we also need long-term policies in order to respond to the structural challenges highlighted by the crisis. Artists and cultural professionals from all over the world have spoken out on this subject in the ResiliArt debates organized by UNESCO. They have drawn attention to the need to create regulations which provide artists with some degree of security, the need to provide support with regard to digitalization by ensuring cultural diversity, equitable value chains, and fair remuneration of creators by the main digital platforms.

The third edition of the *Re|Shaping Policies for Creativity* report is an essential collection of data on culture and creation. It is a unique tool for analysing these issues, both globally and locally. It takes stock of the geographical, gender and digital inequalities detrimental to cultural diversity. Consequently, it shows the impact of the persistent imbalances in the circulation of cultural goods and services, in a context where developed countries' application of the preferential treatment measures recommended in the 2005 Convention remains an exception.

This monitoring of the objectives and implementation of the 2005 Convention by the 151 Parties thereto can therefore not only inform public action, but also encourage its ambition by illustrating the role of diversity and creativity as a source of innovation for sustainable societies.

UNESCO is thus determined to help governments and cultural players with the development of extensive cultural initiatives, regulations and policies, and to support the growing role of culture in international exchanges at the highest level. We have already taken action by convening two Forums of Ministers of Culture, one in November 2019 and the other in April 2020, and by supporting the G20's first ministerial declaration on culture. And we will continue to put culture at the top of the political agenda with the organization of the long-awaited UNESCO World Conference on Cultural Policies and Sustainable Development (MONDIACULT) in 2022. For it is time to make culture, in all its diversity, a truly common good; it is time to unlock its full potential in order to shape the future.

Audrey Azoulay

Audrey Azoulay
Director-General of UNESCO

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Introduction

Addressing culture as a global public good

Ernesto Ottone R.

Be Kind, 2020 (digital), Osinachi / Private Collection
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THE VALUE OF CONTINUED REFLECTIONS

The Global Report series was launched in 2015 to monitor the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which has now been ratified by 150 countries and the European Union. The series was also intended to provide evidence of how implementation contributes to the achievement of the United Nations' 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) and Targets. Indeed, the need to integrate culture as a strategic element in national and international development policies – and in international development cooperation – is stated in the Convention's preamble. One of the objectives of the Convention is to reaffirm the link between culture and development for all countries, particularly developing countries, and to encourage national and international action to recognize the true value of this link.

The third Global Report appears in February 2022, more than two years after the first waves of the COVID-19 pandemic plunged the entire world into an unprecedented crisis. The first two editions of the series sought to understand how ratification of the Convention had inspired changes in national and international cultural policies, contributing to more effective protection and promotion of the diversity of cultural expressions and progress towards the achievement of the SDGs. This third edition continues to measure progress and challenges in this area, based on monitoring frameworks and methodologies that are becoming increasingly established among Parties to the Convention. This edition also provides an overview of the solutions and challenges facing the cultural and creative ecosystem in the context of the global COVID-19 crisis and in response to the UN Secretary-General's call for a Decade of Action. The Report does this by highlighting the solutions put in place in the cultural and creative sectors, on a global scale, to address international challenges. These challenges, which have only been exacerbated by the COVID-19 crisis, include poverty, gender inequality, climate change and inequalities within and among countries. On a national and local scale, the Report also identifies trends in cultural policies, budgets, institutions and governance mechanisms. Finally, at the individual level, it analyses the role of civil society, media, trade unions and the private sector in raising awareness of and advocating for the guiding principles of the Convention. These principles include the respect for human rights and fundamental freedoms, the equal dignity of and respect for all cultures and the complementarity of economic and cultural aspects of development.

THE CONVENTION'S MONITORING FRAMEWORK: AN EVOLVING ARCHITECTURE

In 2015, UNESCO developed a Monitoring Framework based on four objectives drawn from the Convention's guiding principles. The aim was to facilitate an understanding of the core areas of policy implementation, as well as to enable evaluation and learning. The four objectives, which remain valid, are as follows:

- Support sustainable systems of governance for culture that are conducive to States exercising their **sovereign right** to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory (related to the Convention's guiding principle No. 2).
- Achieve a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals to ensure **equitable access** to a rich and diversified range of cultural expressions from all over the world, **openness** to other cultures of the world and **balanced** support for the diversity of cultural expressions (guiding principles No. 7 and No. 8).
- Integrate culture in **sustainable development frameworks** based on the recognition of the complementarity of economic and cultural aspects of development and the shared will to enable all countries, particularly developing countries, to create and strengthen the means necessary for their cultural expression (guiding principles Nos. 4, 5 and 6).
- Promote **human rights and fundamental freedoms** as a necessary condition for the protection and promotion of cultural diversity and the recognition of the equal dignity of and respect for all cultures (guiding principles No. 1 and No. 3).

The four objectives of the Monitoring Framework are broken down into 11 monitoring areas listing the policy areas where action is needed. Each monitoring area has two indicators with its associated means of verification. It was designed as a dynamic tool to support the monitoring of the Convention over time, to inform policy decisions and guide the collection of data and information, while also promoting a better understanding of the Convention and its application scope for implementation. As mentioned in previous editions, the framework is not fixed, as it is designed to evolve and be adapted to the realities on the ground and the emergence of new global challenges. The second edition of the Global Report, *Re|Shaping Cultural Policies: Advancing Creativity for Development*, tested the viability of indicators and means of verification identified in the Monitoring Framework. That edition began to establish direct links with the SDGs to clarify how and why the protection and promotion of the diversity of cultural expressions fit into the efforts to achieve sustainable development and how the Convention can be an operational instrument for the 2030 Agenda.

Prior to this third edition, the Monitoring Framework underwent a series of adjustments. The titles of the three monitoring areas were changed. The Convention's Monitoring Framework no longer refers to 'cultural policies', 'public service media' or 'international sustainable development programmes' but rather to 'cultural and creative sectors', 'media diversity' and 'international cooperation for sustainable development'.

In the case of media diversity, the scope of the monitoring area was broadened from public media services to all media services in order to better capture measures introduced to ensure diversity of and in the media and the diversity of the actors involved. In the case of cultural and creative sectors, it was a matter of better defining the scope of the monitoring area. Cultural policies as a whole are not covered in this series, since heritage policies are not addressed. In addition, it seemed important to highlight that the structure, functioning and governance of the sector are being assessed, in addition to policies or regulatory and legal frameworks. The same logic led to a change in the title of the series, on the basis that the term 'cultural policies' did not seem to capture the wide range of policies and measures introduced by Parties to protect and promote the diversity of cultural expressions. As shown by the 11 areas of the Monitoring Framework, measures in policy areas other than those traditionally encompassed by 'cultural policies' are needed to promote the creativity that nurtures and renews cultural expressions and enriches their diversity. The new title of the series, *Re|Shaping Policies for Creativity*, therefore does not refer to the subject of such policies but rather to their intended impact.

A NEW FRAMEWORK FOR PERIODIC REPORTING AT THE NATIONAL LEVEL

The greatest methodological and conceptual change compared to previous editions is that most of the quadrennial periodic reports (QPRs)[1] submitted by Parties between 2017 and 2020 were prepared using a framework harmonized with the Convention's Monitoring Framework. At its seventh session in June 2019, the Conference of Parties revised the Operational Guidelines on Article 9 on Information Sharing and Transparency, including a new framework for QPRs strictly aligned with the Convention's Monitoring Framework to address key questions from the indicators and means of verification. As explained in the appended methodological note, much of the quantitative analysis offered in this report is therefore based directly on Parties' responses. Most of the participatory policy monitoring processes that led to the national QPRs were guided by the Convention's Monitoring Framework.

The alignment of the framework for QPRs has resulted in a more holistic monitoring of the policies and measures adopted by Parties to foster creativity, while providing the periodic reporting process with a role of improving understanding of the Convention's areas of application. The QPRs feature a new section on measures implemented by civil society, thereby resulting in a more participatory information-gathering process. This new tool was widely used by Parties from 2020; 77% of the reports submitted since 2019 included measures or initiatives undertaken by civil society organizations (CSOs). This is in line with the importance placed on civil society in the Convention, in particular through Article 11, and the understanding that the diversity of cultural expressions relies on the contributions of many stakeholders.

COVID-19'S IMPACT ON THE PUBLICATION SCHEDULE

This edition was originally planned for publication in June 2021. However, to offer an analytical overview of the measures put in place to protect and promote the diversity of cultural expressions through Parties' QPRs, the Report could not fail to be affected by the COVID-19 crisis that reverberated around the world. These exceptional circumstances severely affected national processes for preparing QPRs. The deadline for their 2020 submission was therefore extended to 1 November. This allowed 78 Parties to fulfil their reporting obligation despite the exceptional circumstances. The editorial team also worked tirelessly to analyse information collected up to a year before the final release in February 2022.

PERSISTENT DATA GAPS

The QPRs analysed were received from 63% of the then 149 Parties to the Convention as of 1 November 2020, which is a relative increase of 55% compared to the reports considered for the previous edition. Those earlier editions also only analysed progress over two, rather than four, years. In addition to this greater diversity of sources, 19 of these reports come from Parties that had not previously submitted a report. While this diversification of sources cannot compensate for an uneven rate of ratification among regions, it nonetheless represents a considerable step forward. In addition, while complementary research – particularly from non-governmental sources – has enriched the analysis in this edition, the importance of information shared by Parties themselves has become even more significant.

While the collection of qualitative data for this edition has improved, quantitative and statistical data remain a major challenge. This has been partially overcome by the key questions approach in the periodic reporting form, which allowed quantitative analyses of responses to provide a more accurate picture of how countries characterize their policies and measures to protect and promote the diversity of cultural expressions. However, when it comes to statistical data, the difficulty of obtaining reliable and comparable data remains. Examples include the share of cultural and creative sectors in Gross Domestic Product, the share of employment in the cultural and creative sectors (disaggregated by sector, gender or contractual arrangement) or the percentage of total public funds given to female artists and cultural producers. This type of data is vital in understanding the cultural and creative sectors by assessing their health, evaluating the impact of existing policies and measures and their alignment with the SDGs and guiding future policies.

1. Reports submitted every four years to UNESCO by Parties to the Convention on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level. They constitute the main source of information for the Global Reports.

The indicators of the Monitoring Framework provide valuable guidance to qualitatively assess the cultural and creative sectors and their contribution to the 2030 Agenda and identify regional and global trends. However, there remains a lack of unified international indicators available to help all countries quantify the sector's progress and shortcomings in areas such as economic growth, employment, gender equality or responsible consumption and production (which are all included in the SDGs). At the request of Member States and subject to securing the necessary support, UNESCO's Institute for Statistics (UIS) should develop international indicators on the cultural and creative sectors and produce methodologies to support data collection by Member States. This should enable more systematic global measurement and analysis of the sectors' contribution to development goals in the 2030 Agenda and beyond.

A BRIEF OVERVIEW OF PROGRESS TOWARDS THE CONVENTION'S OBJECTIVES

While the chapters of this report explore the current policy and regulatory landscape in each area of the Convention's Monitoring Framework, identify emerging trends, analyse progress towards the Convention's objectives, highlight key challenges and propose a series of policy recommendations, this introduction summarizes the progress towards achieving the four goals of the Monitoring Framework and any gaps to be filled by those involved in protecting and promoting the diversity of cultural expressions.

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Goal 1 • SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

4 QUALITY EDUCATION

8 DECENT WORK AND ECONOMIC GROWTH

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

17 PARTNERSHIPS FOR THE GOALS

Areas of monitoring	Indicators	SDG Targets	Means of verification
CULTURAL AND CREATIVE SECTORS	1. Policies and measures support the development of dynamic cultural and creative sectors	8.3 8.3 4.4	1.1 Integrated strategies and frameworks 1.2 Sectoral laws and policies 1.3 Job creation and entrepreneurship measures 1.4 Education and training programmes
	2. Policymaking is informed and involves multiple public bodies	16.6 16.7 16.7	2.1 Ministry with competence and budget for culture 2.2 Interministerial cooperation 2.3 Decentralized responsibilities 2.4 Information systems and statistics
MEDIA DIVERSITY	3. Policies and measures support diversity of the media	16.10	3.1 Media freedom 3.2 Media accountability 3.3 Media monitoring 3.4 Media ownership
	4. Policies and measures support diversity of content in the media		4.1 Public service media with cultural mandate 4.2 Content diversity in programming 4.3 Domestic content incentives 4.4 Data and information trends
DIGITAL ENVIRONMENT	5. Policies and measures support digital creativity, enterprises and markets	4.4	5.1 Diverse actors in the digital industries 5.2 Digital transformation of industries and institutions 5.3 Digital creativity and competencies
	6. Policies and measures facilitate access to diverse cultural expressions in the digital environment		6.1 Access to domestic digital content 6.2 Digital literacy 6.3 Data and information trends
PARTNERING WITH CIVIL SOCIETY	7. Measures strengthen the skills and capacities of civil society	17.17	7.1 Enabling environment for Civil Society Organizations (CSOs) 7.2 Structuring of CSOs 7.3 Training and mentoring for CSOs 7.4 Funding for CSOs
	8. Civil society is involved in the implementation of the Convention at national and global levels	17.17 16.7	8.1 Policy dialogue mechanisms with public authorities 8.2 Participation in policy design 8.3 CSO initiatives 8.4 Participation in the work of the Convention's governing bodies

GOAL 1

SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

The governance of culture encompasses the normative frameworks, public policies, infrastructure, institutional capacities and processes that shape the cultural and creative sectors. In the context of the Convention, such governance aims to promote participation at all levels and by all actors, enabling a diversity of voices. It is therefore intended to be inclusive and sustainable. Those two parameters are measured by the Report through four monitoring areas:

- The **cultural and creative sectors**: an overarching area that is particularly interested in the strategic, legal and political frameworks that shape the sectors (including in terms of employment and training), as well as in the quality of involvement of various public or arms-length bodies in the organization of and support to the sectors.
- **Media diversity**: the Convention's preamble recognizes the diversity of the media as a factor enabling cultural expressions to flourish within societies. This area seeks to measure the diversity *of* media by looking at their level of freedom, accountability and monitoring and the level of media ownership pluralism; and diversity *in* the media by assessing diversity of content in programming and related incentives.
- **Digital environment**: considering the rapid evolution of information and communication technologies since the early 2000s, the Convention recognizes the new opportunities they create for enhanced interaction between cultures, as well as the challenges they represent for the diversity of cultural expressions and the risks of increasing imbalances between developing and developed countries. In this monitoring area, diversity is measured through both the diversity of the actors involved (and the support they receive to actively participate in digital creativity and markets) and the diversity of content available in the digital environment.
- **Partnering with civil society**: because Parties recognize the fundamental role of civil society in protecting and promoting the diversity of cultural expressions, they are called upon to encourage its active participation in their efforts to achieve the objectives of the Convention. In order to measure the quality, effectiveness and sustainability of partnerships, this monitoring area focuses on the support provided to civil society in terms of training, funding and enabling environment, as well as on the effective participation of civil society in the protection and promotion of the diversity of cultural expressions at national and global levels.

The evidence presented in this third edition of the Global Report demonstrates progress as follows:

- Over the last few years, the Convention has fostered policy change in the cultural and creative sectors. Evidence shows that it also helped to streamline legislative frameworks, structure the creative ecosystem and provide a responsive framework to meet new challenges. Moreover, interministerial collaboration and multistakeholder engagement in the governance of culture have been mainstreamed, leading to more integrated policies.
- Public authorities tend to inform and consult civil society organizations on a more regular basis regarding policy-making processes, thus opening new and sometimes sustainable spaces for the governance of culture.
- In most regions, domestic content quotas continue to be a common measure introduced to ensure access to diverse cultural content. With the rise of individualized services, existing regulations are beginning to be adapted to Video on Demand services.
- The digital transformation of the cultural value chain accelerated during the COVID-19 pandemic. The growing need for digital cultural content, amplified by widespread lockdowns in 2020, is driving significant efforts to support creation in the digital environment in all regions of the world.

In the coming years, however, significant barriers need to be addressed to ensure resilient, informed, transparent and participatory processes and systems of governance for culture:

- There is an ongoing downward trend in public investment for culture, which points to new challenges for the cultural and creative sectors, especially after the COVID-19 pandemic has exacerbated the economic and social vulnerability of artists and cultural professionals across the world.
- Access to funding remains the main obstacle for CSOs' involvement in cultural policy-making, monitoring and evaluation. Opportunities to co-create policy processes with public authorities are also rather limited and should be expanded beyond dialogue and consultation mechanisms.
- Freedom of information and diversity in the media are threatened by increased disinformation in the context of the COVID-19 pandemic, insufficient media monitoring, ongoing concentration of media ownership and broadcasters' difficulties in meeting existing quota requirements due to a lack of local content.
- Only a few countries have regulatory frameworks to address digital challenges. Significant gaps therefore remain in terms of fair remuneration for creators online, the use of copyright in the digital environment and the discoverability of digital cultural content. Uneven access to connectivity and digital skills reinforces existing inequalities, leading to a widening digital divide and limited diversity of the actors able to engage in and benefit from the digital creative economy.

Goal 2 • ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS

8 DECENT WORK AND ECONOMIC GROWTH

10 REDUCED INEQUALITIES

17 PARTNERSHIPS FOR THE GOALS

Areas of monitoring	Indicators	SDG Targets	Means of verification
MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	**9. Policies and measures support the outward and inward mobility of artists and cultural professionals**	10.7 10.7	**9.1** Outward mobility **9.2** Inward mobility **9.3** Mobility information systems
	10. Operational programmes support the mobility of artists and cultural professionals, notably from developing countries		**10.1** Mobility funds **10.2** Cultural events and exchange facilities **10.3** South-South mobility programmes **10.4** CSO mobility initiatives
FLOW OF CULTURAL GOODS AND SERVICES	**11. Policies and measures support balanced international flows of cultural goods and services**	10.a 8.a	**11.1** Export strategies and measures **11.2** Implementation of preferential treatment **11.3** Aid for Trade
	12. Information systems evaluate international flows of cultural goods and services	17.11 17.11 10.b	**12.1** Value, origin and destination of cultural goods **12.2** Value, origin and destination of cultural services **12.3** Direct foreign investment in culture and creative sectors
TREATIES AND AGREEMENTS	**13. Trade and investment agreements refer to the Convention or implement its objectives**	10.a	**13.1** Special status for cultural goods and services **13.2** Cultural clauses related to e-commerce and digital products **13.3** Preferential treatment provisions
	14. Other agreements, declarations, recommendations and resolutions refer to the Convention or implement its objectives		**14.1** Agreements aligned with the goals of the Convention **14.2** Declarations, recommendations and resolutions aligned with the goals of the Convention

GOAL 2

ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS

The Convention's objective of widening and balancing cultural exchanges applies to the flow of cultural goods or services and the transnational mobility of artists and cultural professionals. In both cases, this can only be achieved through the convergence and complementarity of measures introduced both by those benefiting from the existing imbalances, as well as those feeling their adverse effects. This is illustrated by the implementation of Article 16 of the Convention on preferential treatment for developing countries. The impact of the Article depends on the institutional and legal frameworks of developed countries to grant preferential treatment to developing countries' artists, cultural professionals and cultural goods or services as well as on developing countries' capacity to build and maintain vibrant cultural and creative sectors and to support artists and cultural professionals who can benefit from preferential treatment.

The Report seeks to measure progress and challenges in three monitoring areas, and pays particular attention to the implementation of preferential treatment measures:

- **Mobility of artists and cultural professionals**: to determine the extent to which there are (governmental and non-governmental) policies, measures and programmes to support inward and outward mobility – particularly for artists and cultural professionals from developing countries.
- **Flow of cultural goods and services**: to determine which measures (such as export strategies) and support (technical and financial) are in place to facilitate equitable access, openness and balance in the worldwide distribution of cultural goods and services.
- **Treaties and agreements**: to assess Parties' progress in fostering mutual supportiveness between this Convention and the other treaties to which they are parties (Article 20), while promoting the Convention's objectives and principles in other international forums (Article 21), particularly in terms of trade and investment but also digital, environmental issues or any other area that may impact the diversity of cultural expressions.

The evidence in this third edition of the Global Report demonstrates the following progress:

- An increasing number of countries – both developed and developing – are supporting the outward mobility of artists, mainly under the principle of internationalizing the arts in cultural policy strategies and legal frameworks. CSOs are playing a major role in this regard by providing opportunities for training and networking and filling funding gaps in the absence of sufficient public support.
- Although cultural services still account for less than 2% of total traded services, world exports of cultural services doubled in value to US$117.4 billion between 2006 and 2019. Audiovisual and related services remained the largest cultural service sector, having increased its value by 70% to reach US$47.9 billion in 2019.
- Two-thirds of the trade agreements concluded between 2017 and 2020 contain clauses recognizing the specific nature of cultural goods and services, while at least 40 multilateral and regional instruments (mostly non-binding) adopted during that period refer directly to the Convention or its objectives and principles. Many of the latter link culture and the digital environment or sustainable development, including the newly adopted UNESCO Recommendation on the Ethics of Artificial Intelligence.

However, there remain significant challenges in achieving a balanced flow of cultural goods and services and increasing the mobility of artists and cultural professionals. These are as follows:

- The preferential treatment clause remains largely unimplemented. Not only have no preferential treatment measures been implemented in mobility-support schemes in the last four years (except for a few actions triggering positive but unintended collateral effects), but none of the bilateral and regional trade agreements signed by developed countries that are Parties to the Convention between 2017 and 2020 has included preferential treatment provisions.
- The participation of developing countries in the global flows of cultural goods has stagnated over the last three years. Global trade has shown no signs of opening up to cultural services from developing countries. The lack of Aid for Trade towards the culture and media sectors of developing countries contributes to ongoing imbalances in the flow of cultural goods and services and limits the overall capacity of the cultural and creative sectors to promote sustained, inclusive and sustainable economic growth.

Goal 3 • INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

8 DECENT WORK AND ECONOMIC GROWTH

17 PARTNERSHIPS FOR THE GOALS

Areas of monitoring	Indicators	SDG Targets	Means of verification
NATIONAL SUSTAINABLE DEVELOPMENT POLICIES AND PLANS	**15. National sustainable development policies and plans include action lines to support diverse cultural expressions**	8.3 17.14	**15.1** Culture and creative sectors in national development plans **15.2** Public cultural bodies in planning and implementation **15.3** Evaluation of national development plans and strategies
	16. Policies and measures support equity in the distribution of cultural resources and inclusive access to such resources		**16.1** Culture-based regeneration plans **16.2** Participation and access to diverse cultural expressions
INTERNATIONAL COOPERATION FOR SUSTAINABLE DEVELOPMENT	**17. Development cooperation strategies include action lines to support diverse cultural expressions**	17.2	**17.1** Culture and creative sectors in development cooperation strategies **17.2** Official development assistance (ODA) for culture **17.3** Evaluation of development cooperation strategies
	18. Development cooperation programmes strengthen creative sectors in developing countries	17.9 17.9 17.9	**18.1** Support for cultural policy design and implementation **18.2** Support for cultural micro and small and medium-sized enterprise (SME) development **18.3** Support for artists and creation

GOAL 3

INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

An integrated approach to sustainable development also requires the recognition and integration of its cultural dimension, as promoted by Articles 13 and 14 of the Convention. Integrating culture in sustainable development frameworks involves participatory elaboration, implementation and evaluation of national sustainable development plans and international cooperation strategies. This also applies to cultural bodies in special coordination mechanisms, and includes factoring in the priorities of the cultural and creative sectors and allocating a dedicated budget. Despite being a less well-explored area, the contribution of culture and creativity to climate action and environmental sustainability is the next urgent priority for connecting the dots in the sustainable development agenda. Key components in harnessing the potential of diverse cultural expressions for sustainable development include strengthening the capacities and skills of artists and cultural professionals, as well as partnerships and knowledge transfer – including through North-South-South and South-South cooperation.

The Report therefore seeks to measure progress and challenges in two monitoring areas:

- **National sustainable development policies and plans**: to assess whether diverse cultural expressions and cultural and creative industries are recognized as strategic areas of action in policies and plans, thereby fostering a holistic approach to sustainable development; and to monitor territorial and social equity in the distribution of cultural resources, ensuring inclusive participation in cultural life – notably for vulnerable groups.
- **International cooperation for sustainable development**: to assess how international development cooperation strategies and assistance programmes invest in diverse cultural expressions and cultural and creative industries as strategic areas of action; and strengthen capacities across the creative ecosystem in developing countries.

The evidence in this third edition of the Global Report demonstrates the following progress:

- National development plans and sustainable development strategies widely recognize culture's contribution, especially in terms of advancing cultural, social or economic development outcomes.
- At city level, culture and creativity are increasingly perceived as assets for local development, fostering economic growth and innovation, increasing attractiveness and social cohesion and widening participation in cultural life.
- Evidence shows an increasing interest of multilateral organizations and non-traditional donor countries in development cooperation for culture and creativity.
- Cooperation models promoting peer-to-peer exchanges and knowledge transfer – such as North-South-South and South-South cooperation – are becoming more common, thereby promoting mutual learning and ownership at a regional level.

However, significant barriers need to be addressed to promote the cultural agenda in sustainable development over the next few years:

- In national sustainable development planning, the specific contribution of cultural and creative industries to development outcomes is rarely acknowledged. Intersectoral coordination mechanisms tend to overlook the needs and priorities of cultural stakeholders, thereby hindering the holistic implementation of the 2030 Agenda for Sustainable Development.
- Climate action and environmental sustainability remain blind spots in cultural policy. Despite the potential of culture and creativity to drive much-needed changes in mindsets and behaviours, these areas are mostly ignored in climate strategies and environmental policies due to a lack of awareness, expertise and capacity.
- The share of Official Development Assistance devoted to culture and recreation in 2018 represented a third of the funding that was available before the 2008 global financial crisis. A decline is predicted in the coming years due to COVID-19-related recessions.
- Across cooperation programmes, there is a lack of investment to support cultural micro- and small and medium-sized enterprise development in developing countries, despite such enterprises being essential for increasing local cultural production. Moreover, a lack of systematic evaluation and inadequate management of existing evaluation reports combine to prevent cultural development actors from capitalizing on existing knowledge and developing evidence-based cooperation programmes.

Goal 4 • PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

5 GENDER EQUALITY

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

Areas of monitoring	Indicators	SDG Targets	Means of verification
GENDER EQUALITY	**19. Policies and measures promote gender equality in the culture and media sectors**	5.c 5.5	**19.1** Government bodies in charge of gender equality **19.2** Support to women's participation in cultural life **19.3** Support to female artists and cultural professionals
	20. Monitoring systems evaluate levels of representation, participation and access of women in the culture and media sectors	5.5	**20.1** Levels of women's representation in the culture and media sectors **20.2** Levels of women's participation in cultural life
ARTISTIC FREEDOM	**21. Policies and measures promote and protect freedoms of creation and expression and participation in cultural life**	16.10	**21.1** Legal recognition of artistic freedom **21.2** Monitoring of artistic freedom violations **21.3** Protection of artists and cultural professionals at risk
	22. Policies and measures promote and protect the social and economic rights of artists and cultural professionals		**22.1** Transparency of public funding schemes **22.2** Social protection **22.3** Economic rights

GOAL 4

PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Ensuring respect for human rights and fundamental freedoms refers to freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions. This is set out as a necessary and indispensable condition for the protection and promotion of cultural diversity in the first guiding principle of the Convention. Accordingly, the Convention's Monitoring Framework seeks to measure progress in promoting human rights and fundamental freedoms in the cultural and creative sectors, with a particular focus on gender equality and artistic freedom.

The Report therefore seeks to measure progress and challenges in these two monitoring areas:

- **Gender equality**: the aim is to measure: the level of women's participation in cultural life as active contributors (creators, producers and decision-makers) and as audiences; steps taken to promote gender equality in these areas; and the integration of gender equality into monitoring systems of the cultural and media sectors.
- **Artistic freedom**: the aim is to measure progress in the area of freedom of artistic expression in terms of protective legal frameworks; monitoring and effective protection; and the protection of the economic and social rights of artists (notably through regulatory frameworks and special schemes suited to the nature of creative work, as advocated by the 1980 Recommendation concerning the Status of the Artist).

The evidence presented in this third edition of the Global Report demonstrates the following progress:

- Gender equality is increasingly being recognized as a priority for the cultural and creative industries, as evidenced by the high percentage of Parties reporting measures to ensure gender equality in the sector. QPRs also reveal the key role of CSOs in advancing innovative measures for gender equality, building the capacities of female artists and creative professionals and stimulating networking.
- Parties have been attempting to bring labour protection of artists and cultural professionals in line with what applies to the general workforce, notably through measures to ensure social welfare for artists (as demonstrated by half of Parties reporting measures to improve the status of the artist). With precarious working conditions being exacerbated by the COVID-19 pandemic, emergency measures of this nature were also deployed by many countries.
- Cultural and human rights defenders, as well as CSOs, increasingly engage in monitoring and advocating for freedom of artistic expression, including through the provision of safe havens for artists at risk.

However, there remain significant challenges in mainstreaming human rights and fundamental freedoms in the cultural and creative sectors:

- Despite a critical lack of data regarding women in the culture and media sectors, evidence suggests that women remain under-represented in positions of leadership, have less access to public funding, achieve less visibility and acknowledgement for their work than male counterparts and are suffering a disproportionate impact from the COVID-19 pandemic.
- Overall, a significant number of countries have not yet put in place or revised measures to improve the status of the artist. Only a few countries provide schemes for income protection or career transition.
- While some States have amended or abolished laws affecting freedom of artistic expression, there remains a worrying disconnect between protective law and practice – with attacks on freedom of artistic expression continuing to rise in 2020. To be effective, protective laws must be supported by local monitoring systems and concrete implementation mechanisms, yet just over half of the Parties report having independent bodies that receive complaints or monitor violations and restrictions to freedom of artistic expression.

LOOKING AHEAD: THE IMPORTANCE OF ADDRESSING CULTURE AS A GLOBAL PUBLIC GOOD

Since the publication of the last edition of the Global Report, cultural policy reform has been increasingly placed at the heart of the sustainable development agenda. Twenty-one years after the 1998 Intergovernmental Conference on Cultural Policies for Development held in Stockholm, Sweden, in November 2019 UNESCO hosted the Forum of Ministers of Culture on the margins of the 40th session of the General Conference. The Forum was structured around four themes including 'Investing in culture and creativity for sustainable development and employment'. On that occasion, the Government of Mexico announced its intention to host an intergovernmental meeting on cultural policies in 2022, 40 years after the World Conference on Cultural Policies – MONDIACULT. Two years later, in October 2021, at its 212th session, the UNESCO Executive Board gave the mandate to the Director-General to convene the UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022.

This momentum has been supported by a number of global political processes such as those leading up to the UN General Assembly declaring 2021 as the International Year of Creative Economy for Sustainable Development, the development of the UNESCO *Culture|2030 Indicators* and the G20 Rome Leaders' Declaration in July 2021. That Declaration firmly established culture as one of the policy areas where joint efforts are needed, particularly in the context of the response to the COVID-19 pandemic. In particular, the Declaration underlines the role of culture and creative professionals and enterprises as drivers of sustainable development and key actors in the resilience and regeneration of economies and societies. It is therefore also vital to support them, including by facilitating access to employment, social protection, digitalization and business support measures.

At the United Nations level, in May 2021 UNESCO launched the Inter-agency Platform on Culture for Sustainable Development to combine efforts, strengthen collaboration and maximize coherence of UN-wide action to harness culture's contribution to sustainable development across the UN System. This echoed the call of the Global Report's previous edition to raise awareness within the development community by exploring collaborative ways to optimize the contribution of culture and creativity to employment and income generation, but also to traditional development areas such as education and gender equality. Through its journey to MONDIACULT, the Platform reflects on three SDGs where culture's contribution can be expanded and championed – reducing inequalities (SDG 10), combatting climate change (SDG 13) and promoting dialogue and peace (SDG 16). This report also aims to contribute to this and possibly guide the joint action of UN Country Teams in the context of COVID-19 impact assessment and national recovery plans.

The Report highlights many policies, measures and initiatives in countries from all world regions relating to training and job creation in the cultural and creative sectors, particularly in the digital environment, strengthening dialogue with civil society in support of participatory governance of culture, and improving access to culture with a view to reducing inequalities within countries. However, the same efforts are not being made to reduce inequalities among countries. This is shown by the low rates of Official Development Aid or Aid for Trade dedicated to culture and the lack of preferential measures for artists and other cultural professionals or cultural goods and services from developing countries. In Chapter 8, 'Culture and sustainable development: a still untapped potential', the analysis of the types of outcomes expected from including culture in 127 national development and national sustainable development plans reveals that environmental outcomes are the least pursued.

This suggests that, despite some scattered initiatives, there remains considerable scope for harnessing culture to combat climate change. This would involve drawing appropriate responses from practices and know-how but also placing creativity at the service of environmental challenges and increasing the environmental responsibility of cultural and creative industries in, inter alia, their digital transition. That chapter and this edition in general provide a comprehensive overview of how well-suited policies are to promoting creativity in the light of development challenges. In that sense, it represents a solid starting point for the implementation of the UN Resolution A/C.2/76/L.42 on Culture and sustainable development (2021) by countries, intergovernmental bodies and organizations of the UN system, relevant non-governmental organizations and all other relevant stakeholders. This is particularly relevant in terms of:

- Ensuring a more visible and effective integration and mainstreaming of culture in economic, social and environmental development policies and strategies at all levels, and mobilizing additional resources for development, including through innovative mechanisms of public and private financing (Chapter 8).
- Ensuring that all genders enjoy equal access and opportunities to participate in and contribute to cultural life, as well as opportunities to lead by holding decision-making positions (Chapter 9).
- Promoting capacity-building, where appropriate, at all levels for the development of dynamic cultural and creative sectors, in particular by encouraging creativity, innovation and entrepreneurship; supporting the development of cultural institutions and cultural and creative sectors; providing technical and vocational training for culture professionals; and increasing employment opportunities in the cultural and creative sectors for sustained, inclusive and equitable economic growth and development (Chapter 1).

- Actively supporting the emergence of local markets for cultural goods and services and facilitating the effective and licit access of such goods and services to international markets, taking into account the expanding range of cultural production and consumption and the provisions of the Convention (Chapter 6); and
- Promoting the diversity of and access to cultural expressions in the digital environment (Chapter 3).

The highlighted analysis and the trends and gaps identified in this edition are meant to inform the policy dialogue that will culminate in MONDIACULT 2022. Indeed, this report offers relevant reflections and examples from all world regions of how policies to support creativity (cultural policies as well as policies in other fields) can be adapted to the challenges of sustainable development. These include ensuring sustainable and inclusive economic growth, decent employment opportunities, gender equality, reducing inequalities within and among countries and taking urgent action to combat climate change. The Report also highlights the outcomes and challenges of converging governmental and non-governmental multistakeholder efforts to support resilient, thriving and inclusive cultural and creative sectors.

In terms of goals of the Convention's Monitoring Framework, the comparative analysis of measures described by Parties shows that the lowest number of measures have been reported under the heading of the promotion of human rights and fundamental freedoms. This may mean that more advocacy efforts are needed to show how guaranteeing the human rights and fundamental freedoms of creators and participants of diverse cultural expressions is key to ensuring the very existence of a diversity of cultural expressions. The Report also shows that equal economic and social protection among cultural workers, regardless of their gender, may not yet be fully understood as a prerequisite for nurturing and maintaining the diversity of cultural expressions.

It therefore seems that artists and cultural professionals might deserve special attention as part of the 12 commitments put forward in the UN Secretary-General's report *Our Common Agenda*. The Secretary-General's report spoke of leaving no one behind through a 'renewed social contract anchored in human rights', a 'new era of universal social protection, including basic health care and income security' and 'digital inclusivity' (UN, 2021*b*).

In its preamble, the Convention affirms that cultural diversity is an inherent characteristic of humanity that constitutes both a common heritage of humanity that should be celebrated and preserved for the benefit of all, and a mainspring for the sustainable development of communities. There is a reason why Parties to the Convention are required to report to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level, since diversity can only be achieved if it is simultaneously pursued at the local, national, regional and international levels. The number and diversity of actors and actions having an impact on the protection and promotion of the diversity of cultural expressions also show that diversity cannot be adequately guaranteed by one State acting alone but requires a convergence of efforts at multiple levels to ensure that everyone has the capacity to access and enrich this diversity.

Based on measures included by Parties in their QPRs to the Convention, this report shows, however, that more attention is being paid to promoting the Convention's objectives at the national level than at the international level. Fewer efforts are mobilized for rebalancing cultural exchanges (in terms of the flow of cultural goods and services or the mobility of artists and cultural professionals) than for establishing sustainable systems of governance of culture at the national level. As shown in this report, there is increasing local and national awareness and actions around the idea that culture is central to inclusive, resilient and sustainable societies. This now needs to be reflected at the global level.

Newly emerging fault lines in the international order, as well as persistent transnational challenges such as inequality, conflict, the digital shift and climate change, are leading countries to adapt their policies to better fulfil their role in providing global public goods. Against this backdrop, the UN Secretary-General is calling for a discussion on which ones are the 'most essential and valued' and which are 'the best means of ensuring their delivery'. The ongoing process has highlighted areas of international concern that could be considered as global public goods, meaning 'goods and services provided to and benefiting all of society [that] cannot be adequately provided by any one State acting alone and [...] concern the welfare of humanity as a whole,' such as health, information, economy, science, digital or peace (UN, 2021*b*). Global public goods are those marked by non-rivalry of consumption and non-exclusion. Moreover, their benefits are near-universal in terms of geographical coverage, people (benefitting all) and generations (present and future).

This report argues that culture encompasses all these characteristics, as creativity is an inexhaustible source, participated in by societies and individuals around the world, and today's creativity is tomorrow's heritage. Culture is not just about institutions or economy, but also individual and collective imagination. Ensuring everyone's right to take part in cultural life represents a basic requirement and a fundamental freedom to contribute to the sustainable development of societies. The promotion and protection of the diversity of cultural expressions is thus a common goal 'on which our welfare, and indeed survival, as a human race depend' (UN, 2021*b*).

Establishing culture as a global public good, and the resulting practical implications, requires further reflection through the policy dialogue involving all Member States in 2022 as part of the build-up to MONDIACULT 2022.

This report intends to contribute to that reflection. The diversity of actors and knowledge in policies and programmes relevant to creativity means that this dialogue needs to involve actors of varying size and outreach capacity. This will ensure legitimacy, inclusion and equality in the creation and supply of cultural goods and services at all levels through policies that can address existing imbalances and inequalities (which are partly due to the global marketplace).

What the COVID-19 pandemic teaches societies is that, in times of crisis, culture is a major resource for resilience, connection and recovery (even when the forms of engagement for creators, producers and audiences are in flux). It has also revealed 'the importance of the State as a provider of trustworthy information, goods and services' (UN, 2021*b*). As culture is central to the development of our societies through its economic, social and environmental benefits and because of its vulnerability to global phenomena, it is a global public good that needs to be fully protected and promoted for the benefit of humanity as a whole. This was the aspiration of UNESCO Member States adopting the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as well as the UNESCO standard-setting instruments that preceded it. Culture must therefore be an integral part of a new global deal to support solidarity within and among societies and between generations.

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COVID-19: Testing times for the diversity of cultural expressions

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INTRODUCTION

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions was adopted by the UNESCO General Conference in October 2005 amidst growing awareness of the effects of globalization on cultural diversity. The Convention reaffirms the importance of culture and creativity for individuals and societies in a changing world. It also highlights the growing need for cultural policies to tackle the ever-changing threats to the diversity of cultural expressions. These threats hamper the potential of the creative sector to truly help make societies more resilient, sustainable and inclusive. However, as stated by Croatia's current Minister of Culture and Media, Nina Obuljen, the adoption of the Convention was 'just a beginning [and] not an end', as its success would partly depend 'on how its provisions are interpreted in response to real-world situations and challenges' (Obuljen, 2006).

Although the conditions for preserving and enabling diversity have been challenging for some time, with many countries experiencing major crises previously, the impact of the COVID-19 pandemic is nonetheless unprecedented. This is because of its global nature, as well as how the pandemic accelerated pre-existing trends and radically affected the conditions for a diversity of cultural expressions to thrive. It is, therefore, crucial to use appropriate policies and measures to meet these challenges and imbue the Convention with renewed meaning in a post-COVID environment. These concerns form the backdrop to this Global Report. Paying sufficient attention to these points will remain essential for years to come.

IMPACT ON THE CULTURAL AND CREATIVE SECTORS: AN INITIAL ACCOUNT

Since late 2019, and particularly since the early months of 2020, COVID-19 has: led to the closure of cultural facilities and the cancellation of events; hampered or halted regular work and collaboration in most cultural and creative occupations; put a stop to international mobility; and compromised the purchasing power of audiences. As described in this Global Report and elsewhere (ILO, 2020*a*; IDEA Consult et al., 2021), this led to a fall in economic returns and a loss of employment within the cultural and creative sectors. According to initial estimates, the global Gross Value Added in the cultural and creative industries contracted by US$750 billion in 2020, and at least 10 million jobs were lost. In the countries for which data are available, the revenue of the cultural and creative industries decreased by between 20% and 40% in 2020, and cultural and creative industries generally performed worse than their national economies, thereby sustaining more damage than during any previous crisis (BOP Consulting, 2021).

According to initial estimates, the global Gross Value Added in the cultural and creative industries contracted by US$750billion in 2020, and at least 10 million jobs were lost

The collapse in employment and income followed a decline in public funding and a rise in the precariousness of cultural workers. These factors have reinforced entrenched patterns of gender and regional inequality (Banks and O'Connor, 2020). Digitization took a front seat during the pandemic, as it became more central to creation, production, distribution and access to cultural expressions.

As a result, online multinationals consolidated their position, and inequalities in Internet access became more significant (UNESCO, 2020*f*). At the same time, many artists and cultural professionals seized the opportunity of the rise in niche streaming services to develop innovative projects in the digital sphere. These generated a strong connection with domestic and international audiences in ways that were relatively unexplored previously (BOP Consulting, 2021). Beyond the desperate improvisation that the pandemic often triggered among public authorities, as well as for artists and cultural professionals, the digital experiments carried out during the pandemic will need to be assessed and lessons learned for the recovery of the cultural and creative sector.

The collapse in employment and income followed a decline in public funding and a rise in the precariousness of cultural workers

In many ways, the digitization journey has produced mixed results: innovative and pioneering work but also ill-adapted digital performances that have sometimes failed to meet the expectations of audiences and artists. Income from live and public performance almost halved as lockdown measures took effect across the world. Although the decline in worldwide royalty collections for creators was partly mitigated by a significant shift to digital in some markets, as digital revenues represent just above a quarter of total global collections, that income source does not make up for the overall decrease (CISAC, 2021).

Moreover, critical issues have emerged in terms of the accelerating digitization of the sector – copyright issues, online privacy and security, censorship, unfair competition, monetization models that provide unfair remuneration for creators, unequal access, digital environmental footprint and so forth.

Given that the door to a new world of hybrid creativity – live and digital – is unlikely to close, these areas need to be targeted by responsive policy actions to protect and promote the diversity of cultural expressions. The Open Roadmap for the Implementation of the Convention in the Digital Environment, adopted in 2019 by its Conference of Parties, offers some untapped potential in terms of tools to help countries formulate the comprehensive approach required to tackle such challenges. As the pandemic unfolded, many societies and governments recognized the importance of culture in people's lives, as a form of expression, enjoyment, cohesion and well-being. However, this did not always translate into sustainable forms of income and, as stated by the then UN Special Rapporteur in the field of Cultural Rights, Karima Bennoune, a 'basic paradox' emerged, whereby the meanings of cultural expressions were intensified, yet those who produce arts and culture were finding their work increasingly difficult. Ultimately, this runs the risk of dramatically altering the landscape of cultural and creative organizations and having long-lasting implications for cultural rights (Bennoune, 2021). She thus called for the full implementation of the Convention and the related guidelines on its implementation in the digital environment, as a means to guarantee cultural rights during and after the pandemic.

Faced with the pandemic, many national and local governments worldwide responded with agility. They deployed a diverse range of measures – direct support for artists and cultural professionals, online platforms to increase the availability and diversity of cultural expressions, temporary relief from regulatory obligations for cultural actors, promotion of national cultural content in the media and so forth. Political will and clear leadership from governments – acknowledging culture's central place in society and the need for supportive policies with appropriate budget allocations – emerged as a determining factor in this respect.

CULTURE AND SUSTAINABLE DEVELOPMENT: THE NEED TO ADDRESS STRUCTURAL CHALLENGES

This key focus on culture and the diversity of cultural expressions should not only feature in short-term responses but also contribute to fostering long-term, structural change. Ultimately, the ability of the cultural and creative sectors to navigate these testing times will depend on how structural challenges are addressed, including: the digital divide and socio-economic inequalities within and among countries; learners' uneven acquisition of knowledge and skills to appreciate cultural diversity and culture's contribution to sustainable development; gender inequality; labour precarity; and respect for freedom of expression. These are all essential for the protection and promotion of the diversity of cultural expressions and should encourage the cultural and creative sectors to embrace the Sustainable Development Goals (SDGs) and development policies to harness the sector's multiple contributions.

Some of these challenges are also relevant for other professional sectors and social groups. This calls for cross-cutting policies, the inclusion of the cultural and creative sectors in broader recovery policies and programmes, and the strengthening of dialogue and collaboration between civil society organizations (CSOs) involved in culture and other sectors. In addition, the specific needs of the cultural sectors (including organizational models, training needs and mobility challenges) should be acknowledged through consultation processes and suitable policy responses in culture and other areas (OECD, 2020*a*; UCLG Culture Committee, 2020; Sargent, 2021). The challenge is to design sophisticated policy responses that recognize and value the sector-specific and highly varied operating models within the sector, while also addressing the structural weaknesses identified in order to protect and promote the diversity of cultural expressions.

The crisis has resulted in calls for a universal basic income and a minimum wage that encompasses all employment models in the cultural and creative sectors

Based on the range of initiatives supporting cultural and creative sectors around the world, some lessons can already be drawn. Many such lessons are also applicable to government support for the sector beyond the crisis. These include the need to consider the creative and cultural ecosystem as a whole, including profit-making enterprises, non-profit organizations and people working in the creative and cultural sectors – regardless of their professional status (Sargent, 2021). The crisis has resulted in calls for a universal basic income and a minimum wage that encompasses all employment models in the cultural and creative sectors. Indeed, even in countries with social security schemes designed for freelancers or self-employed people (who constitute a large part of the creative economy workforce), a significant proportion of such workers were often ineligible. To address the inequalities that have been exacerbated by the pandemic, strategic investments in digital initiatives must remain focused on the following key objectives: improving connectivity; enhancing digital skills and capacities of creators, cultural professionals and organizations; and widening access to a diverse range of cultural expressions.

Pandemics highlight the interconnectedness of the worldwide community and the growing threat that global inequalities pose to the health, well-being and security of all peoples. The origins of inequalities are attributable to human beings, and their effects can be exacerbated by certain forms of production, trade, consumption, mobility and environmental changes (see, *inter alia*, IPBES, 2020).

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The pandemic has demonstrated that the cultural and creative sectors are intrinsically bound with communities in terms of the resilience, connectedness and well-being they provide, but also because they are deeply affected by broader social change. In many societies, increasing attention is therefore being paid to accessibility of cultural goods and services; inequalities in exercising the right to take part in cultural life; connections between culture, health and well-being; and the need for the cultural and creative sectors to accept more responsibility for environmental challenges (Fancourt and Finn, 2019; Julie's Bicycle, 2020; Kantar Public, 2021; Anheier et al., 2021).

The holistic lens within the Convention, in terms of seeing cultural diversity as an essential requirement for sustainable development (Article 2.6) and the commitment to integrating culture in sustainable development policies (Article 13), has never been more important. The Convention's Monitoring Framework that forms the basis for this Global Report also highlights connections between policies and measures to promote the diversity of cultural expressions and the achievement of several targets in the SDGs. In this respect, it is increasingly crucial to have an interconnected understanding of the Convention and global challenges such as those in the 2030 Agenda for Sustainable Development. That understanding can lead to innovative policies that explore the interdependence between the diversity of cultural expressions and broader societal challenges in a way that transcends the traditional scope of cultural policy. An interconnected reading of the Convention and Agenda 2063 of the African Union (AU) is necessary for achieving the AU's key transformation outcomes, including inclusive and sustainable economies, good governance, regional integration and peace. The Convention can provide an excellent roadmap to inspire these processes.

The pandemic has demonstrated that the cultural and creative sectors are intrinsically bound with communities in terms of the resilience, connectedness and well-being they provide, but also because they are deeply affected by broader social change

INTERNATIONAL SOLIDARITY, COOPERATION AND OPENNESS

The Convention involves a principle of international solidarity and cooperation (which aims to strengthen capacities in developing countries) and a principle of openness and balance, which includes openness to other cultures from around the world (Articles 2.4 and 2.8). Furthermore, there is a commitment for developed countries to grant preferential treatment to artists, cultural professionals, goods and services from developing countries (Article 16). The pandemic has resulted in more closed borders, making South-North mobility even more difficult than it was previously. The pandemic has also often increased fear of the other and has bolstered social and political movements opposed to international mobility and exchange. To tackle this, increased commitment to international cultural cooperation and openness to diverse cultural expressions are vital.

In the field of culture and creativity, the international response has taken the form of spaces for dialogue, such as the online meeting of 130 Ministers and Vice-Ministers of Culture convened by UNESCO in April 2020

Indeed, there is extensive evidence that the pandemic has increased awareness of how global challenges of this magnitude cannot be addressed by a single State acting alone but rather concern the well-being of humanity as a whole. In the field of culture and creativity, the international response has taken the form of spaces for dialogue, such as the online meeting of 130 Ministers and Vice-Ministers of Culture convened by UNESCO in April 2020 or the first Culture Ministers' Meeting of the Group of Twenty (G20) held in Rome in July 2021. Regional dialogue has also been strengthened, with organizations such as the African Union, CARICOM, the European Union and MERCOSUR adopting declarations and action plans. Networks of local governments and CSOs have collected and disseminated information, promoted reflections on the impacts of the pandemic on culture, put forward recommendations and initiated new projects and activities. ResiliArt was launched by UNESCO as a series of debates on how the cultural and creative sectors were grappling with the pandemic. The movement has enabled exchange and learning, while also helping to increase solidarity with and among people working in the sector.

The future context of implementation for the Convention's underlying principles of solidarity, cooperation and openness will be extremely different. Mobility may have to be reimagined in more virtual, sustainable and environmentally friendly ways. It is also key to ensure that cultural policy remains committed to the diversity of cultural expressions at the domestic and at international levels, based on appropriate budgetary allocations and the principle of preferential treatment for artists and other cultural professionals, goods and services from developing countries. Furthermore, there is an urgent need to increase the limited resources assigned to culture in international development policies, as underscored in this and previous editions of the Global Report. Finally, in a context where new international negotiations are likely to happen in areas such as digital trade and international tax reform, it is important to recall the commitment to promote the objectives and principles of the Convention in other international forums (which is enshrined in Article 21). This is critical to ensure that the specific nature of the cultural and creative sectors, as well as any potential impact on the diversity of cultural expressions, are taken into account when other agreements are negotiated.

GOVERNANCE AND INFORMATION SYSTEMS

Beneath the global repercussions of the COVID-19 pandemic, there are many national and local implications that need to be addressed in particular ways. While the Global Report presents a general analysis of initial trends, there will be specific challenges and possibilities at the local, national and regional levels as part of this evolving situation. In this regard, it is increasingly necessary to foster participatory consultations with civil society and greater openness to collaborative governance involving governments and CSOs, with a view to jointly designing and implementing the aforementioned set of sophisticated and comprehensive policy responses. More integrated multilevel governance approaches that involve local and other subnational governments and that – where necessary – promote decentralization can also help to ensure that policies and measures are as tailored to the sector's needs as possible.

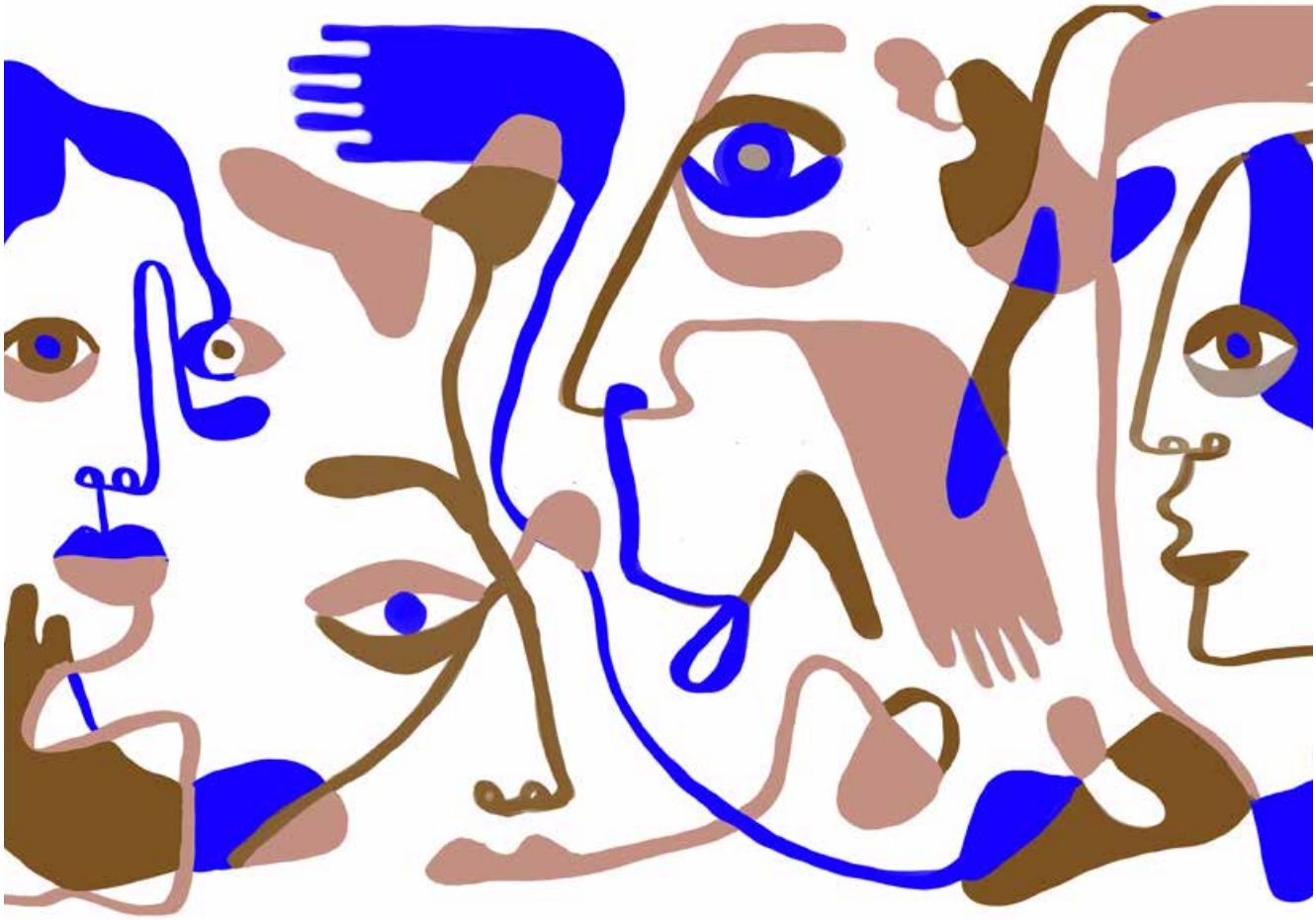
While the Global Report aims to provide a global overview of how Parties are implementing the Convention's goals and principles, it does not offer an exhaustive analysis of the pandemic's impact on the diversity of cultural expressions and related policies. Indeed, the crisis was still ongoing, albeit less severely in some regions, at the time of publication. Furthermore, the periodic reports submitted by Parties on measures to protect and promote the diversity of cultural expressions at the national and international levels, which are the main source of information for this report, were collected between June 2017 and November 2020. Even Parties that submitted their reports last could therefore not gather substantial evidence of the impact of the crisis on their cultural and creative sectors. Moreover, this account remains partial, due to long-standing and persistent difficulties in obtaining up-to-date data for some sectors, countries and regions. As emphasized in several studies over the years, the need to improve cultural information systems is central to the implementation of the Convention and its ultimate effectiveness (UNESCO, 2017).

One key lesson to learn from this crisis is that improvements in data collection (and in research and analysis into culture and its place in society) will enhance: measurement and understanding of the impact of a crisis; appreciation of the values of culture; and informed decision-making in culture and related areas.

FINAL REMARKS: A RETHINK OF LIFESTYLE AND CULTURE'S PLACE IN SOCIETY

Work began on this edition of the Global Report in late 2019, just as the COVID-19 crisis was beginning to take hold. The pandemic has brought about a loss of life and human connection, as well as an immense amount of general distress, for individuals, families and communities around the world. People deserve consideration, a greater level of mutual care and a rethink of how humans relate to health and well-being. In parallel, increasing evidence and awareness about the climate emergency are prompting a review of how we treat the planet and how we conceive of human and sustainable development (UNDP, 2020).

This review should involve a further acknowledgment of the value of cultural diversity as a legacy and a core asset of humanity, and a recognition of creativity as a process that helps people express and rethink their ways of being and becoming. These are some of the justifications for considering culture as a global public good with local, national and global implications. Furthermore, an enabling environment for the protection and promotion of a diversity of cultural expressions requires public support for culture, as well as participatory engagement in discussions about culture. Participatory cultural policy-making strengthens culture as a public good. However, as the former UN Special Rapporteur in the field of cultural rights noted in her report *COVID-19, culture and cultural rights*, any discussion about culture's contribution to building resilience and achieving the SDGs depends entirely on adequate support for these sectors, as failure to provide this would force artists and cultural professionals to focus on their survival and reconsider their career paths (Bennoune, 2021). The ability to innovate in and strengthen policies and measures to protect and promote the diversity of cultural expressions (based on local and global challenges) is particularly relevant here. The chapters included in this Global Report aim to present initial reflections on current work and emerging challenges in this field, as part of an ongoing dialogue that needs to be continually revisited.



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Goal 1

SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

Goal 1

SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

Ensure the sovereign right of States to adopt and implement policies to protect and promote the diversity of cultural expressions, based on informed, transparent and participatory processes and systems of governance

2022 REPORT CARD

National policies and measures support creation, production, distribution and access with regard to diverse cultural activities, goods and services and strengthen informed, transparent and participatory systems of governance for culture

4 QUALITY EDUCATION

8 DECENT WORK AND ECONOMIC GROWTH

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

17 PARTNERSHIPS FOR THE GOALS

Cultural and creative sectors | **Media diversity** | **Digital environment** | **Partnering with civil society**

PROGRESS

- More integrated policies resulting from interministerial collaboration and multistakeholder engagement mainstreamed in the governance of culture
- Spaces for public-civil dialogue are opening up
- Domestic content regulation and support for local media outlets are increasingly popular among States
- Significant efforts to support digital adaptation in cultural and creative industries, spurred on by COVID-19

CHALLENGES

- Public investment in culture has been declining for ten years
- Financial resources available to civil society are insufficient and opportunities to engage in policy processes, beyond dialogue and consultation mechanisms, are still scarce
- Media monopolies and the continued under-representation and misrepresentation of some social groups threaten media diversity and freedom
- Insufficient or inappropriate regulations and skills gaps in the digital environment increase inequalities

RECOMMENDATIONS

- Foster innovative funding and transversal collaborations at all levels
- Allocate targeted budgets and sustain transparent and participatory mechanisms
- Support community media, invest in diverse content production and design holistic media monitoring systems
- Guarantee fair remuneration for creators and foster discoverability of content online

DATA REQUIREMENTS

- Cultural and creative industries' contribution to GDP and cultural employment statistics
- Standardized and open public data on cultural expressions available online
- Data on media ownership and workforce and level of diversity in media content
- Access to digital media, revenues and copyright and digital content consumption

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Chapter 1

Building resilient and sustainable cultural and creative sectors

*Magdalena Moreno Mujica**

KEY FINDINGS

- *The 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions serves as a roadmap and stabilizing force, particularly during times of crisis, as it provides continued, integrated and flexible direction for cultural policy-making and legislation.*
- *While significant improvements in participatory cultural governance have been observed through the Convention's reporting mechanisms – particularly with regard to the engagement of civil society and multiple levels of government – the whole-of-government approach to cultural policy is only progressing slowly, mainly due to limited cross-portfolio and cross-agency collaboration.*
- *With a few exceptions, over the last decade public investment in culture has been steadily decreasing, and this has had a strong impact on the resilience and sustainability of the cultural and creative sectors – particularly in times of crisis.*
- *Although there are a relatively high number of education and training programmes in culture and creativity, there remain strong disparities among regions and in the cultural fields covered – especially in digital skills and cultural management.*
- *While the creation of decent economic opportunities for artists and cultural professionals has been a growing concern, the pre-existing vulnerabilities amplified by the COVID-19 pandemic call for a better recognition of the specific needs of artists and cultural professionals (including social security and well-being).*
- *Although some progress has been made in data collection and the development of cultural information systems (especially through the impetus from the Convention's Monitoring Framework), there remains a need to develop internationally agreed indicators on the cultural and creative industries, and work remains pending to fill the data gaps and build capacities for evidence-based policy-making and monitoring.*

*With contributions from Meredith Okell, research assistant.

The Convention is a roadmap for dynamic cultural and creative sectors

PROGRESS

ECONOMIC IMPACT

Culture and creativity contribute significantly to the global economy.

3.1% of global GDP

6.2% of all employment

INTEGRATED POLICIES

Culture is being more and more **integrated across the policy spectrum**

Permanent mechanisms are being set up for **interministerial dialogue**

Almost **80%** of Parties have **decentralized cultural policy mechanisms**

CHALLENGES

PUBLIC INVESTMENT

Public **investment in culture has been declining** over the last decade

EDUCATION

There is a **mismatch between education, training and employment opportunities**

Cultural management is under-represented in higher education

POLICY PRIORITIES

Most attention

Cinema/ Audiovisal arts

Music

Performing arts

Least attention

Media arts

Design

COVID-19 PANDEMIC

Global job losses estimated at **10 million** in 2020

Global demand for cultural content has increased but **distribution of work opportunities and revenue remains unbalanced**

Persisting **data gaps hinder transparency** and informed policy-making

RECOMMENDATIONS

PUBLIC INVESTMENT

Increase public investment and support mechanisms

WHOLE GOVERNMENT

Foster a **whole-of-government approach** to culture through multistakeholder and multilevel collaborations

WORK OPPORTUNITIES

Retain creative talent through integrated policies and regulatory frameworks, decent work and training

DATA

Make use of available data and invest in new data collection, **monitoring and evaluation**

CORE INDICATORS

Policies and measures support the development of dynamic cultural and creative sectors

Policy-making is informed and involves multiple public bodies

INTRODUCTION

2021 marked the International Year of Creative Economy for Sustainable Development. This came at the right time. It reminded the world of the importance of investing in creativity for tomorrow, as the Decade of Action begins and the clock is ticking to deliver the Goals of the United Nations 2030 Agenda for Sustainable Development. Acknowledging the power of creativity to mitigate the devastating effects of coronavirus disease (COVID-19) on people's lives, especially during lockdowns, the International Year of Creative Economy for Sustainable Development also offered countries the opportunity to tackle the vulnerabilities faced by artists and cultural professionals, to improve the resilience of the creative ecosystem and to harness its potential to build back better. One of the most successful platforms for making the voices of these key actors of creative ecosystem heard was offered by ResiliArt, a global movement launched by UNESCO on 15 April 2020 to capture their resilience and grievances in the face of the COVID-19 crisis through virtual debates (for more information on this initiative and the resulting recommendations, see Chapter 4).

The High-level Event on Culture and Sustainable Development, convened in May 2021 by the President of the United Nations General Assembly, H.E. Mr Volkan Bozkir, in partnership with UNESCO, was an opportunity to share experiences on the role of the cultural and creative sectors in fostering dynamic growth, accelerating sustainable development and leveraging post-pandemic recovery. Participants stressed the need to come together and break the silos to rebuild these sectors and unleash their creative energies.

The UNESCO World Conference on Cultural Policies and Sustainable Development, MONDIACULT 2022, will provide a new impetus to the global policy dialogue on culture for sustainable development, with a view to ensuring a more robust integration of culture across the public policy spectrum

As the sole international standard-setting instrument recognizing the complementarity of economic and cultural aspects of development, the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions provides an integrated policy framework for action. Parties have shown the way, grasping the need for swift action and mobilizing to establish a long-term strategy. The Culture Ministers' Meeting under the Italian Presidency of the Group of Twenty (G20) led to the adoption of a ministerial declaration on 31 July 2021, in which the importance of culture and creativity across the policy spectrum for sustainable and balanced economic growth was recognized. The Rome G20 Leaders' Declaration of 31 October 2021 endorsed this acknowledgment while also reaffirming the need to support workers, including in the cultural field, by facilitating access to employment, social protection, digitalization and business support measures. Similarly, the World Conference on Creative Economy, organized by Indonesia, held its second meeting in the United Arab Emirates to advance the creative economy agenda with a wide diversity of stakeholders for global recovery. These examples illustrate how the principles of the Convention can be activated, including in times of crisis, to cut across silos and strengthen cooperation at all levels. Looking forward, the UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022 will provide a new impetus to the global policy dialogue on culture for sustainable development, with a view to ensuring a more robust integration of culture across the public policy spectrum.

A RAPIDLY SHIFTING CULTURAL LANDSCAPE

One lesson learned from the Convention's 15 years of implementation is that the cultural and creative sectors cannot be the concern of cultural policy-makers alone. Indeed, this is borne out by notable shifts in the operating environment.

The universal and overwhelming impact of the COVID-19 pandemic, and the resulting economic crisis, have exposed and exacerbated challenges in the cultural and creative sectors. The pandemic has interrupted, disrupted and transformed cultural participation and the consumption of cultural content. It has also shed light on a range of pre-existing challenges, including the vulnerability of workers and organizations across the cultural and creative sectors.

UNESCO has sought to examine and raise awareness of the multidimensional impact of the pandemic on the cultural and creative sectors by bringing together the voices of a wide range of stakeholders through initiatives such as the Online Meeting of the Ministers of Culture, as well as consultations with regional intergovernmental organizations and development banks in April 2020 and the ResiliArt movement.

Building back better can only happen through a whole-of-government approach and participatory leadership at the local, national and international levels.

Globally speaking, this situation has highlighted existing political, economic, social, technological and environmental challenges, which affect the cultural and creative ecosystem while also driving it to adapt. For instance, with governments worldwide introducing climate mitigation and adaptation strategies and seeking to meet international targets and commitments, the climate crisis is receiving growing attention across all sectors – including the cultural and creative sectors. There are also signs of progress with regards to its inclusion in cultural policies by Parties to the Convention, which requires active cross-sectoral collaboration.

Creativity and innovation are inherent characteristics of the cultural and creative sectors. This means that they are well positioned to seize the opportunity for change. Building back better can only happen through a whole-of-government approach and participatory leadership at the local, national and international levels. Building on Parties' experience in reshaping their policies for culture and creativity, this chapter examines some of the seeds from which the future resilience and sustainability of these sectors will grow.

INTEGRATED POLICY-MAKING: LOOKING AT THE BIG PICTURE

THE CONVENTION AS A ROADMAP

There is a strong narrative around the multifold role played by the Convention in shaping cultural policy development since its adoption. Since the release of the 2018 edition of the Global Report, the Convention has continued to serve as a roadmap and stabilizing force. Not only does it support integrated policy-making and offer flexible policy realignment in times of disruption, but it has also been the basis for structural policy changes and policy discussions.

Overall, the Convention influences and encourages the development of comprehensive public policy in the sphere of culture. One of its defining characteristics is its flexibility, which allows it to be tailored to national contexts. Indeed, most Parties report that the Convention has helped them advance cultural policies, particularly in terms of how they sit within broader public policy debates and considerations. Furthermore, the Convention's approach to cultural policy-making based on the integration of the entire value chain targets not only artists and creators, but also producers, distributors and audiences – thereby strengthening the production and dissemination of local content and developing sustainable cultural and creative sectors. In Canada, for example, there is widespread understanding of the Convention through the government's in-depth civil society engagement and co-delivery; engagement and collaboration across provinces using the Convention as a cohesive collaborative tool to support sustainable cultural governance systems; and its application to national plans, such as Canada's *Anti-Racism Strategy* (2019-2022) and its various indigenous action plans (in response to calls from the Truth and Reconciliation Commission of Canada). Colombia, for its part, sees the Convention as a key instrument for developing measures across the entire cultural value chain. It also emphasizes that the Convention increases the visibility of the results of such measures through the monitoring of its implementation.

The Convention often serves as an instrument for wider review and improvement of existing policies, both within and outside culture portfolios

Indeed, as ratification commits Parties to a series of responsibilities, some of which are legally binding, the Convention often serves as an instrument for wider review and improvement of existing policies, both within and outside culture portfolios. A recent example is in Zimbabwe, where, amidst major legislative reform in 2019, the new five-year *Cultural and Creative Industries Development Strategy* was adopted. It guides strategic investment and fosters collaborative partnerships between the central and local governments, arts and cultural organizations and the wider community. The aim is the holistic development of cultural industries and their greater contribution to the country's Gross Domestic Product (GDP). At the same time, Zimbabwe has also taken significant steps to align its frameworks with international benchmarks on media freedom and freedom of expression. These have included the adoption of the Freedom of Information Bill to repeal the Access to Information and Protection of Privacy Act (2002) and the Outlawing of Criminal Defamation (2016). The legislative changes have enabled a freer flow of information, including access to cultural content.

Several Parties report that the Convention has served as a stabilizing instrument to streamline legislative frameworks in the cultural and creative sectors. Azerbaijan reports that it has now mainstreamed the Convention's principles in all its major legal and policy documents in the field of culture.

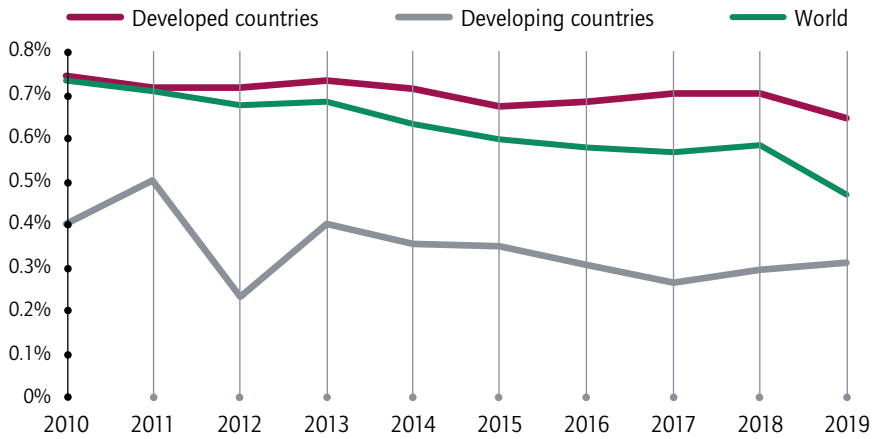
Barbados, for its part, plans to use the Convention and its reporting framework as a participatory policy-review mechanism, thereby facilitating an ongoing dialogue between Ministry of Culture, Sports and Youth and key stakeholders. In Niger, the government has restructured the ministry in charge of culture to align it with the Convention, and has incorporated its principles in the preamble of the National Cultural Policy Declaration, which guarantees the enhancement of creativity, freedom of creation and protection of intellectual property.

This stabilizing force also applies in complex environments. In Ukraine, the government is pursuing a decentralized model for cultural governance, inspired by the Convention's goal to support participatory systems of governance for culture. The establishment of a roadmap that involves communities, cities and regions, and that explicitly recognizes the central focus of the Convention in policy discussions, was a significant step in decentralizing the governance of culture there. In Palestine, the Ministry of Culture has leveraged the Convention framework to engage in participatory processes to draft specific laws to develop the cultural and creative sectors and protect freedom of artistic expression. These examples demonstrate that the Convention can provide a recognized and stable foundation for participatory governance and policy development, even in challenging contexts.

Finally, the Convention has remained relevant by adapting its mechanisms in response to emerging challenges and changes in the cultural and creative sectors. It can serve as a framework to address digital transformations (as shown by examples in Canada, France, Germany, Republic of Korea), climate-related issues (Austria, Germany, Ireland, Palestine), health and well-being (Australia, Lithuania, United Arab Emirates) or disruptions caused by the COVID-19 pandemic (Burkina Faso, Chile, Germany, Mali, Mexico), thus reinforcing the position of cultural and creative sectors vis-à-vis broader societal challenges – as enshrined in the Sustainable Development Goals (SDGs). Before the COVID-19 pandemic, research on the effects of the arts on health and well-being had grown considerably since the early 2000s. A 2019 World Health Organization (WHO) report summarising global evidence on the role of the arts in improving health and well-being, with a focus on the WHO European Region, demonstrated the beneficial impact of the arts in both mental and physical health from the point of view of prevention, management and treatment (Fancourt and Finn, 2019). Over the next few years, the collaboration between UNESCO and WHO should shed more light on the contribution of culture and creativity to health and well-being, as well as guiding innovative policy solutions to capitalise on the healing power of culture and creativity.

Figure 1.1

Mean government expenditure on 'cultural services' and 'broadcasting and publishing services' as a percentage of GDP, 2010-2019*



*Only countries having submitted data for at least 5 years in the period between 2000 and 2019 have been considered.

Source: International Monetary Fund (2020)/BOP Consulting (2021).

PUBLIC INVESTMENT IN CULTURE AND CREATIVITY

The cultural and creative sectors and their industries are evolving rapidly. The high speed of growth makes them a strategic investment for economic development. Through a combination of official statistics, their contribution to global GDP has been estimated at 3.1%. While it may not capture the full picture, considering the high level of informality within these industries, it still indicates how important they are to the global economy. In the European Union (EU) alone, the total revenue growth of these industries was estimated at almost 17% between 2013 and 2019 (EY Consulting, 2021)[1].

In the last decade, however, trends in government expenditure for the cultural and creative sectors (Figure 1.1) show an overall decline, with the exception of a slight increase in developing countries between 2017 and 2019. Information provided by Parties also reveals uneven public spending across regions, with Western Europe and North American States reporting the highest investment, in contrast with Africa, which has the lowest public budget for culture. This situation reinforces the inequality of economic conditions in the cultural and creative sectors across the globe, giving greater weight to the promotion and protection of some cultural expressions at the expense of others.

1. Data were analysed on the share of cultural and creative sectors in the GDP of 77 countries, including 73 Parties and four non-Parties to the Convention. Sources include QPRs submitted by Parties to the Convention, as well as data from the Organisation for Economic Co-operation and Development (OECD), the European Statistical Office (Eurostat) and other sources where necessary.

At a time when national increases to cultural budgets are more the exception than the norm, the pandemic has undeniably exacerbated these imbalances.

Creating strong policy, legal and regulatory environments that build on the complementary strengths of the cultural, creative and other sectors, as well as on the diversity of their stakeholders, is therefore more necessary than ever for harnessing the power of culture and creativity.

INTEGRATED POLICIES ACROSS THE CULTURAL VALUE CHAIN

In recent years, the Convention has proved to be a particularly effective tool for structuring the cultural and creative ecosystem across the entire value chain. As demonstrated by the previous edition of the Global Report series, the once linear cultural value chain has been transformed into an interconnected network model by the rise of digital technologies (UNESCO, 2018). Each node of the chain – creation, production, distribution and access – along with their interconnections and digital implications, must now be considered in the development of policies and regulatory frameworks (whether sector- or issue-based). This transformation also brings opportunities to involve other portfolios and sectors, such as trade, labour, education, innovation, welfare, health, industry or environment, and make progress towards the SDGs to which they are linked. Parties offer numerous examples of varied pathways to designing, developing and implementing integrated policies that respond to the cultural and operating environments in which they will be delivered. Such policies tend to address particular domains, sectors or issues, and may also be connected to other narratives and policy priorities, such as cultural rights, education, economic development or social cohesion.

One legislative pathway through reform and major policy review can be found in Mexico, where the government has focused on strengthening the production, dissemination, distribution and enjoyment of cultural content and products – making tools accessible for the development of the cultural economy and for greater innovation. Two major regulatory reforms in recent years underpin this approach. The adoption of the General Law on Culture and Cultural Rights (2017) and the Regulation of the General Law (2018) consolidated the legal framework of the country's cultural and creative sectors. These laws, which established mechanisms for the exercise of cultural rights, provide a basis for coordination between the Federation, federal states and municipalities and the participation of the social sector. Meanwhile, in Costa Rica, the first National Policy on Cultural Rights (2014-2023) now serves as the main framework for cultural policies and programmes. It has been complemented by an Affirmative Action and Inclusion Agenda and a Digital and Innovation Agenda to address social inequalities that hamper the fulfilment of cultural rights for all.

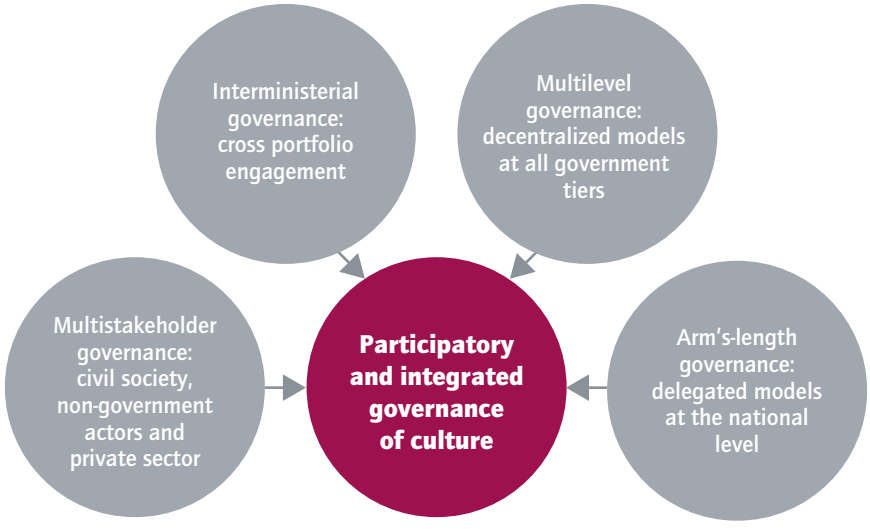
Other Parties have prioritized education, audience training and cultural participation. In this regard, the Finnish Ministry of Education and Culture developed a new strategy for cultural diversity based around equitable cultural rights, and strengthened creative competencies for economic growth. An array of tools for creating, producing and leveraging arts and culture also supports active citizenship and fosters a greater sense of community. The holistic approach to policy reform for training and stimulating critical audiences in Ecuador is another example. With its Cultural and Artistic Education Curriculum, Ecuador's Ministry of Education seeks to strengthen artistic skills and expressions, as well as the education of critical audiences to support cultural rights and dynamic cultural and creative sectors.

In recent years, the Convention has proved to be a particularly effective tool for structuring the cultural and creative ecosystem across the entire value chain

Overall, the trend towards a holistic approach to cultural expressions has been confirmed in recent years, leading to more sophisticated policy processes involving interministerial coordination and interdisciplinary collaborations with a diversity of stakeholders.

Figure 1.2

Participatory and integrated governance of culture under the Convention



Source: Moreno (2021).

PARTICIPATORY AND INTEGRATED APPROACHES IN CULTURAL GOVERNANCE

Participatory processes are essential to the development of integrated policies (Figure 1.2). They are at the heart of the Convention, which promotes multistakeholder engagement and stresses the central role of civil society in reshaping cultural policies. These processes also play an essential role in advancing SDG target 16.7 by ensuring responsive, inclusive, participatory and representative decision-making at all levels. Significant evidence suggests that a high level of participatory governance has been achieved by Parties, involving multiple ministries, different levels of government[2] and civil society organizations (CSOs), as recommended by the 2018 Global Report. This chapter highlights the need to consider another cross-cutting issue: the value of models based on the arm's-length principle, which delegate national responsibility for the governance of culture to institutions that are government-mandated, but autonomous or semi-autonomous in their institutional governance and operation.

INTERMINISTERIAL GOVERNANCE: CROSS-PORTFOLIO ENGAGEMENT

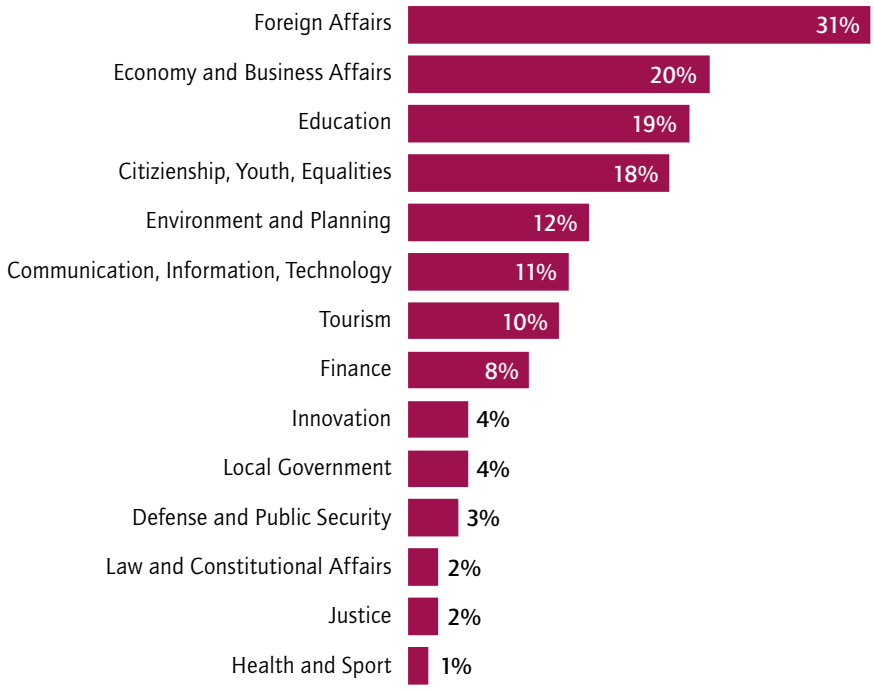
Interministerial cooperation and cross-portfolio engagement for the governance of culture is premised on the existence of a ministry – or an agency with ministerial status – that has responsibility for the cultural and creative sectors, which it may exercise, delegate and/or devolve. Almost all Parties, both developed and developing countries, have such an institution, thereby contributing to SDG target 16.6 on the development of effective, accountable and transparent institutions.

The interministerial logic in the field of culture and creativity seems to have been mainstreamed, with 93% of Parties reporting that they have used this form of cooperation to develop regulatory frameworks, sectoral laws, policies and strategies. However, analysis carried out for this chapter shows that only 6% of all policies and measures reported as direct support to the cultural and creative sectors involve one or more ministries without direct responsibility for these sectors. This discrepancy suggests that there is still significant room for improvement and indicates that there is a need to strengthen the technical and financial capacities of government departments responsible for cultural policy in order to enable them to harness potential synergies with other ministries and government agencies.

Evidence also indicates that interministerial collaboration for culture is most likely to happen with foreign affairs portfolios (31%), followed by portfolios for economy and business (20%), and education (19%) (Figure 1.3). This trend shows that countries acknowledge the role of culture and creativity mainly in relation to diplomacy, trade and industry – especially in the context of the creative economy. In 2013, the Inter-American Development Bank (IADB) argued, through its publication *The Orange Economy: An Infinite Opportunity*, for the value of the cultural and creative sectors based on their contribution to employment, cultural value, social impact and well-being. The development of Orange Economy models (Colombia, Honduras, Paraguay, Uruguay) in Latin America highlights how the transformation of ideas into cultural goods and services requires interlinked activities across a wide range of portfolios, which demands a comprehensive understanding of the cultural and creative ecosystems across diverse ministries and agencies (Box 1.1). Similarly, the development and implementation of Viet Nam's National Strategy for the Development of Cultural Industries involved a partnership across portfolios including information and communications; industry and trade; construction; finance; and planning and investment.

Figure 1.3

Policies and measures designed through interministerial cooperation, by remit of ministries*



*Not including ministries with a direct responsibility for culture, e.g. Ministry of Culture.
Source: BOP Consulting (2021).

2. The multilevel approach refers to policy processes involving two or more government levels (national, provincial, municipal and so forth).

Box 1.1 • *Embedding culture in national policy discourse – a whole-of-government approach*

Across the world, there are notable examples where culture has been embedded in broad national strategies. In particular, examples from Colombia, Indonesia and Ireland make a strong case for a whole-of-government approach. They share common characteristics, including:

- *Culture's proximity to the national authorizing environment, such as a dedicated office in the office of the President, Prime Minister or most senior authority;*
- *Cultural authorities' participation in key decision-making processes that embed the role of culture as a driver for development;*
- *Necessary budget allocations for culture across portfolios to support implementation; and*
- *Strategic thinking for the medium to long term, such as 2030 Agenda targets or other national targets.*

In 2018, Colombia created the National Council for the Orange Economy, following the adoption of the Orange Law, guaranteeing and encouraging the development of new cultural initiatives and products aiming to showcase the diversity of cultural expressions. The Council, which comprises seven ministries – Communications, Culture, Interior, Finance and Credit, Labour, Tourism and Trade – and five entities at the national level, coordinates the implementation of the Orange Law. This interministerial approach resulted in the establishment of new financial mechanisms providing transversal support for the cultural and creative sectors. It includes, inter alia*, income tax reductions for new cultural and creative ventures, tax discounts for investors in strategic cultural and creative projects, economic incentives for creative workers to make voluntary pension contributions and substantial seed capital grants.*

Similarly, in Indonesia, Law 24 on the Creative Economy was adopted in 2019 to establish a Creative Economy Masterplan and a dedicated public service agency in order to regulate the sector. It also aims to provide infrastructure, build the capacity of cultural practitioners and protect intellectual property to foster creation, production, distribution of and access to cultural and creative goods and services. A noteworthy example of the whole-of-government approach is the Coordinating Ministry for Human Development and Culture created in 2015, which is responsible for the implementation of the Masterplan. This entity aims to facilitate inter-agency cooperation and to ensure intersections for multilevel governance in the field of culture and creativity. To this end, it coordinates the work of seven Ministries with portfolios in education and culture; religious affairs; research and technology; health; social affairs; local development and inclusion; and gender, youth and sports.

Another example of the whole-of-government approach to cultural policy is Ireland's Culture 2025, published by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media in 2020. It builds on 'Creative Ireland' (2017-2022), a whole-of-government programme that covers transversal government agendas delivered through the prism of the arts, culture and creativity in areas such as youth or non-formal education. The 2020 progress report of the programme highlights the benefits of this approach, particularly in relation to the agility and speed with which the government was able to respond to the effects of the COVID-19 pandemic to combat isolation, create social cohesion and enhance well-being. For example, it reported the investment of US$4.5 million for the cultural and creative stimulus fund and US$600,000 allocated to new creative projects targeted to alleviate isolation and anxiety among older adults.

Sources: Colombia QPR, Indonesia QPR, Ireland QPR.

Coming closely behind economic outcomes, interministerial policy delivery frequently aims to promote the social outcomes of culture and creativity, including quality learning experience, inclusivity and community strengthening. In Canada, Nova Scotia's first Culture Action Plan 'Creativity and Community' focuses on advancing cultural diversity and inclusivity among the province's populations and the Mi'kmaq, a First Nations people. The Plan's design involved the collaboration of 17 government departments, offices and agencies.

Interministerial policy delivery frequently aims to promote the social outcomes of culture and creativity

A concrete example of forward-looking ways of using creativity is provided by Finland. The Ministry of Education and Culture, along with cultural operators, has worked in partnership with the Ministry of Social Affairs and Health to implement a Gender Equality Policy. This Policy imposes reporting requirements on all government departments and includes a gender equality clause in all the operational grants awarded by the Ministry of Education and Culture specifically.

One interesting trend in terms of interministerial cooperation is the emergence of sustained mechanisms to ensure regular dialogue in the fields of culture and creativity. Jamaica Creative, the country's culture and creative industries council, offers an interesting example. It was initially created in 2013 and then reactivated in 2018 with a dedicated annual budget and staff to provide an integrated approach to policy-making. It ensures continuous communication with ministries, government departments and agencies and is tasked, *inter alia*, with facilitating partnerships and consultations with all relevant stakeholders in the cultural and creative industries.

MULTISTAKEHOLDER GOVERNANCE: CIVIL SOCIETY AND OTHER ACTORS

The Convention recognizes the central role played by civil society in protecting and promoting the diversity of cultural expressions. A multistakeholder approach to cultural policy and governance is therefore one of the Convention's key features, encouraging actors from across the cultural ecosystem to participate and contribute to the process.

A greater breadth and depth in the involvement of CSOs at the institutional level can be noted over the last few years. An example can be found in Chile, where an extensive national consultation that included Indigenous Peoples resulted in the creation of the Ministry of Cultures, Arts and Heritage in 2017. This new authority is based on the concept of cultural citizenship to encourage individuals and communities to participate in the creation, enjoyment and distribution of cultural goods and services. It reflects an evolution in public cultural institutions – and the sector more broadly – which makes space for citizens to play a more active role in creating and implementing public policies.

In this regard, a growing focus of many Parties is to go beyond the initial co-design of cultural policies and ensure ongoing dialogue and participatory monitoring, evaluation and review of measures for the cultural and creative sectors (as illustrated by examples in Argentina, Burkina Faso, Canada, Cyprus, Czechia, Ethiopia, Germany, Iceland, Kenya, Malawi, Mexico, Morocco, Republic of Korea, Rwanda, Slovakia, Uganda). Involvement of civil society – from non-governmental organizations and associations to unions, syndicates or individual cultural practitioners and artists – throughout the policy cycle fosters ownership and ensures sustainable and transparent policy responses in line with the needs and potential of the cultural and creative sectors. For a detailed analysis of the different forms of partnerships with civil society, see Chapter 4.

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During the 2020 pandemic, artists were among the first on the front lines, and were also in the demographic of those hardest hit economically (as many in the arts depend on mass gatherings for performance or creation of their work). Health systems around the world relied on the creative sector to strengthen health messaging, fight misinformation but mainly to reinforce our ties to each other during periods of anxiety, grief and the isolation of lockdown through artistic engagement (often through improvised online means).

There are many compelling arguments for supporting and investing in the arts, from the virtuous economic cycles of the creative economy and supporting a sense of identity and community among peoples, to simply supporting the arts as a celebration of human imagination and creativity. Yet one area that has recently attracted increased attention is the health benefits of the arts. With the publication of WHO's landmark report on the subject, What is the evidence on the role of the arts in improving health and well-being?*, a global conversation has emerged that goes beyond how the arts can be used for effective health messaging. Across the arts, the report shows evidence for how music, visual arts, dance and other forms of creative expression can positively impact recovery from physical injury, help support mental health and also contribute to social well-being. A growing network of research institutions around the world is not only looking at effective arts-based health interventions and how they measurably improve health, but also the reasons why – delving into the neurology and biochemistry of the aesthetic experience.*

The potential ramifications of this work seem encouraging, suggesting that the evidence base will be sufficient for grounded policy recommendations about national investment in the arts to improve the health of individuals and communities within a few years. To that end, WHO and UNESCO are working together to bring Culture Ministries and Health Ministries into dialogue to explore how to fund and implement polices where the arts are seen not only as cultural heritage, but as an investment in the health of all people. Because hope is a creative act.

Christopher Bailey

Arts and Health Lead, World Health Organization

Overall, flexibility and sustainability should be central to civil society and citizen engagement. For this to happen, permanent mechanisms – such as multistakeholder committees and working groups – should become standard practice among Parties. Morocco and Senegal, for example, have institutionalised their consultation mechanisms for participatory policy monitoring. Burkina Faso, for its part, is working to establish an interministerial committee including civil society that will hold regular multistakeholder consultations on culture. Established CSO consultation and participation mechanisms tend to allow for more responsive and tailored policy responses.

The types of interventions needed to create an enabling environment for cultural and creative industries generally require partnerships between a range of public and private actors. Collaboration with the private sector is also increasing, particularly in relation to the creative economy. While the previous edition of the Global Report highlighted the use of public-private partnerships mainly in developed countries, especially as a lever to improve diversity and access to cultural products and activities, it seems that developing countries have also taken up this mechanism. They facilitate policy innovation, both by opening up new spaces for dialogue within the creative ecosystem and by strengthening the contribution of the cultural and creative sectors to economic development. Barbados enacted a policy framework – the Cultural Industry Development Act – to encourage public-private partnerships, while Chile launched a public-private alliance between the Chamber of Commerce, the Ministry of Cultures, Arts and Heritage and the private sector to create the first creative economy market in the country. Between 2017 and 2019, the number of applications has increased by more than a third each year, and many new business deals have been struck, suggesting that this networking platform plays a key role in strengthening the competitiveness of creative businesses, their productivity and their strategic positioning.

The types of interventions needed to create an enabling environment for cultural and creative industries generally require partnerships between a range of public and private actors

At the global level, UNESCO and the World Bank partnered for the first time in a joint initiative to foster cultural and creative industries in cities as part of their recovery and development during and after the COVID-19 pandemic. In May 2021, the *Cities, Culture, and Creativity* Framework for Action was released to provide guiding principles to support cities in unlocking the power of cultural and creative industries for sustainable urban development, city competitiveness and social inclusion (UNESCO and World Bank, 2021). Drawing from global studies and the experiences of nine diverse cities from across the world, the Framework offers concrete guidance for a wide range of actors, including the private sector, since the transformative impact of cultural and creative industries requires partnerships between different levels of government (including local) and a range of stakeholders (including the private sector).

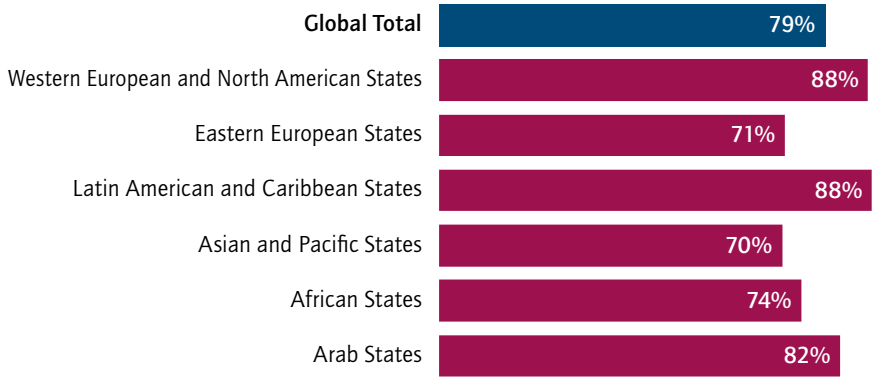
MULTILEVEL GOVERNANCE: DECENTRALIZED TIER MODELS

In order to ensure the most comprehensive implementation of the Convention, it is also necessary to rely on multilevel governance and an effective distribution of responsibilities between existing levels. There is a diversity of models for public governance, with different tier systems of government – from federal, central, regional, state and provincial to governorates, *länder*, emirates, cantons, cities and local municipalities – as the vast majority of Parties operate with some form of decentralization. Almost 80% of Parties report having regional, provincial or local governments or administrations with decentralized responsibilities for cultural policy-making. The greatest level of decentralization reportedly exists in Western Europe, North America and in Latin America and the Caribbean (88%). Arab States also score fairly highly, with 82% reporting having decentralized models of governance for culture (Figure 1.4).

Regardless of the national governance structure, decentralized, multitier government engagement and collaboration can improve policy design, implementation and monitoring for the cultural and creative sectors by adhering to shared principles and developing complementary strategies.

Figure 1.4

Regional, provincial or local governments or administrations with decentralized responsibilities for cultural policy-making



Source: BOP Consulting (2021).

In Australia, for instance, the role of the federal, state and local governments are complementary, as exemplified by the design and implementation of the National Arts and Disability Strategy, which sets out a framework for supporting people with disabilities to participate fully in the arts and cultural life. It was elaborated in the framework of the Meeting of Cultural Ministers (MCM), comprising state and territory arts and culture ministers, and in consultation with arts and disability stakeholders. Through the annual MCM, governments work towards consistent policy and planning approaches, share information and resources and standardize approaches to data collection. The Strategy, which has successfully improved cultural participation, will be renewed to further facilitate collaboration between the Australian Government, state and territory arts agencies and national disability support agencies. Similar examples of decentralized models of multitier government engagement can be found in Mali, with the Support Unit for Decentralization that works with local authorities and civil society, and in Burkina Faso, where the cultural and creative sectors were included in local development planning. To date, 351 Burkinabe communal development plans take these sectors into account, as well as all new regional development plans. Guides to strengthen local cultural capacities were also developed and several urban communes created a position of deputy mayor for culture. Similar examples of multilevel collaboration have been identified in Costa Rica, Croatia, Iceland, Indonesia and the United Arab Emirates.

Decentralized tier models also enable States to maintain active dialogue with a wide network of stakeholders on policy issues and trends, particularly in changing landscapes, and to enhance knowledge and resource sharing. They also provide an opportunity to experiment/operate with participatory policy-making methods at the local level, which in turn can inspire policy-making methods at the national level and make the inclusion of civil society and other stakeholders at this level more systematic. In Lithuania, for instance, the Model for Sustainable Regional Cultural Development approved in 2018 empowers local communities by devolving decision-making powers on policy priorities and the distribution of funds for art and culture to the regional level. To this end, ten Regional Arts Councils were created. Each of them includes two representatives from the corresponding municipalities (one from the public authority and one elected by the local creative community), leading to increased activity of cultural project managers in the regions and more trust in the Lithuanian Council for Culture as a main funding institution.

Regardless of the national governance structure, decentralized, multitier government engagement and collaboration can improve policy design, implementation and monitoring for the cultural and creative sectors

Peru, for its part, has created a network of public cultural officers from 43 district municipalities, allowing for collaborative work, knowledge production and peer-to-peer learning. The Public Management Meetings on Cultural Industries and Art in Peru launched in 2019 proved to be instrumental in strengthening territorial coordination with the new district municipal administrations of Metropolitan Lima and designing sustainable cultural development plans. As part of the Tunisia 2016-2020 national development plan, new forums such as the consultation gateways with all cultural actors were created, and the private sector was engaged through the laws on cultural patronage and public-private partnership. In 2020, faced with the health crisis, the Ministry of Cultural Affairs launched its call for contributions to the *Fonds Relance Culture* (Culture Revival Fund), based on the tax benefits provided by the law on cultural patronage.

Besides the most common decentralization models, some Parties have reported extensive policies and measures for the cultural and creative sectors implemented autonomously by subnational governments and administrations. This form of decentralized and devolved responsibility can be found in Argentina, where the City of Buenos Aires supports vulnerable communities through its social integration programmes (such as *Arte en Barrios* (Art in the Neighbourhood) and the *Pase Cultural* (Cultural Pass)) or in Canada, where Quebec has an international investment strategy for the cultural and creative sectors. It can also be found in Jordan, where designation of governorates within the framework of the Jordanian 'Cities and Provinces of Culture Programme' is a lever for regional cultural development, allowing for the implementation of new cultural projects and activities, in collaboration with local civil society organizations. In general, decentralization thus seems to be more conducive to: participatory models of cultural governance; transversal approaches to culture across the whole range of public policies that optimise integration into sustainable development policies; and a greater degree of innovation that can in turn inform policies at the national level – especially in the light of how cultural and creative sectors are concentrated in cities.

ARM'S-LENGTH GOVERNANCE: NATIONAL DELEGATION MODELS

Arm's-length institutions usually operate at the national level to support and/or invest in the cultural and creative sectors, playing a key implementing and advisory role in the governance of culture. They tend not to be subject to political change in the same way as ministries, at least at the decision-making level, which allows them to support more sustainable governance for culture. As specialized agencies, they also have sound knowledge of sectoral issues.

This allows them to provide capacity and skills sector development and engage in high levels of civil society participation (especially through peer-assessment models for making decisions about public spending). In this respect, arm's-length institutions directly advance SDG target 16.6 on effective, accountable and transparent institutions at all levels.

The arm's-length agency model, typically known as an arts council, is found in former British Commonwealth countries, in Nordic countries, in Eastern Europe and an increasing number in Africa, South-East and Southern Asia and the Pacific. Indeed, an analysis conducted for this chapter shows that more than one Party out of every two (54%) has at least one government agency with delegated responsibilities for the cultural and creative sectors. In many countries, especially in Latin America, North Africa, the Middle East and Western Europe, governments have also set up arts and cultural councils to engage civil society in decision-making processes. However, they tend to remain government departments that operate without the principle of arm's-length and/or are advisory only.

Arm's-length agencies are central to implementing the Convention, its principles and objectives. Some countries have entrusted them with the point of contact role responsible for sharing information on its implementation. This is the case in Sweden, with the Swedish Arts Council, or in The Gambia, with the National Centre for Arts and Culture or committees.

Adopting the arm's-length principle often means that the operational, policy and executive life cycles of these institutions are intentionally separate from government administration cycles. They therefore tend to occupy a unique space in the public governance of culture, as partners to both central government and the sector, and are responsible for the disbursement of public funds for the cultural and creative sectors. Their position and agile organizational structures often enable them to deliver major government initiatives and reforms and allow for high efficiency dividends, when comparing operational costs to programmatic outputs. The benefits of these agencies were particularly evident in the context of government rescue and stimulus packages during the COVID-19 pandemic, as they acted on behalf of central governments in the disbursement of emergency financial support (as in Bulgaria, Canada, Denmark, Finland, Ireland, Namibia, Netherlands, Norway, Republic of Korea, Sweden, Switzerland, South Africa, Ukraine, United Kingdom and Zimbabwe).

Box 1.2 • *Participatory policy monitoring: sustained dialogue for policy changes*

In Senegal, national consultations on participatory design and monitoring of cultural policies for the elaboration of its quadrennial periodic report were undertaken between public institutions and civil society – thereby creating a community of practice. As a way to sustain these mechanisms, focal points from civil society were appointed to act as relays to a wider group of actors functioning as umbrella organizations. Measures were also adopted to implement the recommendations deriving from the consultations and previous monitoring and reporting exercises on the implementation of the Convention. For example, one of the challenges identified was the institutional fragility that jeopardized the continuity of participatory monitoring processes. To address this, Senegal chose to create an observatory of cultural policies to monitor and evaluate the country's achievements and challenges in the cultural and creative sectors. It will also serve to inform future policy development. In parallel, Senegal organized training workshops with regional cultural officials to build their capacity in data collection. By promoting a more decentralized approach, the country is securing a network of trained professionals to support its participatory governance of culture.

Similar results were achieved in other partner countries involved in UNESCO's capacity-building programme for participatory policy monitoring, supported by Sweden. For instance, Mongolia, where 80 experts were trained to analyse national cultural policy against the Convention's goals, ended up creating a stand-alone Ministry of Culture. This has enabled significant development in the cultural sector, including the drafting of the Law on the Promotion of Cinematography (2019), due to be approved by Parliament in 2020.

BUILDING CAPACITY IN GOVERNANCE

Sustained participatory governance requires not only dedicated spaces for dialogue, but also capacities to establish and nurture exchanges. One of the objectives of the Convention, as laid out in Article 1, is to enhance the capacities of developing countries in order to protect and promote the diversity of cultural expressions. In this vein, the Convention calls on UNESCO to pay particular attention to capacity-building and strengthening Parties' expertise upon request (Article 19). The efforts of Parties, UNESCO and other international or regional organizations to build capacities over the last few years have been successful, showing substantial improvement in policy monitoring, information and knowledge sharing and South-South peer exchange.

The results reported following capacity-building programmes demonstrate that the impact of investment extends far beyond individual projects and related training periods

The results reported following capacity-building programmes demonstrate that the impact of investment extends far beyond individual projects and related training periods (Box 1.2).

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Cultural and creative industries have become a vital force in accelerating human development. They empower people to take ownership of their own development and stimulate innovation that can drive inclusive sustainable growth. If well-nurtured, the creative economy can be a source of structural economic transformation, socioeconomic progress, job creation and innovation while contributing to social inclusion and sustainable human development. Cultural and creative industries' potential to make a significant contribution to the achievement of the SDGs is recognized by the 2030 Agenda for Sustainable Development.

Cultural and creative industries are among the most rapidly growing sectors, generating nearly 50 million jobs worldwide and employing more people in the 15–29 age group than any other sector. Employment in these sectors favours women and youth. However, the cultural and creative economies have been hit hard by the COVID-19 pandemic impacting livelihoods, artist mobility, market access and artistic freedom, together with broader repercussions for the value chain of suppliers and service providers. The crafts sector, a critical employment provider, has experienced a massive downturn.*

To make cultural and creative economies resilient to future shocks, it is imperative for governments to consult artist advocacy organizations in policy-making, improve social safety nets for employees in these sectors and push development and innovation in digitalization to not only support the resilience and growth of the creative economy, but bring about innovation in other sectors such as education and health care as well.

Creative work also promotes respect for human dignity, equality and democracy, all of which are essential for humans to live together in peace. My Presidency of Hope is inspired by the need to instil hope, following the many months of disease, despair and devastation. I applaud UNESCO for bringing out this timely publication. Let us work to rebuild a world that delivers for people, the planet and for prosperity.

Abdulla Shahid

President of 76th United Nations General Assembly

*According to the UNESCO study *Cultural and creative industries in the face of COVID-19: an economic impact outlook*, at least 48.4 million Full-Time Equivalent jobs.

Through participatory governance, new regulatory frameworks and sectoral strategies for the cultural and creative sectors have been adopted, revised or are under formulation in developing countries (Barbados, Chile, Iraq, The Gambia). This increase in policy generation reflects the power of participatory governance in identifying the needs of the creative ecosystem, setting priorities and co-constructing policy responses. As such, and in response to a growing demand, increased support to these programmes to allow more Parties to participate would undoubtedly be beneficial for the protection and the promotion of the diversity of cultural expressions. The creation of a network of training programme alumni to enable peer-to-peer learning and exchange on the governance of culture at global or regional levels could also be worth considering.

SECTORAL LAWS AND POLICIES: MAIN FOCUS ON CINEMA, AUDIOVISUAL AND MUSIC

Policies that consider the entire cultural value chain can either cover the cultural and creative sectors holistically or focus on specific cultural domains (such as music, cinema, visual arts and so on). Indeed, new policy development or reform cannot always occur across all cultural domains at once. Even if this were possible, each sector has its own challenges and particularities that can only be addressed through specific actions. This section will focus on two sectors that have received the most attention from policy-makers around the world – cinema and audiovisual, and music. Indeed, while most Parties (97%) have reported revising or adopting new sector-specific laws, policies and/or strategies to support the cultural and creative industries over the last four years, there is a notable disparity between sectors. Cinema and audiovisual, and music and performing arts have been the areas of greatest focus for new measures (28% each), followed closely by visual arts (27%) and publishing (21%). In contrast, fewer measures were taken in relation to media arts (19%) and design (13%).

MULTIFACETED SUPPORT TO THE CINEMA AND AUDIOVISUAL SECTORS

The creative industries with larger investment needs tend to be subject to greater regulation, as is the case for the cinema and audiovisual sector. A greater requirement for regulatory frameworks is also consistent with export strategies and measures to support the distribution of cultural goods and services, with Parties reporting the greatest number of export strategies for the cinema and audiovisual sector (66%).

Cinema and audiovisual, and music and performing arts have been the areas of greatest focus for new measures (28% each), followed closely by visual arts (27%) and publishing (21%)

In recent years, new laws, policies, action plans and other regulatory frameworks have been adopted or are under preparation to structure the film sector (Iceland, Ireland, Kenya, Paraguay, Peru, Slovakia, Ukraine). In Ethiopia, for instance, the adoption of the Film Policy (2017), which focuses on job creation for youth and women, shows the country's strategic interest in this sector. This policy responds to the rapid growth of the Ethiopian film sector, where an estimated 57 feature films were produced in 2018 alone. However, the effective implementation of the policy faced several obstacles, including the lack of institutional frameworks to implement the measures envisaged in areas such as equipment taxation, distribution infrastructure or the fight against piracy. With the support of the EU, UNESCO has supported Ethiopia in setting up a task force with the government, professional associations and the private sector to support the implementation of the policy that is paving the way for the creation of the Ethiopian Film Institute. The latter will be instrumental in building the capacities of film professionals and channelling funds for the production and distribution of quality films. Similar efforts are under way in Palestine, where UNESCO and the EU are supporting the country in developing the necessary legal framework to stimulate the film industry – including the establishment of the Palestine Film Institute.

The previous edition of the Global Report highlighted that regular direct expenditure on domestic film production is common across all developed countries (93%), but much less so in developing countries (31%) (UNESCO, 2018). Although public investment in the film industry takes different forms – from public grants to dedicated funds to fiscal incentives such as tax credits – this trend seems to be continuing. Most of the Parties that report the introduction of financial mechanisms to support domestic creation and production are developed countries (Belgium, Bulgaria, Canada, Iceland, Ireland, Italy). It should be noted, however, that some initiatives have recently been introduced in developing countries as well, such as in Costa Rica, Mali, Mexico or the Syrian Arab Republic. In 2019 alone, Mexico was able to support 59 investment projects in national film production and 29 such projects in film distribution through the EFICINE fiscal incentive. Coordinated by the Ministry of Culture and the Ministry of Finance and Public Credit, the incentive applies a tax credit to individuals and companies that contribute to investment projects supporting the production, post-production and distribution of fiction, animation and documentary films.

The surge in production in Africa is particularly striking. The first comprehensive mapping of the film and audiovisual industries in 54 of the continent's countries undertaken by UNESCO between 2020 and 2021 reveals a diversity of economic models behind this dynamism. While the potential of these industries remains largely untapped, the report estimates that they have the potential to generate US$20 billion in revenues yearly and to create over 20 million jobs with further investment.

Africa's film and audiovisual industries currently employ an estimated 5 million people and account for US$5 billion worth of GDP. No fewer than seven countries (including Sudan, Zambia and Zimbabwe) have developed draft film policies, while a number of others have updated existing frameworks (UNESCO, 2021*c*). Other innovative forms of support for film creation and production are developing in the region, where regional platforms and public-civil society partnerships are directly contributing to the development of a vibrant industry.

The first comprehensive mapping of the film and audiovisual industries in 54 of the African continent's countries undertaken by UNESCO between 2020 and 2021 reveals a diversity of economic models

For example, the first edition of SENTOO (2019), a programme of the National Centre for Cinematography of Tunisia, was designed in partnership with similar bodies in Burkina Faso, Mali, Morocco, Niger and Senegal and African professionals. It offered writing residencies in the partner countries, a production and co-production workshop, development grants and networking opportunities to support creation and production in the film sector and foster South-South co-productions – especially between sub-Saharan Africa and Maghreb countries. SENTOO is an innovative example of collaboration and pooling of resources on a regional scale. A second edition was launched in 2021, gathering writers and directors from Burkina Faso, Côte d'Ivoire, Mali, Morocco, Senegal, Togo and Tunisia.

Incentives for foreign productions have become widespread. Besides traditional co-production agreements, such incentives can take the form of cash rebates, simplified co-production schemes or dedicated infrastructures (Cyprus, Finland, Mauritius, Norway, Poland, Slovenia, United Arab Emirates), showing Parties' particular interest in exploiting their potential as shooting destinations to join the global film market.

Public investment in distribution is still less common, which raises questions about the dissemination of domestically produced films and the ability of audiences to access a diversity of content – especially at a time when major digital platforms are now concentrating their efforts on all links in the value chain (see Chapter 3). The COVID-19 pandemic has also accelerated the existing trend towards digital transformation and the adoption of new business models. Global streaming platforms and niche services have overtaken traditional broadcasters and pay-TV providers, benefiting from the rise in audio and video consumption – particularly in Europe, North America and Asia and the Pacific (BOP Consulting, 2021). This adds to challenges brought about by COVID-19 (such as financial loss, inability to film *in-situ*, social distancing or other health protocols and limits to international and national mobility) and other pre-existing issues requiring regulatory reform, including tackling the industry's environmental impact, lack of diversity on and off screen and gender inequality. These issues will be discussed in more detail in Chapters 8, 2 and 9, respectively.

Collecting global and regional data on the state of the cinema and audiovisual sector remains a challenge. However, assessing the impact of COVID-19 should be a priority to enable policy-makers to provide adequate and targeted support to the industry. As an indication, in Europe it is estimated that 'the audiovisual sector lost over 10% of its revenues in 2020 compared to 2019, and close to 15% excluding on-demand services' ((Cabrera Blázquez et al., 2021). Alarmingly, future public investment in the cinema and audiovisual sector is also expected to decrease. As public service broadcasters, film funds and indirect production incentives are the principal focus of public funding, they may face budget reductions as governments repay debts from COVID-19 stimulus packages (Cabrera Blázquez et al., 2021).

LIMITED SUPPORT FOR CREATION AND EQUITABLE REVENUE DISTRIBUTION IN THE MUSIC SECTOR

From the major record labels to various diverse independent scenes, the music sector at large has also seen various changes over the past four years – mainly due to digital influences. In 2019, the International Federation of the Phonographic Industry (IFPI) reported the fifth consecutive year of global recorded music revenue growth at 8.2%. It also reported continued growth in digital and streaming revenues, which accounted for more than half (56%) of the global recorded music market. Revenue from physical performance and performance rights in the pre-COVID period was notably lower than streaming, downloads and other digital revenue streams (20% and 11% compared to 68%, respectively) (IFPI, 2020). Moreover, considering the persistent streaming value gap[3] magnified during the COVID-19 pandemic, and the fact that live music remains the mainstay of artists' income, it suggests that the revenue share among creators, producers and distributors remains highly unequal. This was corroborated by a situational analysis of the music sector carried out by the National Arts Council of Zimbabwe in 2021. According to the findings, while 34% of Zimbabweans consume music primarily through streaming, only 27% of consumers reported having a paid subscription to a streaming platform and 68% of musicians declared making no revenue from streaming in the preceding year. However, considering that unpaid subscriptions are usually monetized through advertising, the reason for the streaming value gap is probably the unequal distribution of revenues between artists, producers and distributors.

3. The streaming value gap is understood as the disparity between the value that music-streaming platforms extract from musical content and the revenue generated by those who create and invest in the creation of such content.

A study focusing on South Africa also showed that the streaming of live performances was found to plateau at a maximum of 30% of physical live performance revenues (Concerts SA, 2020), suggesting that future regulatory frameworks and policy responses should primarily address the challenges raised by digital technologies. In the light of the evidence available so far, policies in this field are very rare.

Before the COVID-19 pandemic, the policy focus was mainly on music education (Austria, Azerbaijan, Chile, Switzerland) or on training and mentoring (El Salvador, Iceland, India). New courses and diplomas were created in developing countries, such as Mauritius and Rwanda. As a result of a public-private partnership in France, a new national music institution was set up as a hub to foster the national and international development of the French music sector under the Ministry of Culture. Fewer countries provided financial support to music creation, production or distribution. Iceland established a fund for the recording and publishing of music, while India and Croatia introduced targeted grants. Italy, for its part, implemented a tax credit for music production companies. None of the Parties except Canada reported specific measures to address the challenges brought about by digital technologies in the music sector. Between 2017 and 2019, the *Plan d'action pour la musique* (Music Action Plan) implemented by the Ministry of Culture and Communications of Quebec in collaboration with several professional associations made it possible to stabilize the revenues of Quebec's music enterprises, to maintain investments in the production of sound recordings and shows and to create a common base of musical metadata with an indexing tool.

There is a strong involvement of civil society in the music sector, especially in developing countries. Organizations tend to invest mainly in training (Colombia, Cyprus, Ethiopia, Timor-Leste), followed by funding (Andorra, Ecuador) and networking (Colombia, Mauritius). In Senegal, a public-civil society partnership supports music production in regional cultural centres by setting up recording studios.

It allows artists to access quality equipment outside Dakar thanks to the application of negotiated rates, thereby upgrading music production at the regional level. It also fosters job creation in the music industry through training in music recording and studio management for young people.

ACHIEVING PROFESSIONAL AND FORMAL CULTURAL AND CREATIVE SECTORS

EDUCATION AND TRAINING: RETAINING TALENT

For the diversity of cultural expressions to thrive, culture, creativity and education must be seen as going hand in hand: they should be considered together from early childhood interventions to tertiary curricula. In order to strengthen the cultural and creative sectors' contribution to sustainable and inclusive economic growth and decent employment, the relevant knowledge and skills need to be taught and nurtured at the earliest possible stage, and then integrated into educational approaches aimed at developing talent. Arts education is essential to ignite creativity and innovation, and establish viable career paths for future generations.

Arts education is essential to ignite creativity and innovation, and establish viable career paths for future generations

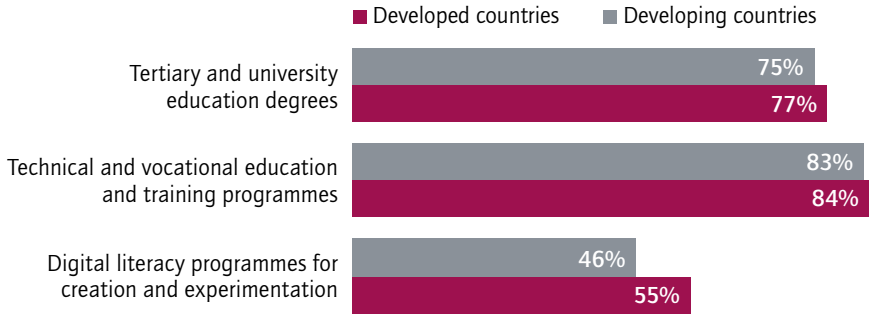
Most Parties (83%) have chosen to invest in technical and vocational education and training programmes in the arts and cultural and creative sectors, in line with SDG target 4.4 to substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship. Tertiary and university education degrees in these fields are also rather widespread among Parties (76%).

However, the same cannot be said for digital literacy programmes for creation and experimentation, which exist in just 49% of Parties. This demonstrates that understanding and adapting to the digital environment is still a challenge for the cultural and creative sectors, and that it will remain so until future generations are trained in these new technologies. It is worth noting that, when segmented between developing and developed countries, the percentages remain fairly even for education and training programmes – regardless of their type (Figure 1.5). Differences start to show at the regional level. Considerable emphasis has been placed on digital literacy in Western Europe and North America (75%) and in Latin America and the Caribbean (65%). In comparison, only 30% of Parties in Asia and the Pacific and in Arab States report having programmes on digital literacy. When focusing on university degrees and vocational training programmes (Figure 1.6), the vast majority of Parties have university degrees and training programmes in visual arts, performing arts and music.

While there is greater divergence between the availability of education and training programmes in publishing and media arts, they are still provided by the majority of Parties. Programmes in cinema and audiovisual arts are least likely to be provided, despite the fact that it is the most common cultural domain for policies and measures to be applied and reported. This relatively low level of programmes on offer raises questions about how the domestic talent base will develop the necessary skills to participate fully in the global film and TV industry. The low representation of cultural management in education and training pathways is also particularly alarming. More attention needs to be paid to training the new generation of policy-makers and managers if there is to be sustainable governance of culture.

Figure 1.5

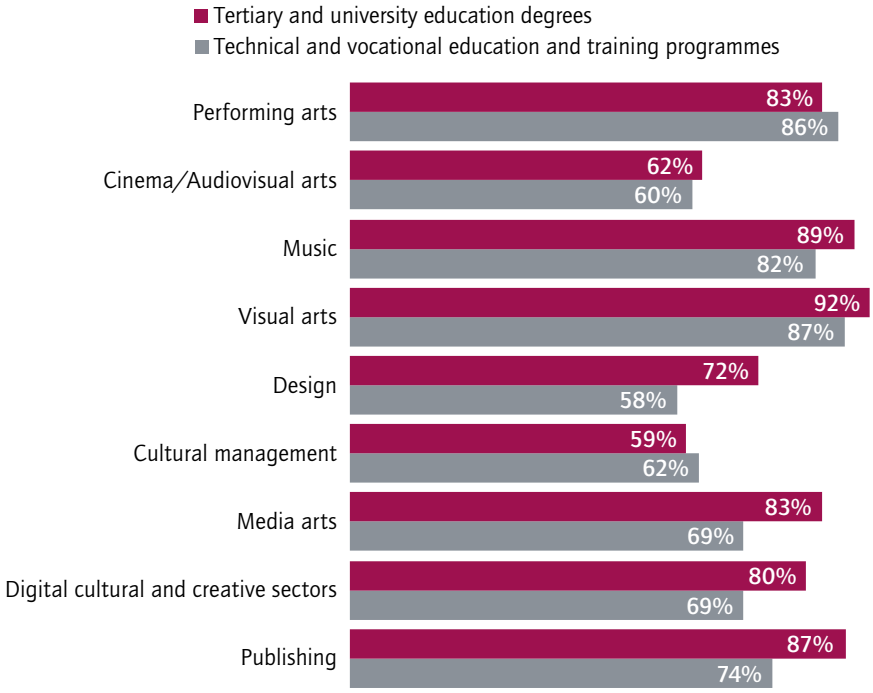
Specific education and training programmes in the arts and the cultural and creative sectors by types, by developed/developing countries



Source: BOP Consulting (2021).

Figure 1.6

Specific education and training programmes in the arts and the cultural and creative sectors, by cultural domains



Source: BOP Consulting (2021).

Non-formal and informal learning play an equally important role in the development of essential cultural and creative competences. In Burkina Faso, against a backdrop of limited formal training in the fields of arts and culture combined with high costs, civil society organizations regularly develop non-formal training to meet the growing needs and expectations of artists and professionals, with a view to their professionalization. For example, the *Atelier permanent d'initiation au théâtre* (Permanent Theatre Initiation Workshop) run by a group of five theatre companies known as the *Fédération du Cartel* (Cartel Federation), offers slam writing residencies and helps participants obtain contracts for the public performance of their works in the off-programme of the *Semaine nationale de la culture* (National Culture Week) of Bobo-Dioulasso. However, as recognized in a Resolution of the Parliamentary Assembly of the Council of Europe in 2019, the knowledge and skills acquired through non-formal activities are generally not recorded or recognized. As a result, the Assembly called for the creation of a Europe-wide tool to recognize the competences of young people acquired through their participation in artistic, cultural and creative activities in various learning contexts.

As mentioned in the Report of UNESCO's International Commission on the Futures of Education, it also seems crucial to expand places of learning beyond formal settings such as cultural institutions and establish cross-sector partnerships involving relevant public institutions, schools, communities, arts organizations and the cultural and creative industries (International Commission on the Futures of Education, 2021).

More attention needs to be paid to training the new generation of policy-makers and managers if there is to be sustainable governance of culture

While the high percentage of Parties reporting education and training programmes is extremely positive overall, many countries identified persistent challenges such as having a local skills base and teaching capacity. In Eswatini, a new syllabus aims to introduce drama, dance, music and visual arts education in primary schools. Its implementation, however, was hampered by a lack of qualified educators, which highlighted the need for a training facility for arts educators and a dedicated arts department in higher education. Recruitment of arts educators was also identified as an area of particular focus by the Swedish Arts Council through the establishment of a network to discuss long-term skills supply at national level.

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Over the past few decades, we have seen the vast potential of the cultural and creative industries in driving forward the sustainable and inclusive development of societies. The challenges of the COVID-19 pandemic have paved the way for new opportunities for the creative economy to flourish and innovate. It was during the crisis that the indispensable role of the sector was made clear, as many turned to cultural and creative content as a respite during lockdowns.

The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions recognizes culture – spearheaded by artists, creative professionals, practitioners and citizens worldwide – is a critical element for economic and social development. In this regard, and to broaden opportunities for cultural and creative industries to reach new heights, the role of education is crucial in building the foundation for talent development. Synergies between culture and arts education are needed to foster the skills to innovate. At the same time, data remain vital for the exponential growth of the creative economy, to understand the potential of cultural and creative industries and to guide impactful policies.

Equally important is the need to harness technological advancements in support of cultural economies and encourage fair remuneration for cultural goods and services. This is needed to ensure equitable participation across all cultural domains, and in this respect, intellectual property protections are fundamental to enable creativity to thrive in the digital sphere.

The United Arab Emirates recognize that societies are enriched through cultural diversity, and we have embarked on an ambitious journey to ensure a new generation of talent is nurtured. Special attention is being paid to all stages of the creative value chain from creation to enjoyment. The future of cultural and creative industries is bright, and I am optimistic that by keeping culture at the forefront of the international community's agenda, we can collectively realise a creative economy that meets the aspirations of all.

Noura Al Kaabi

Minister of Culture and Youth, United Arab Emirates

It is also difficult to track the career paths of those trained in related disciplines once they have entered the labour market. The Organisation for Economic Co-operation and Development (OECD) provides valuable insight into the relationship between education, training and employment in the cultural and creative sectors, showing that 'in one-third of OECD countries with available data, arts and humanities tertiary graduates earn less than those with only upper secondary education' (OECD, 2021*c*). Across the 15 countries analysed, arts and humanities graduates had the lowest-paid jobs among nine fields of study considered. The report also highlighted that a 'mismatch between the field studied and the final occupation may result in lower pay', noting also that 'more than 70% of tertiary-educated adults with a degree in arts and humanities work in another field on average' (OECD, 2021*c*).

While looking at the earnings and career path of arts and humanities students alone may not be representative of the diversity of profiles and skills employed in the cultural and creative sectors, these findings may still suggest that retaining creative talents is a challenge, which is likely to be exacerbated by the impact of the pandemic on the job market. While in the short term, young people may still choose to train in arts and culture despite a lack of prospects or income once qualified, the pre-existing disproportion between the large number of graduates and the availability of positions in the labour market, together with disrupted vocational environments and a drastic diminution of opportunities, may lead to a permanent loss of talent and growing inequity of opportunities to pursue a career in the cultural and creative sectors. This discrepancy will also need to be monitored in terms of gender equality as, according to Eurostat 2019 statistics, in Europe women accounted for close to two-thirds of all tertiary students in the EU studying in culture-related fields (Eurostat, 2020). For more infomation on gender equality in the cultural and creative sectors, see Chapter 9.

Where cultural employment remains insecure and the social and economic conditions of artists and creative workers remain unaddressed, such issues will continue to grow. This reinforces the need for policy-makers to correct market mechanisms to create the conditions for sustained professional development in the cultural and creative sectors. They also need to strengthen public investment in these sectors, taking into account their potential in building diverse, inclusive, creative and fair societies.

RECOGNIZING DIVERSITY OF EMPLOYMENT

To a large extent, the sustainability of the cultural and creative sectors and their contribution to economic growth rely on their ability to create and maintain stable and diverse opportunities in the workforce. Although not updated, the latest available global employment data from 2014 are indicative of the specificities and vulnerability of cultural employment. According to the data, across 50 countries worldwide, an average of 6.2% of all employment is accounted for by the cultural and creative sectors, with this average being 5.8% across developed countries and 6.9% in developing countries (Figure 1.7). Moreover, although the global rate of part-time work (22.1%) is lower in the cultural and creative sectors than across the overall labour force (26%) (UIS, 2016[4]), people employed in developing countries are almost twice as likely to work part time (34.1%) compared to those in developed countries (17.4%). Conversely, in the countries covered by the OECD data, cultural occupations have a higher level of temporary working (15.4%) than across the labour market as a whole (11.4%) (OECD, 2021*b*).

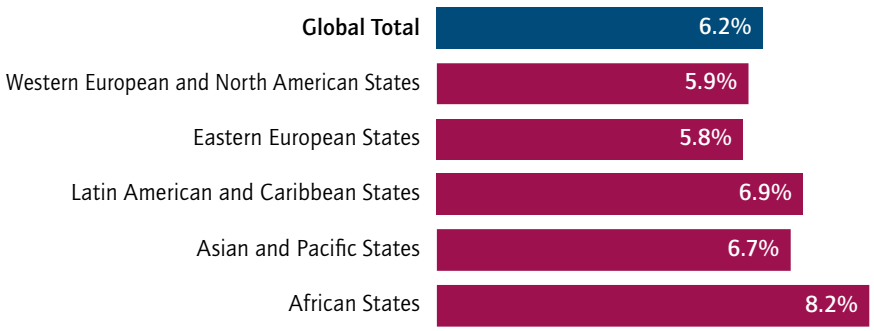
The labour market is subject to external shocks that determine certain labour demands. However, governments have a key role in shaping those markets and making them as equitable, sustainable and competitive as possible, in line with SDG target 8.3 to support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises.

This appears as a key concern for 68% of Parties in recent years, as they reported adopting specific measures and programmes to support job creation in the cultural and creative sectors. Of these measures, 81% were reported by developed countries, compared to 63% by developing countries.

4. Cross-referenced with the World Bank's World Development Indicators (data from 2015 available for 111 countries), see *https://databank.worldbank.org/reports.aspx?source=2&series=SL.TLF.PART.ZS&country=*.

Figure 1.7

Mean percentage of people in cultural employment, as a percentage of total employment



Source: UIS (2016)/BOP Consulting (2021).

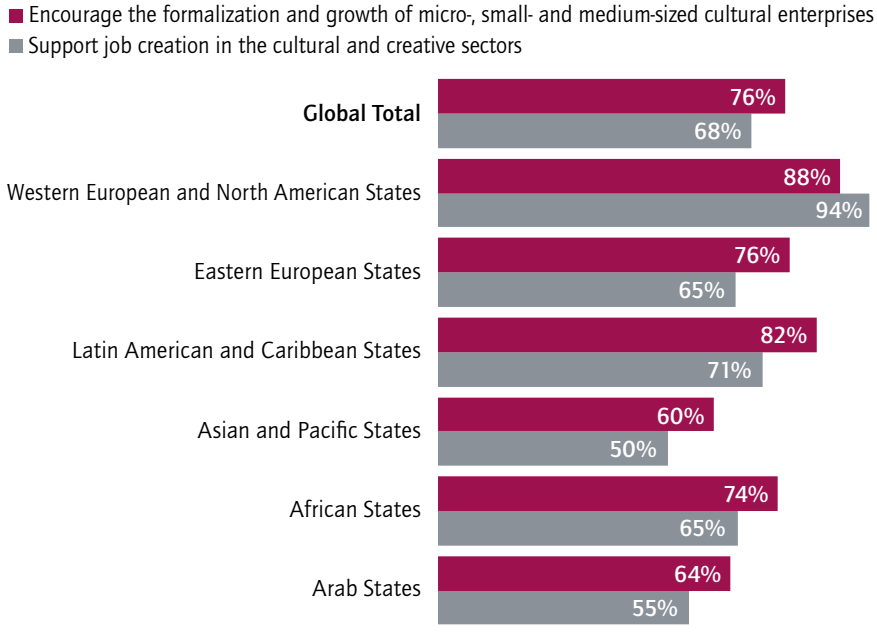
Contrasts are further accentuated at the regional level, with 94% of Western European and North American countries adopting such measures, compared to 50% in Asia and Pacific and 55% of Arab States (Figure 1.8). There is closer parity between developing (75%) and developed (77%) countries when considering specific measures and programmes to encourage the formalization and growth of micro-, small- and medium-sized cultural enterprises. Differences in Parties' policy approaches are also reflected in the type of measures and programmes implemented. While measures to create access to funding are the most common globally, developed countries (62%) were more likely to introduce them than developing countries (26%).

They also introduced tax incentives (15%), strategies and development plans (15%). Developing countries, for their part, tended to prefer the creation of incubators and investment in business support programmes (28%). Peru and the United Republic of Tanzania are good examples of this. Through a co-financing programme coordinated by the Ministry of Production, Peru provides seed capital for innovative ventures at different stages of development, while Culture and Development East Africa, a Tanzanian civil society organization, created the Creative Economy Incubator and Accelerator to provide technical and business skills to almost 100 entrepreneurs in design, music and film. Strategies and development plans (14%), tax incentives (9%) and trade fairs and exhibitions (9%) were also mobilized by developing countries. It will be useful to monitor how such measures will turn out in the years ahead, once critical stimulus packages and emergency funds have run their course.

Ensuring that policy development takes into account the specificities of creative work is crucial for improving the working conditions of creatives and making them more sustainable. Some Parties, such as Barbados, China, Jamaica and Uruguay, have paid particular attention to this issue. Likewise, in Bulgaria, the Ministry of Labour and Social Policy in partnership with the Ministry of Culture and the Union of Bulgarian Actors implemented the 'Melpomena' national programme to create new jobs in theatres. Through the programme, unemployed people with experience in the field of theatre are provided with full-time or part-time jobs while their salary and social security are subsidized for up to 12 months.

Figure 1.8

Specific measures and programmes implemented over the last four years to support job creation and/or micro-, small- and medium-sized enterprises in the cultural and creative sectors



Source: BOP Consulting (2021).

While the cultural and creative industries are 'more economically important than ever', the disruption caused by the COVID-19 pandemic has been extremely severe with 'very large job losses [...] registered very quickly across the small number of countries for which data was available' (BOP Consulting, 2021). UNESCO found that there was an estimated US$750 billion contraction in the gross value added by the cultural and creative industries in 2020 compared to 2019, which corresponds to a loss of more than 10 million jobs in the sector. Moreover, the 'often precarious (or non-contractual) nature of their work has made artists and cultural professionals particularly vulnerable to the economic shocks that the pandemic has triggered'. Looking at skills demand in Australia, Canada, New Zealand, the United Kingdom and the United States in 2020, OECD found that arts, entertainment and recreation were among the sectors that showed the steepest decline in job postings, noting that in May and August 'the volume of online vacancies in these sectors were between 60% and 80% lower than its pre-crisis levels' (2021*a*).

Although the demand for cultural content worldwide is currently very high, opportunities for cultural and creative work will remain low unless demand is stimulated for diverse actors in the value chain

A paradox has been exacerbated by the COVID-19 pandemic. Although the demand for cultural content worldwide is currently very high, opportunities for cultural and creative work will remain low unless demand is stimulated for diverse actors in the value chain.

To meet these challenges, governments and policy-makers will need to consider the full cultural value chain and ensure integrated policies for education, training and jobs. The Rome Declaration of the G20 Ministers of Culture is an encouraging sign in this direction as it recognizes: 'the need to enable cultural and creative professionals with new capabilities, including creative, digital, technological, managerial, accessibility-related, mediation and environmental to overcome the deep uncertainties of the post-COVID-19 operational landscape and to contribute to building more sustainable, resilient and inclusive societies and economies'.

Just as importantly, governments will also need to address the distribution of opportunities and revenues in the light of the increasing market dominance of streaming platforms. The ability to create and retain jobs will be central to the viability and diversity of cultural and creative sectors. Moreover, it will be crucial to introduce and strengthen legislative stability for social benefits that recognize the diverse types of cultural employment.

WELL-BEING AND DECENT WORK

Creating the conditions for the development of sustainable, well-paid cultural employment requires promoting decent economic opportunities, as well as adequate social security and well-being. Although Parties report increasing policy developments to improve their social and economic conditions, suggesting a more comprehensive approach to the creative ecosystem, 'the largest subsidy for the arts comes not from governments, patrons or the private sector, but from artists themselves in the form of unpaid or underpaid labour' (Neil, 2019). See Chapter 10 for a detailed analysis of policy developments.

From long or atypical working hours, project-to-project contracts and last-minute confirmations or cancellations, to working under physical, emotional and mental pressure and being unable to afford downtime, artists and cultural professionals face common conditions and vulnerabilities. Many of them also work under informal and undocumented arrangements, which include unfair or inadequate remuneration – and even non-payment – for work delivered, diminished or non-existent pensions at retirement, lack of social safety nets or sick leave and contractual conditions that do not provide stability. Although there is little research on artists' well-being, a 2016 survey of entertainment industry professionals in Australia revealed that 44% experienced moderate to severe anxiety and 15% experienced moderate to severe depression symptoms (Van den Eynde et al., 2016).

While these characteristics are not unique to cultural employment, this critical situation has been accentuated in the context of the pandemic, and the stress generated has increased the mental health concerns of artists and cultural professionals. It demands that all forms of precarity are identified and made visible to ensure proper policy responses (Box 1.3). In this context, Ireland has pioneered the issue through a series of ten recommendations for the arts and culture recovery in 2020.

From long or atypical working hours and last-minute confirmations or cancellations, to working under physical, emotional and mental pressure, artists and cultural professionals face common conditions and vulnerabilities

The sixth recommendation focuses on establishing a programme providing specialized well-being support to artists and cultural professionals, acknowledging their 'common and distinctive needs' (Arts Council of Ireland, 2020*a*). In 2021, Ireland also announced plans to pilot a Basic Income Guarantee scheme for artists, developed in collaboration with the Department of Social Protection, as part of the government's National Economic Recovery Plan.

Box 1.3 • *Integrated multistakeholder approaches to decent working conditions*

As the world continues to deal with the effects of COVID-19, encouraging initiatives introduced to strengthen the social security coverage of creative workers before the pandemic provide inspiration for the way forward.

Croatia chose a cross-sectoral multistakeholder approach to introduce a special status for freelance artists in 2018. Under this status, freelancers have the right to retirement, disability insurance and health insurance. These contributions, paid from the State budget, aim to promote creation through the establishment of a basic social security framework, acknowledging the diversity of creative work. They are delivered through the Croatian Freelance Artists Association, assessed through an expert commission and confirmed by the Ministry of Culture, in coordination with public bodies in charge of retirement and health insurance.

The Republic of Korea has opted for an integrated approach, introducing a range of complementary actions to safeguard the rights and professional careers of artists, who lack social insurance. It included an annual allocation of more than US$22 million to establish dedicated social safety nets. Job-creation programmes targeting artists were also introduced, along with legal consultations on inequitable practices and standard labour contracts protecting their rights and interests. Artist payments for industrial accident compensation insurance were subsidized, and an artists welfare foundation was established. This comprehensive support system offers more than just financial benefits. It also contributes to the mental health of artists by eliminating sources of stress through more stable living conditions and the creation of an enabling environment in which they can create.

Source: Croatia QPR.

In Italy, as a result of work involving the Ministry of Culture and Ministry of Labour, the regulation that emerged during the COVID-19 emergency became a definitive State law in August 2021, confirming a turnaround in the social protection of workers in the performing arts with measures recognizing the specificity of the sector in the social security reform. Concrete changes range from the system for calculating parental leave benefits, where the daily amount is now based on earnings in the twelve months preceding the qualifying period (instead of the last four weeks), to sick pay, where 40 daily contributions to the Entertainment workers' pension fund from 1 January of the year preceding the onset of the illness are required, instead of 100.

HARNESSING THE POWER OF DATA

Data collection and information-sharing allow for better policy decisions, actions, monitoring and evaluation, as well as improving impact assessment for more transparent and responsive cultural governance. To this end, Article 9 of the Convention commits Parties to information-sharing and transparency.

Data collection and information-sharing allow for better policy decisions, actions, monitoring and evaluation, as well as improving impact assessment for more transparent and responsive cultural governance

As already observed in the 2018 Global Report, however, Parties reporting on the implementation of the Convention reveal that data collection continues to be a major challenge. While the statistical offices and research bodies of most Parties (69%) reportedly produced data on these sectors and/or evaluated cultural policies in the last four years, the numbers show a clear imbalance between developed (87%) and developing countries (60%). There are also wide disparities among regions, as shown in Figure 1.9.

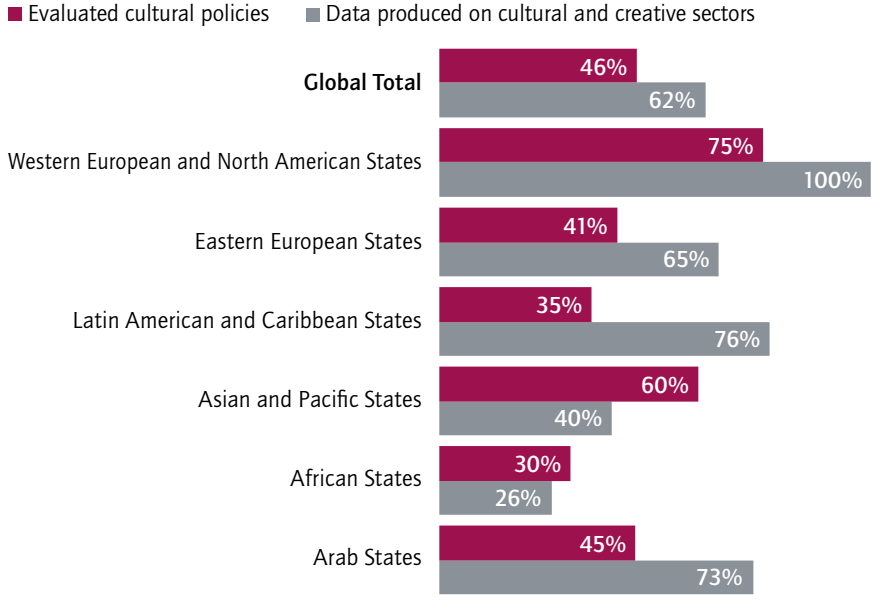
This suggests that much remains to be done to in terms of capacity-building for developing or updating cultural information systems and preparing knowledge management plans. Among the major gaps identified are databases of artists and creative practitioners, data on royalties and copyright, cultural employment, accurate GDP contributions, levels of cultural participation and consumption and a comprehensive assessment of the environmental impact of the cultural and creative sectors. Data collection on the cultural and creative sector should benefit from the increasing involvement of a wide range of policy areas and relevant stakeholders by building on and integrating data collection efforts already underway in other related sectors. Beyond gathering strategies, attention should also be given to data analysis and the implementation of related findings.

Five key factors have been identified in relation to data collection and monitoring and the evaluation of cultural policies:

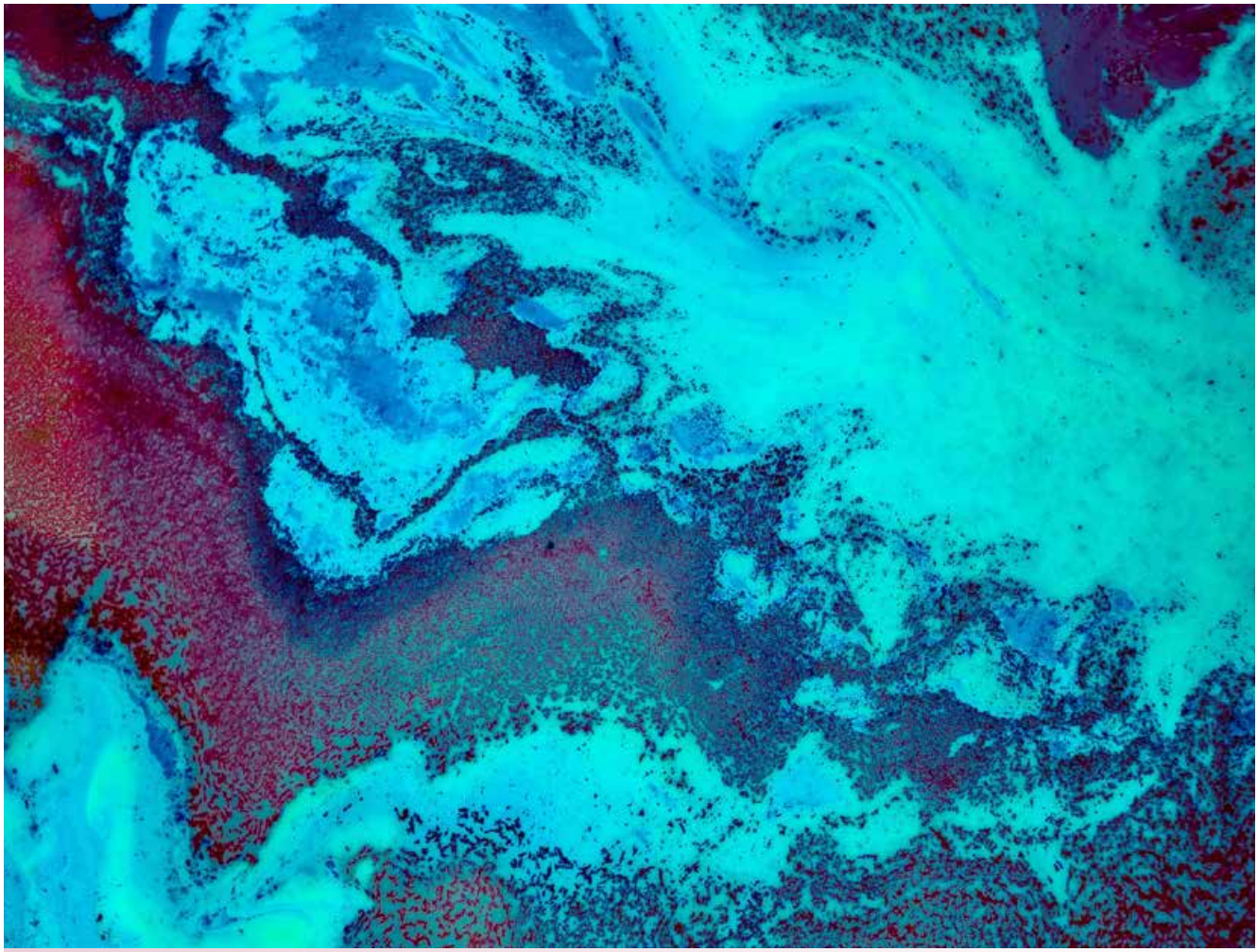
- **Persistent lack of standardization in the collection and interpretation of data.** While achieving global standardization may not be possible, there have been some positive developments. The revised Monitoring Framework introduced by the Secretariat of the Convention in 2020 has streamlined national reporting and monitoring of the Convention, creating an invaluable baseline for measuring impact over time. UNESCO's *Culture|2030 Indicators* may also help in this effort. This ongoing challenge is an opportunity to strengthen regional, global and also thematic collaborations between Parties, civil society, research bodies, UNESCO and other agencies to systematize coherent data collection on the cultural, economic, social and environmental impact of the cultural and creative sectors to better assess their role in societies and their contribution to the achievement of the SDGs.

Figure 1.9

Statistical offices or research bodies that have produced data on the cultural and creative sectors and/or evaluated cultural policies over the last four years



Source: BOP Consulting (2021).



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Civilization has always faced challenges. However, the complexity of the modern world has reached an unprecedented scale, with global challenges requiring solutions more urgently than ever before. In this turmoil, it seems like solidarity, compassion, culture and art have great potential for guiding humankind towards positive new beginnings. Cultural policy must be developed on the basis of careful observation, facts, needs and dialogue. If cultural policy is designed thoughtfully, it can provide a vision of the future that can help solve global challenges, foster social cohesion and provide meaning in people's lives.

Creative Georgia is part of an ecosystem made up of governmental and civil partners, policy-makers and artists. Through its involvement with UNESCO (under the UNESCO/European Union programme 'Supporting new regulatory frameworks to strengthen the cultural and creative industries and promote South-South cooperation'), Georgia has engaged in peer-to-peer collaboration with European Union municipalities to discuss their local policies on creative cluster promotion. Moreover, Creative Georgia published a toolkit and policy paper for local authorities with recommendations to develop supportive mechanisms for creative spaces, hubs and clusters in the country. Successes from this project were consolidated into the Creative Twist initiative, which aimed to develop a national strategy for the creative industries, supplemented by baseline research of cultural and creative industries and awareness-raising activities. Designing policies in response to current complexities and needs can lead to the holistic solutions required to promote interaction, learning, creativity and participation. This approach is what guides us at Creative Georgia as an institution and as individuals. Despite the pandemic, the last few years have been fruitful. Tbilisi was named World Book Capital for 2021 and became part of the UNESCO Creative Cities Network with a profile in Media Arts. While the creative sector has suffered in the last couple of years, we are confident that this marks the beginning of a great chapter for the cultural and creative industries, and that it will bring positive change for society at large.

Irma Ratiani

Director, Creative Georgia

- **Capacity-building, training, skills development and knowledge transfer are ongoing processes.** Noting the complexities that the COVID-19 pandemic brought to policy-making and its response mechanisms, learning must be ongoing and shared. More peer-to-peer learning opportunities should be encouraged and supported.
- **Cultural policy research centres or observatories at the national level add value.** They can serve as training grounds to build capacities and encourage cross-portfolio engagement with different ministries, agencies, academic institutions and civil society. In this regard, some countries are leading the way. Inspiring examples include Croatia's Institute for Development and International Relations, Slovenia's Network of Investigative Art and Culture Centres and Burkina Faso's Strategic Plan of Development of Cultural and Tourism Statistics (including the creation of the statistical unit).
- **Monitoring and evaluation create a narrative and purpose for the data.** It is essential to create a baseline for the cultural statistics and information gathered, including qualitative and quantitative data, and to build that collection, and monitor and evaluate it systematically. As with all public investment, the case for culture relies on compelling narratives.
- **Behind the data are people.** While data gathering may be the focus for many Parties, it is important to ensure that there is a shared understanding of the usefulness of data and who it is intended for. Policy-makers need to ensure that policy-development and decision-making are informed by data and that they are linked to the needs of the population groups that policies are intended to benefit. Some inspiring examples of knowledge production and sharing already exist (Box 1.4)

Box 1.4 • *Regional perspective on knowledge production and sharing*

Inspiring data collection initiatives have sprung up in Latin America and the Caribbean. An outstanding example is provided by Costa Rica, where the Ministry of Culture and Youth partnered with the United Nations Development Programme to implement the Culture and Youth Administrative Records System, which aligns with the National Policy of Cultural Rights (2014-2023). The system demonstrates the impact and relevance of culture in the development of society through quality statistical data and indicators, which allow for population data to be disaggregated. There is a striking premise that underlies Costa Rica's approach: 'behind every number is a person with an experience'. This initiative informs the government's approach, which involves civil society and communities to collect and monitor statistics and has cemented active participation and shared understanding.

In Ecuador, the establishment of a cultural observatory and the implementation of the Cultural Comprehensive Culture Information System (SIIC) facilitated the collection and processing of cultural information, such as the contribution of culture to the GDP, cultural employment, public expenditure, cultural activities and facilities, and arts and cultural education. The SIIC tools include the Unique Record of Artists and Cultural Managers platform, which allows individuals, organizations and businesses to register and access public support, while collecting social, economic and education-related information. Another tool is the Culture Satellite Account, which measures the economic contribution of culture and creativity. Overall, information and data collected are used to foster the formalization and professionalization of cultural and creative initiatives. They are also useful for policy-making, leading to new proposals on taxation, incentives and tariff exemptions.

Another interesting example on the use of cultural data for experimentation and innovation can be found in Mexico. Mapa México Creativo *(Creative Mexico Map) is a pilot platform set up as part of the Digital Agenda for Culture. The platform was launched in 2017 as a joint initiative of the Digital Culture Centre, the British Council, the United Kingdom National Endowment for Science, Technology and the Arts and the Inter-American Development Bank. It aims to map the creative economy in Mexico, drawing on a diverse set of sources: official data analysis, social network analysis, quantitative surveys and case studies. Between 2018 and 2019, three hybrid methodology studies were carried out, and interactive visualizations of maps and data were developed thereafter. Toolboxes sharing the open methodologies of the studies were also created to guarantee their replicability and promote future regional mappings.*

Sources: Costa Rica QPR, Ecuador QPR, Mexico QPR.

CONCLUSIONS AND RECOMMENDATIONS

Disruption can generate urgency, and the latter can create an appetite for innovation and reform. In the context of the COVID-19 pandemic and widespread calls for adaptable, universal, rights-based frameworks to guide recovery, there is a great need for integrated approaches to protect and promote the diversity of cultural expressions and to ensure the sustainability of the cultural and creative sectors. It therefore seems likely that there will be increased demand for multistakeholder cross-portfolio collaborations in the years ahead, which will certainly be accentuated by declining public investment in culture. The UNESCO World Conference on Cultural Policies and Sustainable Development, MONDIACULT 2022, will provide a historic platform to reaffirm the need to adapt cultural policies to global challenges and to reflect on the integration of culture as a public good across the broad policy spectrum.

The governance of culture does not – and should not – occur in silos. Rather, there must be strong mechanisms for collaboration and intersection. The more integrated, participatory and transversal processes are, the greater the long-term impact and sustainability of the policies. Setting up such participatory systems requires sound coordination and clearly delineated roles and responsibilities, which can be facilitated by formal legislation and capacity-building.

Alongside the 2030 Agenda for Sustainable Development, the Convention offers a roadmap for resilient and adaptable policy frameworks, enabling more sustainable outcomes in the cultural and creative sectors.

The following recommendations provide an opportunity for all involved stakeholders to leverage the Convention to this end:

- Governments should foster a whole-of-government approach to cultural policies through enhanced cross-portfolio and multilevel collaborations, including with delegated agencies, civil society and the private sector.
- Governments should pay particular attention to strengthening the capacities of all tiers of government and civil society to enable sustained participatory governance for culture and encourage bottom-up policies that engage the whole cultural and creative ecosystem.
- Governments should opt for integrated and flexible policies and implementation plans that remain relevant across the cultural value chain and address transversal challenges for the protection and promotion of the diversity of cultural expressions, such as digital adaptation, gender equality, inclusion and/or climate change.
- Governments should develop targeted public investment strategies, facilitate innovative public-private funding mechanisms and design integrated policies for education, training and job creation that acknowledge the specificities of cultural employment to retain a diversity of talents in the cultural and creative sectors.
- Governments should implement social protection systems for all and provide well-being support schemes to build resilience in the cultural and creative sectors.
- Governments, civil society and research organizations should partner to strengthen data gathering and its standardization, foster capacity-building and peer-to-peer knowledge transfer and enhance policy monitoring and evaluation to inform evidence-based policy developments.
- UNESCO, relying on its Institute for Statistics, and in close cooperation with other relevant international and regional organizations, should strengthen the production and sharing of knowledge on the cultural and creative sectors at the global level, including through the development of internationally agreed indicators on the cultural and creative sectors that reflect the diversity of approaches to generating and validating data. Its capacity-building programme on participatory governance should be further supported to expand UNESCO's technical assistance to countries for data collection and statistics production on their cultural and creative sectors.

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Chapter 2

Ensuring a diversity of voices in the media

*Luis A. Albornoz**

KEY FINDINGS

- *While there has been a deterioration of global media freedom since 2006, the number of countries with Access to Information Laws has risen from 40 in 2009 to 126 in 2019.*
- *Many States see the need not only to have quality public service media, but also to diversify their media landscape by supporting community-based outlets and local media.*
- *While content quotas continue to be a popular tool (used by 68% of Parties), broadcasters in many countries struggle to comply with domestic content quotas due to a lack of local productions. More financial support is needed to change the situation.*
- *Online services remain less regulated than public and private broadcasting, but media regulatory authorities are expanding their areas of responsibility, which increasingly cover the Video on Demand domain and more complex media monitoring systems.*
- *Most Parties (87%) have public service media with a legal remit to promote a diversity of cultural expressions, and they are starting to adopt measures in response to the absence, under-representation or misrepresentation of different social groups in the stories circulated by the media.*
- *Gender inequality in the media persists both on and off screen, and concrete and evidence-based action is lacking – as most States do not monitor gender equality in the media.*
- *The COVID-19 pandemic led to a proliferation of disinformation, the closure of media outlets and a scapegoating of certain groups in the media.*

*With the collaboration of Josep Pedro, research assistant at the Universidad Carlos III de Madrid.

PROGRESS

PROMOTING DIVERSITY

87% of Parties have **public service media**, which promotes diversity

68% use **quotas** for local content, languages, and social groups

LOCAL MEDIA CHANNELS

Several States support community media through 1) financing, 2) facilitating access to permits, 3) removing restrictions

INCREASED MONITORING

Regulatory authorities increasingly **monitor Video on Demand**

ACCESS TO INFORMATION

More countries adopt Access to Information Laws

From 40 countries in 2009

To 126 in 2019

CHALLENGES

MONITORING GAPS AMONG STATES

Only **48%** **monitor gender equality** in the media

Only **51%** **monitor editorial independence** of the media

Only **54%** **monitor online media**

Only **59%** **monitor diversity in media ownership**

COVID-19 PANDEMIC

OFF AIR

Media channels closed and **productions shut down** worldwide

And the presence of **free and independent media declined** while restrictions on fundamental freedoms grew

LOCAL CONTENT

Content quotas are not a magic solution to the lack of local productions and hardships of local creators

MEDIA MONOPOLIES

The media are **often controlled by a few corporations and influential families**

REPRESENTATION

Women, ethnic minorities and persons with disabilities remain **poorly or wrongly represented**

RECOMMENDATIONS

OWNERSHIP

Limit concentration of media ownership, ensure transparency, and support local media outlets

REPRESENTATION

Set targets for **diverse representation on and off screen**

LOCAL PRODUCTION

Financially support local creation to enable media outlets to comply with content quotas

MONITORING

Invest in data collection, monitoring and evaluation of media systems

CORE INDICATORS

Policies and measures support diversity of the media

Policies and measures support diversity of content in the media

INTRODUCTION

Today, a substantial part of the world population can access cultural content from around the world with just a few clicks. The transition from analogue to digital media has inevitably provided many more opportunities for the creation, access and discovery of local content. Nonetheless, this does not automatically lead to the consumption of diverse contents. Noticing that African music was rarely discovered online, Awa Girard (an entrepreneur from Senegal) took the issue into her own hands in 2017 by creating Deedo, a music-streaming platform for Pan-African music. The platform features over 12 million tracks and is accessible in six African countries as well as France and the United Kingdom. The plan is for Deedo to be available in 27 countries, including 19 countries across West and Central Africa. Within four years, Deedo has not only become a key player in the African music industry, but has also increased the visibility of African artists, while offering social engagement through its initiative 'One song, One soul' (which donates 5% of each subscription to the non-profit organization of the user's choice).

In a world where media consumption has never been higher, the availability and global reach of content from around the world are crucial for diverse cultural expressions to thrive.

Observers used to think that new media, such as online streaming services, would eventually replace the use of traditional media, such as radio or television. What is actually happening is close to a doubling of media consumption. For example, music streaming has grown so rapidly in recent years that it has overtaken radio as the most widely used media outlet to listen to music. Surprisingly, however, this has not led to the demise of the radio, as radio consumption has remained stable since 2012 (despite the emergence of music streaming services). Furthermore, as identified in the 2018 Global Report, users continue to stack different media (use multiple media at the same time) at increasingly high levels. Since 2016, there has been a rise in people using their mobile phone or tablet, while watching television has risen from 67% to 85% at the global level (GWI, 2021).

Series and films can be used to construct and expand stereotypes and prejudices about those who are different

As various media outlets are being used to access cultural content more than ever, their role in ensuring the diversity of cultural expressions also becomes crucial. The audiovisual narratives established by the media guide people's perceptions of the world. Series and films can be used to construct and expand stereotypes and prejudices about those who are different. However, they can also be windows inviting people to get to know each other, thereby helping people shape their self-image and understanding of others. As such, a diverse media system can help bring attention to minority groups, increase mutual understanding and ensure that no one actor or group dominates societal narratives.

This chapter considers the relationship between diversity and the media, based on the idea that pluralistic media systems are crucial for protecting and promoting a diversity of cultural expressions. Media diversity involves many dimensions and components, in terms of its sources (public, private and community-based), and in relation to the content disseminated.

There are three known links in the media diversity chain: source diversity (including diversity of ownership and workforce); content diversity (relating to formats or programme types, plus demographic and viewpoint diversity); and exposure diversity (audience exposure to diverse content) (Napoli, 1999).

To develop measures that truly protect and promote the diversity of a media system, all three forms need to be addressed to ensure the following (Albornoz and García Leiva, 2019):

- Production, distribution, promotion and exhibition of content are not concentrated in a small number of stakeholders.
- Content shows differences of variety (in types), balance (representation of each type) and disparity (degree of dissimilarity between the types) (Stirling, 1998, 2007) in relation to values, identities and aesthetics. These should reflect the range of groups that coexist in each society, as well as the cultural expressions of foreign cultures.
- Citizens and social groups should have access to a wide range of content of their choice and should be able to participate in their creation and dissemination.

As a result, citizens and social groups (and their access and participation rights) are at the heart of fully functioning media systems. If there is no balance between who owns, who is depicted and who accesses various media outlets, a diversity of cultural expressions will not be represented in society.

This chapter addresses these multiple dimensions of media diversity. First, it studies policies and measures that support diversity of the media, including media freedom and pluralism, as well as policies and measures that support diversity of content in the media. Furthermore, the chapter investigates systems that monitor media diversity, because effective media diversity policies cannot be designed without reliable data.

This chapter does not address media in the widest sense, but focuses on broadcasting (radio and television) and the fictional works available in a multiplatform environment. Unlike the 2015 and 2018 editions of the Global Report, where particular attention was paid to public service media (PSM), this chapter also focuses on private-commercial and community media.

REGULATORY COHERENCE: A SERIOUS CHALLENGE TO ENSURE THE DIVERSITY OF THE MEDIA

FREEDOM – AN INDISPENSABLE INGREDIENT FOR DIVERSITY

According to the Preamble of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 'Freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies'. Freedom of expression is a prerequisite for the existence of diverse media sources, as various social groups will not be able to produce content if their right to expression is not protected.

It is therefore worrying that the 2021 edition of the *Freedom in the World* report, which evaluates the state of freedom in 195 countries and 15 territories in 2020, identifies a deterioration since 2006 – including a general decline in the presence of free and independent media (Figure 2.1) (Freedom House, 2021).

Freedom of expression is a prerequisite for the existence of diverse media sources

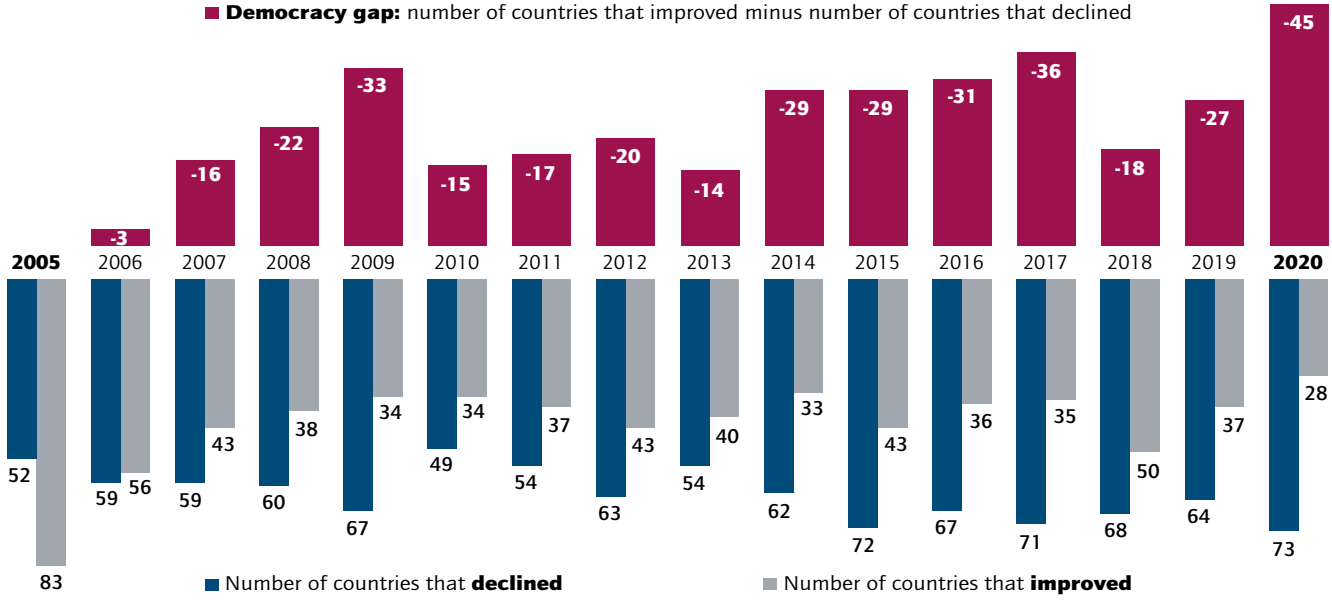
This trend was accentuated in 2020, when the COVID-19 pandemic exacerbated the proliferation of fake news and the restrictions on fundamental freedoms. Reporters Without Borders (RSF) found that, during the pandemic, the media were restricted in at least 130 countries (RSF, 2021).

Despite the decline in freedom of expression, there has been a simultaneous increase in the number of countries adopting Access to Information (ATI) laws. ATI is defined as the right to seek, receive and impart information held by public bodies, and is explicitly denoted as a fundamental freedom linked to public access to information in target 16.10 of the United Nations 2030 Agenda for Sustainable Development (Ensure public access to information and protect fundamental freedoms) (UNESCO, 2019*c*).

Figure 2.1

Fifteen years of democratic decline

Countries with aggregate score declines in *Freedom in the World* have outnumbered those with gains every year for the past 15 years



Source: Freedom House (2021).

While there were 40 such laws in 2009, there were 126 in 2019, with recent examples reported by Parties to the Convention including laws on access to and freedom of information in Viet Nam and Zimbabwe, respectively.

Nevertheless, adopting a law is not sufficient. Perhaps this explains how a decline in freedom of expression is possible when more countries are regulating in favour of information access. It is crucial that administrations improve the design and implementation of legislation. In Bangladesh, for example, the implementation of the Right to Information Act from 2009 has progressed steadily (World Bank, 2020*a*), probably because in 2016 it was followed up with an allocation of US$121 million to the Ministry of Information for a period of five years to strengthen its implementation. The last few years have seen the creation of a training manual, awareness campaigns in 64 districts and the appointment of over 20,000 government and non-governmental organization officers to provide feedback on its implementation – as well as the creation of an electronic database to ensure tracking at all levels.

However, the growing tensions between the right of access to information and the right to privacy in the digital landscape cannot be ignored, as they require improved registers for tracking and processing information requests (and these will need to be addressed by governments).

In the past four years, some States report introducing measures to increase media literacy among the population. The explosion of information sources in the past decade has led to a proliferation of diverse cultural expressions, but also of disinformation and harmful content, which threaten free and informed access to information. This is why, in Sweden, the government has appointed a national Commission on Media and Information Literacy and Democratic Dialogue to 'increase media and information literacy and strengthen people's resistance to online hate, disinformation and propaganda through outreach efforts throughout Sweden'. In France, the government is also taking action against the spread of misinformation, notably through a law adopted in 2018 against the manipulation of information. Measures to increase media literacy have also been reported by Belgium, Bulgaria and Finland, indicating a growing awareness among European States of the importance of teaching citizens how to critically assess the content they consume.

The growing tensions between the right of access to information and the right to privacy in the digital landscape cannot be ignored

WHO TELLS OUR STORIES AND WHY DOES IT MATTER?

One issue is whether people have the right and means to access information equally. Another matter is who is behind the information shared. In this regard, for a diverse media landscape to flourish, the ownership of media outlets should not be concentrated in the hands of a few.

In 2020, the Centre for Media Pluralism and Media Freedom published the third edition of its *Media Pluralism Monitor* with results for 2018-2019 for the 28 European Member States, Albania and Turkey (Brogi et al., 2020). The findings indicate a general stagnation of media pluralism and media freedom across several parameters including basic protection, market plurality, political independence and social inclusiveness. The report further concludes that the concentration of media ownership constitutes the greatest risk to media plurality, both in the news media and online.

Unfortunately, monopolistic and oligopolistic structures in the media remain commonplace. For instance, according to a study by RSF released in late 2019 and using data from the Media Ownership Monitor (Box 2.1), the media in Latin America are largely controlled by the corporate sector and families linked to economic and political elites. The study also identified issues of audience concentration and cross-media ownership; a lack of regulatory guarantees on concentration of ownership (in terms of any legislation to limit concentration and its effective implementation); involvement of media owners in other sectors; and a lack of transparency around media owners and financial information from media companies (RSF, 2019).

To tackle ownership concentration, some States implement mechanisms to prevent media monopolies and oligopolies in an attempt to promote competition between the different players, limit their power to influence public opinion and promote diversity of available outlets. In Ireland, for example, a media mergers regime was established to assess the effects of mergers on media pluralism.

Box 2.1 • *The Media Ownership Monitor*

The Media Ownership Monitor (MOM) is a global research and advocacy initiative launched by Reporters Without Borders to increase transparency about media ownership. It was developed as a mapping tool to create a publicly available, continuously updated database that lists owners of all relevant mass media outlets (press, radio, television sectors and online media). The tool provides information on the media market and the types of media that are relevant for opinion-formation based on audience reach, as well as media ownership, by investigating main media owners and companies. The MOM also qualitatively assesses the market conditions and legal environment and informs on indicators to calculate a risk index to media pluralism. In doing so, the MOM aims to shed light on the risks posed by media ownership concentration. As of August 2021, 21 countries from all regions of the world were covered by the MOM.

Source: RSF (2021).

To complete a merger, the parties involved must notify the Minister for Communications, Climate Action and Environment, which may approve, deny or allow the media merger under certain conditions.

The issue of workforce diversity has become a popular topic in business literature, not least because diversity is 'good for business'

However, it is not just a question of who owns the media. It also matters who works behind the scenes. The issue of workforce diversity has become a popular topic in business literature, not least because diversity is 'good for business'. Diverse gender representation is beneficial for the bottom line, for example, as evidenced by a McKinsey study of 15 countries showing that 'companies in the top quartile of gender diversity on executive teams were 25 % more likely to experience above-average profitability than peer companies in the fourth quartile' (Dixon-Fyle et al., 2020). Nonetheless, actual improvements in media workforce diversity are lagging behind due to a lack of regulation. In the European Union (EU), regulators are primarily responsible for issues of on-screen diversity but not off-screen representation, except when it comes to gender equality (Block, 2021). In the United Kingdom, on the other hand, a remit of the Office of Communications (Ofcom) is to increase workforce diversity in the media, but critics argue that a lack of benchmarking and more in-depth research into what should be done makes the communications regulator unable to truly solve issues of media workforce diversity.

There are inspiring examples of States that do regulate efficiently on workforce diversity, however, including Canada (Box 2.2) and Australia, where the Australian Broadcasting Corporation, a public broadcaster, provides clear data and targets for diversity both on and off screen. Such target-based measures are crucial to ensure diverse representation.

Box 2.2 • *CBC/Radio-Canada – diversity, inclusion and anti-racism*

Since December 2019, the CBC/Radio-Canada's Diversity and Inclusion Working Group has sought to accelerate change in the areas of representation and workplace culture. The wave of anti-racist protests following the death of George Floyd in May 2020 led CBC/Radio-Canada to publicly express its anti-racist commitment and its policy of diversity and labour inclusion. Through a press release, Catherine Tait, the head of CBC/Radio-Canada, acknowledged that 'systemic racism exists in Canada and within many of its institutions, including its national public broadcaster'.

The press release also outlined ambitious new hiring, retention and promotion goals to build a more representative and inclusive workforce. These new representation objectives are supported by related diversity and inclusion activities, including:

- *Making unconscious bias training mandatory for managers;*
- *Committing resources to better identify internal and external candidates from three target groups (Indigenous Peoples, visible minorities and persons with disabilities);*
- *Providing training on inclusive newsrooms, the impact of unconscious bias on content and reporting in indigenous communities.*

The statement concludes by referring to the 2018-21 Diversity and Inclusion Plan*, which aims to achieve the goal of reflecting contemporary Canada in both the staff and the content, and by proposing to meet a major diversity commitment: by 2025, at least one key decision-making creative role in all English- and French-language scripted and factual commissioned programmes will be held by a person from a diverse background.*

Source: CBC/Radio-Canada (2020).

FROM LIMITING OWNERSHIP TO ENSURING ACCOUNTABILITY

The idea that media owners and managers should be representative of the societies for which they produce content is part of a wider notion that the media, in their capacity to inform and impart knowledge, can be seen as a public good. In line with the *United Nations Guiding Principles on Business and Human Rights*, media owners and managers should be accountable to citizens (OHCHR, 2011), including by ensuring that information on media ownership, funding sources, workforce recruitment policies and programming strategies is publicly available.

However, such accountability standards are not always respected. In many cases, they constitute little more than a declaration with no action taken. It is therefore crucial that States introduce regulations that prompt broadcast media owners to be more transparent and accountable.

According to research on regulatory mechanisms for media accountability (press councils, codes of ethics, ombudspersons and so on), public media tend to be subject to greater regulatory demands of accountability and transparency than private media in developed countries. For example, public broadcasters are required to employ an ombudsman in Denmark and Switzerland, while the Netherlands has installed an ombuds-committee (Eberwien et al., 2018). The current challenge is to extend the importance and implementation of measures for media accountability to all regions of the world and to the private sector as much as the public sector, including media companies operating exclusively online and across borders.

The 2016 Norwegian Act on Transparency of Media Ownership is a good example of a measure to ensure that all types of media companies are accountable and transparent.

In Norway, most media outlets are privately owned but receive press support from the State. Through this Act, the Norwegian Media Authority collects and systematizes information on ownership structure and makes this information available to the public. The Act affects companies that operate daily newspapers, television, radio or electronic media, as well as enterprises that, through ownership or cooperation agreements, have influence over such companies. As such, Norway has moved away from a mere focus on limiting ownership to give audiences the right to know who is behind the media they consume.

Only a few States have reported measures that limit ownership concentration or ensure transparency of media ownership

In Bulgaria, new measures have been introduced to ensure transparency of media ownership. All media service providers are required to submit an annual declaration identifying ownership to the Ministry of Culture (including information on whether the owner occupies a public position). Media providers must also report on amount and usage of funding received in the previous calendar year, including details of the entity that provided the funding. As per the EU's 2018 Audiovisual Media Services Directive, this information then becomes accessible online.

In the Republic of Korea, there are restrictions to ensure that one broadcaster does not dictate public opinion. For instance, the government tracks media ownership to ensure that a single broadcaster and its affiliates does not control more than 30% of the market.

Despite these positive examples, however, only a few other States have reported measures that limit ownership concentration or ensure transparency of media ownership. This suggests that the issue needs more widespread attention.

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Diversity is at the heart of public service media's remit. We represent 115 public service media (PSM) organizations reaching an audience of more than one billion people around the world and broadcasting in over 160 languages. Their goal is to ensure ALL audiences have their lives, culture and experiences represented and reflected on-air and online. Our members play a crucial role in the European creative sector. They invest over €19 billion (US$21.4 billion) every year in content – producing 1.5+ million hours of European TV content alone. The high volume of European content offered by PSM organizations not only contributes to the distinctiveness of their offer but also enriches the diversity of cultural expressions throughout the continent.

When COVID-19 hit, public service broadcasters were the first to step up: giving a voice to artists and their experiences; supporting creatives in need; stepping in for cancelled arts events; and increasing exposure for artists.

The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions stresses that diversity can only be protected and promoted if human rights and fundamental freedoms, such as freedom of expression, are guaranteed. It also recognizes the important role that PSM plays in upholding these freedoms. In today's globalized platform environment, we need to see policies at national and international level that support media diversity and freedom of expression. The Convention is an important recognition by the global community that these basic values enable cultural expression to flourish. We need policies to ensure the findability of diverse content and balanced reporting, giving access to the breadth of different views and ideas we find across our world.

Noel Curran

Director General of the European Broadcasting Union

COMMUNITY-BASED MEDIA VIABILITY: WHAT ARE THE ENABLING FACTORS?

On the other hand, several States report providing support for community-based media outlets or 'proximity' media. Such outlets often focus on public-interest content and are typically located in rural districts or poor urban areas. Community broadcasting can therefore be seen as an alternative to public service and commercial media. As such, it occupies an important space in citizen participation (UNESCO, 2011), and can help ensure access to information – as well as the representation of groups that are not always heard in mainstream media.

The greatest challenge facing community media is the lack of financial sustainability

Research conducted by the Center for International Media Assistance at the National Endowment for Democracy (United States) on proximity radio stations[1] in sub-Saharan Africa shows their critical role in regions with low Internet coverage (Myers and Harford, 2020). By mid-2020 during the COVID-19 pandemic, the eight studied proximity radio stations from Uganda and Zambia managed to remain on-air with full programming and broadcast special shows and public-health messages to help combat the coronavirus, thereby highlighting their importance in times of crisis.

The greatest challenge facing community media is the lack of financial sustainability, which can lead to closures and a subsequent lack of media pluralism. The eight radio stations managed to survive longer term due to a combination of financing, including talk shows paid for by guests, public announcements paid for by governments, commercial advertisements if their audience was large enough and grant funding. Nonetheless, this raises questions as to whether the need for such funding forces community media to relinquish some of their independence – even if radio stations combine commercial or paid content with their own independent programmes. This concern has led some proximity radio stations to try to move away from advertising, for example, by using revenue from a side business to finance the radio station or by fundraising in the community.

According to a model developed by the Deutsche Welle Akademie (German Radio Academy Deutsche Welle), viability is about more than profitability and includes a media outlet's integration into the community. A community radio station in a rural area, such as those discussed above, may face funding problems but can remain viable because it enjoys a favourable legal framework, has close links with other stations and is part of a network that benefits from the station's existence. The model pays particular attention to small- and mid-scale media outlets in developing countries and countries in transition whose primary goal might not be profitability, but rather staying in operation and making a difference in their communities. It has identified a set of indicators to measure media viability across several dimensions: economic, political, content, technology and community (Deselaers et al., 2019; Moore et al., 2020).

Apart from funding problems, community media outlets also often face difficulties in terms of legal recognition by authorities or regulations restricting their actions (such as limitations on reach or advertising). While some such restrictions may be implemented in order to limit the influence of community media, in some States it could be more about a lack of awareness about how existing regulations impact the functioning of community media.

In terms of the latter, the last four years have seen several good examples of how public policy can contribute to the viability and development of community-based media. One such example is Bangladesh, where a more accommodating legal environment has led to an increase in community radio stations (Box 2.3).

Community media outlets often face difficulties in terms of legal recognition by authorities

In some countries, the State contributes to the financial sustainability of community media. In Australia, for example, the Community Broadcasting Foundation (CBF) provides specific funding for indigenous and ethnic broadcasting services and for digital community broadcasting. During 2020, CBF granted approximately US$15.5 million to 232 organizations (CBF, 2021).

Box 2.3 • *Community Radio Installation, Broadcast and Operation Policy*

In Bangladesh, the government has attempted to create a more accommodating legal environment for community radio stations. The Community Radio Installation, Broadcast and Operation Policy of 2008 was updated in 2017, with the new version published in 2018.

Community radio can benefit from a trust fund and, to ensure financial sustainability, the stations can broadcast radio commercials for 10% of total on-air time a day. The new policy has also ensured that all existing and future licences will be permanent. With the permanent licence, the owner will be able to establish two more stations, thus supporting the expansion of community radio in the future. There are currently 17 community radio stations functioning in Bangladesh, and another 18 have been shortlisted.

Source: Bangladesh QPR.

1. The term 'proximity radio' encompasses all types of profit or non-profit community and local radio stations set up to serve a particular area or language group.

In Argentina, following the 2019 granting of licences to radio stations that had been 'provisionally' authorized to operate for years, in mid-2020 the National Communications Authority announced a new line of the Competitive Development Fund for Audiovisual Media for US$1 million to encourage the production of quality programmes and content, aimed especially at community radio and television stations, as well as those of Indigenous Peoples (ENACOM, 2020).

Peru and Mexico are also taking steps to give a voice to marginalized social groups. In Peru, between 2016 and 2020, the number of community radio stations grew from 17 to 62 active stations, while community television stations grew from 2 to 23. This is due to a simplified procedure for obtaining permits that provides measures such as an exemption from payment of broadcasting service operating fees, discounts and a waiver of processing fees (Peruvian Ministry of Transport and Communications, 2020).

In Mexico, the office of the President is leading a project to design public policies that support indigenous and community radio stations, and that incorporate indigenous content in public and commercial media under the UNESCO/EU programme 'Supporting new regulatory frameworks to strengthen the cultural and creative industries and promote South-South cooperation'. The project specifically aims to develop a regulation that promotes the incorporation of indigenous content and to decentralize the granting of licences for indigenous and community radio stations. The needs and challenges that the project seeks to address appear to be similar to other contexts, such as: the complexity of the radio licence application process; the financial burdens of applying for a radio licence often outweighing the potential benefits of obtaining it; the lack of public policies to ensure the economic viability of radio stations; and the absence of standard regulations for the incorporation of indigenous content in commercial and public media.

In this context, the Declaration of Principles for Cultural and Linguistic Diversity in the Media was drawn up on the basis of five principles, including the recognition that cultural diversity – in addition to the inclusion of content produced by the communities and their media – is also manifested in the direct participation of members of Indigenous Peoples, Afro-descendants and diverse communities in the areas of leadership, opinion, project design, decision-making and other relevant positions. In March 2021, a Follow-up Committee was created to promote endorsement to the Declaration and provide tools for its implementation. The Committee comprised representatives of public media, government institutions, civil society organizations and indigenous and community media. The project has also led to the establishment of a virtual school for indigenous and community radios through which the participants can learn about audiovisual production, the gender equality approach and mainstreaming, media and information literacy and crowdfunding.

While the full-scale and long-term effects of the COVID-19 crisis are still to be understood, the need to limit media concentration and the spread of disinformation has not disappeared but has arguably become more urgent

In the past four years several other countries, including Algeria, Canada, Colombia, Finland, France, Lao People's Democratic Republic, Sweden and Timor-Leste, also report using funding or regulatory measures to support community and independent media outlets in their territories. This points to a widespread awareness among Parties of the need to diversify media sources by supporting more locally-based actors.

Despite the positive progress in supporting independent and community-based media, as well as the positive examples of community-based media that survived and played an active role during the COVID-19 pandemic, there are grounds for fearing that the crisis has led to the closure of many media outlets (especially community ones) due to a lack of distribution and advertising opportunities. In the United Kingdom, for example, the Community Media Association called for urgent government support in April 2020 to avoid the closure of local media outlets (Sweney, 2020).

At the same time, the COVID-19 pandemic has led to a proliferation of disinformation, as well as a lack of attention on local voices as health crisis coverage took priority (Media Diversity Institute, 2020). This makes it all the more important to safeguard media outlets that are reliable, accountable and representative of all groups in society. While the full-scale and long-term effects of the crisis are still to be understood, the need to limit media concentration and the spread of disinformation has not disappeared but has arguably become more urgent.

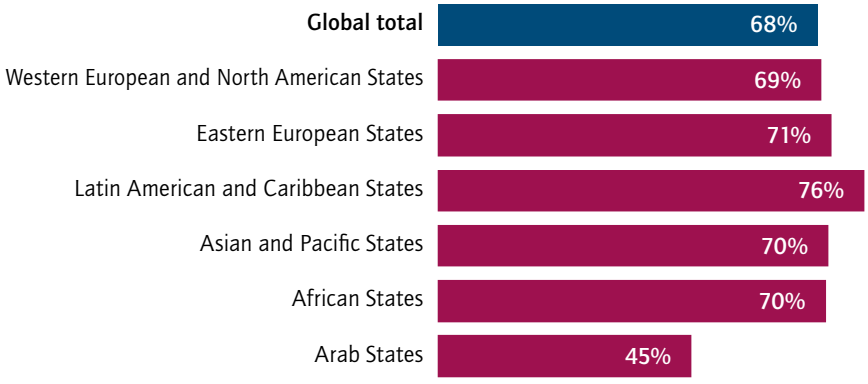
DIVERSITY OF CONTENT IN THE MEDIA: TACKLING ISSUES OF REPRESENTATION, CREATION AND DISSEMINATION

Notwithstanding the importance of media pluralism, the presence of more operators per se does not lead to greater content diversity if they simply broadcast more of the same. The recommendation is therefore that Parties adopt policies and measures to promote the diversity of audiovisual content in the media by regulating content or by establishing PSM with a legal or statutory remit to promote a diversity of cultural expressions.

In the latest reporting period, 87% of Parties (94% of developed and 84% of developing countries) indicate having such a PSM. This represents a continuation of the positive trajectory identified in the second edition of the Global Report.

Figure 2.2

Parties with domestic content regulations for audiovisual media



Source: BOP Consulting (2021).

Most Parties (68%) also indicate the existence of domestic content regulations for audiovisual media, with no significant regional differences (although among the Arab States less than half use content regulation, compared to significantly more than half of countries in other regions) (Figure 2.2).

Content regulation can take many forms. Unfortunately, not all forms seek to promote a diversity of cultural expressions, but can instead be used to limit the free expression of differing opinions. It is common, for example, for censorship boards to limit the expression of conflicting opinions.

Nonetheless, most Parties report using content regulation to ensure content diversity in programming by supporting (1) regional and/or local broadcasters, (2) linguistic diversity, (3) community programming for marginalized groups, and/or (4) sociocultural programming. When comparing the types of support, Parties report more widespread support for sociocultural programming (programmes specifically designed for segments of the population perceived as having particular needs and expectations such as children, youth or persons with disabilities), while linguistic diversity and community programming for marginalized groups receive the least support – especially in developing countries (Table 2.1). This points to a need for more support that specifically targets marginalized groups, although it should be emphasized that while marginalized communities do need media about and for themselves, including them in mainstream shows is equally important to reduce majority-minority gaps.

It is also worth noting that support for sociocultural programming is more widespread than support for linguistic diversity, given that an emphasis on language was identified as a key trend in the two previous editions of the Global Report.

LOCAL CONTENT QUOTAS REMAIN POPULAR

As noted in the 2018 Global Report, content quotas are popular instruments among States (UNESCO, 2018). Such quotas originate in the response of European States to the high number of Hollywood films shown in their cinemas in the 1920s and 1930s. The idea was to intervene to provide space for locally produced works in the film market. In this regard, the United Kingdom was a pioneer in establishing a screen quota system for cinemas through the Cinematograph Films Act of 1927 (Albornoz and García Leiva, 2019).

Table 2.1

Policies and measures that promote content diversity in programming

	Regional and/or local broadcasters	Linguistic diversity in media programming	Community programming for marginalized groups	Socio-cultural programming
Global total	**68%**	**60%**	**54%**	**74%**
Western European and North American States	81%	75%	88%	94%
Eastern European States	59%	53%	47%	65%
Latin American and Caribbean States	71%	47%	41%	82%
Asian and Pacific States	40%	50%	50%	60%
African States	74%	74%	52%	70%
Arab States	73%	45%	45%	73%
Developed countries	71%	68%	71%	77%
Developing countries	67%	56%	46%	73%

Source: BOP Consulting (2021).

Domestic content quotas gained ground when they were applied to television and radio decades later, and today their implementation in VOD services is being considered in several countries. Likewise, the logic of content quotas, originally intended only to guarantee the public presence of locally produced works, is now applied in some countries to favour specific languages, local independent producers or certain television genres.

States in all regions have implemented content quotas (Figure 2.2). However, there is a large gap between developed and developing countries regarding the type of media covered by content regulation, with most developed States having content quotas for audiovisual services on free-to-air TV, on pay-TV, radio and even on VOD services, while in developing countries, less than half have any type of content regulation for the sector.

The Republic of Korea has launched several quota-based schemes to support independent producers and diversify the sources of foreign content. For example, the 'foreign programme quota' prohibits broadcasting service providers from scheduling more than 80% of their foreign programmes with content (film, animation or popular music) produced by any single country on a half-yearly basis to ensure diversity in foreign content. Another scheme requires broadcasters to air programmes produced by independent producers for a certain proportion of total programming to ensure a diversity of producers. This scheme mirrors the successful Terms of Trade practice in the United Kingdom, introduced in 2004, which requires public and commercial broadcasters to commission programmes from independent producers, and which has helped the British independent production sector become a global leader in television production (Oliver and Ohlbaum, 2018).

Audiovisual media regulation in Uruguay also stipulates that both commercial and public television stations must devote at least 60% of the total programming to nationally produced or co-produced works (not including advertising and self-promotion).

Domestic content quotas gained ground when they were applied to television and radio decades later, and today their implementation in Video on Demand services is being considered in several countries

A year after the establishment of mechanisms monitoring local music on the airwaves, the Uruguayan Chamber of Phonogram Producers stated that the presence of local artists on the radio had increased to over 30% of broadcasting time (El Observador, 2018). Through the 'Series Uy' programme, Uruguay is also boosting the production of national fiction thanks to an annual prize of up to US$114,000.

Namibia, too, is working to ensure the presence of domestic works in the country's media outlets. Under the UNESCO/EU programme 'Supporting new regulatory frameworks to strengthen the cultural and creative industries and promote South-South cooperation', the Ministry of Education, Arts and Culture is supporting local content production and copyright protection. The project is a good example of the complementarity of efforts needed to enforce local content programming, as defined in the 2018 Broadcasting Code in the case of Namibia.

Box 2.4 • *Uganda – Increasing the presence of local content in broadcast media*

In 2013, the Uganda Communications Commission (UCC) issued a directive that aimed to ensure that all free-to-air television broadcasters increased the level of local content; promote national culture, pluralism and diversity; create employment; and develop the local film industry. Free-to-air television station licensees must ensure that an average of 70% of programming during prime time consists of Ugandan content. Of this 70%, 50% must feature drama programmes, 10% are reserved for local documentary programmes, 5% for sports and 5% for children's programmes. Pay-TV subscription licensees must also ensure a minimum of 20% Ugandan television content over the period of a year. In 2019, the UCC announced a revision of its local content measurement methodology, including the monitoring of other genres: news, current affairs, religious programmes, reality programmes and music. Consequently, the presence of local content in the Ugandan media increased from an average of 30% in 2018 to 50% by the end of 2019.

Despite this substantial growth, broadcasters have pointed to a funding shortage in the sector and expressed frustration that most national audiovisual content is of low quality. During a meeting about the local content quota with the UCC, Uganda's National Association of Broadcasters and the Uganda Film Council, several issues were raised. Content providers expressed concern about the amount of cheap, foreign content carried by free-to-air broadcasters and the high levels of piracy of local content. Participants also pointed to the high cost of producing local content and increased competition from international broadcasters and online platforms.

In 2020, the 'Content Development Support Programme' was launched to address these criticisms and support the production of quality works. This initiative will provide support to Ugandan production companies and individuals to develop feature films, short films, animations, documentaries and television dramas. In the programme's first call for funding, whose objectives include increasing the competitiveness of Ugandan audiovisual content and boosting content production, 60 proposals were received. The seed fund has approximately US$200,000 at its disposal, and the UCC has already initiated partnerships with various stakeholders to secure more funds to support the initiative.

Sources: UCC (2015, 2020 and 2021), Glencross (2013), Ssempijja (2013), Mutegi (2017) and Balancing Act (2019).

It is as much about assisting broadcast licensees to develop their local content policy and submit it to the Namibian Communications Regulatory Authority, as it is about encouraging the production of local content through the revision of the country's 1994 Copyright Act. This revision was intended to address challenges including how to ensure that the work of Namibian creatives is adequately and effectively protected, and that they are able to earn an income from their artistic work – particularly in the digital environment.

Indeed, implementing local content quotas is not a magic solution (as they involve their own challenges). First, content quotas alone do not automatically translate into financial success for artists. Secondly, producing eye-catching audiovisual fiction is expensive compared to buying works on the international market or producing one particular type of content (such as studio shows). As a result, many broadcasters struggle to comply with domestic content quotas, and States are increasingly turning their attention to the need to not only implement content quotas, but also to support the production of local content (Box 2.4).

One of the dire consequences of the COVID-19 pandemic was the abrupt and global shutdown of ongoing audiovisual productions. In this context, several governments had to make the difficult decision to suspend domestic content quotas, often leading to important public debates. In Australia, for example, commercial television and radio broadcasters received a 12-month rebate on the Commercial Broadcasting tax, while domestic drama, children's and documentary content quotas on free-to-air and subscription television were suspended for 2020. The requirement for 55% Australian content overall remained in place. While this was a necessary move due to the halt in production, it also sparked fears among local producers that quota systems would be abandoned. A simplification of content quotas could result in the loss of 4,600 jobs in the production industry and 141 hours of culturally important content (Karp, 2020; Meade, 2020).

In Colombia, the proportion of local content in prime time on weekdays was reduced from 70% to 20% due to difficulties in meeting the national content quota. This led to a public debate involving several media stakeholders (Colombian Association of Actors, producers and academics) and political parties. The measure was later overturned by the Constitutional Court of Colombia. The judges ruled that the reduction of the domestic screen quota infringed the labour and social rights of artists, performers and authors of audiovisual works by impacting their right to remuneration for public communication. In the same ruling, the Court considered that the crisis was economically affecting the regional television channels, and therefore authorized increased resources to guarantee their operation.

Despite a brief interruption in a few countries, content quotas seem to be here to stay. Nonetheless, as was also highlighted in the 2018 edition of the Global Report, while the number of content quotas to boost local content remains high and continues to grow, States are lagging behind in encouraging the diversity of foreign content – a trend that could be partially reversed by further promoting the linguistic diversity of content.

VOD SERVICES – A NEW DOMAIN FOR CONTENT QUOTAS?

Across all regions, fewer States have implemented content regulations on pay-TV and on VOD services compared to free-to-air TV and radio (Table 2.2). This highlights the need to rethink content quotas designed for traditional and public broadcasting services.

Table 2.2

Domestic content quotas for audiovisual services

	On free-to-air TV	On pay-TV	On radio	On VOD
Global total	**58%**	**34%**	**53%**	**30%**
Western European and North American States	92%	81%	85%	77%
Eastern European States	84%	56%	72%	60%
Latin American and Caribbean States	38%	13%	38%	3%
Asian and Pacific States	55%	41%	55%	32%
African States	57%	14%	46%	8%
Arab States	19%	6%	19%	6%
Developed countries	88%	71%	83%	73%
Developing countries	45%	18%	40%	11%

Source: BOP Consulting (2021).

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Great stories can come from anywhere, and be loved everywhere. At Netflix, we truly believe that great storytelling transcends borders. When stories from different countries, languages and cultures are told locally in their authentic voices, they can connect with a global audience – because the themes of humanity are universal. Netflix provides a global platform where members can discover those local stories from all over the world.

We recognize, however, that access to resources and visibility means many emerging filmmakers, especially those from developing regions, struggle to fully unleash their talents and develop their creative careers. That is why Netflix invests in programmes and partnerships that help support new, diverse talent. Last year for instance, we established the Netflix Fund for Creative Equity – our commitment to develop opportunities for creators from under-represented communities.

Netflix welcomes UNESCO's effort to map the film industry in Africa, resulting in the report The Film Industry in Africa: Trends, Challenges and Opportunities for Growth. *This complements other investments to leverage Netflix in the distribution of artistic and creative content, including the UNESCO and Netflix short film competition, 'African Folktales, Reimagined'. We want to ensure that our members around the world see themselves and their stories on screen, and our aim with this competition is to discover new voices and give emerging filmmakers in sub-Saharan Africa visibility on a global scale, expanding the know-how of a generation of filmmakers whose potential will help the film industry become more open, diverse and inclusive.*

Through our work with creators all around the world, we are building a lasting legacy of inclusion in entertainment – one that embraces local cultures and authentic storytelling. We plan to continue fostering the development of local creative industries, and bringing audiences together across geography, time zones and language with great stories that transcend them all.

Bela Bajaria

Head of Global TV, Netflix

Not only is there a need to implement content quotas for these types of outlets, but it is also crucial to consider how to move from simply making diverse content accessible to making sure users are consuming diverse content when using increasingly individualized services.

An emerging trend is to consider the obligations of VOD service operators towards locally produced content, and this has mainly been observed in developed States. In the EU, there were 140 million subscriptions to VOD services by the end of 2020 (Grece, 2021), and content consumption has gradually shifted away from public and paid TV services. The reformulated Audiovisual Media Services Directive (2018) lays down reinforced rules on the promotion of European works (Albornoz and García Leiva, 2021). Article 13(1) establishes that VOD service providers must 'secure at least a 30% share of European works in their catalogues'. The Directive also stipulates that States may oblige VOD service operators to contribute financially to the production of European works, including via direct investment in content and contribution to national funds.

In the EU, members are now importing the Directive into their regulatory frameworks. The Spanish government, for example, presented a draft law on audiovisual communication stipulating that companies like Netflix or Amazon should earmark 5% of revenues generated in the country to finance European films and series. Of this, at least 70% must support projects by independent producers and at least 40% must be allocated to films in Spanish or an official language of the Autonomous Communities. Similarly, the French government plans to require VOD services to reinvest between 20% and 25% of their annual turnover in the production of local film and TV programmes – with 85% of this to be spent on French-language content (EAO, 2020; Keslassy, 2021).

Countries outside Europe are also amending policies in response to the rise of the VOD market. In South Africa, the government is working on a new regulatory framework: the Draft White Paper on Audio and Audiovisual Content Services Policy Framework (2020), which will require Subscription Video on Demand (SVOD) service providers to offer 30% local content in their catalogues.

In Australia, the film and television industry is lobbying to impose a 20% local content quota on SVOD services, explaining that this measure could help sustain up to 10,000 jobs. The Media Reform Green Paper, launched in November 2020, also proposes to create a law that requires streaming services to invest some of the revenue earned in Australia in local content (Australian Government, 2020).

An emerging trend is to consider the obligations of Video on Demand service operators towards locally produced content

In Canada, traditional media broadcasters are required to spend 30% of their revenue on Canadian content. In late 2020, the government proposed an update to the Broadcasting Act to require companies providing streaming services in the country (including Netflix, Disney, Amazon and Spotify) to invest a portion of their revenue in Canadian content. If the bill is passed, the Canadian Radio-television and Telecommunications Commission will set rules obliging operators of VOD services to make financial contributions and ensure that Canadian programming in English, French and indigenous languages is available, prominent and easily discoverable[2].

Finally, in February 2021 in Mexico, an initiative was presented to the Senate to enact a new Federal Cinematography and Audiovisual Law that seeks to impose on SVOD services a 15% quota of Mexican productions that are less than 25 years old (Monreal Ávila, 2021).

Such initiatives help not only ensure that VOD companies showcase works from around the world, but also that they play an active role in supporting the production of new works. This will help guarantee that more diverse content is available on VOD platforms and, by potentially helping to improve their quality, could also make them more attractive to larger audiences.

LINGUISTIC DIVERSITY IN PROGRAMMING

One key aspect of ensuring diversity in media content is to produce programmes in different languages. In this regard, depending on audience origin and size in a territory and on the use of information and communication technologies, the very functioning of the media market can help support a certain degree of linguistic diversity. In this respect, Europe is a paradigmatic region. Without denying the significant presence of English-language television channels, a study conducted by the European Audiovisual Observatory (EAO) indicates that, on average, EU citizens have access to television channels in 19 different broadcasting languages (EAO, 2018). Among them, France has the most diverse market with 35 different broadcasting languages available (TV channels and on-demand services combined), including Arabic, Turkish, Mandarin Chinese, Hebrew, Tamil and Urdu. Other European markets with many broadcasting languages are Sweden (27), Germany (26), Switzerland (25) and Poland (24).

Content quotas are routinely used to underpin linguistic diversity in programming, although the numbers vary by region, with eastern European States taking the lead. Such measures include the presence of PSM working in different languages (as in Belgium), the operation of funds that allocate resources to produce content in minority languages (like in Spain) and the establishment of share quotas for language content in media outlets (as is the case in Canada).

2. *www.canada.ca/en/canadian-heritage/services/modernization-broadcasting-act/faq.html*

According to data collected for this report, however, the proportion of countries that have established a linguistic quota for audiovisual media ranges widely from 38% in Arab States and 46% in Africa, to 78% in Western Europe and North America and 84% in Eastern Europe. Regional differences are more marked in these cases than when examining support for linguistic diversity in media programming more generally (Figure 2.3). Such government measures can be seen in the context of a wider trend in several States to recognize the intercultural and multilingual character of their populations (Uribe-Jongbloed and Salawu, 2018).

In Switzerland, for example, the Swiss Broadcasting Corporation is required to provide services of equal value in German, French, Italian and Romansh, to promote mutual understanding, cohesion and exchange between the different regions. In Slovenia, the Ministry of Culture seeks to facilitate information sharing with minorities and to support broadcasting in minority languages, and thus holds an annual open call to co-fund the creation and dissemination of media content for Italian and Hungarian minorities and the Roma community. Similarly, the National Media Council of the United Arab Emirates, home to people from 200 nationalities, has increased its news broadcast services to 18 languages.

Depending on audience origin and size in a territory and on the use of information and communication technologies, the very functioning of the media market can help support a certain degree of linguistic diversity

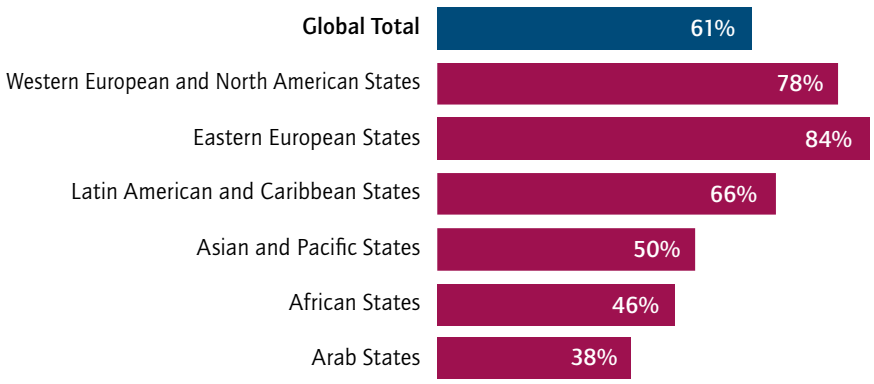
Following up on the 2019 United Nations General Assembly Resolution declaring 2022-2032 as the International Decade of Indigenous Languages, the 2020 Los Pinos Declaration (Chapoltepek) that forms the basis for the Decade's Global Action Plan calls for support for the development and recognition of Indigenous Peoples' media, expanded opportunities for the production and dissemination of original content by indigenous media and a greater presence of Indigenous Peoples in the media in general – with the aim of increasing the share of programming in indigenous languages. It recognizes that improved access to technical, organizational and financial resources for the creation of indigenous media, as well as capacity-building for media professionals, are all needed to ensure accurate coverage of indigenous issues.

In the context of the International Year of Indigenous Languages that led to the Los Pinos Declaration (Chapoltepek), the Public Media Alliance (the largest global association of public service media organizations) considered whether public media currently ensures a fair representation of indigenous cultures and languages and found varying degrees of indigenous language representation in broadcasting around the world. In Peru, programmes are produced in three of the country's 47 indigenous languages: Quechua, Asháninka and Aymara; while Radio New Zealand, has incorporated the Māori language, te reo Māori, into its predominantly English-language services to ensure that its services are more accessible and available to all (PMA, 2019).

Despite some positive examples, there is still a hierarchy of languages in many places, and States tend to be perceived as monolingual and monocultural, although this is often far from reality (Uribe-Jongbloed and Salawu, 2018). Despite some growth in indigenous language media, most minority communities around the world cannot secure their languages' presence in the media landscape. The reasons for this may be financial, but they can also be due to legal obstacles put in place to limit the influence of indigenous communities. There are several examples of efforts to lift the legal barriers that indigenous communities may face in accessing the media landscape. In June 2021, for the first time the Inter-American Court of Human Rights held a hearing of a case of legal discrimination of indigenous community radio stations in Guatemala. The case was referred by the Inter-American Commission on Human Rights, based on proceedings brought by four Mayan indigenous individuals who, through two non-governmental associations, lay claim to radio frequencies for providing a service to their own communities in their own language.

Figure 2.3

Linguistic quotas for audiovisual media



Source: BOP Consulting (2021).

MEDIA REPRESENTATION OF SOCIAL GROUPS: SOME PROGRESS BUT MUCH REMAINS TO BE DONE

A particularly sensitive issue is the representation in cultural and media content of different social groups, including women, ethnic and religious minorities, immigrants, persons with disabilities, over-50s and LGBTIQ+ individuals. Discrimination in the media can take many forms, including prejudice in the way characters are presented, or the absence or under-representation of certain groups.

Discrimination in the media can take many forms, including prejudice in the way characters are presented, or the absence or under-representation of certain groups

Persons with disabilities, for example, make up 15% of the world's population (World Bank, 2021) but remain largely under-represented in the media. When they are included, disabled characters are often stereotyped either as victims or as remarkable heroes who overcome their disability. The full range of disabilities is also neglected in media portrayals (Media Smarts, no date). In several countries, community radio is proven to help increase the representation of persons with disabilities. In Australia, community radio has provided both a way to make the voices of persons with disabilities heard, as well as a training ground for aspiring media producers with disabilities (who have gone on to secure paid work in public service media) (Stewart et al., 2019). In Tanzania, British Broadcasting Cooperation (BBC) Media Action launched a show called 'Niambie' (Tell me) aimed at young Tanzanians. Throughout its 12 episodes over three months, the programme focused on a disability-related topic or considered an issue from the perspective of a person with disabilities. Early results show that the programme helped reduce stigma against people with disabilities, thereby attesting to the importance of launching similar programmes[3].

Women also continue to be under-represented in the media. According to the 6th edition of the Global Media Monitoring Project[4], women's representation as subjects and sources only improved by one point from 24% in 2015 to 25% in 2020 (GMMP, 2021). The Rewrite Her Story report, published by Plan International (2019) and analysing the 56 top-grossing films in 20 countries, also found that only 27% of female characters are represented as leaders, compared to 42% of male characters. This has consequences for the aspirations of young women. As a young woman from Senegal is mentioned saying in the report: 'When we see women playing secondary roles, young women can think it's normal life to play a secondary role and lose ambition'.

Achieving gender equality is necessary for the media to remain relevant and attract talent. Nonetheless, women continue to be under-represented in European broadcasting, not only in terms of on-air presence, but even more so in terms of speaking time – particularly in news and sports programmes (EBU, 2021). In fiction, although the overall presence of women is higher, stereotypes and ageism remain prevalent. In the United States, for example, while women over 50 years of age represent 20% of the population, their share of on-screen time is only 8% (Nielsen, 2021) – and the trend is strikingly visible elsewhere.

Despite ongoing problems, the third edition of the *Gender Equality and Public Service Media* report by the European Broadcasting Union (EBU) nonetheless highlights a clear commitment from PSMs in Europe to achieve a better gender balance. The study lists several good practices, including the use of artificial intelligence to monitor the archiving of audiovisual content to measure gender speaking time in France; '50:50 The Equality Project' initiated by the BBC (Box 2.5); and the 'Advancing Gender Equality in Media Industries' project: a multidisciplinary European project providing a database of best practices and learning resources (EBU, 2021).

Achieving gender equality is necessary for the media to remain relevant and attract talent

Gender inequality tends to be worse in private media (McCracken et al., 2018). While private media are generally less compelled or inclined to represent all parts of society, some companies are leading the way towards a more gender equal private media sector – at least in news media. The UN Women Media Compact brings together private media companies intent on scaling up the focus on women's rights and gender equality issues, including by ensuring that women act as sources and subjects in stories produced on an equal par with men. The main fronts on which media partners are invited to focus on gender equality and women's rights issues are through increased reporting on gender issues, tackling stereotypes and biases; and increasing the number of women in the media (including in leadership and decision-making positions). Based on what has been covered in this chapter, much remains to be done on these two fronts by media specializing in the dissemination of cultural content.

Some European States have also reported recent measures that aim to achieve gender parity in media content, as well as for female representation in works of fiction to be free from sexist stereotypes. In Bulgaria, the Council for Electronic Media is taking up the fight against gender stereotypes through the National Action Plan for the Promotion of Equality between Women and Men 2019-2020.

3. Read more in Inclusive Futures' in-depth assessment of the project, 'Changing views through radio' at https://inclusivefutures.org/tackling-stigma-and-discrimination-with-radio-shows/

4. The flagship activity of the World Association for Christian Communication (WACC) and the largest and longest-running research programme on gender in the world's news media.

Box 2.5 • *Media content that fairly represents our world – '50:50 The Equality Project'*

The '50:50 The Equality Project' is an innovative initiative that seeks to create journalism and media content that fairly represents our world. Born in the British Broadcasting Corporation's (BBC) London newsroom in 2017, it expanded from one BBC programme (now involving 670 BBC teams) to a global network of 101 partners in 26 countries – all working towards one goal: to reach a point in which women represent 50% on-screen, on-air and lead roles across all genres from drama to sports to news. This global network includes broadcasting organizations, newspaper publishers, higher education institutions and large companies from different sectors.

BBC staff tailor 50:50 to each partner's content and workflows, and work closely with each partner organization to create a small pilot group to test the 50:50 system. Once the system is satisfactory, the BBC helps the partner roll it out across the organization. The goals of the 50:50 Project have been aligned with the Sustainable Development Goals (SDGs), including SDG 5 (gender equality) and SDG 10 (reduction of inequalities).

The first impact report shows that 70% of BBC teams submitting data in March 2021 achieved at least 50% women across their output – an increase of 34% from where they began. For the first time, no team featured under 40% women after three years of monitoring. The initiative is not only helping to drive progress at the BBC, but also across the global network. After participating in a challenge to feature 50% women in their content, half of the 41 organizations that took part succeeded in March 2021, compared to 31% when they first joined.

In October 2020, the BBC announced that 50:50 monitoring was being expanded to include representation of ethnicity and disability. Over 220 teams across this public corporation have now committed to using 50:50 monitoring to increase the representation of ethnic minority and disabled contributors.

Source: BBC (2021).

This Plan includes analysing trends in gender-specific programmes that suggest one-sided social and behavioural patterns, as well as more focused monitoring of broadcast commercial communications to identify the presence of gender stereotypes. Meanwhile, in Austria, the two-stage script writing competition 'If she can see it, she can be it!' is a joint initiative of drehbuchFORUM Wien, the Austrian Film Institute and FC Gloria (a non-profit association to support, empower and connect female filmmakers). It aims to support authors to develop differentiated and innovative female characters beyond the usual clichés.

Although data on gender representation in the media in other world regions are harder to find, evidence suggests that the under-representation of women in the media is a global phenomenon (GMMP, 2021).

In Argentina, the government is attempting to improve representation not only of women but of all genders. The Law of Equity in the Representation of Genders in the Communication Services requires all State-managed media sources to ensure a quota of no less than 1% for transgender and intersex persons. Furthermore, while not mandatory for private media companies, the new regulation also gives special treatment to those that are able to obtain a 'gender equity certificate'.

Ethnic minorities also suffer from under-representation in media content. When minorities do appear, they may be portrayed along narrow lines that reflect prejudices of the dominant group. In Spain, for instance, a study analysing Spanish TV series broadcast in prime time between 2016 and 2017 found that, out of a total of 723 characters, only 1.8% were Asian (Marcos Ramos et al., 2019).

Furthermore, actors from minority backgrounds often feel typecast in simplified and stereotypical roles if they ever get the chance to act in the first place.

There is a concern that racism in television can have an impact on the actual behaviour of audiences, and watchdog organizations – such as the Egyptian Observatory for the Elimination of Racism (2018) – are raising calls for action to avoid racist representation in the media.

Some countries are changing media regulation accordingly. For example, in 2018, the Tunisian parliament passed the Organic Law on the Elimination of All Forms of Racial Discrimination, which focuses on eliminating racism in all sectors including media. The Law defines racial discrimination and stipulates penalties for those found guilty of racism. Tunisia was the first country in the Arab region to enact such a law, and the plan is to turn it into a transversal public policy (Fassatoui, 2021).

There is a concern that racism in television can have an impact on the actual behaviour of audiences

During the COVID-19 pandemic, the negative or neglectful representation of minorities in the media was exacerbated. While most of the global media coverage in 2020 was dominated by COVID-19, women's voices were once again largely absent. While women make up an average of 46% of health experts in the real world, in that capacity, they only appear in 27% of articles on the coronavirus. This suggests that gender stereotypes may have been reinforced (GMMP, 2021). Furthermore, as disinformation ran rampant on social media, people of certain ethnic and religious affiliations were widely treated as if to blame for the health crisis.

As pointed out by the global photography and marketplace platform 'EyeEm', the global health crisis that has dominated the headlines of news outlets and social media feeds should provide an opportunity for news providers and brands to question their choice of images. While these media outlets do not intend to offend, current image choices have so far proven how quickly damaging narratives can emerge when visual content is at the forefront of the story (Holder, 2021). Out-of-context stock images of people of Asian origin or wearing Muslim religious symbols were in many cases used to depict the pandemic, giving the false impression that certain groups were particularly linked to the virus (Jeanné and Miller, 2020). These incidents point to a dangerous path of worsening media representation, and the situation was far from perfect before the COVID-19 pandemic. While it is too early to foresee the long-term global consequences of the crisis, these findings indicate that urgent action must be taken, not only to move forwards but to avoid taking two steps back.

MONITORING MEDIA DIVERSITY: ARE THE NECESSARY BODIES AND FRAMEWORKS IN PLACE?

Policies and measures for media diversity require holistic monitoring mechanisms to evaluate their efficiency. This is usually carried out by a national body, whose action may be complemented by self-regulatory mechanisms (adoption of guidelines, codes of conduct) and co-regulation (role shared between media managers and public authorities).

Most Parties report having regulatory authorities monitoring media, showing no significant difference between developed (87%) and developing countries (86%), nor between regions. Nonetheless, several factors can undermine their satisfactory performance. One issue is whether a regulatory authority is independent from both political power and major private media conglomerates.

Policies and measures for media diversity require holistic monitoring mechanisms to evaluate their efficiency

The independence of regulatory authorities is protected by law in many countries (Figure 2.4), but there are important regional differences, with independent bodies being more common in European, North American and African States than in other regions.

For media regulators to truly exercise their powers impartially, transparently and effectively, it is not only necessary to guarantee their independence by law. A study carried out by the EAO on the independence of regulators in the broadcasting and audiovisual media sector in nine European countries found that, in some countries, despite the presence of high functional independence (guaranteed by law), the regulatory authorities may still be exposed to political interference (Cappello, 2019).

Other factors that can limit the performance of regulatory authorities include weaknesses or gaps in legislation, as well as the impossibility of applying regulations – regardless of how well-defined they may be on paper – due to the socio-economic context.

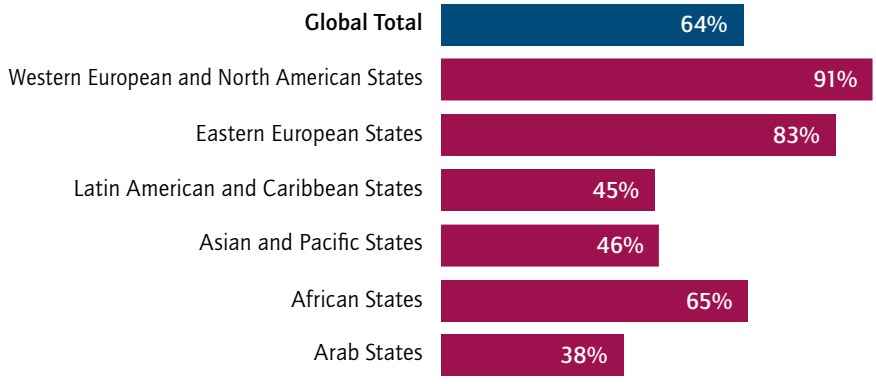
FROM TRADITIONAL MEDIA TO ONLINE SERVICES: AN EVOLVING MONITORING CHALLENGE

While most Parties report having media monitoring mechanisms, these differ substantially in terms of what type of media they monitor. In general, public and private media are subject to considerable monitoring by regulatory authorities, especially in Western Europe, North America and Africa. In contrast, online media is the least monitored, ranging from 64% of Western European and North American States to only 33% of Asian and Pacific States (Table 2.3).

However, this is beginning to change. As new possibilities are offered by digital technologies, one trend among media authorities is the expansion of their areas of responsibility. Today, 'converging' regulators are increasing in numbers, and include the Ofcom in the United Kingdom, which regulates telecommunications, radio, television, Internet, on-demand audiovisual services and even the postal sector; or the Australian Communications and Media Authority, which oversees the convergence of telecommunications, broadcasting, radio communications and the Internet. The Mexican Federal Telecommunications Institute and the Independent Communications Authority of South Africa are also debating the inclusion of VOD services in their monitoring frameworks.

Figure 2.4

Presence of independent media regulatory authorities



Source: BOP Consulting (2021).

Table 2.3

Areas of monitoring by media regulatory authorities

	Public media	Community media	Private sector media	Online media
Global total	**79%**	**64%**	**73%**	**54%**
Western European and North American States	86%	71%	86%	64%
Eastern European States	80%	73%	73%	60%
Latin American and Caribbean States	71%	64%	71%	50%
Asian and Pacific States	78%	44%	67%	33%
African States	85%	65%	75%	60%
Arab States	67%	56%	56%	44%
Developed countries	85%	74%	81%	63%
Developing countries	76%	59%	69%	50%

Source: BOP Consulting (2021).

Table 2.4

Responsibilities of media regulatory authorities

	Issuing licenses to broadcasters, content providers, platforms	Receiving and addressing public complaints such as online harassment, fake news, hate speech, etc.	Monitoring cultural (including linguistic) obligations	Monitoring gender equality in the media	Monitoring editorial independence of the media	Monitoring diversity in media ownership
Global total	**81%**	**65%**	**65%**	**48%**	**51%**	**59%**
Western European and North American States	93%	71%	79%	50%	64%	71%
Eastern European States	80%	67%	80%	33%	33%	53%
Latin American and Caribbean States	79%	43%	21%	36%	36%	57%
Asian and Pacific States	67%	67%	56%	56%	44%	56%
African States	85%	75%	75%	60%	65%	60%
Arab States	78%	67%	78%	56%	56%	56%
Developed countries	85%	70%	78%	44%	48%	59%
Developing countries	80%	63%	59%	50%	52%	59%

Source: BOP Consulting (2021).

ESTABLISHING FUNCTIONAL MONITORING FRAMEWORKS

It is noteworthy that most regulatory authorities are responsible for issuing licences to broadcasters, content providers and online platforms, whereas it is less common for them to have responsibility for monitoring editorial independence and media ownership. The monitoring of gender equality in media outlets in particular is neglected – with only 50% of the 54 developing countries and 44% of the 27 developed countries reporting that they monitor gender equality in the media (Table 2.4). One country that does monitor gender equality in the media is Belgium. In October 2020, the Higher Audiovisual Council released the results of an investigation into off-screen gender equality in the audiovisual industry of the French-speaking Community (CSA-Belgium, 2020), finding that women are less represented at higher hierarchical levels (around 20%) and in technical jobs (around 20%).

The monitoring system is based on four main pillars: access to power; horizontal segregation; work-life balance; and forms of sexism, discrimination and violence against women in the industry. The framework provides a comprehensive system for monitoring gender equality in a meaningful way. In Tanzania, the International Association of Women in Radio and Television, Tanzania Chapter (IAWRT) has also been monitoring gender equality. It found that, in public broadcasting, women remain severely under-represented in senior editorial and management positions. The data are being used by IAWRT to advocate for more gender equality in the sector.

As a result, what is monitored is just as important as the presence of media monitoring systems. In this regard, some States have defined monitoring systems that go beyond the usual parameters. In Germany, for example, the Medienvielfaltsmonitor der Landesanstalten für Medien (Diversity Monitor of the Land Media Authorities) examines developments in media diversity and analyses the opinion-forming power of media companies and conglomerates. The 2020 report found that more than half of the opinion-forming market share (54.6%) is held by five media conglomerates. This makes the effects of media concentration explicit and helps policy-makers design evidence-based measures for media pluralism.

In the Republic of Korea, the Korea Communications Commission and the Korea Broadcast Advertising Corporation are also implementing a media diversity monitoring project to analyse the level of diversity of the Korean broadcasting service (platform, channel and content), while providing data to formulate further policies promoting the diversity of local media. The project includes analysing characters in terms of gender, sexual orientation, age, occupation, language, foreign language, disability, marriage or childcare; gender diversity; diversity in producers; diversity of channels on paid media platforms; and diversity of ownership.

Holistic monitoring systems have the potential not only to truly capture the state of media diversity in each country, but also to help advocate for a media system that allows for more diversity of cultural expressions

With the help of extrabudgetary funding from Sweden, UNESCO also plays a part in helping countries develop functioning media monitoring frameworks. As part of the second phase of the project 'Enhancing Fundamental Freedoms through the promotion of the Diversity of Cultural Expressions', implemented by UNESCO and funded by the Swedish International Development Cooperation Agency (Sida), a media diversity workshop took place in Jakarta, Indonesia, in 2019. The workshop was attended by more than 40 media professionals, and resulted in a proposal to develop a media monitoring framework using a set of fixed parameters and create resources/baselines for mapping media plurality. The parameters would take into account the complexity of a diverse media system by monitoring the diversity of outlets, independence of regulators, equal distribution and access, accountability, funding and audience share, demography, viewpoints, workforce diversity and diversity of consumption.

Such holistic monitoring systems have the potential not only to truly capture the state of media diversity in each country, but also to help advocate for a media system that allows for more diversity of cultural expressions.

FACING PROBLEMS, SHARING EXPERIENCES

Media regulatory authorities tend to form regional platforms and networks of cooperation to discuss problems, share experiences, promote cooperation and design responses to regulatory challenges. For example, the European Platform of Regulatory Authorities was established in 1995 and its activities include producing an annual strategy and work programme, as well as organizing events.

The African Communication Regulation Authorities Network, which was set up in 1998, continues to publish *La lettre du RIARC*, a newsletter based on inputs from regulatory focal points. The October-December 2020 newsletter, for example, reports on the difficulties in implementing the association's 2019-2020 action plan due to the COVID-19 pandemic, and on the signing of a cooperation agreement between the regulators of Côte d'Ivoire and Morocco.

The Ibero-American Platform for Regulators of the Audiovisual Sector (PRAI), at its 2020 online general assembly, addressed the impact of the COVID-19 pandemic on the audiovisual sector and ratified the incorporation of the media regulatory bodies of Argentina and Colombia. In 2021, PRAI organized its first two online open meetings on the representation of women on media screens in Ibero-America and on the communication rights of children and adolescents during and after the COVID-19 pandemic.

Finally, the Francophone Network of Media Regulators held the first Summer University on Media Regulation and Education in 2020. The event was organized by the Tunisian regulator, and reflected on the need to adapt and extend current audiovisual regulation to online platforms.

CONCLUSIONS AND RECOMMENDATIONS

The media play a crucial role in achieving the objectives of the Convention. However, the diversity of media owners or managers and the content they create is not a given. It is therefore important to implement policies that guarantee diversity of, and in, the media.

In the past four years, several advances have been made. An increasing number of States see the need not only to have quality PSM, but also to support community-based media outlets and to expand regulation to the online VOD sphere. The privatization of media outlets, and especially the migration to digital, has changed the media landscape. While regulation and monitoring of online media still lag behind other areas, States are working towards ensuring that the online media sphere is also diverse.

Regarding the diversity of content, media outlets are beginning to adopt measures in response to the absence, under-representation and prejudice vis-à-vis different social groups in the stories circulated by the media. Furthermore, States continue to use content quotas to promote diversity of content. Importantly, some States are topping up quotas with financial support to boost local production.

Despite this progress, much remains to be done. Concentration of media ownership is still common. Media freedom has declined. Despite the fact that they represent half the world population, women are still not represented on a par with men in the workforce, as owners, or as sources and characters in media content. Different minorities also lack sufficient and non-stereotypical representation. To make matters worse, these issues were only exacerbated by the COVID-19 pandemic.

Recognizing the importance of the media for a diversity of cultural expressions to flourish, the following recommendations can be made:

Regarding the diversity of the media

- Concentration of ownership in the media should be measured and limited;
- Barriers to the operation of community-based media should be removed, and mechanisms should be created to strengthen and promote them;
- Media professionals should be trained to ensure diversity both on and off screen;
- Media outlets should be encouraged to develop self-regulatory equality policies, including access to decision-making positions for women and minorities;
- Transparent media ownership regimes should be promoted, as should regulation that protects citizens' right to access information.

Regarding the diversity of content in the media

- An integrated set of measures, including content quotas as well as funds and fiscal incentives to support content production, should be designed to ensure the presence of domestic quality content in media systems – with a focus on content produced by independent companies;
- Media outlets should be encouraged to ensure fair, balanced representation of women and minorities, including through gender-transformative content, and by supporting content in different languages;
- Audiences must have access to content generated in different parts of the world, for example through the implementation of exchange programmes of works between countries and/or agents from different countries, the establishment of co-distribution agreements or the dedication of space for creators and/or works from other countries;
- Periodic studies should be carried out to determine the diversity of content (fictional and non-fictional) in the media, taking into account the presence of different social groups and communities, as well as how ethnicity, gender and other cultural and sociodemographic aspects are represented;
- Holistic monitoring systems that consider the complexities of a well-functioning media system should be put in place to create evidence-based policies for more media diversity.

© Thanun Sitippho (Note Thanun), *The waterfall of life*, 2019, Tokyo, Japan*

Chapter 3

New opportunities and challenges for inclusive cultural and creative industries in the digital environment

Ojoma Ochai

KEY FINDINGS

- *There is an increasingly apparent multifaceted digital divide due to a lack of Internet access, digital literacy, net neutrality, an imbalanced landscape of platforms/algorithms and unsustainable remuneration models.*
- *COVID-19 has accelerated the ongoing digital transformation, thereby altering the operational context of the cultural and creative industries (including forms of creation, production, distribution and access), as well as their business models.*
- *Although the majority of countries have policies aimed at the digital transformation of cultural institutions and cultural and creative industries, more action is needed to ensure that a diverse range of actors (especially in terms of size, geographical location and gender) can participate in the digital creative economy.*
- *Emerging forms of international and regional cooperation are supporting the diversity of cultural expressions in the digital context, as demonstrated by the Guidelines on the Implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions in the Digital Environment and the related Roadmap (which has yet to be widely applied at the national level), as well as the newly adopted UNESCO Recommendation on the Ethics of Artificial Intelligence.*
- *National digital strategies often fail to address the specific concerns and needs of the cultural and creative sectors. There is a need for more intersectoral governance models involving ministries of culture, communication (or those with a portfolio on media and broadcasting), trade and industry (or those responsible for copyright regulation), private actors, civil society and other relevant agents, as well as regional strategies.*
- *Within the digital economy, the major distributors of cultural content are also funding the production of some content. This means they have a direct impact on the promotion of cultural expressions. However, the operations of these large companies are not subject to many regulations that could effectively promote and protect the diversity of cultural expressions.*

PROGRESS

ONLINE CONTENT

Online activity is growing exponentially:

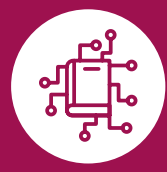
62.1% of total music revenues came from streaming in 2020

Major distributors of cultural content are funding creation and production

DIGITIZATION

80% of Parties support the **digital transformation of cultural institutions** and industries

ARTIFICIAL INTELLIGENCE



Artificial Intelligence is already generating high profile **music and visual artworks**

INTERNATIONAL STANDARDS

International standards for digital are emerging:

- 2021 UNESCO Recommendation on the Ethics of Artificial Intelligence
- 2019 Open Roadmap for the Implementation of the Convention in the Digital Environment

CHALLENGES

INEQUALITIES

Digitization could worsen existing inequalities:

- Lack of Internet access
- Digital illiteracy
- Unfair pay for creators
- Under-representation of women

POLICIES AND DATA

Culture is neglected in digital and Artificial Intelligence policies and strategies

Data on access to digital media are lacking

DIVERSITY OF PLAYERS

Less than half of Parties promote the diversity of e-players in domestic digital cultural and creative markets

SUSTAINABILITY

Digital technologies leave a significant environmental footprint

COVID-19 PANDEMIC

The digital transformation of production, distribution and access to creative content **is accelerating**

From 2016 to 2021, online activity has exploded:

Hours watched on Netflix per minute: from 69,444 to 584,222

Hours listened on Spotify per minute: from 38,052 to 196,917

RECOMMENDATIONS

DIGITAL DIVIDE

Increase access and **build digital skills**

REMUNERATION

Design business models that **fairly remunerate creators online**

POLICY

Prepare national digital roadmaps with the participation of a diverse and intersectoral range of actors

DIVERSE CONTENT

Invest in local content and enhance its discoverability on digital platforms

CORE INDICATORS

Policies and measures support digital creativity, enterprises and markets

Policies and measures facilitate access to diverse cultural expressions in the digital environment

INTRODUCTION

In March 2021, 30-year-old Nigerian artist Jacon Osinachi sold his digital drawings on SuperRare – a digital art marketplace – for over US$35,000. Known for using the limited design palette of Microsoft Word to create narrative illustrations, Jacon Osinachi has become Africa's foremost cryptoartist, whose works are registered on blockchain and sold as non-fungible tokens (NFTs). It took Osinachi two years to navigate how to sell his art as an NFT, just in time for the 2020 pandemic to boost the sector.

Cryptoart burst onto the cultural and creative scene between 2017 and 2018, although it is not yet clear whether NFTs will bring long-term benefits to most digital artists in the future. This phenomenon is linked to the emergence of blockchain technology, which can be used to issue a unique digital certificate called a non-fungible token that is impossible to duplicate. Such NFTs are causing a stir in the art market, and some see this new trend as the way digital art will be acquired and traded in the future. With the arrival of NFTs, artists can decide whatever edition size of the artwork they want, and how many of them are 'real', since NFT is like an authenticity certificate that conveys ownership of a specific artwork. These NFTs reinvent the analogue hierarchy of 'original versus copy', allowing for the (re)assertion of private property rights over the original and thus creating a market.

Artists can determine the uniqueness and value of their artwork, and anyone on the Internet can access the marketplace to buy an NFT. Most of the money goes directly into the pockets of artists, who can set sell-on clauses so that every time buyers sell on their art to other collectors, artists receive a royalty from the transaction. The NFTs offer new opportunities for financial independence and global influence. At the same time, there are concerns about the risk of financial speculation involved, which is not dissimilar to the case of associated cryptocurrencies, as well as the negative environmental impacts of the energy consumption that is essential for NFTs to exist.

The context for creating, distributing and accessing cultural expressions has been disrupted by digital transformations

This is one example of how the context for creating, distributing and accessing cultural expressions has been disrupted by digital transformations. Rapid technological advances, such as artificial intelligence (AI)[1], blockchain and extended reality (XR, which includes immersive technologies like augmented, virtual and mixed realities), are disrupting traditional business models in the cultural and creative industries. This offers unprecedented opportunities for growth, while posing serious challenges to the diversity of cultural expressions.

Based on a principle of technological neutrality, the objectives of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions remain valid regardless of the emergence of new technologies and devices. As stated in the Guidelines on the Implementation of the Convention in the Digital Environment adopted by the Conference of Parties in 2017, technological changes have had a huge impact on the creative sector and 'led to the emergence of new players and new logics, and will continue to provide new challenges and opportunities to promote the diversity of cultural expressions and, in particular, to design relevant public policies' (Paragraph 5).

The digital economy refers to the proportion of economic output derived solely or primarily from digital technologies, with a business model based on digital goods or services. The digital economy and the cultural and creative industries are having significant reciprocal impact, redefining the relationship between creators, publishers, audiences and technology companies, and introducing new governance issues (WEF, 2018). Professionals and organizations involved in the creation and production of cultural expressions (films, videos, music and so on) are driving engagement with large platforms, social media and devices (such as mobile phones and hand-held tablets) (UNCTAD, 2019). It is increasingly difficult to draw clear lines between the digital economy and cultural and creative industries, as their value chains are becoming ever more intertwined.

1. The UNESCO Recommendation on the Ethics of Artificial Intelligence approaches AI systems as 'systems which have the capacity to process data and information in a way that resembles intelligent behaviour, and typically includes aspects of reasoning, learning, perception, prediction, planning or control'.

However, as affirmed in the United Nations General Assembly Resolution declaring 2021 the International Year of Creative Economy for Sustainable Development, 'creating an enabling environment for the promotion of the creative economy, such as the development of digital technology [and] building relevant digital infrastructure and connectivity for supporting sustainable development' should be driven by the need to 'optimize the economic, social and cultural benefits stemming from the creative economy'.

The rise of digital technologies has continued in recent years, while the COVID-19 pandemic (and the restrictions on physical gatherings) has accelerated the digital transformation of the cultural and creative industries. Against that backdrop, the first section of this chapter analyses some of the changes and challenges brought about by these technologies. The second and third sections of the chapter analyse strategies, policies and measures put in place by countries at the national, regional and international levels to address and harness these rapid technological advancements for the benefit of the cultural and creative sector. This chapter also highlights some large-scale problems, for example, around the digital divide, lack of diversity and inclusion of stakeholders engaged in the digital environment and platform ownership concentration.

A CHANGING TECHNOLOGICAL CONTEXT: NEW OPPORTUNITIES, NEW DIVIDES

TRENDS IN DIGITAL ADOPTION AND CONSUMPTION

Online activity has continued to grow exponentially in the last few years: the number of hours watched on Netflix per minute, for instance, increased from 69,444 in 2016 to 584,222 in 2021, whereas Facebook logins per minute almost doubled (from 0.7 to 1.3 million), as did Google searches (from 2.4 to 4.8 million) and YouTube views (from 2.8 to 5.0 million).

The COVID-19 pandemic has led to an increase in online activity and accelerated the digital transformation of the cultural and creative industries

Platforms and emerging technologies (particularly AI, augmented/virtual reality and blockchain) are driving new forms of digital adoption and consumption.

The COVID-19 pandemic, which began in late 2019, has led to an increase in online activity and accelerated the digital transformation of the cultural and creative industries. In its 2021 *Global Collections Report*, the International Confederation of Societies of Authors and Composers (CISAC) stated that a 2020 decline in worldwide royalty collections for creators as a result of global lockdown measures was mitigated by a significant switch to digital in some markets (digital collections increased 16.6%), in particular by the rise of subscription Video on Demand (VOD). However, digital still underperformed substantially, representing slightly more than one quarter (26.2%) of total global collections (CISAC, 2021). For the music industry, however, 62.1% of total global recorded music revenues come from streaming. The growth in streaming revenues more than offset the decline in revenues from other formats, including physical revenues, which declined 4.7% in 2020, and revenues from performance rights, which declined 10.1% – largely as a result of the COVID-19 pandemic (IFPI, 2021*b*). The pandemic also reignited consumer e-book fortunes. In the United Kingdom, for example, the format once touted as the future of reading had seen six consecutive years of declining sales since peaking in 2014, but 2020 was a different story – with domestic and international sales up 17% in the first half of the year. Sales of consumer audiobooks, which had enjoyed a rising tide of popularity over the years, jumped 42% in the first half of the year, and were set to break the 2019 record. Combined sales of the two formats, which totalled GBP 199 million (approximately US$264 million) in the first half of 2020, gave the country's publishers their best ever year for digital sales of mainstream titles (Nielsen Book Research, 2020).

Table 3.1

Volume of data circulating on the Internet in one minute, 2016 and 2021

Variable	2016*	2021**
Facebook logins	701,389	1,300,000
Hours watched on Netflix	69,444	584,222
New tweets	347,222	381,532
Snaps shared	527,760	2,985,000
App downloads from Apple	51,000	234,817
Amazon sales (US$)	203,596	508,699
Google searches	2,400,000	4,812,040
Hours listened to on Spotify	38,052	196,917
Instagram posts	38,194	64,320
YouTube views	2,780,000	5,039,650

* Exelacom Inc. (2016). ** Means of available sources.

Source: BOP Consulting (2021).

The pandemic thus intensified the fundamental change affecting the distribution and access to cultural and creative content that was already well under way when the second edition of this report series was published in 2018 (Table 3.1; Table 3.2). Beyond distribution, however, platforms also participate in the cultural and creative ecosystem in other ways. Companies like Netflix have entered the field of creation and production, in addition to their role in distribution. Another example is Wattpad.com, a social storytelling platform connecting a global community of 90 million readers and writers in a way that enables authors to connect with their readers by posting serialized content.

Other technological trends in the global cultural and creative industries include new uses and accessibility of digital technologies, as illustrated by the case of the Jio phone in India (Box 3.1), which is an example of how technology may open up opportunities for more sustainable cultural and creative industries.

Table 3.2

Internet users from 16 to 64 who consume content via the Internet each month (Q3, 2020)

Content	% users, worldwide
Watch online videos	91%
Listen to music streaming services	51%
Watch vlogs	73%
Listen to online radio stations	47%
Listen to podcasts	44%

Source: Global Web Index (2021).

Extended Reality (XR) – a broad term used to describe different immersive technologies that combine the virtual and the physical worlds such as Augmented, Virtual and Mixed Realities – has also the potential to dramatically alter the experience of content consumption. Used in gaming (as in Pokémon Go) and some cultural events (avatars/hologram performances), these technologies offer novel ways of telling stories, attract new types of creators to the cultural and creative industries and provide new means of engaging with cultural content. They are used in various ways, including music and documentary making. Such XR technologies also raise the issue of widening the digital divide if certain geographical areas do not keep pace with technological developments. This is particularly relevant because the pandemic has spread online engagement, and those using XR technologies are likely to be increasingly in demand as a growing number of people have taken to the greater interaction offered. It also raises questions for audiences. As immersive technology has the potential to be more engaging, capture more personal data from users and significantly increase the time spent to screen-based interactions, careful attention will need to be paid to ensure that commercial incentives to develop immersive media do not run counter to practices that protect individual well-being (WEF, 2018).

As illustrated by the opening example of this chapter, NFTs are also a rising trend based on blockchain technology. While NFTs may sometimes be seen as a long-awaited chance for many small artists to finally gain more exposure, recognition and reasonable remuneration for their work, there is an open debate about the disproportionate greenhouse gas emissions they generate. According to one estimate, the creation of an average NFT has an environmental footprint of more than 200 kilograms of planet-warming carbon, which is the equivalent of driving a car about 1,000 km or flying for two hours (Akten, 2020).

In recent years, there have been a number of high-profile examples of music, visual arts and other creative works generated through AI. In 2018, *Portrait of Edmond de Belamy*, an artwork created by French collective Obvious, was auctioned by Christie's and sold for US$432,500.

Box 3.1 • *Devices and their manufacturers as important players in the digital environment for the cultural and creative industries*

In 2017, Reliance Industries (an Indian multinational headquartered in Mumbai) disrupted the domestic phone market by distributing its new Jio model, effectively for free, across rural India. The phone was offered for a deposit of Rs 1,500 (about US$20), refundable if the phone was returned within three years, which guaranteed membership of the Jio network and ecosystem. In addition to traditional phone features like call and chat, the phone offered the ability to stream music and movies and enjoy unlimited 4G data. This was transformative for the Indian cultural content market, as over 100 million Jio units were shipped within six months of its launch, according to research (Counterpoint, 2017).

Alongside the hardware, Reliance Internet packages with subscriptions for as little as a few dollars a month completely changed the landscape. For example, the total number of Internet subscribers rose from 426 million to over 512 million within a few months, based on new users on Reliance platforms (according to a 2018 report from the Telecom Regulatory Authority of India).

The 'Jio Effect' is credited with skyrocketing India to No. 1 for data consumption in the world as of 2018. This was largely due to increased access to music and film in local languages, raising the profile and views of Indian content. As an example, in 2019 the Indian music label and movie studio T-Series overtook YouTube star PewDiePie in terms of subscriber numbers and views. In October 2021, Reliance Industries announced the launch of its low-cost 4G smartphone – Rs 1,999 upfront (about US$26) plus ongoing monthly instalments of about US$60. Intended for first-time smartphone buyers, it includes features such as quick translation into 10 languages spoken in India other than English. Many believe this will extend the use of smartphones to many more Indian citizens.

The work was generated through a Generative Adversarial Network (GAN) from a data set of 15,000 portraits covering six centuries. The signature of such work takes the form of a mathematical formula that indicates the collaboration between technology (combined with AI) and the human creative process. The creators of this work argue that AI does not replace human creativity but can be used as a tool to stimulate it.

According to some predictions, artificial intelligence will produce a Top 40 pop song by 2027, generate creative video by 2028 and write a New York Times bestseller by 2049

The uses of AI are not limited to the visual arts. Sensorium and Mubert (an AI-music generating platform) teamed up in 2020 to create the first performing AI DJ, called JAI:N. She can create flows of ever-changing music in more than a hundred music genres and moods. Sensorium states that JAI:N will be able to create music in real time, adapting to different audiences and the crowd's reaction (McGlynn, 2020). This technology has many implications, including the fact that neither DJs nor music would need to be paid for, and that it would only take a few clicks to create the look and sound of a DJ performing as the transition between two 'real' ones.

According to some predictions, AI will produce a Top 40 pop song by 2027, generate creative video by 2028 and write a New York Times bestseller by 2049 (WEF, 2018). Increasingly, AI is also used for a range of tasks across the cultural and creative industries, including to generate insight from data patterns to support decision-making across the value chain, enable faster tagging of online content, automate video editing and even undertake analyses of scripts to predict box office success. Recommender systems on distribution platforms also harness AI to use data on past behaviour on the platform to predict future tastes or interest.

The ethics of technology are multifaceted and include principles of ownership and usage. Using these technologies risks exacerbating existing inequalities, not just in the creation of cultural content[2], but also in the business models for cultural and creative value chains by tilting the balance even further in favour of a few AI superpowers. This could further reduce the agency of States by severely impeding their ability to protect and promote the diversity of cultural expressions within their territories. If key activities in the value chain (such as creation, distribution, marketing and so forth) are taken over by AI-enabled machines, there is a potential cost in terms of human jobs, talent and innovation in the cultural and creative industries. Furthermore, it risks widening the gap in capacity to shape the digital environment between countries more and less advanced in AI technologies, not to mention the fate of artists and cultural professionals where certain roles would be taken over by technologists.

As underlined in the newly adopted UNESCO Recommendation on the Ethics of Artificial Intelligence, 'AI technologies can enrich cultural and creative industries, but can also lead to an increased concentration of supply of cultural content, data, markets and income in the hands of only a few actors, with potential negative implications for the diversity and pluralism of languages, media, cultural expressions, participation and equality' (Paragraph 3c).

One of the principles agreed to by the Group of Seven leaders at the 2018 meeting on a G7 Common Vision for the Future of Artificial Intelligence was to facilitate multistakeholder dialogue on how to advance AI innovation to increase trust and adoption. This resonates with the Recommendation's call on Member States to support collaborative arrangements between governments, academic institutions, vocational education and training institutions, industry, workers' organizations and civil society, in particular to 'bridge the gap of skillset requirements to align training programmes and strategies with the implications of the future of work and the needs of industry, including small and medium enterprises'. For the cultural and creative industries, this means maintaining an ongoing dialogue among decision-makers, AI technologists and cultural practitioners – so that AI benefits and empowers creators and audiences broadly and equally.

Since Canada published the world's first national AI strategy in 2017, more than 30 other countries and regions have published similar documents as of December 2020 (Stanford University, 2021). However, the absence of the cultural and creative industries in most national AI strategies and plans is a worrying trend, which may result in the specific concerns and needs of the sector being neglected (including in terms of how AI impacts on the diversity of cultural expressions).

A MULTIFACETED DIGITAL DIVIDE

According to International Telecommunication Union (ITU) data, at the end of 2019 just over half of the world population was using the Internet, but the figure was 69% among young people (15-24). This also means that 369 million young people and 3.7 billion people in total were offline. Europe is the region with the highest Internet use (83%), while Africa is the region with the lowest (29%), with Asia and the Pacific having the highest youth/overall ratio (ITU, 2020). In April 2020, UNESCO launched ResiliArt, a global movement joined by cultural professionals from around the world that sheds light on the state of the cultural and creative industries, and the challenges raised or exacerbated by the pandemic, through virtual discussions (see Chapter 4).

2. According to Article 4.2 of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 'cultural content' refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

It is not surprising that issues relating to rapid digital transformation were discussed more frequently and at greater length in debates organized in Africa than in any other region. Many noted that the growing digital divide in Africa is a major challenge. The growing digital divide there (77% of the population in urban areas have access to the 4G network compared to 22% in rural areas) perpetuates the inequality between urban and rural creators.

Furthermore, in 40% of the countries for which ITU has data, less than half the population had basic computer skills, for instance copying a file or sending an email with an attachment. These findings indicate that low digital skills remain a barrier to meaningful participation in the digital society – a gap that governments will need to address if they are to effectively protect the diversity of cultural expressions in the digital environment (Figure 3.1).

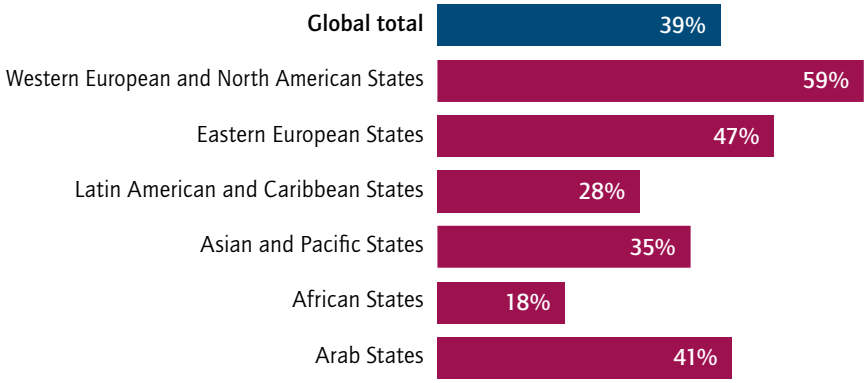
While information and communications technologies (ICTs) have seemingly been one of the key areas people have turned to when dealing with the challenges of the pandemic, it remains difficult to accurately predict behavioural changes. Nevertheless, research found that March 2020 set the global record for mobile game downloads with 3.3 billion, up 51% from 2019 (Rossow and Metzger, 2020).

The digital divide has historically been driven by factors including lack of Internet access (either due to lack of infrastructure or cost), lack of basic digital literacy and lack of net neutrality[3]. While countries like India launched strong net neutrality laws through the Prohibition of Discriminatory Tariffs for Data Services Regulations in 2016, this remains an issue across many other places, such as the United States (where the Open Internet Rules were repealed in 2018) and in many countries of Africa and Latin America.

3. 'Net neutrality' refers to the need for an equal treatment of all data online, for instance by Internet Service Providers. It was established to provide fair competition for online content, promote freedom of expression and standardize transmission on the Internet. It is based on the idea that everyone – users and content providers alike – should be able to freely spread their own views, and consumers can choose which services to use and which content to consume, without the interference of governments or corporations.

Figure 3.1

Share of the population with some basic information and communication technologies skills



Sources: ITU (2020), BOP Consulting (2021).

Safeguarding equal and non-discriminatory treatment of data traffic in the provision of Internet access services and related end-users' rights[4] is an effective means of preventing data traffic management practices, as stated in the Guidelines on the Implementation of the Convention in the Digital Environment.

The combination of Internet accessibility, net neutrality (which guarantees non-discrimination of users) and digital skills forms the basis for sustainable cultural and creative ecosystems in the digital sphere

Such practices include measures to slow down a user's traffic, prioritize it or detect heavy users in order to limit their bandwidth. Blocking or slowing down applications may, however, affect the flow of local cultural goods and services. The combination of Internet accessibility, net neutrality (which guarantees non-discrimination of users) and digital skills forms the basis for sustainable cultural and creative ecosystems in the digital sphere. Investment in digital technology thus includes digital infrastructure to improve access and quality, digital workforce to create strong digital economies and competitive markets, digital platforms that deliver products and services through digital channels, the development of digital financial services to improve financial inclusion and the creation of an ecosystem to encourage digital entrepreneurship and innovation. Considering all these strands together, African countries spend about 1.1% of GDP on digital investment, while advanced economies spend an average of 3.2% (Ghanem, 2020). While such investments go beyond the cultural and creative industries, it is important for their benefits to the cultural and creative industries to be targeted and for ministries of culture and bodies overseeing broadcasting, media and communications to be involved in the dialogue and public investment decisions to promote a diversity of cultural expressions in the digital environment.

4. End-user rights protection in a competitive internal electronic communications market covers consumer benefits in terms of choice, price and quality.

In terms of digital skills, in the absence of comparable data on their provision due to the different ways that these skills are acquired, participation in online communities of digitally skilled professionals such as GitHub may be considered as a proxy for trends in digital/coding skills. GitHub is a Microsoft-owned web-based software development hosting and management service that offers paid professional accounts, as well as free accounts for open source projects.

According to the GitHub *State of the Octoverse Report* (2021), the top active GitHub users are in North America and Asia, with Africa and Oceania having the lowest number of users. According to the report, however, the fastest growth in users is in several Global South countries like Bangladesh, Mexico and Nigeria (GitHub, 2021). When viewed together, Figures 3.2 and 3.3 serve as a reminder that rapid growth is not necessarily matched by high absolute values.

In many digital fields the participation of women is low

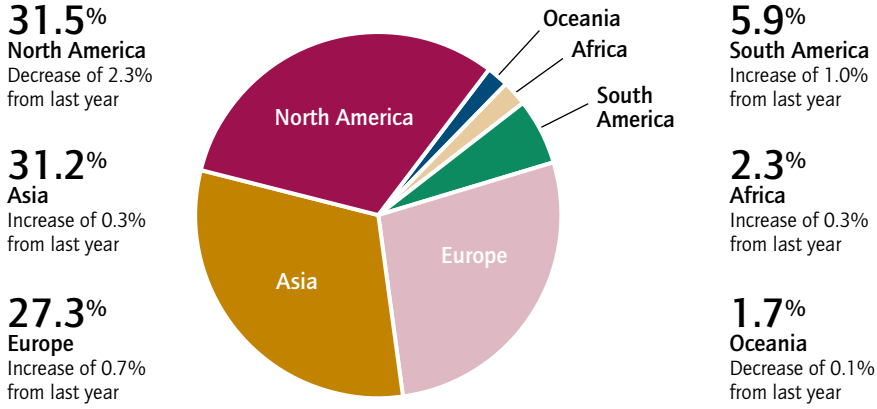
Alongside existing inequalities between countries, inequalities within countries also need to be addressed. For instance, in many digital fields the participation of women is low. Research by the International Labour Organization (ILO) into ICT skills in seven countries (Canada, China, Germany, India, Indonesia, Singapore and Thailand) shows that ICT specialists are typically younger than the average worker and likely to be male. Only 30% of such workers in those countries were women, and factors contributing to the low female participation include discrimination, gender stereotypes, occupational segregation and a lack of formal job opportunities for women (ILO, 2020*c*).

According to a survey conducted by Dice (a database for technology professionals, managing over 9 million profiles in the United States), among more than 9,000 technologists, Hispanic/Latino respondents were reported to have experienced the highest levels of discrimination (78%). White respondents reported experiencing the least amount of discrimination (9%) (Dice, 2021).

In addition to the traditional factors that have driven the digital divide (such as income inequality, gender and age), the increasingly dominant role of platforms in the production and distribution of content threatens to add another dimension.

Figure 3.2

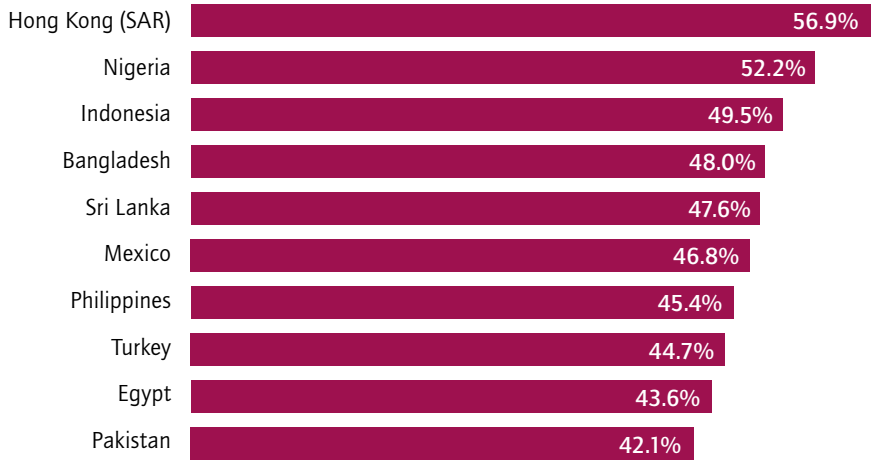
GitHub active users by continent, 2020-2021



Source: GitHub (2021).

Figure 3.3

Growth in users on GitHub, 2020-2021*



*This data includes countries and regions with over 100.000 users.

Source: GitHub (2021).

This is the threat of oligopoly, which could recreate the gatekeeper function that traditional media companies enjoyed when spectrum capacity limited broadcast output and a handful of TV and radio network controllers effectively decided on content. This time, however, the oligopoly would exist at the global rather than the national level. The Convention's purpose of redressing imbalances in cultural exchanges therefore remains relevant in the face of digital transformations.

Within the top 20 global digital music distributors (Table 3.3), while six different countries are represented, China and the United States largely dominate (with 15 of the 20 distributors) – just as they dominate in terms of the number of monthly users of these top 20 digital distributors.

Some have argued that the 'digital nudges' (user-interface design elements) used by algorithms on large platforms to modify behaviours (Birhane, 2020) influence users to make choices that enhance the profitability of the platforms or align with the values and contexts of the platform owners (for profit companies).

Table 3.3

Top 20 global digital distributors in music (including mixed audio and video services), 2020

No.	Service	Country	Monthly users	Year	Type
1	YouTube	USA	2,000,000,000	2020	Audio-visual
2	Musical.ly	China	689,200,000	2020	Audio-visual
3	iQiyi	China	570,000,000	2020	Audio-visual
4	Tencent Video	China	482,960,000	2020	Audio-visual
5	Vevo	USA	400,000,000	2016	Audio-visual
6	Spotify	Sweden	320,000,000	2020	Audio
7	KuGou	China	296,510,000	2020	Audio
8	iHeartRadio	USA	275,000,000	2019	Audio
9	QQ Music	China	238,780,000	2020	Audio
10	Gaana	India	185,000,000	2020	Audio
11	SoundCloud	Germany	175,000,000	2019	Audio
12	bilibili	China	172,000,000	2020	Audio-visual
13	Kuwo	China	125,000,000	2020	Audio
14	JioSaavn	India	104,000,000	2019	Audio
15	NetEase Cloud Music (163 Music)	China	82,440,000	2020	Audio
16	TuneIn	USA	75,000,000	2019	Audio
17	Pandora	USA	63,500,000	2019	Audio
18	Apple Music	USA	60,000,000	2019	Audio
19	Amazon Music	USA	55,000,000	2020	Audio
20	Anghami	Lebanon	21,000,000	2019	Audio

Source: BOP Consulting (2021).

They claim this could be detrimental to the diversity of cultural expressions in the digital environment. The reality is, however, more complex.

The recent history of companies like Netflix, Amazon and Spotify shows that an increasing focus on and investment in local content is, in fact, critical to driving growth in new markets. With a direct line to consumers through global streaming platforms, these companies are investing billions of dollars to produce culturally specific and local-language content to appeal to subscribers. About half of new output developed by Netflix is content produced outside the United States, with about 38% also non-English content as of 2021 (with the company having doubled its investment in non-English original content between 2018 and 2020). Another form of investment is illustrated by the COVID-19 Film and Television Relief Fund established in July 2020 by the South African Screen Federation (SASFED), the Independent Producers Organization and Netflix to provide relief for workers in the screen sector that were not eligible for other available relief funds and which is in its third funding round. On a global scale, Netflix and UNESCO partnered to launch an innovative short film competition in October 2021 on the theme of 'African Stories, Reimagined' across sub-Saharan Africa. Winners of the competition will be trained and mentored by industry professionals and given a production budget of US$75,000 to create short films to be released on Netflix in 2022 as an anthology of African folk tales.

In streaming music services, there is some evidence that global streaming giants could help to support greater content diversity (and thereby a more equitable distribution of revenues) – even within the confines of their existing platform-centric model. Appearing in a playlist has a material impact on the numbers of streams that songs generate. Having editorial teams in different countries to curate and create territory-specific playlists has been proven to make a difference to the consumption of songs by local artists, in some cases by more than 30% (Serne, 2020).

The recent history of companies like Netflix, Amazon and Spotify shows that an increasing focus on and investment in local content is critical to driving growth in new markets

UNSUSTAINABLE REMUNERATION MODELS

In addition to the challenges related to the digital divide and other inequalities, the current monetization models in the digital environment are not sustainable for most artists. Although it has never been easier to share art and creativity with the world, paradoxically it has never been harder to get paid for doing so.

The streaming value gap is the disparity between the value that music-streaming platforms extract from musical content and the revenue generated by those who create and invest in creation. For many people, this gap is the largest problem facing the sustainability of the global music industry (Lawrence, 2019). One of the main causes of the streaming value gap is YouTube's ad-supported video streaming platform, particularly those streams that are generated not via an artists' official YouTube channel but the larger number of user generated streams.

Since the last Global Report, YouTube has responded to criticisms related to the lack of revenue that it generates for the music industry by launching YouTube Music in 2018, a paid-for subscription service to compete with Spotify et al. However, the service has been slow to scale up – with only around 20 million paying subscribers in 2020 compared with market leader Spotify's 144 million paying subscribers.

These different YouTube services and content types (paid-for subscription, ad-supported official artists channel and user-generated streams) have very different pay-out rates per stream. As with other streaming services, the paid-for subscription service pays out far more per stream than ad-supported streams. YouTube's lack of success so far in converting a large proportion of its user base to its paid-for music service is the biggest single reason why the streaming value gap persists. For instance, in its annual 'Streaming Price Bible', the music industry website, the Trichordist reported in 2020 (based on 2019 data) that, while YouTube Content ID (named after Google's system for identifying music to assign royalty payments) generates 51% of all streams, it generated only 6.4% of all audio streaming revenues (Trichordist, 2020).

However, the streaming value gap also describes wider problems within the digital music sector. Composers and performers have become increasingly vocal about the small amounts of money per stream paid out by the main streaming platforms. This issue has been magnified during the COVID-19 pandemic, when artists have been prevented from touring (which would previously have provided the mainstay of their income). Since the pandemic began, artists have had to rely much more heavily on streaming and, for all except the biggest acts, it does not provide enough revenue to support a professional career.

Part of the problem relates to age-old tensions between record labels and artists. Streaming services, and Spotify in particular, have revived the fortunes of the global recorded music industry, returning it to profit and growth after many years of decline. However, it is the record labels that keep the lion's share of streaming revenues after the platforms take their cut (typically 35% to 45%). While streaming has improved the financial health of the labels, the platforms themselves (including Spotify) often remain unprofitable (Businesswire, 2021).

Since the pandemic began, artists have had to rely much more heavily on streaming and it does not provide enough revenue to support a professional career

This is partly because the platforms are still expanding, but it is also due to the economics of streaming (which remain complex and competitive). Contrary to popular belief, for instance, there is no single price per stream. Instead, musicians' payments from music streaming platforms are affected by several factors. These include the split between free or paid subscriptions and – crucially – where listeners are located. In international markets, global streaming services must price their services to be affordable to locals and competitive with local streaming rivals (such as JioSaavn in India). To illustrate such geographic price differentials, in 2018 Spotify's premium services was priced at more than US$13 per month in the United Kingdom, a little over US$6 in Malaysia, slightly under US$3.50 in Indonesia and just US$1.70 in India. Advertising revenues follow a similar pattern in terms of what international streaming services can charge in different countries (Pastukhov, 2019).

In addition, the dominant streaming model amplifies problems for smaller acts and artists through the so-called 'platform-centric' way in which royalties are allocated. In this model, there is no straightforward one-to-one link between what a user listens to and where the royalty payment goes. Rather, all streaming revenues effectively go into one big content pot, and artists' royalties are allocated according to the overall market share of artists on the platform (which naturally favours the small number of major international artists and acts).

There is some innovative change on the horizon. The French international streaming platform Deezer is trialling a user-centric payment model that seeks to move away from the dominant platform-centric model and thereby increase fairness in how streaming pay-outs are distributed. Artists and smaller labels are watching the trials keenly, but there are still practical challenges that remain pending (Serne, 2020). However, there is clearly a sustainability issue, and this is widely experienced by performers around the world. According to a study commissioned by the World Intellectual Property Organization (WIPO) and published in June 2021, the market-centric and the user-centric models fail to adequately remunerate performers (albeit for different reasons), as well as to adequately compensate non-featured performers (Castle and Feijóo, 2021).

Another issue around remuneration is the concentration of value. For instance, an analysis of the top 40 countries in terms of e-book sale revenues shows that only 20% of total revenues are earned by developing countries. Furthermore, 65% of these revenues are generated in Western Europe, North America and Asia (Statista, 2019). In the case of the games industry, the top five countries by total gaming revenue in 2019 – China, the United States, Japan, Republic of Korea and Germany – together account for 70% of the revenue of the top 100 countries worldwide. China alone accounted for over a quarter of total games revenue worldwide (Newzoo, 2020).

The set of challenges and issues presented so far should be evaluated and addressed by policies and measures focused on protecting the diversity of cultural expressions and their creators at the international, regional and national levels.

MULTILEVEL EFFORTS TOWARDS ENHANCED GOVERNANCE OF CULTURE IN THE DIGITAL ENVIRONMENT

EMERGING COOPERATION AT THE INTERNATIONAL AND REGIONAL LEVELS

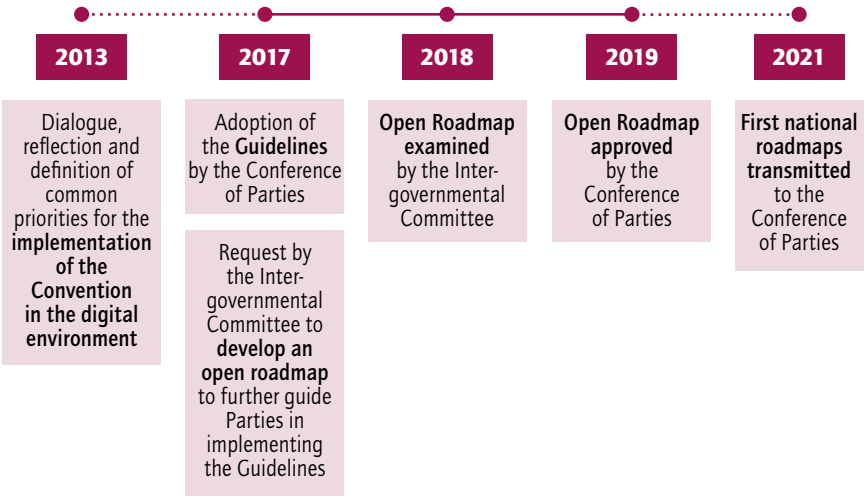
In recognition of the shifting digital environment for the cultural and creative industries, in 2017 the Conference of Parties to the Convention approved the Guidelines on the Implementation of the Convention in the Digital Environment as a strategic framework to protect and promote the diversity of cultural expressions in this changing context. Parties also requested more specific guidance to support policy-making in the digital environment. As a result, an Open Roadmap for the Implementation of the Convention in the Digital Environment was developed and adopted by the Conference of Parties in 2019 (Figure 3.4). The Open Roadmap suggests clear outputs and concrete reference activities in this area.

Some regions have encountered more problems in formulating practical responses to the digital transformation and its impact on cultural expressions

Since the adoption of the Open Roadmap, Parties have had two opportunities to provide information on the steps taken to implement the Convention in the digital environment. At meetings held in 2019 and 2021, 26 Parties – 17% of all Parties to the Convention – shared information on measures adopted to develop and/or implement their national roadmaps, but only three Parties have shared a complete national roadmap with the Convention's Secretariat (Canada, including Quebec; Germany; and the Republic of Korea). This poor level of information-sharing seems to indicate that countries are encountering serious challenges in this process.

Figure 3.4

Milestones of the Convention's engagement with digital issues



Furthermore, most of the contributions received by UNESCO have come from Parties in Western and Eastern Europe and North America, while little information has been shared by Parties in Asia and the Pacific, Africa and Arab States. This suggests that some regions have encountered more problems in formulating practical responses to the digital transformation and its impact on cultural expressions.

Another significant challenge for governance is the need for the public sector to address market concentration and monopolistic trends in the cultural and creative industries, as exemplified by large platforms and other aspects discussed in the previous section.

> ***The tech-platform monopolist, unlike the rubber monopolist, controls key channels of distribution. These firms serve as gatekeepers in the 21st-century economy, so it is vital to ensure they cannot use their monopoly over digital-era infrastructure to pick winners and losers, to serve their private ends at the expense of everyone else. There are certain features of tech platforms that can tilt markets towards monopoly.***
>
> ***Lina Khan***
> *then-Director of Legal Policy at the Open Markets Institute and current Chair of the United States Federal Trade Commission (TANK Magazine, 2018)*

In addition to the Open Roadmap, UNESCO has also embarked on an effort to develop a global normative instrument on which regional and national policies and regulatory frameworks can be based – so that these emerging technologies benefit all of humanity. At its 40th session in November 2019, UNESCO's General Conference decided to develop an international standard-setting instrument on the ethics of AI in the form of a Recommendation. Since then, UNESCO has led a multidisciplinary, multicultural and pluralist effort that resulted in the adoption of the Recommendation by the 41st session of its General Conference in November 2021. The process leading up to the document has taken place against the backdrop of ethical dilemmas including AI-created art. Not only does the Recommendation cite the Convention as an instrument whose principles must be recognized, but it includes culture as one of its strategic areas. The Recommendation recognizes that, while AI technologies can enrich the cultural and creative industries, their use could also increase the concentration of supply of cultural content, data, markets and income in the hands of just a few – with potentially negative repercussions on the diversity of media and cultural expressions, as well as on participation and equality.

The very process of drafting the document, with the involvement of culture sector stakeholders, will also be a model for inclusive policy-making in this area and may reverse the waning agency of sector stakeholders. They were involved in the multistakeholder consultation process from online public consultation to regional and subregional online consultations co-organized with host countries/institutions in all regions and open, multistakeholder and citizen deliberation workshops organized by partners. This led to the revision of the Recommendation that was eventually negotiated by Member States.

There have been other examples of cooperation in developing digital transformation strategies in recent years at the regional level. The Forum on Artificial Intelligence in Africa was held in Morocco in 2018. The resolutions from the Forum included one on the need to use AI to foster the development of the creative economy by embracing the dynamism of young people and ensuring they are equipped with the skills to contribute to the development of the cultural and creative industries. Following this, the African Union (AU) Ministers for Information and Communication Technologies adopted the 2019 Sharm El Sheikh Declaration, in recognition of the role of digital technologies and innovation in the achievement of the vision and goals of the AU's Agenda 2063, including Aspiration 5: An Africa with a strong cultural identity, common heritage, values and ethics. The strategy also seeks to contribute to the achievement of the Sustainable Development Goals (SDGs). Action points within the strategy include establishment of a working group on AI to study the creation of a common African stance on AI, the development of an Africa-wide capacity-building framework and the establishment of an AI think tank to assess and recommend projects on which to collaborate in line with Agenda 2063 and the SDGs. The Working Group has since been established, chaired by Egypt with Uganda as Vice Chair and Djibouti as Rapporteur.

While Artificial Intelligence technologies can enrich the cultural and creative industries, their use could also increase the concentration of supply of cultural content, data, markets and income in the hands of just a few

Other regional gatherings have taken place with the support of UNESCO, including a Regional Forum on Artificial Intelligence in Latin America and the Caribbean that was held in 2019 to raise awareness and explore the challenges and opportunities of AI and related technologies for societies, institutions and individuals. In one of the sessions dedicated to the dialogue between AI and the diversity of cultural expressions, panellists called for the creation of local cultural data ecosystems, awareness raising, training and networking of artists and cultural professionals, as well as the more systematic inclusion of ministries of culture in the development and implementation of AI strategies (by positioning culture as part of the solution to the unconscious biases emanating from these technologies).

At the European Union (EU) level, although the European Parliament's Committee on Culture and Education has taken an interest in the use of AI in the cultural and creative sectors and commissioned a study on the subject (Caramiaux, 2020), the revised Coordinated Plan on Artificial Intelligence, published in 2021, does not explicitly mention the cultural and creative industries.

As many regions and subregions have cooperation mechanisms and varying, sometimes complementary levels of expertise and resourcing, regional cooperation could be an effective mechanism for developing strategies for cultural and creative industries in the digital environment. The above-mentioned examples show that advocacy efforts are still needed to ensure that the cultural and creative sector is seen as one of the areas deeply impacted by these technologies that should therefore be included in cooperation mechanisms.

A VARIETY OF STRATEGIES AT THE NATIONAL LEVEL

Policies and measures have been adopted by Parties in the light of the digital transformations and the global and regional frameworks outlined above.

As was flagged in the 2018 Global Report, there is a risk that public sector organizations responsible for culture will lose their agency due to their inability to keep pace with technological shifts affecting the cultural and creative industries. Policies that impact the digital environment are often formulated without the input of public institutions and stakeholders from the culture sector. As a result, the needs, views and perspectives of the cultural and creative industries might not be considered as these policies are developed and implemented. In fact, one of the findings of the above-mentioned study is that, in the cultural and creative sectors as well as in other sectors, most AI start-ups in the EU implement their technological solutions using programming libraries provided by the tech giants. The latter have thus managed to position themselves as essential resource providers in AI-related research and innovation in many sectors, resulting in a market concentration of AI that may have a sizeable impact on the cultural and creative industries (Caramiaux, 2020).

The following analysis is informed by three interrelated international frameworks – the Monitoring Framework of the Convention, the Open Roadmap for the Implementation of the Convention in the Digital Environment and the SDGs (Table 3.4).

Parties to the Convention have adopted strategies and policies to adapt and strengthen the cultural and creative industries in the digital framework. These can be broken down into three broad categories.

Table 3.4

Interrelatedness of three analytic frameworks: the Convention's Monitoring Framework, the Open Roadmap for the Implementation of the Convention in the Digital Environment and the Sustainable Development Goals

Roadmap Output 1		Roadmap Output 2		Roadmap Output 4	
Regulatory frameworks, cultural policies and measures are designed or revised to meet the challenges of the digital environment in an informed and participatory manner		Policies and measures support digital creativity, enterprises and markets to ensure a diverse digital ecosystem		Digital literacy, skills and competences are reinforced	
ROADMAP ACTIVITIES	**MEANS OF VERIFICATION OF THE MONITORING FRAMEWORK**	**ROADMAP ACTIVITIES**	**MEANS OF VERIFICATION OF THE MONITORING FRAMEWORK**	**ROADMAP ACTIVITIES**	**MEANS OF VERIFICATION OF THE MONITORING FRAMEWORK**
1.1 Conduct overall mapping of the digital cultural and creative sectors	**5.1** Diverse actors in the digital industries	**2.1** Conduct studies and collect data on the traceability of diverse creative expressions and their accessibility, on the fair remuneration of creators in the digital environment and on the use of metadata in different creative sectors	**6.3** Data and information trends	**4.1** Audit and identify specific digital skill gaps in the cultural and creative sectors	**6.3** Data and information trends
1.2 Establish national teams of government officials, private sector and civil society organizations (including women and youth organizations) and hold country-wide consultations	**5.1** Diverse actors in the digital industries	**2.2** Provide spaces dedicated to digital creativity and innovation that enables artistic experimentation and collaboration	**5.3** Digital creativity and competencies	**4.2** Establish training programmes to strengthen the digital skills and competencies of the cultural and creative sectors to fully participate in the ongoing changes to the cultural value chain	**5.2** Digital transformation of industries and institutions **5.3** Digital creativity and competencies **6.2** Digital literacy
1.3 Establish interministerial coordination mechanisms to monitor the impact of the regulatory frameworks, cultural policies and sector strategies	**6.3** Data and information trends	**2.3** Provide financial or other forms of support to small and medium sized enterprises and entrepreneurs working in the digital cultural and creative sectors	**5.3** Digital creativity and competencies	**4.3** Provide support to cultural and media institutions so that they become learning spaces for the public to acquire digital literacy skills and competencies through creation and experimentation	**6.2** Digital literacy
1.4 Design, revise or implement regulatory frameworks, cultural policies, sector strategies and action plans to support cultural and creative sectors in the digital environment	**5.2** Digital transformation of industries and institutions	**2.4** Design regulations, policies and measures to ensure discoverability of local and diverse cultural content, fair remuneration for creators, greater transparency in the use of algorithms	**6.1** Access to domestic digital content	**4.4** Design and implement cultural cooperation programmes that support digital literacy and skills	**6.2** Digital literacy
Sustainable Development Goals	4 QUALITY EDUCATION 8 DECENT WORK AND ECONOMIC GROWTH	16 PEACE, JUSTICE AND STRONG INSTITUTIONS 17 PARTNERSHIPS FOR THE GOALS		8 DECENT WORK AND ECONOMIC GROWTH 17 PARTNERSHIPS FOR THE GOALS	

Firstly, there are countries that have established specific digital plans for the cultural and creative industries, which in some cases are part of broader national digital strategies.

Senegal Digital Strategy 2025, for instance, aims to stimulate the integration of digital technology in priority economic sectors, including the cultural and creative industries. Countries like Austria, Comoros and Germany have used a similar approach and included a cultural element to their national digital action plans to be implemented across the cultural and creative industries, instead of developing stand-alone digital strategies for the sector.

Parties to the Convention have adopted strategies and policies to adapt and strengthen the cultural and creative industries in the digital framework

Other countries like Belgium, Canada (Quebec), Chile, the Republic of Korea and United Arab Emirates have created specific digital plans for the cultural and creative industries or updated their cultural policy by adding digital culture as a key pillar (Box 3.2). In September 2020, the President of the Republic of Korea announced the launch of the Digital New Deal Cultural Content Industry Strategy developed by the Ministry of Culture, Sports and Tourism and other relevant ministries. This strategy aims to ensure content competitiveness by responding quickly to the shift to the contactless environment, encouraging investment in the development of next-generation content, restoring the content industry ecosystem and building the capacity of cultural technologies and the workforce.

Quebec's Digital Cultural Plan helps to ensure the vitality of the region's culture and make its influence felt in local, national and international markets. The Plan provides a basis for helping cultural environments to make a smooth transition to digital technologies so that Quebec can continue to count on the contribution of culture to its economy and remain competitive in world markets.

In 2020, Chile's Ministry of Cultures, Arts and Heritage drew up the Digital Culture Agenda to take stock of two decades of work carried out by public cultural institutions and outline four priorities for the future: digital cultural network; access and participation; connecting heritage with citizens; and capacities and skills. The agenda explicitly refers to UNESCO's work on cultural expressions in the digital environment as a source of inspiration. It also builds on a history of interministerial cooperation on culture and digital aspects. The agenda includes commitments for ensuring the diversity of cultural expressions in the digital platforms of the Ministry that promote cultural content, the inclusion of the gender perspective and Indigenous Peoples' beliefs, the protection of intellectual property, digital well-being and freedom of expression, equity, inclusion and difference. In parallel to this, the Ministry also participated in the drafting of Chile's first National AI Policy and undertook commitments in areas including cultural data management.

Colombia's policy on the Orange Digital Transformation, launched in 2020, aims to strengthen and promote the development of the cultural and creative industries through capacity-building in technology. It is linked to the Colombian Orange Economy, which aims to bring together economic sectors involved in producing and distributing cultural goods and services, including in the digital sphere.

Box 3.2 • *United Arab Emirates Culture Agenda and National Artificial Intelligence Strategy 2031*

The United Arab Emirates' Culture Agenda 2031 has seven strategic objectives and 75 strategic initiatives. An important theme in the agenda is the digital environment, since it helps the fulfilment of its objectives by improving access and discoverability of cultural expressions, as well as enabling cultural exchanges. The main strategic objectives in support of a strong digital environment are to provide high-quality cultural infrastructure; build a holistic and sustainable cultural ecosystem; and introduce the concept of the cultural and creative industries in the United Arab Emirates.

Some of the Agenda's strategic initiatives directly contribute to the modernization of the cultural and creative industries in the digital environment, such as:

- *Providing high-quality and effective infrastructure, ecosystem and regulation to support cultural initiatives;*
- *Supporting the establishment of cultural markets (digital and non-digital); and*
- *Assessing the Internet Protocol (IP) system to support the cultural sector.*

So far, multiple workshops have been held with freelancers and civil society to determine their needs and challenges, particularly in terms of working in the digital environment, and the United Arab Emirates is working with international partners on the preparation of an IP manual including best practices from around the world.

Furthermore, within the United Arab Emirates National Artificial Intelligence Strategy 2031 and the National Programme for Artificial Intelligence, there is a strategic focus on developing a new generation of talent with skills and knowledge about artificial intelligence (AI) and the cutting-edge technologies. The national objective is for all students, schools and universities to be equipped with smart systems and devices as a basis for teaching, projects and research. The use of AI technologies in the education sector and for students will impact the digital competencies of learners and will have far-reaching ramifications for years to come. There is also an emphasis on nurturing AI skills and knowledge of modern technologies in higher education.

Source: United Arab Emirates QPR.

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Cultural and creative sectors have been among the hardest hit by the pandemic and we have witnessed rapid digitalization in recent years. With digitalization accelerating both the innovation and disruption of the cultural ecosystem, this has posed new challenges to addressing discrepancies in terms of access and diversity.

The Korean Ministry of Culture has made efforts to advocate for artists, creative professionals and small and medium-sized enterprises (SMEs), which are often more vulnerable to digital transition. Research shows that 91% of cultural enterprises in Korea are composed of SMEs with fewer than ten employees. To strengthen the competitiveness of the content industry in the digital era, the government announced the Growth Strategy for the Digital New Deal Cultural Content Industry in September 2020. A wide array of bold measures were adopted, ranging from public-private investments and digital capacity-building to narrowing the digital divide and expanding public digital content.

To build an inclusive society that connects people through culture, we will redouble our efforts – especially for the less privileged. The government has championed equal access to culture online by identifying digital gaps and providing relevant training and services. For instance, the National Library for the Disabled increased its membership by 84% in 2021 alone, as it expanded its provision in Braille, voice over and sign language.

The Korean government has embraced the social value of culture during the COVID-19 crisis. Culture is a community-shared value that helps shape our identity. Now more than ever, cultural diversity can comfort us and challenge us, especially as we are less likely to interact in-person and need to tackle the mental health impact of the pandemic. When the world stopped due to the pandemic, we found solace in the arts. As soprano Sumi Jo, a UNESCO Artist for Peace, said 'I don't know what the world will look like after the pandemic, but what I do know for sure is that the role of artists will only grow bigger'.

Hwang Hee

Minister of Culture, Sports and Tourism, Republic of Korea

Secondly, there are policies addressing specific areas of development for the cultural and creative industries in the digital environment. In the area of digital content pricing, for example, Austria, Germany, France, Ireland, Italy, Luxembourg and Malta have adopted a single book price approach to the pricing of digital and physical books. These reductions were in line with the EU's 2018 ratification of Members States' right to harmonize Value Added Tax (VAT) rates on electronic books and publications with those of printed books, as outlined below.

Through the Audiovisual Media Services Directive, the EU has also mandated that, by 2021, a local content quota will be implemented on online streaming platforms. The Directive enables Member States to require a minimum of 30% of regional content to be included in streaming services offered within the EU (see Chapter 2).

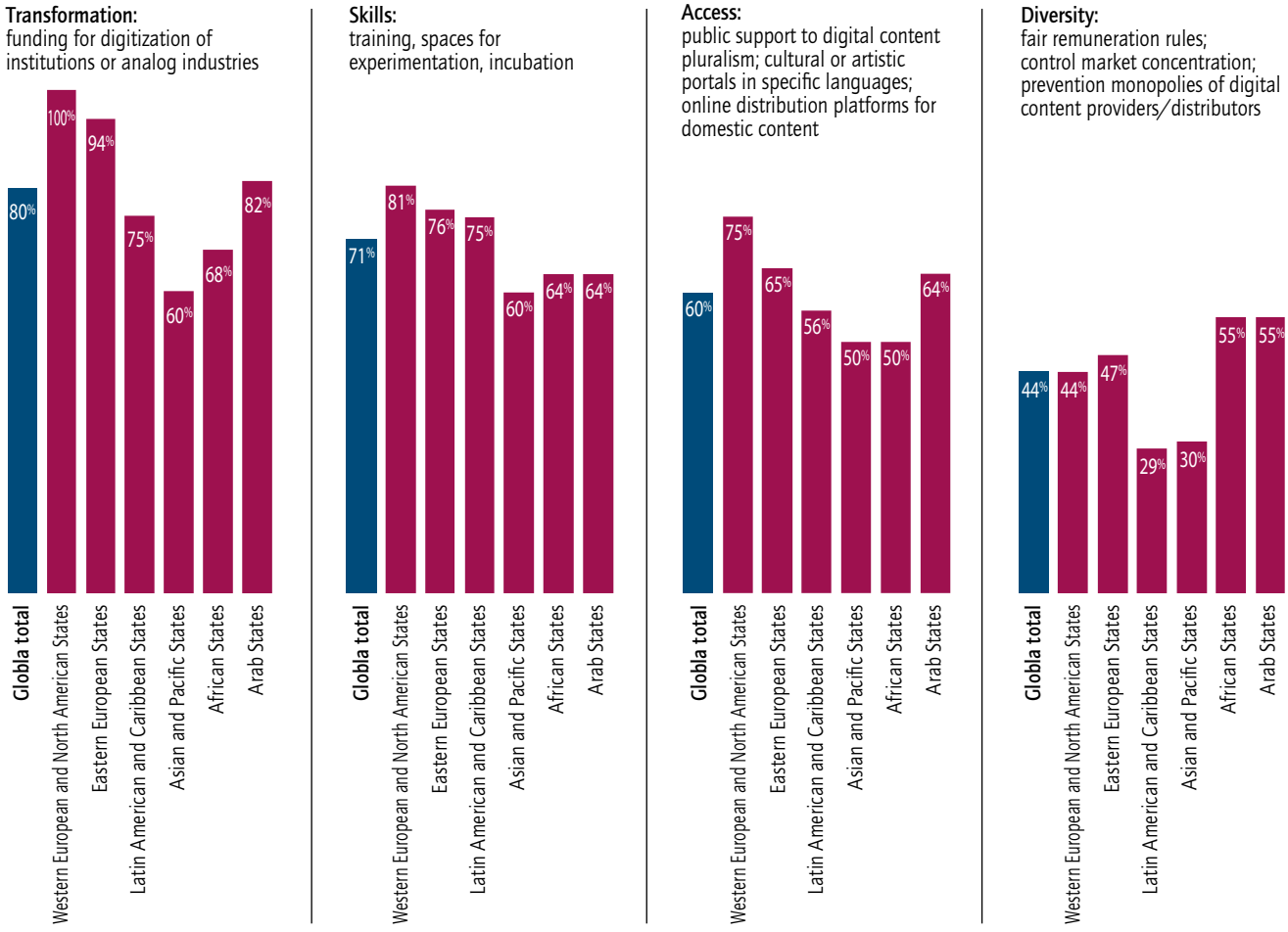
A third category includes the countries that have broad digital and other strategies that impact on the cultural and creative industries, even if those sectors are not their main focus. An example is digital switchover policies[5] in Gambia and Nigeria, which directly impact on cultural value chains as they provide new channels for content distribution. Policies like this could potentially trigger a demand for more local content, particularly when they exist alongside local content quotas, as in Nigeria. This category also includes the 2018 Digital Pakistan Policy, which includes provisions around infrastructure and institutional frameworks to support stronger digital ecosystems that will enhance digital services, applications and content. These types of provisions are relevant to the cultural and creative industries, even though these sectors are not their main focus.

In addition to the strategies or roadmaps adopted at the national level, as shown in Figure 3.5, support for the digital transformation of cultural and creative industries and institutions seems to be the main focus of measures and initiatives deployed by the largest share of countries (80%).

5. Policies in support of changing the method of transmitting television from analog to digital format.

Figure 3.5

Public support for culture in the digital environment



Source: BOP Consulting (2021).

This trend seems to be apparent in all regions of the world. Overall, the second most important focus of such measures is the promotion of digital creativity and skills of artists and cultural professionals (71% of countries), followed by the enhancement of access and discoverability of domestically produced digital cultural content (60%) and the promotion of the diversity of e-players of all sizes in domestic digital cultural and creative markets (44%). Only in African States does promoting diversity seem to receive slightly more attention than enhancing access to domestically produced digital cultural content.

There is a minority of Parties attempting to intervene directly in the digital market by ensuring a diversity of e-players

It can thus be argued that there is a minority of Parties attempting to intervene directly in the digital market by ensuring a diversity of e-players. This is particularly true in regions where the market is performing relatively well (North America, Europe and Asia). In these regions where strongly pro-active policies are less prevalent, Parties tend to prefer policies, measures and strategies that enhance access and discoverability of domestically produced cultural content. At the same time, in regions less well served by the market (African and Arab States), policies that directly aim to ensure the diversity of e-players seem more common.

Box 3.3 • *Egypt's support for the creative sector in the 'Stay at Home' initiative during the COVID-19 pandemic*

The Ministry of Culture in Egypt launched the 'Stay at Home... Culture Between Your Hands' initiative to digitally deliver all types of cultural expressions during the lockdown resulting from the COVID-19 pandemic. This initiative aimed to raise awareness of cultural expressions among Egyptians, particularly young people, while attracting enthusiasts of creativity in all forms. Events included Arabic and classical music concerts, documentaries, books, ballet performances and virtual visits to museums.

From March to September 2020, the Ministry's YouTube channel, which was used for the initiative, had buffered over 240,000 hours, and it had received 30 million viewers from more than 28 countries around the world.

The number of visits to the Ministry of Culture's website surged to 60,041, as people read and downloaded publications through the books portal. Virtual visits to museums and galleries through the Ministry's website also proved extremely popular.

Source: Egypt QPR.

BRIDGING THE DIGITAL GAP

SUPPORTING THE DIGITAL TRANSFORMATION OF CULTURAL INSTITUTIONS

The most prominent interventions adopted by Parties in terms of the digital environment are the ones that support the digital transformation of cultural institutions and the digitalization of cultural heritage. In the latest reporting round under the Convention, such measures were adopted by 80% of Parties, including 97% of developed countries and 70% of developing countries.

Digital tools have allowed countries to provide free or low-cost access to a varied programme of cultural expressions. Armenia, for example, introduced measures to digitize and save feature films, cartoons and documentaries as part of a programme to preserve film, photo and audio collections in 2018 and 2019, while similar programmes to promote and distribute national cinema have been set up in Canada, Germany, the Republic of Korea and Lithuania. Several countries, including Egypt, Norway, Qatar and Slovakia, have begun extensive work to digitize their national libraries, thereby facilitating access to, and the discoverability of, local cultural content in several languages (Box 3.3). Other countries have developed digital portals to offer easier access to information and diverse cultural content. Austria, for example, has created a search portal called *Kulturpool* for digital resources from museums, libraries and archives, which provides a central point of access to all public digital resources and catalogues held by Austrian cultural institutions. Similar initiatives are being implemented or developed in Azerbaijan ('Creative Azerbaijan Platform'), Slovakia ('Slovakiana') and Turkey ('Digital Theatre Information System').

The Ministry of Culture of Colombia, in partnership with cultural institutes and agencies from the Plurinational State of Bolivia, Ecuador, Peru, Mexico and Uruguay, has developed *Retina Latina* (Latin Retina),, a free digital streaming platform dedicated to Latin American cinema that is supported by UNESCO's International Fund for Cultural Diversity and the Inter-American Development Bank. With 8% of the catalogue accessible to the whole world and free access for users residing in Latin America and the Caribbean, *Retina Latina* allows its users to enjoy a representative panorama of the diversity of Latin American cinema and to broaden their knowledge of past and present film production in the region through reviews, essays, interviews and multimedia to complement the films.

PROMOTING DIGITAL CREATIVITY AND COMPETENCIES

To guarantee digital transformations and the resulting impacts on cultural and creative ecosystems, artists and other cultural professionals must have the skills and competencies needed to participate in the new (digitized) models of creative production.

Relevant measures in this field may include training and capacity-building, but also networking and other avenues that enable cultural and creative agents to connect and take advantage of digital skills and resources. In the most recent period, 71% of the 92 Parties to the Convention providing data in this round indicated that they had adopted measures in this area (including 77% of developed countries and 67% of developing countries). As shown in Figure 3.6, measures in this field include support and funding for digital content, followed by capacity-building programmes, networks and incubators (although the overall number of Parties providing specific examples of their initiatives in this area was low).

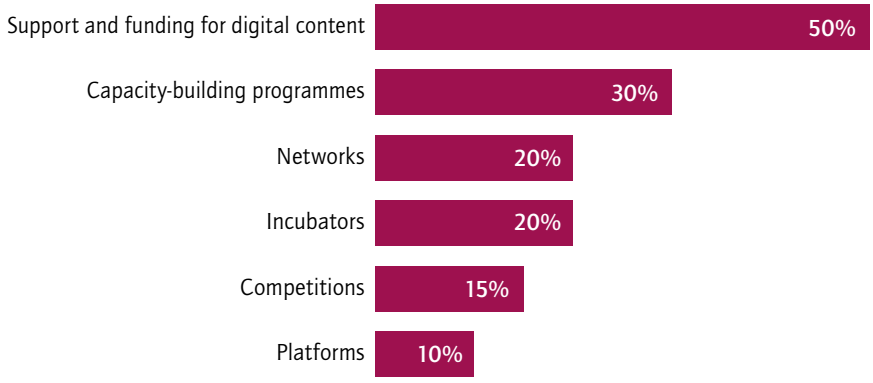
The first type of initiative covers measures that aim to encourage traditional players in the cultural and creative industries to adapt their products and experiences to the digital environment. For instance, to facilitate the distribution of works online and foster diverse cultural content, the Austrian Federal Ministry for Arts, Culture, the Civil Service and Sport made US$1.3 million available for the promotion of digital projects in 2020 and offered grants to publishing houses and contemporary art galleries to develop online distribution and communication channels, such as online shops.

Another set of actions (such as incubators, competitions, platforms and networks) are more aimed at supporting creative digital entrepreneurship. In Quebec (Canada) the Société de Développement des Entreprises Culturelles (Cultural Enterprises Development Society, SODEC) set up a programme to support strategic and innovative technological, digital or business development projects that enable the sector to meet the challenges posed by new consumer habits and capitalize on the potential of new design and distribution tools. In Tunisia, the Tunis International Centre for the Digital Cultural Economy is an incubator for innovative projects and start-ups in the field of culture that offers research, experimentation, support and dissemination of studies and innovative initiatives in the cultural sector.

In Latvia, the Creative Industries Incubator was created in line with the 2014-2020 Cultural Policy Guidelines 'Creative Latvia' to promote the emergence of new enterprises and the growth of entrepreneurship in the cultural and creative industries. The Incubator is run by the Investment and Development Agency of Latvia, with the support of the Ministries of Culture, Economy and Finance, and received 845 applications from both entrepreneurs and authors of business ideas in 2021, which was a 65% increase from the previous round. This confirms the increased interest in digital during the pandemic. Support of this kind can also be provided by civil society organizations such as Electric South in South Africa (Box 3.4).

Figure 3.6

Initiatives to promote digital creativity and competencies of artists and cultural professionals



Source: BOP Consulting (2021).

Box 3.4 • *Electric South*

Electric South is a non-profit company set up in Cape Town, South Africa, to support capacity for producing narratives using new technologies like Augmented and Virtual Reality (VR).

The organization was set up in 2015 to provide mentorship and production services and works in partnership with a range of African and international organizations, such as the Bertha Foundation, Ford Foundation and South Africa's Department of Sport, Arts and Culture, to provide funding and exhibitions to open up spaces for original voices and under-represented narratives.

Electric South has organized VR labs and workshops to support storytellers across countries including Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Zambia and Zimbabwe.

A VR hackathon was held to support participants to learn practical production and collaboration skills by making a short 360° film. Participants subsequently received mentoring from international experts.

Between 5 to 11 November 2020, Electric South presented Electric Africa, described as Africa's first free online VR festival to showcase new voices, new realities and new dimensions in VR content.

Source: www.electricsouth.org/.

'Concerts SA' is a joint South African/Norwegian live music development project from the Foundation of the Southern African Music Rights Organization (SAMRO) that runs the Digital Mobility Fund to keep live music in South Africa active through online platforms. The Fund accepts proposals from musicians who intend to produce online content for livestreaming or delayed broadcast. The third round received 431 applications in September 2021, which resulted in a total of 70 grants to projects across the country (from a budget of approximately US$138,000).

In Burkina Faso, as part of the country's National Strategy for the Development of the Digital Economy (2018–2020), actions to support digital entrepreneurship for young people have been implemented to promote innovation in the cultural and creative industries. During the 'Digital Week' in April 2020, two competitions were launched to identify young talent in ICT. Winners benefitted from the technical and financial support of the Fonds Burkinabè de Développement Économique et Social (Burkinabe Fund for Economic and Social Development) for the creation of companies and the financing of their projects. The maximum funding per project was FCFA 50,000,000 (approximately US$85,000). Two start-up incubators were also set up within this framework, in Ouagadougou and Bobo-Dioulasso.

Another example of training and networking platforms for creators and small and medium-sized entrepreneurs can be found in Slovakia, where the Slovak Business Agency and the Slovak Centre of Scientific and Technical Information (managed by the Ministry of Education, Science, Research and Sports) run 'FabLabs' for learning and innovation. This involves camps, workshops and presentations to help artists, designers, students or any citizens gain more hands-on experience with new technologies. The 'Content Impact' project is an initiative from the Korean Ministry of Culture, Sports and Tourism and the Korea Creative Content Agency. It aims to provide education for cultural content creators on how to use cutting-edge technologies, with the goal of helping creators become experts in culture technology. The 'Content Impact' project operates five courses on different technologies (including AI, immersive technology and performance technology) and supports 38 projects for five months during which creators can use the Agency's facilities and its latest equipment free of charge.

REINFORCING DIGITAL LITERACY

According to the Guidelines on the Implementation of the Convention in the Digital Environment, Parties shall aim to set up programmes for digital literacy, public education and awareness on using the Internet and on mastering digital tools. Digital literacy can be understood as the ability to access, manage, understand, integrate, communicate, evaluate and create information safely and appropriately through digital technologies (UIS, 2018). This is from the viewpoint of the public and audiences, rather than that of creators and cultural professionals. Progress in this field can contribute to the achievement of SDG target 4.4, which aims to substantially increase the number of young people and adults who have relevant skills for employment, decent jobs and entrepreneurship.

Reinforcement of digital literacy appears to be an area of focus for a number of countries. For an overview of the geographical distribution of digital literacy programmes for creation (see Chapter 1). The government of Flanders (Belgium) established Mediawijs (Knowledge Centre for Digital and Media Literacy) to promote digital and media literacy through training, awareness-raising and knowledge exchange. Several other Parties have used multistakeholder consultations involving civil society, the private sector and artists/creators to identify digital skills gaps in the cultural and creative industries.

In Mexico, the public organization Centro de Cultura Digital (Digital Culture Centre) has set up the *Laboratorio de Juegos* (Game Laboratory) as a space for training, creation and experimentation in the field of games. It is an inclusive project that connects children, youth, professionals and diverse communities in a self-managed way to improve their digital skills, strengthen equality, make networks, and promote citizen awareness and support innovation and entrepreneurship.

Reinforcement of digital literacy appears to be an area of focus for a number of countries

In Colombia, the government established the 'Digital Culture' project in 2018. So far, it has helped create two virtual educational tools on how to produce podcasts and web series aimed at content creators in the regions. It also facilitated the creation of the first Manual of digital narratives, as a tool that the Ministry of Culture provided to all of the country's creators to promote the production of diverse stories using new media.

Introduction of coding into education curricula is also becoming commonplace, and countries like Denmark, Estonia, United Kingdom, United States and Singapore have developed mandatory inclusion of digital skills across education levels.

There is a technology-based training programme called "Women Audio Visual Education" (WAVE) run by the non-governmental organization Theatre Day Productions. In 2019, WAVE combined digital animation, drama and storytelling to develop entrepreneurial, creative and technical skills among young Palestinian women. This was part of the UNESCO|Sabrina Ho initiative 'You Are Next' – a funding opportunity for projects that train young women in the digital creative industries. Theatre Day Productions helps participants to find their entrepreneurial spirit and start creative projects aided by newly gained technical skills. Ultimately, the idea is for original content by Palestinian women to be distributed and celebrated at international festivals and markets in the future.

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I am fortunate to have enjoyed an amazing career as a singer-songwriter. It is joyous to feel how my music has entertained and inspired communities of people around the world. However, I want to be more than an artist. My success has given me a platform to help empower others – those who have the talent and drive to make a living from their art, but who are disenfranchised by a system that does not play fair, or pay fair, with their work.

Music and entertainment are a business. Of course, the business is awash with stories of the rich, the famous and the powerful. However, this is not what matters to me. Far more important is unlocking the talent of the next generation: the young aspiring creators who do not have the freedom of opportunity or the knowledge of their rights to succeed. Creators live an incredibly fragile life, as the COVID crisis has shown. Vast numbers have lost their livelihood – their houses, their cars and the ability to feed their families. Lockdowns have been especially brutal for people who rely on live concerts and public entertainment for their livelihoods. Female creators have been disproportionately affected too, thereby setting back the mission for gender equality.

As we attempt to chart the way to recovery, those who shape the environment for artists and creators – producers, broadcasters, digital services, government policy-makers and others – are now in the spotlight. This is the time for valuing culture with actions, not words. It is a time for investment in young creators; strong rights for the digital world; education so that creators understand their rights; and tougher enforcement of rights by governments who often turn a blind eye to copyright issues. Fair chance; fair play; fair pay. That is the call to action.

Culture is the wealth creator for future generations. This is especially true in Africa, one of the regions with the greatest music talent. As COVID demonstrated, Africa also has one of the most fragile cultural sectors. That is why I am dedicated to my work in roles such as Vice-President of the International Confederation of Societies of Authors and Composers and the founder of the all-female 'WOMan Radio' project in South Africa. I am convinced that this report opens up many avenues that can truly influence the lives of creators everywhere.

Yvonne Chaka Chaka

Vice-President, International Confederation of Societies of Authors and Composers (CISAC)

GRADUALLY ADAPTING REGULATORY FRAMEWORKS

PROTECTING FAIR REMUNERATION

The Guidelines on the Implementation of the Convention in the digital environment encourage Parties to implement legislative measures that allow for the fair remuneration of rights holders. While significant efforts to support creation in the digital environment seem to have been made in all world regions, only a few Parties appear to be using policies and measures to actively tackle the issue of fair remuneration for artists and creators in the changing digital environment. Between 2018 and 2020, the Korea Creative Content Agency conducted surveys on the working environment of employees in the games industry and webtoon artists, with the aim of improving that environment and the remuneration of employees and content developers (as they are recognized as the core workforce of the game and webtoon digital industries).

Only a few Parties appear to be using policies and measures to actively tackle the issue of fair remuneration for artists and creators in the changing digital environment

In Denmark, a cooperation project called 'Share with Care' involved several bodies and was implemented to inform consumers about copyright and encourage them to move from illegal websites violating copyright rules to legal Internet services, thereby creating the conditions for easy access to legal online services. It makes it as easy as possible for consumers to find cultural goods and services on platforms that are legal. 'Share with Care' developed a search engine called 'FilmFinder', where people can find out which platforms feature the series or film they seek.

The search engine also hosts smaller/regional platforms, such as SF Anytime. This policy has yielded positive results, as the number of illegal downloads decreased by 24% between 2018 and 2019, alongside a surge in the number of visits to the 'Share with Care' website.

In Kenya, the government has adopted measures to increase the income that musicians receive from digital platforms that allow users to download artists' songs as ringtones for mobile phones, after noticing that existing remuneration was unfair. Furthermore, the government decided to exempt ringtones from excise tax. The measures taken by the government will increase the amounts that local artists earn from the use of their songs as ringtones, and these regulations will be reflected in the Kenyan Copyright Act. Meanwhile, an online store established by the Copyright Society of Malawi allows artists and creative professionals to sell music, books, videos, games and other digital content. It is hoped that this will enable artists and musicians to increase their income and have better control of the production, promotion and distribution of creative content, while also reducing piracy.

In 2018, the telecom company MTN Uganda launched a partnership with Tidal, an international entertainment platform, to bring music streaming to African customers. The partnership allows artists from Uganda to benefit from global content distribution reach, increase the shelf life of their music and extend revenue generation periods. As of today, more than 300 Ugandan artists have signed up to the platform.

The EU has also introduced new measures to adapt copyright legislation to the digital environment through the 2019 Directive on Copyright in the Digital Single Market (Box 3.5). For instance, musicians playing concerts on Facebook Live currently receive no remuneration from Facebook for their work, despite the content driving traffic to Facebook (and therefore producing advertising revenue). However, if the principles within the Directive are implemented in national legislation by EU Member States, this would then become possible to negotiate.

Box 3.5 • *Fair remuneration of creators in the European Union: a look at the Directive on Copyright in the Digital Single Market*

The EU Proposal for a Directive on Copyright in the Digital Single Market outlines ways to address unfair remuneration of creators. It proposes measures to improve transparency for revenues from digital sales of creative works and content by including the principle of adequate and proportionate remuneration for authors and artists in the digital marketplace. The proposal was debated for four years, mainly because of the requirement for some websites and social media above a certain size to establish content filters and take down copyrighted content, as well as aspects related to remuneration by news aggregator sites to press publishers.

The Directive was approved by the European Parliament and Council in 2019. It gave Member States two years (up to July 2021) to pass the legislation aligned to the requirements of the Directive.

The Directive covers three main areas:

- *Updating the exceptions related to the use of copyright in the digital environment, for example, in educational contexts;*
- *Widening access to content, for example, through extended collective licensing;*
- *Enhancing the digital marketplace for content, for example, through a requirement for rights holders to receive appropriate remuneration for the use of their works.*

The Directive outlines standards for enhancing transparency by sharing comprehensive, and up-to-date information relevant to the consumption of content on online platforms. It also requires platforms to secure licences for copyrighted data on their platforms and take down ex post protected content if requested by rights owners.

Criticism of the Directive is twofold. First, there is a fear that it is another attempt to increase the privatization of the public sphere of the Internet (as the distinction between acceptable and infringing use is difficult and Internet services may be inclined to over-filter to unnecessarily use copyright concerns to prevent the publication of unproblematic content). The second concern is that it could inadvertently lead to many small sites and individuals being caught up in it when the legislation is enacted by Member States. Article 17, which requires a licence for any work made available by online content-sharing service providers, combined with a default filtering for such authorizations, aims to increase the financial flows to rights holders from these platforms. However, there are concerns that this will lead to disproportionate control over uploaded content and restrictions on freedom of expression and press freedom (Dusollier, 2020).

Performers transfer more value to streaming services than is compensated for by market-centric royalty payments

In the case of music, the main digital platforms combine 'lean back' modes of consumption[6] with limited interactivity alongside fully interactive modes. The former is the option that makes interactive streaming an alternative to radio. However, according to the WIPO-commissioned study cited above (Castle and Feijóo, 2021), performers transfer more value to streaming services than is compensated for by market-centric royalty payments. The study argues that policy objectives and equitable remuneration principles would be better met by remuneration for streaming in the form of a 'communication to the public royalty'.

6. 'Lean back' playlists algorithmically derived by a service from fan data.

This would be outside of any recording agreement, could not be waived by the artist and would be collected and distributed by the performers' collective management organizations. This remuneration for streaming would be additive, would not diminish the current 'communication to the public' royalty and would recognize the many benefits that performers confer on streaming platforms that are not compensated by the current royalty regime. The streaming remuneration solution would allow Member States to maintain licensing agreements between producers and music streaming platforms while establishing a new direct payment to performers administered by the existing system of collective management organizations worldwide (Castle and Feijóo, 2021).

Attempts at ensuring fair remuneration online is part of a wider movement to ensure that tech companies pay for content shared on their platforms. Australia's recent update to the News Media and Digital Platforms Mandatory Bargaining Code is a case in point, as it requires tech companies (such as Facebook, Google and Microsoft) to pay for the sharing of content from news media sources on their platforms. After three years of public inquiry and debate, the bill was finally enacted in February 2021, encouraging media and tech companies to make deals outside the code, and, in the case of no agreement, implementing a 'final offer arbitration', which establishes the level of remuneration required if news are to be available on the platforms. At the time of writing, Google has found a way to enable payments to be made to news publishers through 'Google News Showcase' and has created partnerships with more than 70 Australian news publications (Google, 2021). Facebook, while initially blocking all news content in Australia, has now launched 'Facebook News', created an investment fund for public interest journalism, and is striking deals with media companies (Ward, 2021). Negotiations leading up to the Code, were filled with disagreement.

Attempts at ensuring fair remuneration online is part of a wider movement to ensure that tech companies pay for content shared on their platforms

While proponents focused on the need to regulate the power of tech companies and ensure that news agencies (already struggling financially) would be remunerated fairly, opponents focused on the danger of limiting the free circulation of information and on the way that tech companies facilitate user visits to news media websites.

The dilemma faced by cultural content creators are similar to those faced by news media. In Australia, through the News Media and Digital Platforms Mandatory Bargaining Code, the News Media got the bargaining power they needed to ensure a more levelled playing field between media agencies and tech companies. Just like news media, artists deserve fair remuneration for their work, but they also benefit from exposure on platforms. If similar legislation were to be introduced for the benefit of artists and not to the detriment of their presence on platforms, professional organizations, artists and cultural professionals should be able to exercise the necessary bargaining power to bring technology companies to pay fairly for their work and not simply remove it from platforms.

FISCAL MEASURES TO PROTECT THE DIVERSITY OF DIGITAL CULTURAL CONTENT

Digitalization has many implications for taxation, as it impacts tax policy and administration at the domestic and international levels. In some cases, taxation can be a measure to promote local content. In Germany, cinema operators, broadcasters, video distributors and on-demand service providers are required to financially contribute to the promotion of the film industry through the Film Support Act. The Act includes measures for the promotion of German cinema and details the conditions for audiovisual support given by the German Federal Film Board. In July 2013, the Act was amended to stipulate that VOD service providers without a base in Germany would be subject to the film levy. Germany first justified this step on the basis of rapid technological developments, particularly in the distribution of films, with an increasing share of on-demand access to films. Secondly, Germany stated the need to consider major global VOD players that serve different countries from a single establishment. According to the German authorities, the aim of the extension was to remain in line with the existing system and philosophy of the Act, whereby the consumption of films in Germany through any provider ensures income for a government-owned fund that supports various cultural objectives including film production and distribution. The estimated annual amount of funds available from the proceeds of the tax on video supply was €13 million (US$14.6 million) in 2016 (EAO, 2016).

On the other side of the tax spectrum, in October 2018 the European Council agreed a proposal allowing EU Member States to apply reduced, super-reduced or zero VAT rates to electronic publications, thereby facilitating an alignment of VAT rules for electronic and physical publications. As a result of this decision, countries such as Germany aligned the VAT rate for digital editions (19% until 2019) with that of printed products and (printed) press, namely 7%.

> ***With the reduced VAT rate for e-books and digital newspapers, we have implemented another important cultural and media policy measure. Because it is not the form that matters, but the content. A diverse press landscape is indispensable for free and independent opinion-forming – regardless of whether the content is conveyed online or in print. And the cultural value of a book is not limited to its printed form.***
>
> ***Monika Grütters***
> *Germany's Federal Government Commissioner for Culture and the Media (Börsenblatt, 2019)*

In the United Kingdom, for example, the e-book market also received a boost from the government's removal of the 20% VAT 'reading tax' applied to digital titles, which Amazon then removed from the price of Kindle e-books on 1 May 2020 to bring them into line with physical equivalents (which have always been tax free). Such measures to harmonize the reduced VAT rates applicable to cultural goods and services, regardless of the delivery process, help to avoid unnecessary competitive differences between operators (EY Consulting, 2009) and give a greater chance to the diversity of supply and consumption online and offline.

DISCOVERABILITY OF CONTENT ONLINE

As pointed out by the Guidelines on the Implementation of the Convention in the Digital Environment, improvements in online distribution of cultural goods and services and in the ability to find the content disseminated call for closer cooperation between online platforms and the rights holders of goods and services. Artists can use technology to expand their audience, but platforms also have a significant impact on how content is discovered. Discoverability – the ease with which content is found online – is a factor that determines what gets seen and the ease with which it is found, for example through an Internet or platform search. This factor affects how cultural content producers become visible in a competitive digital environment that is crowded with so many other players (Desjardins, 2016). This can come into play, for example, on platforms that both create their content and acquire the content of others by prioritizing the discoverability of their own proprietary content over that of third parties. It is also relevant if platforms prioritize the visibility of content that is profitable for them without considering the diversity of content consumed.

Artists can use technology to expand their audience, but platforms also have a significant impact on how content is discovered

Beyond remuneration, these features of the digital market also need to be thoroughly evaluated. Recommendation algorithms based on AI are increasingly used without subscribers being fully aware of the mechanisms in place and their consequences. In January 2021, Spotify was granted a patent entitled 'Identification of taste attributes from an audio signal' which covers a 'method for processing a provided audio signal that includes speech content and background noise' and then 'identifying playable content, based on the processed audio signal content' (Stassen, 2021). Similarly, it is essential that the creative work of authors, composers and performers is not reduced to a product and that it remains at the heart of the system. As pointed out by the aforementioned WIPO-commissioned study, enhancing diversity is an objective that must also apply to streaming platforms, which have become key players in the distribution of cultural content (Castle and Feijóo, 2021).

In 2020, Canada conducted a review of legislation governing the communications sector, with a view to further supporting the creation, production and discoverability of Canadian content. Recommendations include supporting producers in the retention of commercial rights, making it easier for broadcasters to adopt business models that support the creation and production of Canadian content and public funding for diverse screen-based content.

Box 3.6 • *Franco-Quebec report on the online discoverability of Francophone cultural content*

In November 2020, the Franco-Quebec mission on the online discoverability of Francophone cultural content published its report. In order to accomplish its mandate, the mission team met with actors from around a hundred organizations from the various links in the cultural chain – creators, producers, broadcasters, distributors and representatives of public and private institutions. The report notes that the development of online cultural uses has been accompanied by a 'platformization' of access to content. This poses numerous challenges for cultural policies that were mainly introduced before the advent of digital technology.

These include:

- *International nature of gatekeepers, which allows them to escape certain regulations;*
- *Highly personalized recommendation and promotion mechanisms, which challenge State means of observation and control;*
- *The sustained pace of innovation, which requires greater agility and adaptation among cultural players and regulators.*

There are many aspects to improving the availability and discoverability of French and Quebecois content online. These include training, human and financial resources, availability of tools suited to the cultural sectors, skills of the various distribution chain links and changes in regulations. The challenges must be addressed as part of a global strategy that promotes collaboration among the following sectors: recorded music, audiovisual and film, books, performing arts, visual arts, museology and heritage. The report concludes that a shared strategy between France and Quebec could serve as an inspiration to all Parties to the Convention and thus have a stronger impact given the international scope of the major platforms.

Source: Franco-Quebec mission on the online discoverability of Francophone cultural content, 2020.

Other recommendations include the adoption of legislation to compel large platforms like Netflix to meet discoverability requirements for Canadian content, as well as a more equitable application of tax laws to Canadian and foreign online providers.

Online cultural uses developed faster than the rate at which policies and measures to protect and promote the diversity of cultural expressions were adapted to the digital environment

As noted in the report of the Franco-Quebec mission on the online discoverability of Francophone cultural content (Box 3.6), online cultural uses developed faster than the rate at which policies and measures to protect and promote the diversity of cultural expressions were adapted to the digital environment (even though many Parties report implementing such measures).

Major international platforms may have little interest in promoting local content and ensuring its visibility if there are no direct benefits in terms of revenue. Such platforms are not necessarily subject to existing regulations to promote local content, even though they compete directly with local players who are subject to such rules. The Franco-Quebec mission considers that the delivery equipment used by audiovisual platforms (including smart TV, Roku or AppleTV and voice speakers) could be an important lever for the discoverability of services and content. In this market, pre-installed access for a particular platform would offer a significant competitive advantage, and could be conditional on a commitment from platforms to highlight local services and content. The regulation of recommendation algorithms falls more generally under the regulation of AI devices.

The Franco-Quebec mission nevertheless suggests preventive actions that would be based, in the first instance, on an obligation of transparency around the effects of algorithms.

DATA AND INFORMATION TRENDS

In addition to the need for regulation, the hoarding of certain data by platforms also limits the ability of decision-makers and rights holders to observe and understand the effects of platforms on the discovery of local content. Rights holders could optimize their discoverability and remuneration strategies, and policies to protect and promote diversity online could be more effective, if the extensive usage data collected by platforms were made accessible (Franco-Quebec mission, 2020).

A massive amount of data is generated by users and devices that are constantly connected. In other spheres, these data are collected by businesses and governments and combined with advances in data analytics and technology diffusion, thereby providing the information needed to transform and shape the way people behave and organizations operate (OECD, 2019). Disaggregated data on the consumption of digital content are not routinely released by platforms due to their commercial value. Besides, while market research companies routinely produce reports and studies on trends, this tends not to be disseminated and only released in exchange for payment. As a result of this wide-ranging lack of data, there is a risk that policy-making in this area is not data informed or evidence based – and, as such, it may not be fit for purpose.

Despite the importance of digital access to cultural expressions, only 35% of the Parties to the Convention reported the availability of statistics or studies with recent data on access to digital media. While there are regional variations, the proportion only slightly exceeds 50% among Arab States and in Western Europe and North America.

Only a handful of countries appear to have policies or measures promoting greater transparency in the use of algorithms. Where such measures are present, they tend to focus on the broader context rather than being specifically targeted at the creative sector. One example of this is the EU General Data Protection Regulation, which gives European citizens the right to be informed of the existence of automated decision-making including profiling. The Nigeria Data Protection Regulation of 2019 has a similar provision.

Despite the importance of digital access to cultural expressions, only 35% of the Parties to the Convention reported the availability of statistics or studies with recent data on access to digital media

In October 2019, the Ministry of Culture, Sports and Tourism of the Republic of Korea and key players in the music industry announced the Measure to Enhance Transparency in Calculating Music Royalties. It aims to create a sustainable and transparent music ecosystem and to ensure fair remuneration for creators. To this end, online music service businesses are to expand the range of information provided on royalty calculation, and the Ministry will establish an integrated information system for the public sector to collect and share copyright usage information with the market.

CONCLUSIONS AND RECOMMENDATIONS

As noted in previous editions of the Global Report, technological changes in the digital environment are transforming the landscape of cultural expressions and generating new opportunities and challenges for the implementation of diversity-related policies. While the principles and goals of the Convention remain valid, there is a need for more sophisticated, transversal and dynamic policies and measures to address this complexity. Although this chapter has shown that Parties to the Convention are making progress in response to this rapidly changing environment, greater pace and focus on the gaps are now required.

In particular, this has led to the following recommendations:

- Parties should ensure digital strategies or plans on the diversity of cultural expressions are drafted in consultation with relevant stakeholders of the cultural and creative sectors, including public bodies (ministries of culture plus authorities in communication, broadcasting, technology, trade, industry and intellectual property, arts councils and so on), as well as civil society organizations.
- Governments and culture sector stakeholders should all prioritize digital skills and competences, as well as digital literacy, to ensure that capacity-building and other support are accessible and inclusive (so that no individuals or groups are left behind in the digital shift).
- Parties should continue to adopt and implement policies and measures that enhance the discoverability of diverse cultural expressions on digital platforms, and that provide more opportunities for local and national cultural expressions.
- Parties should work with civil society organizations and the private sector to adopt policies and measures that contribute to the fair remuneration of artists and cultural agents in the digital environment.
- Governments and public and private actors in the cultural and creative industries should work collaboratively on ways to increase the transparency and availability of data on the creation, production, distribution and access to cultural expressions, including those in the hands of global platforms, and to ensure that evidence informs policy-making.
- Bilateral and multilateral cooperation in the digital and technological fields should include the creative and cultural industries, as these are critical to the digital economy. Similarly, international agreements in the field of culture should have clear outputs related to digital competency development – especially for women, young people and disadvantaged groups.
- Parties should prioritize the design and implementation of national roadmaps for the implementation of the Convention in the digital environment; the process could benefit from peer-learning and information sharing, as well as from the technical assistance that UNESCO would be able to provide.
- Parties should take appropriate steps, including legislative measures, to implement UNESCO's Recommendation on the Ethics of Artificial Intelligence in their territories, including aspects related to the diversity of cultural expressions, as well as to include its areas of policy action in other relevant global and regional fora.
- Research on the environmental footprint of the most widely used digital technologies in the cultural and creative industries should be encouraged by both public and private actors.

© Andrei Dinu, Alexandra Pirici, *Aggregate, performative environment*, 2017-2019.
Exhibition view Art Basel Messeplatz*

Chapter 4

Opening up cultural governance through civil society participation

Mauricio Delfín

KEY FINDINGS

- *Civil society organizations manage and contribute to a broad range of activities in the cultural and creative sectors, especially in capacity-building, advocacy and policy development. They are most active in the fields that are least covered by public action and they build cross-sectoral connections – making them front-line players in nurturing and promoting the diversity of cultural expressions.*
- *Most Parties report the existence of participatory dialogue mechanisms. However, civil society organizations are still rarely involved in decision-making, monitoring and evaluation to (re)shape policies for creativity, which suggests a need for more inclusive and transparent processes.*
- *Although the use of open data principles and practices in the cultural and creative sectors is still very limited, the multiple data gathering and dissemination strategies involving civil society organizations and Parties would benefit from the use of these practices to foster civic engagement and innovation.*
- *While collaborations between national public institutions and civil society organizations remain most common, civil society organizations involved in partnerships with local authorities at the subnational level tend to achieve stronger outcomes in participatory cultural governance, expanding the reach of the Convention.*
- *The level of structuring and organization within civil society is uneven across developed and developing countries. Similarly, there are persistent imbalances in access to funding, with civil society organizations in Africa, Asia and the Pacific and Latin America and the Caribbean receiving considerably less public support at the national and subnational levels.*
- *The COVID-19 pandemic pushed civil society organizations to adapt to the digital environment, not only to continue to reach out to citizens, but also to engage with governments and advocate for policy reforms. However, there remain striking imbalances in terms of capacity, access to technologies and skills to use them – especially in developing countries.*

PROGRESS

PARTICIPATORY GOVERNANCE

90% of Parties have **implemented dialogue mechanisms with civil society organizations**

PUBLIC FUNDING

78% of Parties report having **public funding schemes for civil society organizations**

TRAINING AND MENTORING

71% of Parties report supporting or **organizing training and mentoring** for civil society organizations

CHALLENGES

But **civil society organizations are rarely involved in joint decision-making and monitoring**

COVID-19 PANDEMIC

The **UNESCO ResiliArt** movement fostered global discussion: **275 virtual debates in more than 115 countries**

However, a **lack of connectivity and digital skills hinder digital adaptation**, especially in developing countries

PUBLIC-CIVIL PARTNERSHIPS

#1 barrier to collaboration: **lack of funding**

Only **35%** (net) of civil society organizations surveyed think that **existing laws enable them to partner with public institutions**

Subnational level **24%**

National level **61%**

TRANSPARENCY

More **civil society organizations disagree** than agree **that cultural policy-making is generally transparent**

RECOMMENDATIONS

OPEN GOVERNANCE

Foster transparency, accountability and trust for **sustainable participatory mechanisms** and their evaluation

SUSTAINABLE PARTNERSHIPS

Foster public-civil **partnerships at all levels, including through sustainable funding schemes**

CAPACITY-BUILDING

Build the capacities of civil society organizations in civic engagement, digital technologies, management and fundraising

INNOVATION

Implement **open data principles** and develop shared **information systems**

CORE INDICATORS

Measures strengthen the skills and capacities of civil society

Civil society is involved in the implementation of the Convention at national and global levels

INTRODUCTION

OPENING UP CULTURAL GOVERNANCE

What do the Lazareti Complex in the Old City of Dubrovnik, the Rojc Community Centre in Pula and POGON – Zagreb Centre for Independent Culture and Youth all have in common? They are all Croatian sociocultural centres implementing diverse forms of public-civil partnerships to ensure participatory governance. At Lazareti, users set up the Platform for Lazareti, a collaborative decision-making space that should be able to negotiate formally with the city administration. The Rojc Community Centre established an advisory body to the mayor for building maintenance, with formal responsibility shared between representatives of the associations operating in the centre and city representatives. In Pogon, participatory governance has reached a further level of institutionalization, with decision-making equally distributed between local authorities and a civil society alliance called Association Alliance Operation City.

The guidebook *Do it together* (Vidović, 2018), produced by Kultura Nova Foundation as part of the 'Approaches to participatory governance of cultural institutions' project supported by the International Fund for Cultural Diversity (IFCD), presents guidelines for establishing a flexible framework for the 'participatory governance of cultural resources', based on a study of local experiences in Croatia. These included allocating responsibilities, harnessing varying interests among participants and managing conflict as an organic part of any participatory endeavour. They also suggested valuing failure, employing control mechanisms and sanctions and embracing networked structures to guarantee flexibility. The guidebook constitutes an important contribution towards the systematization and transfer of civic[1] knowledge (knowledge generated by the experience of organized citizens aiming to transform governance) and a reminder of how openness serves as a guiding principle for civil society organizations (CSOs) reshaping systems of governance for culture.

Modern participatory approach to cultural policy-making goes beyond a narrow perspective on participation and integrates a much broader range of civic efforts

This initiative also illustrates how a modern participatory approach to cultural policy-making goes beyond a narrow perspective on participation and integrates a much broader range of civic efforts aimed at opening up cultural governance, allowing joint decision-making and action. The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions provides the opportunity to explore these strategies.

In Article 11, it recognizes the key role of civil society[2] in the protection and promotion of the diversity of cultural expressions, making this a guiding principle and far-reaching provision that is a distinguishing feature of this international legal framework. It considers civil society participation as part of a broad spectrum and invites analysis of the complex relationships between participation, collaboration, transparency and accountability in cultural governance.

This chapter explores these relationships, outlining a connection between the Convention's goal of securing sustainable systems of cultural governance – systems that are informed, transparent and participatory – and the paradigm of 'open government'[3]. This connection offers a nuanced analytical framework to assess civil society's multiple contributions to protecting and promoting the diversity of cultural expressions. The chapter also describes how Parties have adopted participatory frameworks, thereby generating mechanisms for collaboration, dialogue and exchange with civic actors – in partnership with civil society.

1. The chapter employs the term 'civic' to refer to a quality of engagement that exerts pressure on the power of the State. It is derived from Buchowski's (1996) concept of 'civic society' which the author understands as formed by 'social institutions embedded within civil society capable of acting as a kind of countervailing force'.

2. The Convention understands civil society as constituted by 'non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities'. Partially leaving the private sector outside its immediate purview, it focuses on an extremely heterogeneous universe of stakeholders that have experience configuring a broad range of alliances or partnerships with the public sector and civic actors at the subnational, national and global levels.

3. Open government can be defined as 'a culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth' (OECD, 2016). In this chapter, 'open government' and 'open governance' (Millard, 2018) may seem to be used interchangeably. However, the first term refers to a public sector's structure, while the second refers to a process.

TOWARDS OPEN GOVERNANCE: SECURING CIVIL SOCIETY'S OPERATING ENVIRONMENT

The Convention's acknowledgement of civil society's fundamental role in protecting and promoting the diversity of cultural expressions is an invitation for CSOs to engage with an international legal framework that can have an impact at the regional, national and subnational levels. In addition, the fact that Parties are called on to encourage civil society's active participation in efforts to achieve the Convention's goals means that the relationship between governments and CSOs is a key issue. This section provides an overview of the conditions in which CSOs operate, and identifies the prerequisites for public-civil partnerships. The latter do not only depend on the implementation of participatory mechanisms, but also on consideration being given to other dimensions that strengthen the skills and capacities of CSOs and ensure their access to sustainable resources.

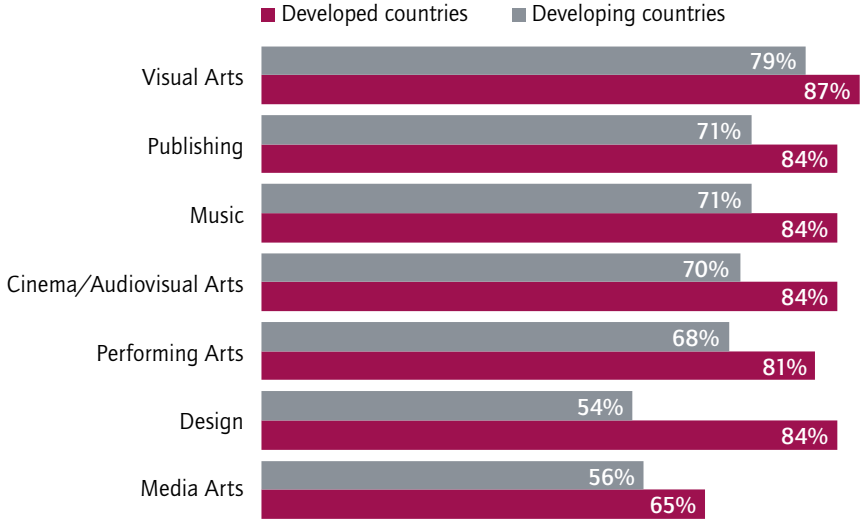
More direct civil society input is required to more accurately gauge the level and impact of civil society involvement in protecting and promoting the diversity of cultural expressions. This chapter relies on Parties' quadrennial periodic reports (QPRs) and other public sources, as well as on a UNESCO survey aiming to gather data on the role of CSOs in promoting the Convention. The survey was developed in autumn 2020 and sent to over 1,300 organizations including those involved in the Convention's periodic reporting, UNESCO capacity-building programmes and IFCD-supported projects, as well as ResiliArt[4] debates organizers. In the light of such a targeted sample[5], the results cannot be considered representative of civil society in general. However, they are still useful to assess the perceptions of CSOs directly involved in implementing the Convention. While survey responses do not allow for broad generalizations and need to be contrasted with Parties' QPRs and emerging trends, they gather information that may complete, expand or challenge the overall picture by providing a snapshot of the operating environment of CSOs – particularly in developing countries (which represent 69% of respondents)[6].

4. ResiliArt is UNESCO's global movement joined by cultural professionals worldwide to shed light on the state of cultural and creative sectors through virtual discussions amidst the COVID-19 pandemic.

5. This specific focus was different to that of the survey used in the 2018 edition of the Global Report, which had been sent to a broader set of CSOs active in cultural and creative sectors. In the survey designed for this 2022 Global Report, 158 CSOs from 62 countries fully completed the survey. The majority (52%) defined themselves as non-governmental organizations, followed by cultural networks (25%). A third of respondents (34%) had been operating for over 20 years. It should, however, be noted that this percentage was much higher among developed countries (63%), with 43% of organizations from developing countries created less than 10 years prior. The respondents' main fields of action were visual arts (68%), the cultural and creative industries/sectors at large (59%) and cinema/audiovisual arts (50%).

Figure 4.1

Professional organizations and/or trade unions representing artists and/or cultural professionals, by sectors



Source: BOP Consulting (2021).

COMPLEX CIVIL SOCIETY STRUCTURES IN THE CULTURAL AND CREATIVE SECTORS

The ability for civil society to sustain spaces for connection and exchange is directly related to the possibilities that civic space affords to organizations. Open, transparent, inclusive and diverse spaces are not only conducive to artistic creation and artistic freedom, but also to dialogue, association and the formation of partnerships. In this regard, the existence of professional organizations and trade unions organizing collective action, negotiating better working conditions and ensuring a favourable legislative and regulatory environment for artists and cultural professionals is indicative of the structuring of the ecosystem.

Parties report high levels of existing professional organizations and/or trade unions across cultural domains. Visual arts is the sector in which professional organizations are most frequently reported, followed by publishing and music, cinema/audiovisual arts and performing arts. Design and media arts are less strongly represented. Developed countries have a greater percentage of professional organizations than developing countries in all cultural domains, with the largest gap being in the field of design (Figure 4.1). In the case of media arts, the lower number of organizations may be explained by the fact that this is still an emerging domain.

6. Most responses came from Africa (30%) and Western Europe and North America (27%), followed by Latin America and the Caribbean (16%), Asia and the Pacific (16%), Eastern Europe (6%) and Arab States (4%).

The Convention puts forth a systemic perspective when addressing cultural governance, which implies recognizing and encouraging connections within and outside the cultural governance system. This can stimulate cross-sector exchanges and new connections between areas that have historically operated separately (such as culture and health, culture and violence prevention, culture and freedom of expression and so forth). It also suggests that cultural policy can connect with other policy fields by increasing interactions with other agents (Chapter 1 elaborates on these aspects.) These kinds of connections are possible because of the complex structuring of cultural CSOs. Where there is a broad range of professional organizations, this facilitates civil society's involvement in cultural governance.

Professional organizations, like unions, tend to work at different levels simultaneously and on a variety of issues. While they may relate to specific subsectors, they may also address transversal issues like labour rights, formalization, social protection, health and safety standards, training and gender equality. For example, the Union of Bulgarian Actors actively contributes to the protection and promotion of all cultural expressions in the field of performing arts, and is operating several funds to support its members in areas such as health, retirement and education. Through sustained dialogue mechanisms and/or partnerships with public authorities, professional organizations also play a key role in cultural policy-making and monitoring (Box 4.1). In Iceland, the Federation of Icelandic Artists is collaborating with the National Institute of Statistics to help the government collect data on the cultural and creative sectors for more informed policy decisions. In Lithuania, an amendment to the agreement with the Trade Union of Cultural Workers strengthens the partnership with the Ministry of Culture to improve the working conditions of cultural professionals.

Box 4.1 • *Defending artists – labour unions advocating for creativity*

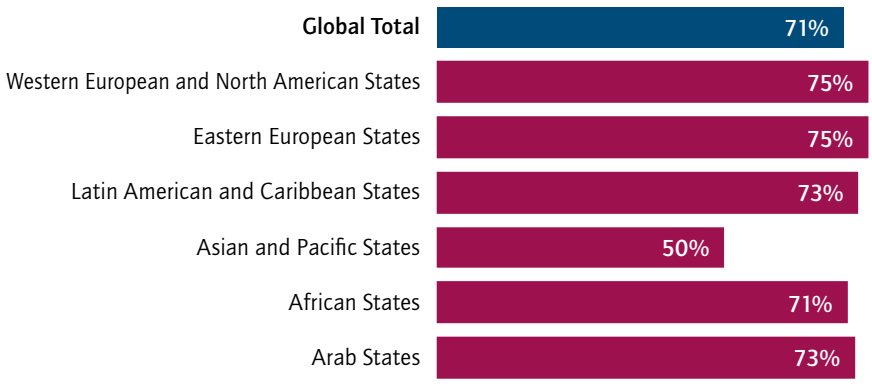
Since 2017, in Indonesia the Media and Creative Industry Workers Union for Democracy (SINDIKASI) has developed initiatives to protect the socioeconomic rights of freelancers working in the country's cultural and creative sectors. In cooperation with the Press Legal Aid Institution, it conducted a review of labour regulations. Results showed that 93% of freelancers do not benefit from social security and 79% of female freelancers do not get menstrual leave. Moreover, 86% of freelancers have experienced delays in payment or unpaid bills, while 38% of them report working over eight hours a day in highly informalized work relationships (as 59% do not have written agreements). In response to this, SINDIKASI drafted a handbook of guidelines for establishing freelance service agreements, including detailed work descriptions, time and payment mechanisms, protection of intellectual property rights and dispute resolution procedures.

In Switzerland, following a popular initiative aimed at removing the radio and TV licence fee, the Cooperative of Swiss Performers and Swissperform (the society for neighbouring rights) launched the 'No Billag, No Culture' campaign in 2017. The campaign involved around 70 associations and more than 11,000 artists and cultural professionals, with the aim of raising awareness of the important issue of funding for local radio and regional TV stations. Cultural and creative workers were informed of the latest developments through regular newsletters, and the campaign achieved good visibility on social and traditional media. Dialogue was also established with other committees and relevant organizations. This impressive level of mobilization led to the funding cut being rejected by 71.6% of voters in 2018.*

* Billag is the Swiss company that has been collecting radio and television fees since 1998.
Sources: Indonesia QPR, Switzerland QPR.

Figure 4.2

Training and mentoring opportunities organized or supported by public authorities in the last four years to improve communication, advocacy and/or fundraising of CSOs promoting the diversity of cultural expressions



Source: BOP Consulting (2021).

INCREASED SKILLS DEVELOPMENT SUPPORT AMIDST A GROWING NEED FOR SPECIALIZED TRAINING

Other catalysts for an enabling environment for CSOs include awareness-raising, training, capacity-building and mentoring. Strong capacities and skills ensure sustainability of the work undertaken and provide peer-learning opportunities. Developing new expertise is also necessary to address emerging trends and challenges. At government level, 71% of Parties have reportedly supported or organized training and mentoring opportunities to help CSOs build their skills in communication, advocacy or fundraising (Figure 4.2).

Examples range from cultural management training supported by the National Fund for the Arts in Argentina, to dedicated skills and career development units such as Screen Skills Ireland, which focuses on professionals from the film, TV and games industries.

Further training is needed in civic engagement practices, strategic and institutional communications and use of information and communications technologies

At civil society level, the needs assessment in the CSO survey reveals that most organizations have sufficient skills and expertise to engage in cultural policy-making (91%). While this should not be considered representative, respondents tend to confirm civil society's self-confidence, which was identified in the previous edition of the Global Report (UNESCO, 2018). However, CSOs state that further training is needed in civic engagement practices, strategic and institutional communications and use of information and communications technologies – areas that are directly linked to their ability to engage with the public sector and impact policy developments. An analysis of the ResiliArt debates, organized during the COVID-19 pandemic and involving civil society from all over the world, confirms that the pandemic has increased the need for training in several aspects of digital transformation (Box 4.4). This is not only to reach new audiences but also to learn how to use digital tools for dialogue and exchange in order to participate in online spaces for policy-making and evaluation. However, with half of the world's population still offline (UN, 2021*a*), Internet access and connectivity remain major challenges for artists, cultural professionals and civil society worldwide seeking to grasp the opportunities of the ongoing digital transformation and to make their diverse voices heard.

An analysis of the measures describing specific activities by civil society (about 66% of the total) shows that a quarter of the initiatives undertaken focus on capacity-building, workshops and education. Most aim to strengthen the creative skills of artists and cultural professionals in a broad range of cultural domains and in a lifelong learning perspective, with women and youth as main targets (Burkina Faso, Colombia, Cuba, Cyprus, El Salvador, Ethiopia, Jamaica, Kenya, Madagascar, Malawi, Mauritius, Mexico, Palestine, Poland, United Arab Emirates). CSOs from Africa reported the largest number of initiatives and measures across all types of activity, and this was particularly visible in capacity-building. The number of civil society initiatives in capacity-building may seem unexpected, given that most governments also reported having specific education and training programmes in the arts and the cultural and creative sectors (see Chapter 1).

A quarter of the initiatives undertaken by civil society organizations focus on capacity-building, workshops and education

However, far from representing a duplication of efforts, the strong involvement of CSOs in capacity-building can help complement public action (for instance by reaching new stakeholders, communities or territories and addressing more diverse topics). For example, it was noted that public programmes in cinema and audiovisual arts were less frequent. In contrast, there are many programmes in these areas initiated by civil society, which could suggest that CSOs invest in the fields of action least covered by public action and/or identified as priorities by cooperation partners. In addition to capacity-building on specific cultural domains, civil society also organizes training programmes on cultural management, business and related fields to enhance professionalization in the cultural and creative sectors and raise awareness of the Convention. The International Federation of Coalitions for Cultural Diversity, the German Commission for UNESCO, the Mexican non-governmental organization (NGO) Creatividad y Cultura Glocal, the U40 Network and the Chilean and Paraguayan Coalitions for Cultural Diversity designed a training programme in Spanish to increase the understanding and uptake of the Convention as a tool to promote Latin American cultural expressions. Uganda's Media Women's Association, for its part, has developed training modules with a focus on gender perspective in programmes, development issues and management. Culture and Development East Africa's Creative Economy Incubator and Accelerator develops the technical and business skills of artists and creative entrepreneurs in East Africa.

According to CSOs, funding is the most essential resource for enabling them to partner with State agencies (while human resources, technology and communication were also mentioned). As demonstrated by the statement below, more than resources, participation requires inclusive strategies for civil society in all its diversity to get involved and partner with public authorities:

> ***It's not so much about resources but about the need for governments at local, regional and national levels to have inclusive strategies to address the diversity of civil society itself. At national and regional level, the uneven and unequal state of the environment, infrastructure, and policies to sustain civil society creates inequalities in the capacity to partner with state agencies and take part in cultural policy opportunities and processes. Our members also report an unequal level of governance by Parties and UNESCO National Commissions both to assist civil society in taking part in policy making processes and in facilitating cultural and creative activity.***
>
> ***Respondent from the civil society survey*** *for the 2022 edition of the Global Report, 2021*

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The visual arts have always played an important role in creating culture and building bridges of knowledge and communication between peoples. As such, artists were among the many people affected by the spread of the COVID-19 pandemic. With the closure of art galleries and the scarcity of artistic materials (especially in countries dependent on art material imports), many artists lost their jobs and livelihoods. Artists' creations and their beauty that people used to enjoy were also lost. A dark period of sadness descended over us all for several months. However, we are the creators. We can turn black into white with the stroke of a brush.

The journey of recovery from COVID-19 began when I started to develop radical initiatives in the digital world. Being a specialist in the field of information technologies and a visual artist, it made sense for me to work with artists to use digital technology to communicate. I had started this initiative with a social media campaign using the hashtag art stay safe (#artstaysafe).

The initiative received a great deal of attention on digital platforms, and artists began sharing their experiences. I then began work on the first virtual exhibition in Qatar based on this initiative. I have enjoyed learning about what artists in Gulf Cooperation Council countries are doing to advance art and discover artists. The COVID-19 crisis separated us physically, but it brought us closer together morally and intellectually. We have become more aware about artists from different countries of the world, and we are creating wealth from this crisis that will last for decades to come. It has opened new opportunities for those who can overcome current challenges through personal initiatives, and also through changes triggered by joint actions.

Muna Al-Bader

Visual artist and curator

DIVERSIFYING AND INCREASING FUNDING FOR CIVIL SOCIETY ORGANIZATIONS – AN ONGOING CHALLENGE

As indicated by CSOs themselves, funding remains a central challenge. A lack of funds affects the ability of CSOs to collaborate with public authorities, but also with one another. This reduces the availability of human resources, as well as decreasing the time available for networking and collaborative practices. Such practices would include active participation in open governance and participatory activities as promoted by Target 17.17 of the Sustainable Development Goals (SDGs), which recommends promoting effective public, public-private and civil society partnerships. In addition, the level of available public funding relative to the application costs and stringent reporting and outcome expectations may paradoxically lead to more precarious conditions for CSOs.

A lack of funds affects the ability of civil society organizations to collaborate with public authorities, but also with one another

It remains difficult to assess the impact of the COVID-19 pandemic on national funding schemes. However, snapshots drawn from the civil society survey suggest that many CSOs may find it difficult to maintain their level of activity in the future. Indeed, 76% of CSOs report having been affected by COVID-19 either severely (48%) or moderately (28%), and more so in developing (80%) than developed (68%) countries.

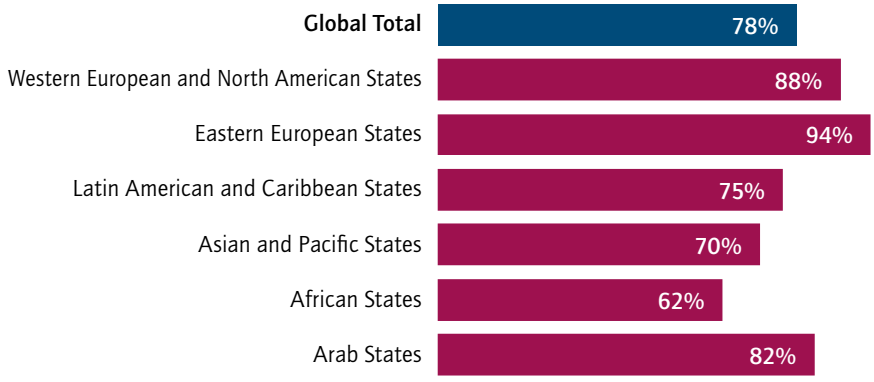
Most Parties (78%) report the existence of public funding schemes supporting CSO involvement in promoting the diversity of cultural expressions. They include prizes and grants (Andorra, Finland, France, Germany, Iceland, Poland, Slovakia), specific funds and dedicated State budget lines (India, Indonesia, Malawi, Mongolia, United Arab Emirates, United Republic of Tanzania) and support programmes to increase CSO sustainability by combining financial support, networking and training (Argentina, Chile, Peru). However, there are major regional differences, with Africa and Asia and the Pacific reporting considerably less in public funds (Figure 4.3).

The difference between the number of developed countries (87%) and developing countries (73%) reporting public funding schemes should encourage a greater focus on this area in the future (Box 4.2). Tracking the main factors behind this difference (such as legal constraints, low allocation of public resources and so on) should also help identify levers for future action.

These figures may explain why CSOs from developing regions are more likely to seek more diverse sources of funding, with 73% of them having more than one funding source compared to 57% among CSOs in developed countries.

Figure 4.3

Public funding schemes supporting involvement of civil society organizations in promoting the diversity of cultural expressions



Source: BOP Consulting (2021).

Box 4.2 • *Supporting civic engagement in Niger*

In Niger, the 'Programme d'Appui à la Société Civile' *(Civil Society Support Programme, PASOC) was funded by the European Union and implemented by the Ministry of Planification. The second phase – PASOC II (2012-2016) – strengthened civil society's involvement in the elaboration and implementation of national development policies in favour of vulnerable groups, such as women and young people.*

The programme included a call to support local projects by non-governmental organizations and associations through micro-grants promoting active citizenship and fundamental human rights (including the right to cultural development) in four of the country's regions. The programme emphasized the connection between greater civic engagement and more effective public policies, making the contribution of non-State actors to good governance more visible and highlighting the importance of civil society organizations (CSOs) in monitoring policy implementation for the benefit of vulnerable populations.

By strengthening dialogue between the Nigerien government and civil society, empowering CSOs and building a more enabling environment for the development of their activities, the programme underlines the virtuous connection between open government practices and principles (transparency, participation and accountability) and the attainment of sustainable systems for cultural governance.

Source: Niger QPR.

Among CSOs from developing countries responding to the survey, there was a higher reported percentage of funding from the private sector; multilateral, bilateral or civil society bodies; and UNESCO or other United Nations agencies (Figure 4.4). However, only 21% obtain funds from membership fees, compared to 51% in developed countries. This key difference suggests there is major scope for intervention by providing training for CSOs in developing countries to establish membership programmes, generate commercial ventures and offer services.

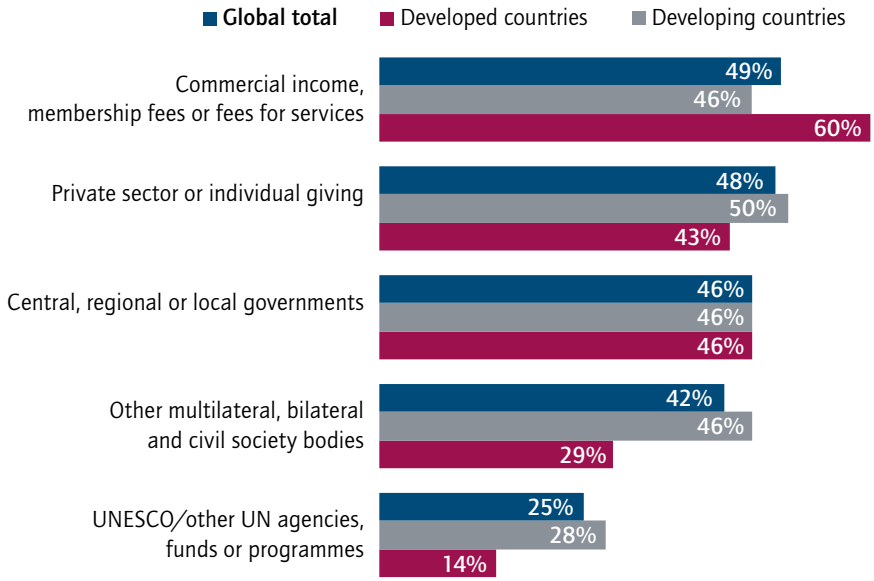
CREATING AND SUSTAINING AN ENABLING ENVIRONMENT

While the Convention recognizes the role of governments and civil society in building sustainable systems of cultural governance, it is the responsibility of governments to craft enabling legislative and regulatory environments. As the United Nations Guidance Note 'Protection and Promotion of Civic Space' recalls, meaningful participation requires an open civic space – openness being characterized by the diversity of voices in public debate and the security of the channels and the vitality of the media landscape 'that allow for peaceful disagreement and dissent' (Figure 4.5). It is thus States' responsibility to 'shape the legal and policy space within which people express views, assemble, associate and engage in dialogue with one another and with authorities about issues that affect their lives, from the quality of basic services, to better institutions and respect for fundamental freedoms' (UN, 2020*a*).

Several Parties to the Convention have either adopted or revised laws and frameworks to this end. It is interesting to note that most Parties reporting such steps since 2017 are developing countries, especially from the Africa region. This trend may indicate a narrowing of the gap in participatory governance between countries with a well-established body of policies for creativity and countries that are newer to this policy-making area. More importantly, it reflects a more global uptake of the cultural policy-making principles advocated by the Convention.

Figure 4.4

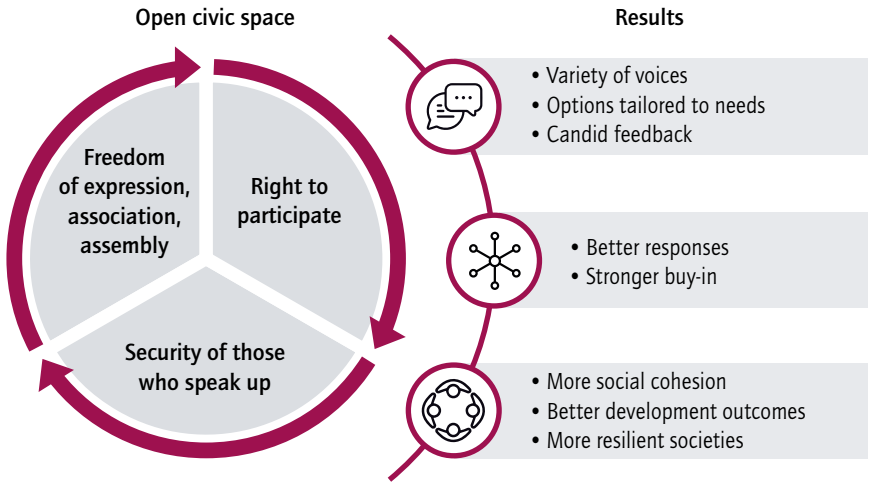
Types of funding by broad category



Source: BOP Consulting (2021).

Figure 4.5

Open civic space results in better outcomes



Source: UN (2020*a*).

Some laws provide for procedures to formalize cultural and creative associations and organizations specifically or promote the acquisition of a legal status for all CSOs, in order to facilitate dialogue with the public and private sectors and help them enter into contracts with them (Cameroon, Ecuador). Other countries have introduced more direct support mechanisms. The enactment of the Organization of Civil Societies Proclamation in Ethiopia eased restrictions on funding sources, allowing CSOs to mobilize domestic and foreign funds, and established an income-generating mechanism to support their sustainability.

In Eswatini, the Recognition Agreements help establish working relationships with cultural and creative actors in the form of associations, organizations or companies. Through such agreements, technical and financial support can now be provided. The Ministry of Culture and Youth and the Ministry of Community Development of the United Arab Emirates signed a Memorandum of Understanding to collaborate towards achieving a more active role for CSOs in the cultural and creative sectors. In Belize, the National Cultural Policy 2016-2026 calls on the State to support the creation of organizations of practitioners in different sectors of the cultural and creative industries, including the establishment of rights collection and management organizations in the music sector, as well as support for training programmes (in particular those targeting women's professional integration in the cultural and creative sectors and their active involvement in decision-making processes in State-supported cultural organizations).

Despite these developments, it is difficult to assess the extent to which legislative and regulatory environments are truly enabling CSOs that are involved in the protection and the promotion of the diversity of cultural expressions. Few Parties reported on this issue, and none shared information on systems for monitoring and evaluating the quality of these environments at the subnational and national levels.

Two useful indicators for assessing the operating environment of CSOs are: the latter's ability to partner with public institutions; and transparency in decision-making on issues relating to the diversity of cultural expressions. It is therefore noteworthy that only 35% (net)[7] of the civil society survey respondents think that existing laws and regulations enable them to build partnerships with public institutions on issues relating to the protection and promotion of the diversity of cultural expressions. The percentage is lower among developing countries, with only 27% (net) of CSOs stating that their legislative and regulatory environment enables them to develop such partnerships against 57% (net) in developed countries. Moreover, more CSOs disagree than agree that the way in which cultural policy legislation is made and enacted is generally transparent (-2% net agreement). Results suggest that much work is still needed to provide an enabling environment for CSOs. They also reveal a gap in enablement between developing and developed countries, which calls for new participatory approaches and strategies and strengthened public and civic capacities to manage and assess transparent decision-making processes.

LEVERAGING OPEN GOVERNANCE PRINCIPLES FOR CULTURE

The Convention invites Parties to provide an enabling environment for civil society by promoting informed, transparent and participatory systems of governance for culture. In doing so, the Convention establishes a direct connection between the notion of sustainable systems of cultural governance and the paradigm of open government (Meijer et al., 2012; Fumega, 2016). Open government has a people-centred philosophy, which means that public institutions invite citizens to be part of research, prototype co-creation, testing and implementation (Bason, 2010). It is based on the principle of participation, but also of collaboration with civil society, and transparency and accountability as the foundations for open governance. It also promotes civic innovation[8] as a modality for collaboration, and co-creation[9] as a strategy to generate the best solutions to problems of public concern (Concha and Naser, 2012).

Participation should be understood as a spectrum, with the more advanced degrees corresponding with greater levels of impact of the public in decision-making

This paradigm can not only increase civil society's trust in government but also helps governments to: achieve better results while controlling cost; ensure equity in access to the formulation of public policies; and improve resource allocation and public management in general (Concha and Naser, 2012). Recognizing the connection between cultural governance and open government provides an opportunity to move towards a more nuanced understanding of civil society contributions to stronger systems of cultural governance (Delfín, 2021). One good example can be found in Burkina Faso, where a set of measures has been implemented to promote participation in the design of the Culture, Tourism, Sports and Leisure Sector Policy and the National Strategy for Culture and Tourism. These measures were aligned with a national guide for the development of public policies and consisted in a multilevel strategy for formal and informal consultation and dialogue processes. Engagement with civil society included the generation of dedicated spaces for the exchange of ideas and meaningful dialogue, and the training of over 1,000 actors on various topics (such as planning and monitoring, fundraising, business management and gender equality) and over 700 actors trained in the design and implementation of subnational cultural policies. This initiative illustrates how participation should be understood as a spectrum, with the more advanced degrees corresponding with greater levels of impact of the public in decision-making (such as partnering with the public in decision-making and placing final decision-making in their hands) (IAP2, 2020).

7. Net positive agreement indicates the total proportion who agreed or strongly agreed with a statement minus those who disagreed or strongly disagreed. A negative result means the proportion who disagreed or strongly disagreed is higher than the proportion who strongly agreed or agreed.

8. The term refers to a stream of innovation that is promoted by organized citizens or citizen-led organizations, generally targeting democratic issues and challenges.

9. Co-creation refers to a different way of thinking and acting that generates knowledge through collaboration and experimentation. It is understood as a new way of knowledge management that is fundamentally transdisciplinary as it combines different sources of knowledge (Zurbriggen and González, 2015).

For some, participation may simply mean informing and perhaps consulting civil society. However, broadening the spectrum to involve, collaborate with or empower civil society – and adopting a more nuanced understanding of participation – may lead governments and CSOs to engage in more transparent and collaborative processes in which all participants play a central role (Atenas et al., 2020). While the use of open governance principles and practices in the cultural and creative sectors is still marginal (Box 4.3), it can actively contribute towards an enabling environment for CSOs by opening up new policy avenues.

Civil society's interventions can help form highly inclusive spaces and address the barriers limiting the participation of specific groups and communities in the cultural and creative sectors for open government principles to flourish. Inspiring examples of inclusive forums for civic debate and exchange between government and civil society can be found with Lithuania's Culture Forum or the Polish National Conference on Culture. Even when such spaces begin as consultation bodies, they can lead to the formation of networks and new civic bodies, as in the United Republic of Tanzania, where the Stakeholders Opinion on Creative Industries Administration Review led to the creation of a national network to promote the creative industries.

CREATING PUBLIC VALUE THROUGH TRANSPARENCY AND OPEN DATA

From an open government perspective, the relationship between transparency and participation is essential. The level of transparency behind a participatory process affects levels of trust in public institutions, as well as citizens' confidence in their ability to promote social change and their resulting willingness to participate in the process (Ramírez-Alujas and Cruz-Rubio, 2021). According to the Convention itself, sharing and exchange of information on the protection and promotion of the diversity of cultural expressions come under the principle of transparency (Article 9 on 'Information and transparency'). In turn, SDG 16 on promoting peaceful and inclusive societies identifies the development of effective, accountable and transparent institutions and ensuring responsive, inclusive, participatory and representative decision-making at all levels as key targets for achieving such a goal.

It is vital to make a distinction between transparent and participatory processes: a high degree of participation does not automatically mean transparency in the processes, decision-making or allocation of responsibilities

Box 4.3 • *Mapping open government practices and connecting with the cultural agenda*

International organizations like the Open Government Partnership (OGP) have been promoting and mapping open government practices across all sectors for almost a decade. The OGP, a multilateral initiative formed by 78 countries and 76 local governments, aims to secure concrete commitments from national and subnational governments. Over the last few years, it has developed a robust organizational infrastructure with its national members and crafted a series of mechanisms and tools to promote civic engagement, including participation and co-creation standards and a dedicated toolkit. However, the OGP does not include a specialized policy area for the arts and cultural sectors. This might explain why their database of over 4,225 national commitments for open government lists only 19 commitments related to such sectors (Delfín, 2021).

The commitments include a broad range of measures, such as the consolidation of a National System of Information and Indicators on Culture of Brazil or the implementation of a policy on mandatory representation of Indigenous Peoples in local legislative and policy-making bodies by the National Commission on Indigenous Peoples of the Philippines. According to the OGP, these commitments relate to various areas such as access to information, capacity-building, e-government, fiscal openness, open data, public participation in fiscal policy, budget publication and so forth. From the perspective of cultural governance, they are linked to digital transformation, discoverability, availability and diversity, Indigenous Peoples, cultural heritage and gender equality. Promoting a stronger connection between open government and cultural governance could bring forth great collaborations and important potential for innovation at the global level.

Source: www.opengovpartnership.org; ogp-participation-co-creation-standards.

However, there is only partial information available on transparency in QPRs submitted by Parties. Out of Parties that responded, 70% report measures and initiatives intended to ensure transparent decision-making on government funding and/or State grants and awards for artists. However, it should be noted that States have not chosen to illustrate these statements by listing measures in their reports. Beyond the assessment of funding programmes, it is vital to make a distinction between transparent and participatory processes: a high degree of participation does not automatically mean transparency in the processes, decision-making or allocation of responsibilities. Most respondents to the civil society survey did not consider cultural policy legislation to be formulated and enacted in a transparent way. Despite the countless examples of civil society consultation that emerge from the QPRs, very few measures have focused on describing the transparency of decision-making processes.

This suggests that the combination of participation in political processes and transparency of decision-making practices and processes must be strengthened to ensure that, at the national level, a 'vibrant and free civic space with channels for safe, non-discriminatory, inclusive, meaningful and effective participation in the conduct of public affairs' is guaranteed (UN, 2020*a*).

A few interesting examples show that Parties and CSOs are mobilizing a range of mapping and data-generation practices to respond to the challenge of transparency. The European Association of Independent Performing Arts, for example, collects data to increase knowledge about artists and their working conditions. In April 2021, the International Federation of Coalitions for Cultural Diversity launched research into civil society participation in the promotion and protection of the diversity of cultural expressions in the Asia-Pacific region, where the Convention has yet to be widely ratified (IFCCD, 2021). In Slovakia, information and communication technologies are being used to set up a Forum for the Cultural and Creative Industries – a new communication instrument that maintains up-to-date maps of needs and that will facilitate adoption of necessary measures for the sectors.

The cultural and creative sectors could also benefit tremendously from the promotion of open data[10] practices, a process that would contribute to increasing transparency and public trust in institutions and participative processes (Delfín, 2021). A small but significant group of organizations reported using national open data portals, mostly to access cultural indicators and support the design of their projects. For example, the International Federation of Library Associations and Institutions (which promotes access to information and expressions of culture through libraries) is deeply involved in open data practices. Its objectives are aligned with the OpenGLAM[11] movement, a global network that promotes open data practices in these areas (McCarthy and Wallace, 2018). While there are several examples of organizations using open data to promote access to information on cultural heritage, there is no clear movement that promotes open data practices to strengthen cultural governance – an opportunity that could yield important results (Delfín, 2021). Particularly as part of preparations for a transformative COVID-19 recovery, there is a need for reliable and updated cultural statistics, as well as more inclusive, effective and coordinated monitoring, evaluation and research mechanisms in the cultural and creative sectors. Against this backdrop, open data could help streamline data collection and information sharing systems at the subnational, national and regional levels.

There is no clear movement that promotes open data practices to strengthen cultural governance

When asked about the use of open government data in any of their activities/initiatives to promote the Convention, survey respondents report several obstacles standing in the way. These included problems in accessing public information, data not being available or data being published in a format that makes them difficult to use, to understand the Convention in a multilayered way and to grasp how access to information can contribute to achieving the objectives of the Convention. Current work on open data emphasizes the need for open data to be more useful and relevant, going beyond the usual open data users (journalists, lawyers and civic technologists) to make them relevant to grass-roots organizations working at the subnational level (Zahuranec et al., 2021). Although the findings were limited, the survey nonetheless confirmed that CSOs in the cultural and creative sector would also benefit from such developments.

Understanding how access to information can generate public value by strengthening the cultural and creative sectors' capacity to engage with other public policy will be a further step (Meyrick and Barnett, 2020; Zurbriggen and González, 2015).

> ***The culture sector is not well endowed with statistical data because the actors do not produce any, even within the framework of the implementation of their activities, whereas the main part of the data [is] provided by the government (...) Data remain essential to present, for example, a baseline situation, setting objectives or data indicators. It allows analysis of situations and contexts that we often fail to achieve with unreliable data. Data are essential to promote the Convention, allowing Parties to create, produce, disseminate and distribute their own cultural expressions and (...) have access to them, taking due account of specific conditions and needs.***
>
> ***Respondent from the civil society survey*** *for the 2022 edition of the Global Report, 2021*

The Convention is in a unique position to promote open data agendas that can strengthen sustainable systems of governance at the national and subnational levels. This would promote progress towards SDG 16 on 'Peace, justice and strong institutions' that ensures public access to information (Target 16.10), and SDG 17 on 'Partnerships for the goals' that encourages diverse partnerships models and multistakeholder monitoring frameworks to pool resources (such as expertise, knowledge, technology and funds) (Targets 17.16 and 17.17).

10. The International Open Data Charter (2021) defines open data as digital data that are made available with the technical and legal characteristics needed to be used, reused and redistributed by anyone, anytime and anywhere.

11. 'Open Galleries, Libraries, Archives and Museums' is a global initiative aiming to aggregate, connect and support open access to cultural heritage initiatives and projects.

Direct links can also be made to the Convention's Operational Guidelines on Information Sharing and Transparency (revised in June 2019) and the decisions of the Convention's governing bodies since 2017, calling on Parties to develop national roadmaps for the implementation of the Convention in the digital environment and inviting them to include CSOs in the teams responsible for roadmap design and implementation.

THE IMPACT OF CIVIL SOCIETY ACTION IN PROMOTING DIVERSE CULTURAL EXPRESSIONS

A GROWING VOICE IN POLICY-MAKING AND MONITORING

Participation in cultural governance starts with the ability to engage in policy debates at all levels (see Chapter 1). An encouraging 90% of Parties declared implementing dialogue mechanisms with CSOs for cultural policy-making and/or monitoring, with a higher rate in developed countries (97%) than in developing countries (87%). In contrast, 77% of respondents to the civil society survey had contributed to cultural policy consultation with government structures in their country. However, these figures need to be compared with experiences on the ground. It is also worth mentioning that Parties may understand dialogue mechanisms in very different ways. The spectrum can range from mechanisms aimed at informing stakeholders or collecting feedback from them, to involving them in decision-making. Most Parties that reported such mechanisms focused on collecting feedback from CSOs through consultation.

At the global level, the ResiliArt movement opened up new spaces for dialogue (Box 4.4) while, at the national level, permanent bodies such as boards or councils (Austria, Colombia, Italy, Jamaica, Lithuania) were created to manage dialogue with CSO representatives and individual experts.

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Croatia has been actively supporting UNESCO initiatives for the promotion of the diversity of cultural expressions, and particularly the promotion of the cultural and creative industries. The country has become even more engaged during the COVID-19 pandemic, which confirmed that culture is one of the most significant sectors. Other than the first four weeks of total lockdown, the authorities managed to keep all cultural venues and institutions open throughout the pandemic. The country's cinemas, theatres, museums, libraries and concert halls were open, even if they could only accept a limited number of people. The Croatian government created many ad hoc schemes and measures in order to mitigate the effects of COVID-19 on culture, and now needs to ensure continuous support in order to assist its recovery. The development of resilient cultural and creative sectors has been addressed in the National Development Strategy until 2030 and the National Recovery and Resilience Plan.

Croatia took part in the UNESCO ResiliArt movement and is eager to join other countries in a series of discussions ahead of the UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022. This movement revived the openness of the Parties to the Convention to some form of external oversight of the Convention by civil society, while recognizing its fundamental role in the protection and promotion of the diversity of cultural expressions and the need to encourage its active participation in Parties' efforts to achieve the objective of the Convention. The preparatory process for MONDIACULT 2022 can only benefit from the information on the evolving needs, gaps and opportunities on the ground that the ResiliArt movement will continue to gather throughout 2022. MONDIACULT 2022 will be a valuable opportunity for UNESCO Member States to reflect and work together to reaffirm their commitment to cultural diversity as an important part of our societies and the 2030 Agenda for Sustainable Development. The Global Report Re|Shaping Cultural Policies for Creativity, *of which I was one of the authors in its very first edition, is a valuable source for this reflection.*

Nina Obuljen Koržinek

Minister of Culture and Media, Republic of Croatia

Box 4.4 • *ResiliArt – a global movement for and by artists*

The COVID-19 pandemic has had a massive impact on artists and cultural professionals, as well as on the conditions for civil society organizations (CSOs) interactions and evolution (CIVICUS, 2020). In response, UNESCO launched ResiliArt: a global movement to shed light on the state of cultural and creative industries and sectors through online discussions led mainly by arts and cultural organizations and professionals worldwide.

The initiative generated more than 275 debates, with over 115 countries represented by speakers or moderators. Cultural actors from around the world have seen the movement as a priority platform to share their challenges, suggestions and innovative practices in an unfiltered way. Significant participation by CSOs was a main feature of the movement. Overall, 41.7% of ResiliArt debates were organized or co-organized by CSOs. As of 31 March 2021, more than half the debates have been led or co-hosted by a civil society actor in Africa (52%) and the Arab States (52%) An overview of the main findings of the ResiliArt movement shows that collective actions, participatory processes and public consultations are a key concern for CSOs around the world:

- ***Networking:*** *For some, COVID-19 lockdowns heralded an unprecedented period of networking in artistic and cultural communities aided by social media platforms and video conferences. Such alliances with local, national and international peers have stimulated knowledge exchange, created momentum for collective actions and reignited artistic creation.*
- ***Participatory process:*** *Speakers shared their strong wish to influence post-pandemic policy-making processes, with a view to ensuring that lessons learned on the ground and the pre-existing precariousness revealed by the crisis may be duly addressed by recovery measures and the overall rebuilding of the sector. For some players on the cultural and artistic scene, the crisis was perceived as an opportunity to usher in a more inclusive era of cultural policy-making and closer engagement with the State.*
- ***Need for data:*** *Cultural professionals around the world had been advocating for more systematic data collection and more comprehensive mapping of the cultural and creative sectors long before the onset of the pandemic. Many felt that the crisis illustrated the risks resulting from the paucity of data in the creative value chain, which leads to an undervaluing of the sectors and to insufficient State support. Systematic and regular data collection and comprehensive and inclusive mapping of institutions for adequate scaling up of the cultural ecosystem, through participatory processes and public consultations, were listed among the post-COVID-19 priorities.*
- ***Remuneration in the digital sphere:*** *Digitization and increased accessibility of artists' work online have rarely resulted in significant remuneration. Many have attributed this discrepancy to insufficient protection of intellectual property in the digital environment, minimal per-play compensation on major streaming platforms, lack of training opportunities to harness the new technologies and the public's reluctance to pay for artistic contents and services online. Moreover, for those with limited access to information and communication technology infrastructure, the possibility of translating the digital transition into profit is almost non-existent.*

An in-depth analysis of UNESCO's survey of ResiliArt organizers identified 100 recommendations, several of which directly relate to the relative position and role of civil society in the cultural ecosystem such as participatory policy-making beyond consultation to normalize information and feedback sharing with civil society (notably in the context of the design and implementation of post-COVID-19 recovery plans), clear registration mechanisms for CSOs active in the cultural and creative sectors, support for their digital transition or dedicated support to organizations operating at a subnational level to safeguard the diversity of locally produced cultural content.*

UNESCO is expanding the ResiliArt movement through ResiliArt x MONDIACULT to gather inputs on the ever-evolving needs, gaps and opportunities on the ground to inform the preparatory process of UNESCO's World Conference on Cultural Policies and Sustainable Development that will be hosted by Mexico in September 2022. ResiliArt x MONDIACULT will serve as an inclusive, accessible platform for any interested stakeholder to engage with the high-level consultations leading up to MONDIACULT.

* The full set of recommendations is available in the information document of the 8th session of the Conference of the Parties at *https://en.unesco.org/creativity/sites/creativity/files/sessions/8cp_inf8_covid19_resiliart_en.pdf.*

Some countries also held congresses and annual forums (Lithuania, Luxembourg, Poland, Slovakia, Uganda), while others organized regular or occasional meetings and working groups (Belarus, Burkina Faso, Cuba, Denmark, Kenya). In order to make their voices heard, CSOs are also developing their own strategies. Indeed, 18% of CSOs report taking concrete measures and initiatives related to advocacy, policy development and consultation. Africa provides several inspiring examples. In Zimbabwe, the Nhimbe Trust developed a Legislative and Advocacy Tracker to follow the constitutional alignment process resulting in an overall legislative review, including in the cultural field. The Tracker aims, *inter alia*, to inform artists and cultural professionals about their intervention options throughout the process. A consortium of CSOs working in collaboration with the interministerial task force also develops position papers and policy briefs mapping the implications of proposed legislative amendments in culture-related fields, such as artistic freedom, freedom of association or freedom of expression.

In Burkina Faso, following advocacy efforts by civil society networks, professional associations and unions to increase involvement in the development of new reference frameworks for the cultural sector, measures were introduced by the Ministry of Culture, Arts and Tourism. They included a training in public policy-making, strategic and operational sectoral planning, as well as broad consultations and feedback sessions at various stages in the policy process. After the adoption of a new sectoral policy, the National Strategy for Culture and Tourism and two action plans for the 2018-2021 period, CSOs joined the Steering Committee of the National Strategy for participatory implementation.

An important challenge for Parties and CSOs in the coming years will be to evaluate the effectiveness and outcomes of these dialogue mechanisms (workshops, forums, committees, working groups, task forces and so on) and how they may encourage or hinder civil society engagement in promoting diverse cultural expressions and reshaping cultural governance.

An important challenge for Parties and civil society organizations in the coming years will be to evaluate the effectiveness and outcomes of dialogue mechanisms and how they may encourage or hinder civil society engagement

The focus on partnering with civil society makes the Convention a key international legal framework to evaluate and reflect upon the strategies adopted by Parties and CSOs to foster participatory policy-making and monitoring. Furthermore, this approach contributes to achieving SDG target 16.7, aimed at ensuring responsive, inclusive, participatory and representative decision-making at all levels. Indeed, 85% of Parties report that policies and measures promoting the diversity of cultural expressions have been formulated in consultation with CSOs. The civil society survey, for its part, shows that 76% of participants have taken part in advocacy campaigns or efforts to improve or promote new policies, with a difference in terms of CSO participation in developing countries (71%) and developed countries (86%). At the subnational level, CSO participation in cultural governance seems much less significant, with only half of respondents to the civil society survey reporting involvement, and there is a wide gap between developed (64%) and developing (43%) countries. These findings echo one of the testimonies presented above, on the challenges for CSOs to benefit from an enabling and equal environment at all government levels.

At the subnational level, the participation of civil society organizations in cultural governance seems much less significant with only half of respondents to the civil society survey reporting involvement

A handful of Parties described cultural policy co-design processes with CSOs that promote civic engagement at national and subnational levels (Austria, Burkina Faso, Ethiopia, France, Indonesia, Ireland, Poland, United Arab Emirates). Latin America and the Caribbean seems to be the leading region in this regard, with examples found in Chile, Colombia, Paraguay and Peru. The National Secretary of Culture of Paraguay organized an open call for interest, targeting CSOs willing to join the Technical Tables of Culture for the formulation of sectoral cultural policies. The drafting of the Regional Culture Plan for the region of Junín in Peru involved 500 participants, who gathered in Provincial Cultural Meetings held in the nine provinces, proving that decentralization processes can help guarantee a region-wide conversation on culture, interculturality and the rights of Indigenous Peoples with the participation of key representatives and local leaders. Chile, for its part, focused on building a new participatory architecture for cultural governance, using the review process of its cultural policy to implement a decentralized bottom-up approach. A total of 90 conferences were organized in the regions, involving more than 4,000 cultural actors. Together with annual regional and national cultural conferences, they shaped the new regional and sectoral policies, which, in turn, informed the revisions of the National Cultural Policy. The Secretariat for Cultural Management of the Argentine Ministry of Culture implemented the *Puntos de Cultura* (Cultural Hot Spots) programme. Through almost 10 years of uninterrupted work and six rounds of calls, the programme has established a national network of more than 1,000 organizations throughout the country. The programme provides grants and support to social organizations and cultural associations, with or without legal status, that develop artistic and cultural initiatives to promote social inclusion, local identity and citizen participation. The fact that legal status is not a condition of eligibility meant that 40% of the organizations supported were grass-roots groups and about 50% located in 'villas' (informal settlements), resulting in highly significant territorial impact. Bandung's Creative Economy Committee in Jakarta, Indonesia, is another example that challenges assumptions about developing countries' ability to engage civil society in the development of cultural policy and creative cities (Larasati and Gu, 2020). Bandung's success is thanks to local activists and NGOs and their ability to translate global policy agendas into the local context – which is arguably more effective than policy transfer via Western intermediaries.

In terms of organizational capacities, the survey reveals that 87% (net) of respondents feel their organization can make a difference to the policy environment at the national and/or local levels, even though almost two-thirds of respondents believe that the legislative and regulatory environment does not allow for partnerships with public institutions (as noted earlier). One working hypothesis is that the current policy environment is characterized by a weak regulatory framework that lacks not only robust, sustainable, and interrelated mechanisms that can guarantee permanent participation and inclusion on policy-making, but also long-term policy plans that can achieve substantial change over time while surviving sudden changes in government leadership. While the absence or deficiency of existing laws and regulations is a major factor that inhibits partnerships and collaboration between government and civil society, there are other dimensions that should also be acknowledged. For example, among the few CSOs reporting no participation in policy-making, 19% believed they were not properly equipped to contribute. However, 22% felt there was no interest from government to include them and 22% had not been asked to participate. This sheds light on the importance of not only addressing policies, but also training, communication and outreach practices to foster participation in policy-making.

At least 92% of the quadrennial periodic reports submitted by Parties indicate that civil society had provided inputs and overall, developing regions reported more civil society involvement

Box 4.5 • *Enabling participatory policy monitoring through periodic reporting*

The 'Reshaping Cultural Policies for the Promotion of Fundamental Freedoms and the Diversity of Cultural Expressions' project (2018-2022), financed by the Swedish International Development Cooperation Agency (Sida), strengthened the human and institutional capacities of 16 developing countries in policy monitoring at national and subnational levels. Multistakeholder teams involving public and civil society representatives were formed and trained to report on the state of the diversity of cultural expressions in their country. This participatory reporting process opened up new spaces for interministerial dialogue and intersectoral networking and opportunities to discuss existing policy environment. It also created communities of practice with enhanced technical knowledge and know-how including within civil society.

In Mali, for instance, this project led to the creation of a new consultation framework among relevant national administrations, local and regional authorities and civil society. In Peru, it helped to reinforce exchanges between the Ministry of Culture and public agencies in charge of gender equality. In Bangladesh, consultation meetings and the training workshop provided a platform for various actors of the culture and media sectors to meet, learn about their respective sectors (music, performing arts, visual arts and so on) and begin exploring common advocacy strategies.

> *'Regarding the consultative process that has taken place, it had been a while since creative people have been included in some of these things when it comes to making plans for our industry, for arts and culture. This is big for us because for once, we feel that we have a say in what happens in the industry that we are in. It is one thing to be consulted, it is one thing to be involved in the process, it is another thing to then see the process actually bring to fruition something that you actually had a say over.' (Macdonald Macdee Chidavaenzi – singer, music producer and director of Eternity Productions)*

Another important achievement was the development of a subnational approach to include more local participation, with Algeria, Mauritius, Palestine and Senegal deploying new strategies to guarantee inputs from across their territories. Algeria, for example, took steps to include a regional perspective into the reporting process. Several representatives from wilayas *'provinces' participated in the initial multistakeholder consultation and the national team formed thereafter included representatives from* wilayas*. In Palestine, the Ministry of Culture and the UNESCO Field Office in Ramallah held multistakeholder consultation meetings in Ramallah, East Jerusalem and Gaza.*

The Convention's Monitoring Framework strives to measure the conditions and level of involvement of civil society in the governance of the cultural and creative sectors, for instance, by promoting the collection and analysis of strategic information. The aim of revising the Convention's Monitoring Framework was to better reflect the contributions of CSOs to the diversity of cultural expressions. The revision also resulted in the development of new global reporting tools, including a civil society form designed to help Parties collect first-hand information from CSOs themselves. The civil society form has proven to be a useful and versatile tool that could be adapted to different national settings and languages. It is encouraging to see that at least 92% of the QPRs submitted by the Parties indicate that civil society had provided inputs. This includes 77% of Parties that submitted a CSO form, with remaining Parties reporting one or more CSO being involved in the multistakeholder process for the drafting of the report (Box 4.5). All African and Asian and Pacific States involved CSOs in multistakeholder consultations during the elaboration process and, overall, developing regions reported more civil society involvement (92%) than developed ones (84%). Parties such as Chile, Palestine,

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The cultural and creative industry consists of ideas borne by talented creators in arts, design, fashion, film, photography and performing arts, among others. They provide sustainability and decent work opportunities among youth and women.

For young people who have a dream and who seek to create, to innovate and to build something new, I just want to tell them: do not stop believing. While I urge creatives to keep building, I am aware of the challenges they grapple with, including a lack of appreciation for the cultural and creative industry, absence of favourable policies and the lack of professional capacity to meet market standards.

Born out of the pandemic, MoTIV was inspired by the potential of the creative economy to steer sustainable development through a community of like-minded creatives with untapped potential in Africa. The aim was to refine and scale their ideas into fully-fledged businesses. Armed with this ambition, in November 2021, we humbly accepted the UNESCO-Bangladesh Bangabandhu Sheikh Mujibur Rahman International Prize for the Creative Economy, for our innovative work in fostering creative entrepreneurship among young people. Through an integrated creative studio and makerspace located in Kampala, Uganda, we provide tools, training, a marketplace and value chain support for young creatives. All our programmes are committed to gender equality, with a target engagement of 70% women for each of our projects. MoTIV has already contributed over 970 direct jobs and given over 100 businesses access to a larger market. The adoption of digital platforms has played a huge role reinforcing the vast possibilities available in adopting the use of the fourth industrial revolution towards automation and data exchange in manufacturing technologies.

We recently hosted an event to celebrate the International Year of Creative Economy for Sustainable Development. A young lady on the panel noted that, as a creative, this was one of her most difficult years. She did not feel celebrated; a sad reality for most but a perfect sign that now is the time to give the creative industry the attention it deserves.

Japheth Kawanguzi

Team Lead, MoTIV Creations Limited, Uganda

Paraguay, Poland, Rwanda, Slovakia and Uganda reported challenges in CSO participation due to COVID-19 restrictions, and many used the form to streamline remote participation in reporting during this time. As a result of the many requests to collect information and data on cultural and creative sectors and on the situation of artists and cultural professionals, however, a number of CSOs are experiencing 'reporting fatigue' – which has increased during the pandemic. This reinforces the need to ensure more streamlined and interoperable monitoring systems to be used by diverse stakeholders at all levels.

Examples of participatory evaluation are less common. Through its establishment of a Creative Economy Working Group, Kenya has provided an inspiring way forward. The Working Group brought together diverse stakeholders from the cultural and creative industries and organized a workshop to evaluate the Culture Bill and proposed amendments (which were then presented to Parliament).

There is a need to ensure more streamlined and interoperable monitoring systems to be used by diverse stakeholders at all levels

Overall, this underlines the potential of cross-level partnerships as they bridge national and subnational levels to protect and promote the diversity of cultural expressions. Given the potential for experiences to be replicated nationwide, Parties should invest further in building capacities for civic engagement practices and methodologies – especially at the local level. A more nuanced evaluation of participatory practices is also required, such as assessing them against the spectrum of public participation (IAP2, 2020). It is particularly important to not only recognize and replicate good practices, but to increase the overall quality and effectiveness of these experiences.

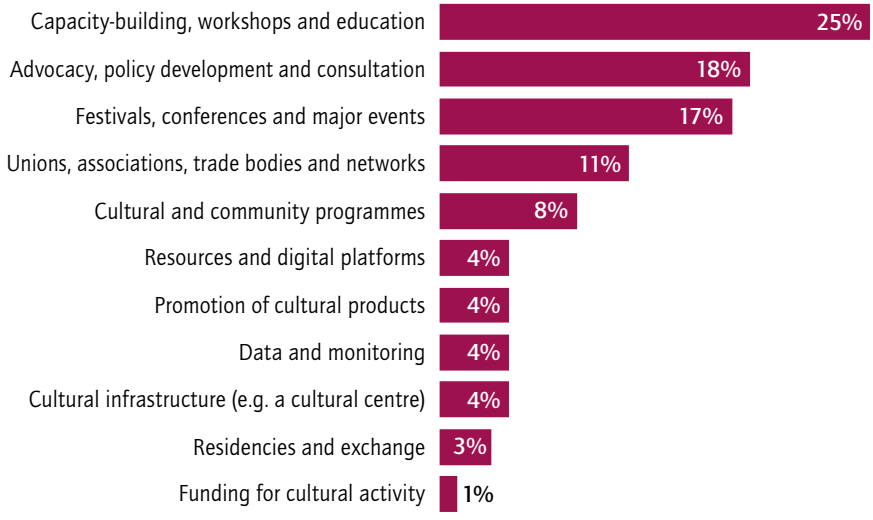
AN ATTEMPT TO MAP PRIORITY THEMES AND FORMS OF INTERVENTION

Besides capacity-building, advocacy and policy developments, which appear to be the main initiatives reported in the civil society survey, CSO involvement is particularly strong in a broad range of other activities that directly contribute to creation, production, distribution and access to a diversity of cultural expressions. These include event organization (festivals and conferences), advocacy, networking, supporting cultural communities and programmes, providing resources and infrastructure for artists and cultural professionals and engaging in data collection or monitoring (Figure 4.6). Figures should be treated with caution, however, since many CSOs operate transversally across several themes and cultural domains. The Culture Fund for Malawi, for example, promotes cultural rights and freedom of expression while also addressing the capacity of cultural practitioners to participate in democratic processes and paying attention to the role of women and girls in arts and culture.

These thematic intersections are one of civil society's important contributions to protecting and promoting the diversity of cultural expressions by advancing cross-sector connections. They speak to culture's transversality, enrich the repertoire of potential public and civic interventions and can advance innovation by promoting cross-sectoral dialogue and collaboration to solve public problems. In terms of measures that CSOs reported on specific policy areas, the most frequent sectors are gender equality and mobility of artists and cultural professionals. Although they represent just 42% of all measures reported by CSOs (with the remaining 58% being less specific), these patterns nevertheless point to niche areas where CSOs are likely to make a difference. Policy areas such as artistic freedom, digital skills, copyright or environment rank far behind. This suggests that, at the national level (where CSOs are most likely to have participated in monitoring efforts), there is still room for civil society action.

Figure 4.6

Activities reported by civil society organizations, by types*



* Measures describing multiple or generalized activities have not been counted.
Source: BOP Consulting (2021).

There are, however, a few examples of civil society participation in copyright policy-making. In South Sudan, for instance, in the framework of the UNESCO/European Union programme 'Supporting new regulatory frameworks to strengthen the cultural and creative industries and promote South-South cooperation', grass-roots organizations involved in supporting creation (especially among young people) took part in consultations on the future Intellectual Property Bill – the first of its kind in the country. If the analysis sample is broadened to include all initiatives reported by CSOs, the only major difference is that – apart from those within the cultural and creative sectors – their second main policy area is the integration of sectors into sustainable development plans and strategies (thereby attesting to civil society's strong commitment to such advocacy efforts).

The focus on the four goals of the Convention's monitoring framework[12] is particularly balanced among CSO initiatives from developed countries, with a greater investment than in developing countries in activities to defend freedom of artistic expression, protect artists' social and economic rights and promote gender equality. At the regional level, CSOs from Eastern Europe and Latin America and the Caribbean appear to be particularly committed to boosting the circulation of cultural goods and services and facilitating the free movement of artists and cultural professionals, with around 30% of their activities devoted to this, while CSOs from the Arab States tend to devote half of their commitment to supporting the cultural value chain to stimulate the cultural and creative sectors at the national level.

Among those initiatives targeting a particular cultural domain (half of the initiatives reported), half of the CSO measures and initiatives were in film, audiovisual and performing arts, followed by music (18%), visual arts (15%) and publishing (14%). Finally, within the civil society measures targeting a particular group (less than a third of the measures reported), women and youth are the largest target group of these initiatives (around 30% each), while vulnerable or minority groups such as Afro-descendants or Indigenous Peoples follow far behind. However, these figures should be seen in the light of the fact that, if all measures reported by the CSOs are considered (whether or not they target a specific segment of the population), 26% are related to youth while only 8% refer to gender equality. These disparities could guide public support to CSOs working in the least well-served cultural domains or policy areas.

The main priorities are still to obtain more funding from public authorities, but also from other sources and through new mechanisms, and to ensure a more participatory governance

In terms of the main CSO priorities for implementing the Convention in the coming years as reported by Parties, enhanced mobility for artists and cultural professionals and the promotion of gender equality and other human rights in the cultural and media sectors (freedom of expression; protection of economic, social and cultural rights) rank high on the agenda. However, the main priorities are still to obtain more funding from public authorities, but also from other sources and through new mechanisms, and to ensure a more participatory governance with a bottom-up approach to decision-making. As described by Austria in its QPR, a structurally anchored and continuously active exchange between State and civil society actors is highly relevant and should be expanded. A transparent and inclusive design of these discussion processes, as well as a comprehensive and well-founded selection of interlocutors, must be ensured if heterogeneous interests (especially from underprivileged groups) are to be included. In this area, Kenya is the first country to call for open data policies to promote access to information transformed into user-friendly community information sharing and feedback mechanisms.

According to Parties, CSOs are also seeing partnerships as an opportunity for exchanges and co-creation, and are seeking more diverse partnerships with public authorities, but also with the private sector and other CSOs at the national and international levels. For example, Zimbabwe has suggested the development of a Government Partnership Index or Tracker to ensure efficient public-CSO partnerships by assessing jointly agreed parameters on the performance of each stakeholder, as well as quantitative and qualitative indicators to determine whether a particular government has engaged CSOs meaningfully in action related to the Convention. Finally, data collection for more informed policy-making and enhanced capacities in the digital environment, including to ensure content discoverability and fair remuneration, are major concerns of CSOs and could guide future policy action.

PARTNERSHIPS, NETWORKS AND COLLABORATIONS

Besides their own initiatives, CSOs have a long history of collaboration – as evidenced by the many initiatives reported in this area. Indeed, as stated in the previous Global Report, 'networks are important because they can enable shared initiatives, including advocacy, which is more powerful when CSOs present a common voice backed by the commitments of many organizations. They also enable peer support, learning and the sharing of resources, and avoid the duplication of work' (UNESCO, 2018).

12. The goals are: supporting sustainable systems of governance for culture (Goal 1); achieving a balanced flow of cultural goods and services and increasing the mobility or artists and cultural professionals (Goal 2); integrating culture in sustainable development frameworks (Goal 3); and promoting human rights and fundamental freedoms (Goal 4).

Among the measures reported by CSOs involving partnerships, the most commonly reported partnership model was between CSOs and public sector agencies (52%). Two-thirds of such partnerships (61%) were reported at the national government level and 24% at the subnational level[13].

There are also various examples of CSOs working independently to promote transformative agendas across a national territory, spearheading nationwide networking efforts. While the sample of the civil society survey is relatively small for drawing general conclusions, it is interesting to see that almost 30% of CSOs declared always collaborating with other organizations, including those outside their field of action, in response to policy agendas and especially for advocacy purposes. The Red U40 Mexico network is a well-established example. It raises the profile of the Convention and connects national and subnational actors across the 32 States of the Mexican Federation by fostering cooperation projects and processes. The flexibility and scaling of this network speaks to the capacity of CSOs to develop partnerships across national or even international territories. At the international level, 21 cultural networks, mainly from Europe, issued the statement 'The Value of International Cultural Networks', recalling their *raison d'être* and highlighting their key role in facilitating international collaboration, testing new ideas, sharing experiences or resources and empowering grass-root organizations (ENCC, 2016).

When participants were asked about the barriers to collaboration, the lack of resources was often cited in survey responses. While only a few CSO respondents call for capacity-building, they tend to agree on the need to increase funding, organize forums and conferences, better align with national government strategies and receive stronger support for collaboration from central governments.

13. Only 11% referred to partnerships with multiple layers of government and the remaining 2% partnered at supranational level.

PARTICIPATION IN THE CONVENTION'S STATUTORY WORK

An important mechanism that Parties to the Convention continue to promote and strengthen is the Civil Society Forum. Since 2017, the Forum has taken place during each session of the Conference of Parties, which is the plenary decision-making body of the Convention. It is a biennial event that provides a space for CSOs and professionals operating in the cultural and creative sectors to discuss the challenges and solutions relevant to the protection and promotion of the diversity of cultural expressions and to put them on the international agenda. The Civil Society Forum formulates joint recommendations to inform the work of Parties and future activities.

The main recommendations issued in 2019 focused on upholding regulatory systems to protect local markets from the rise of big digital platforms, supporting traditional actors in their digital transition and adapting copyright legislation to ensure fairer remuneration of content creators. In terms of flows of cultural goods, services and professionals, CSOs called for a full exemption for culture in all international trade negotiations and simplified visa procedures, especially for creatives from developing countries. These concerns were echoed at the most recent Forum, which brought together 92 CSOs in June 2021. This Forum took place against the backdrop of the COVID-19 pandemic, and called on the international community to fully integrate the cultural and creative sectors into recovery plans, thereby paving the way for the inclusion at the international level of a culture-related goal in the post-2030 global development agenda. The Forum also called for the expertise and partnerships of fragmented CSOs to be brought together. A wider and more diverse participation of CSOs in the Forum is one of the goals shared by both civil society and Parties. However, this requires additional financial resources in order to set up more permanent coordination mechanisms between civil society and the Convention's governing bodies and overcome language barriers.

The 2021 Civil Society Forum called on the international community to fully integrate the cultural and creative sectors in recovery plans, thereby paving the way for the inclusion at international level of a culture-related goal in the post-2030 global development agenda

Other complementary mechanisms are in place to ensure civil society participation in the statutory work of the Convention. In each meeting of the governing bodies, an item focusing on civil society is included. Since 2017, working meetings between the Bureau of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions and civil society representatives are also organized before each session of the Committee. Finally, on a regular basis, the Convention's governing bodies invite CSOs to submit activity reports,[14] although it remains unclear what use or monitoring they intend to make of them. Despite limited financial and technical support, CSOs have invested major coordination efforts to strengthen dialogue with Parties. While it is encouraging to see that CSO involvement in the work of the Convention's governing bodies has significantly improved over the last years, several CSOs are calling for the participatory governance model advocated by the Convention and adopted by several Parties at the national level to be further embedded within the Convention's own governance at the international level.

14. The latest reports were submitted to the Conference of Parties in June 2019 and are available at *https://en.unesco.org/creativity/sites/creativity/files/7cp_inf_11_en.pdf*.

RECOMMENDATIONS

In the light of this chapter's findings, the following recommendations are put forward:

- Parties should further collaborate with CSOs in designing and implementing regional and national policies, measures and COVID-19 recovery plans to ensure dynamic, sustainable, fair and diverse cultural and creative sectors – including in the digital environment.
- Parties and CSOs should partner to assess legislative and regulatory environments, including through shared information systems and streamlined collaborative monitoring and evaluation efforts, in order to provide enabling conditions for CSOs to leverage their involvement in cultural governance.
- Parties should implement open government principles and practices in cultural governance to increase public trust and foster civic innovation by connecting the dimensions of participation, transparency and accountability. They should also broaden the participation spectrum to move from an approach based on information and consultation towards CSO empowerment strategies, giving them co-creation and co-decision opportunities as partners and/or as consultants.
- Parties and CSOs need to adopt existing standards for public participation and co-creation, as well as for open data, to help increase skills and capacities at all levels (including leadership) and design informed, context-specific and purpose-driven policies for creativity.
- Parties should prioritize efforts to stimulate collaborations with professional organizations and support CSOs, artists and cultural professionals from vulnerable groups and/or working in under-represented cultural domains and policy areas.
- Parties and CSOs should further recognize the potential of subnational partnerships to protect and promote the diversity of cultural expressions. The potential for innovative subnational practices to be replicated and scaled up across a national territory should also lead Parties to invest in building capacities for civic engagement practices and participatory methodologies, especially at the local level.
- Parties and CSOs should develop capacity-building programmes to take advantage of new digital practices, tools and online spaces for participatory dialogue and policy-making.
- Parties should implement and maintain sustainable and transparent funding schemes for CSOs at the national, regional and international levels to secure opportunities for collaboration and networking, including in post-COVID-19 recovery plans. They should also facilitate public-private and civil society partnerships to develop new collaboration mechanisms in line with the 2030 Agenda and invest in capacity-building for CSOs to establish membership programmes and offer services as complementary funding sources – especially in developing countries.
- Parties and CSOs should undertake additional research, monitoring and evaluation to assess the use, effectiveness and transparency of existing participatory dialogue and decision-making mechanisms in order to design and replicate innovative models. Further efforts should be made to move from *ad hoc* participatory mechanisms towards permanent and sustainable ones.

© Reena Kallat, *Woven Chronicle*, 2015, electrical wires, speakers, circuits boards, 10 min single channel audio*

Goal 2

ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS

Goal 2

ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS

Facilitate equitable access, openness and balance in the flow of cultural goods and services as well as the free movement of artists and cultural professionals

2022 REPORT CARD

National policies and measures, including preferential treatment, facilitate a balanced flow of cultural goods and services and promote the mobility of artists and cultural professionals around the world

8 DECENT WORK AND ECONOMIC GROWTH

10 REDUCED INEQUALITIES

17 PARTNERSHIPS FOR THE GOALS

Mobility of artists and cultural professionals | **Flow of cultural goods and services** | **Treaties and agreements**

PROGRESS

- Outward mobility has gained increased support and civil society organizations play an increasingly important role in providing training, funding and information
- Exports of cultural goods and services have surged dramatically worldwide, with the audiovisual and related services remaining the largest cultural service sector
- The use of clauses recognizing the specific nature of cultural goods and services is more and more common in trade agreements

CHALLENGES

- Developing countries face persistent visa and funding barriers to mobility
- Global trade shows no signs of opening up to cultural services from developing countries
- No preferential treatment provisions have been included in trade agreements in recent years

RECOMMENDATIONS

- Re-imagine mobility in more sustainable, inclusive and digitally accessible ways, and correct mobility imbalances through preferential treatment mechanisms
- Invest in Aid for Trade and support diversified Foreign Direct Investment in developing countries
- Grant preferential treatment to developing countries and pay close attention to data flow commitments in trade agreements

DATA REQUIREMENTS

- Visas granted and travel bans issued for artists and cultural professionals
- International flows of cultural goods and services, including Foreign Direct Investment
- Aid for Trade for the cultural and creative sectors

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Chapter 5

Re-imagining mobility for artists and cultural professionals

Anupama Sekhar

KEY FINDINGS

- *A progressive understanding of mobility as a fundamental part of the professional trajectory of artists and cultural professionals is steadily growing among governments and funders.*
- *An increasing number of States – both developed and developing – are supporting the outward mobility of artists under the principle of internationalizing the arts in cultural policy strategies and legal frameworks.*
- *Global inequality in freedom of movement persists due to unequal distribution of funding and burdensome visa regulations.*
- *In the last four years, no preferential treatment measures for artists and other cultural professionals from developing countries have been implemented, except a few actions triggering positive but unintended collateral effects. As a result, the ability of cultural professionals from these countries to access markets in developed countries remains extremely weak.*
- *Transnational mobility in the cultural sector is one of the policy areas in which civil society organizations are more actively contributing to the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.*
- *The number of Mobility Information Points has increased in Europe and North America, while advisory services are increasingly in demand – suggesting growing complexities in mobility.*
- *The COVID-19 pandemic has heralded a seminal shift in mobility. While rising costs and health certifications create new access barriers, there are renewed opportunities to re-imagine mobility in more digitally accessible, sustainable and environmentally friendly ways.*

Outward mobility: local artists travelling abroad
Inward mobility: foreign artists coming in

PROGRESS

83% of Parties report supporting **outward mobility**

And **57%** report **supporting inward mobility**

For inward mobility, funding schemes, cultural infrastructure and enabling visa policies are imperative

Civil society actively supports transnational mobility in the cultural sector

Number of Mobility Information Points has increased, especially in Europe and North America

CHALLENGES

ONGOING GLOBAL IMBALANCES IN MOBILITY

Artists, especially from developing countries, face challenges in accessing funding, visas, information, training and cultural infrastructure

Passport-holders from **developed countries** can visit an average of **169** countries visa-free

Passport-holders from **developing countries can visit** **86** countries visa-free

79% of international **artist residencies are in Europe and North America**

No new preferential treatment measures for artists from developing countries

South-South mobility remains difficult, in part due to poor regional connectivity

COVID-19 PANDEMIC

International **interactions could only happen online**

Grants **turned digital**, cultural events went online, and **emergency funding** kept many civil society organizations alive

But a focus on digital can also lead to:

- Inequality due to asymmetric access
- Talent drain due to unfair pay
- Funding shifts from physical mobility

Cultural mobility will be impacted for years to come, as travel becomes increasingly expensive and restrictive

RECOMMENDATIONS

BETTER MOBILITY

Re-imagine mobility in more digitally accessible and sustainable ways

ADMIN SUPPORT

Provide **administrative support to artists,** in addition to funding

REPRESENTATION

Ensure **equal representation in mobility** opportunities

PROXIMITY

Improve **support for intra-regional mobility** among developing countries

CORE INDICATORS

Policies and measures support the outward and inward mobility of artists and cultural professionals

Operational programmes support the mobility of artists and cultural professionals, notably from developing countries

INTRODUCTION

'Dear friends, it is with great regret that I must tell you that I have decided not to join you in Brussels for the Temps Fort Casablanca à Moussem/Moussem Casablanca Festival'. Thus began the open letter published on social media in February 2018, by Casablanca-based Moroccan cultural practitioner Maria Daïf, to the organizers of the Moussem festival in Belgium. As the Director of the Fondation Touria et Abdelaziz Tazi and of L'Uzine arts space – both Moroccan partner organizations of Moussem Festival – she had been formally invited to attend the event in person and moderate a conversation with seven Moroccan dancers and choreographers on their experiences practising and promoting contemporary dance in Casablanca. She regarded freedom of movement as her fundamental right and considered it her duty to honour the partnership by participating in the festival, which was planned as a tribute to her city. Nevertheless, she ultimately decided to withdraw from the event. This was because she could not accept the conditions under which – in her own words – 'the European authorities allow us (that is, mostly don't allow us) to cross their borders' (Daïf, 2018).

Travel between Morocco and Belgium requires a Schengen visa – one of the most common types of short-stay visas for Europe – allowing stays of up to 90 days for tourism or business purposes. Maria Daïf had received and honoured around 20 such visas in the past, travelling at the invitation of European cultural institutions interested in her expertise on the Moroccan arts scene. This time, too, she had diligently completed the demanding visa application process, submitting documentation going all the way back to her first pay cheque from 20 years earlier. Supporting documents are routinely requested as proof of financial stability and as a guarantee of the applicants' intent to return to their home country.

By ratifying the Convention, Parties commit to promoting greater mobility for artists and cultural professionals from developing countries

She was issued a single-entry visa for the duration of eight days: the exact length of her professional activities in Belgium, as stipulated in Moussem's invitation letter. In her eyes, the message was clear: she was to do her job and go home, even a few hours late would be considered illegal. While not a threat, it was certainly not felt as a welcome either. For Maria Daïf, it was a sign of the tightening of Schengen visa conditions over the past 20 years (during which she had been invited by many European cultural institutions), as well as a lack of consideration for someone who, applying for yet another visa, had again provided the same answers and supporting documents.

She became determined to act as a whistle-blower against restrictions on the mobility of artists. A key factor in her decision was that hers was not the only or worst such case that year. Many artists travelling to Europe had faced similar predicaments, including several who were also headed for the Moussem festival. The fact that such restrictions are enforced despite the ratification of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions by both Belgium and the European Union (EU) was, in her opinion, deeply unfortunate (Daïf, 2018). This is because, by ratifying the Convention, Parties commit to promoting greater mobility for artists and cultural professionals from developing countries. The responses to her decision received from across the developing world confirmed that rejections or the issuance of extremely short visa stays were more widespread than one might imagine. In response to her open letter, hundreds of cultural professionals shared accounts of being unable to travel to artist residencies, conferences and other short-term exchanges, owing to difficulties in securing a Schengen visa. This is the case of Egyptian visual artist Mohamed Alaa, whose Schengen visa application was rejected despite being invited to exhibit by a gallery in the Netherlands in 2019, or Haythem Briki, a Tunisian DJ, who was unable to perform at the Elite model look fashion show in Milan in 2018 (Crétois and Attia, 2019). However, public sharing of such incidents remains rare, often due to the fear of negative repercussions on future visa applications.

This story confirmed that, over a decade after the adoption of the Convention, it remained difficult for cultural professionals from developing countries to access the territories and markets of developed countries in ways that are flexible, considerate and take account of the time needed to widen connections and distribution networks when abroad.

Freedom of movement is a right enshrined in the Universal Declaration of Human Rights. This right 'should not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the [International Covenant on Civil and Political Rights]'. The right to free international movement of artists was first articulated in UNESCO's 1980 Recommendation concerning the Status of the Artist, which called on all Member States 'to provide those engaged in artistic activities with all the means, in particular, travel and study grants, likely to enable them to establish lively and far-reaching contacts with other cultures' (UNESCO, 1980). Previously, the International Covenant on Economic, Social and Cultural Rights had also recognized 'the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields' (UNGA, 1966).

Mobility in the context of the creative sector is now understood as the temporary cross-border movement of artists and cultural professionals to access new career opportunities, collaborators, audiences and markets, and implies the right to work internationally. With the adoption of the Convention, a new impetus was given to the 1980 Recommendation. Indeed, the Convention encourages policies and measures to facilitate wider access for creators to participate in the global market and international distribution networks, while promoting international cooperation that facilitates the mobility of artists – especially those from developing countries. Understood in this way, freedom of movement is an integral part of artistic freedom and often an indispensable condition for engaging in creative activity (and thus for exercising their right to take part in cultural life).

The aim of this chapter is to investigate how significantly the policy framework offered by the Convention has widened and deepened transnational mobility for artists and cultural professionals, particularly over the last four years. To this end, the chapter will provide an analysis of policies and measures implemented around the world in favour of mobility. In concrete terms, these translate into commitments to establish or improve:

- Policies and measures supporting outward and inward mobility of artists and cultural professionals, including by setting up mobility information systems not as databases but mainly as services providing structured knowledge that enables artists and cultural professionals to take appropriate action
- Operational programmes that support the mobility of artists and cultural professionals, notably from developing countries, including through mobility funds, cultural events and exchange facilities, programmes focusing on South-South mobility and mobility projects initiated by civil society organizations (CSOs).

The chapter will also assess new and existing barriers to mobility, including the unexpected challenges imposed by the COVID-19 pandemic. On top of the four obstacles to mobility identified in the 2018 Global Report (international security measures; complex visa procedures and high application fees; inadequate work permit regulations; and lack of funding and support), the COVID-19 pandemic became the fifth major obstacle to travel, and restrictions will have consequences for years to come. This led to a rise in the use of digital tools as a replacement for physical mobility options. For instance, more than half of the 46 major international film festivals that were not cancelled were able to adapt their programmes to organize either a hybrid on-site and digital programme, or a completely digital programme BOP Consulting (2021). The consequences of these developments on inequalities in mobility opportunities will be assessed.

Finally, the chapter will offer ideas for policy options and responses to enable freedom of movement as travel restrictions end and physical mobility returns.

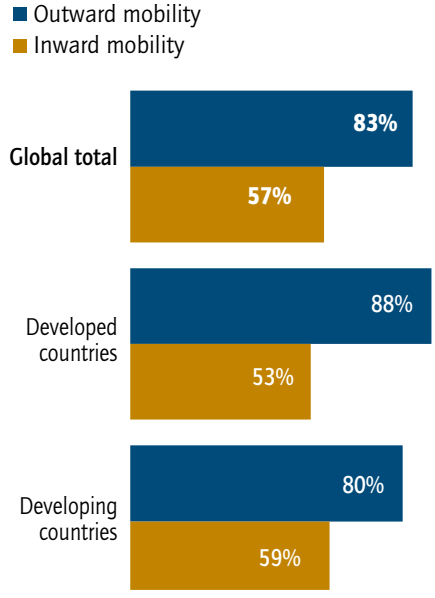
POLICIES AND MEASURES TO SUPPORT THE MOBILITY OF ARTISTS ARE MULTIPLYING BUT IMBALANCES REMAIN

OUTWARD MOBILITY IS SLOWLY GAINING SUPPORT

Today, many governments extend mobility support to artists and cultural professionals. Out of the Parties providing information, 83% report providing support for outward mobility (that is, for the mobility of national artists and cultural professionals travelling abroad), whereas only 57% of Parties report supporting the inward mobility of foreign artists (that is, inviting or enabling them to visit the country). Interestingly, a slightly higher percentage of developing countries than developed countries report providing some kind of support for inward mobility. Only 53% of the developed countries provide support for inward mobility, despite the Convention's specific provisions to this end.

Figure 5.1

Policies and measures to support inward and outward mobility of artists and cultural professionals



Source: BOP Consulting (2021).

Supporting outward mobility is much more common and can have several objectives, such as to promote traditional forms of engagement (including cultural diplomacy and country branding) or to advance export and civil society-led cultural initiatives. Underpinning the latter is the principle of internationalizing the arts, which is increasingly articulated – by both developed and developing countries – in cultural policy strategies and legal frameworks for the promotion of artistic disciplines.

In Chile, for example, the 'Chile en el Mundo' (Chile in the World) programme of the Ministry of Cultures, Arts and Heritage supports mobility as part of the country's internationalization strategy in the creative industries, working closely with ProChile (export promotion entity within the Ministry of Foreign Relations). Mobility support is also included in Indonesia's National Strategy for Culture, which calls for the development of cultural resources to strengthen the position of Indonesia internationally, and in Mozambique's national cultural policy legislation, Resolution No. 12/97, which empowers the Ministry of Culture and Tourism to support participation of cultural professionals at major events to boost the export of cultural products and the internationalization of Mozambican arts. Similarly, Timor-Leste's support for outward mobility is incorporated in the National Policy for Culture's internationalization strategy and implemented by the State Secretary for Art and Culture at the Ministry of Higher Education, Science and Culture, in collaboration with the Ministry of Tourism, Trade and Industry and the Ministry of Foreign Affairs and Cooperation.

Such policy directions have been translated into a variety of offer-led and publicly funded schemes designed to promote the outward mobility of cultural professionals.

Publicly funded support can have several objectives, one being to represent the country at renowned international festivals, biennales and art markets. These initiatives largely benefit professionals in the visual and performing arts and audiovisual sectors, such as in Senegal, where, between 2016 and 2019, the Senegalese Film and Audio-visual Industry Promotion Fund of the Ministry of Culture and Communication spent US$282,000 on supporting the participation of 186 Senegalese filmmakers and cinema professionals at 38 festivals around the world. Armenia, too, has supported Armenian artists from various sectors (cinema, theatre, music, dance and cultural education) to participate in international festivals with the aim of increasing the recognizability of the country and culture.

Other objectives of public funding can include enabling artists to spend time at arts residencies to create new works; supporting tours abroad or the participation of artists in international markets; strengthening international collaborations and co-productions; representing the country at cultural diplomacy events abroad; and accessing educational and training opportunities overseas.

Demand-driven travel grants for a short-term activity of the professional's choice are also being offered through public programmes in support of outward mobility, including through the 'i-Portunus' mobility scheme funded by the European Union (EU).

To compensate for the limited number of regular funding structures, some developing countries have been extending more administrative forms of support

The scheme was launched in 2018 in 41 countries participating in the 'Creative Europe' programme, and allows individuals to apply directly via a straightforward and flexible process. Such grants seem to be less common in developing countries, perhaps due to budgetary limitations. There are, however, notable exceptions, such as the Benin Arts and Culture Fund.

To compensate for the limited number of regular funding structures, some developing countries have been extending more administrative forms of support. A case in point is the recommendation letter service that Algeria's Ministry of Culture has offered to national artists applying for a Schengen visa since 2018. The arrangement has resulted in more successful applications, faster processing times and even fee waivers (Box 5.1).

Box 5.1 • *Facilitating the Schengen visa application process for Algerian cultural professionals*

In 2018, the Algerian Ministry of Culture and Arts signed an Agreement with the Algeria-based embassies of countries that issue Schengen visas. The Agreement aims to facilitate and speed up the application process for Algerian cultural professionals.

Algerian cultural professionals scheduled to participate in cultural events abroad or civil society organizations sponsoring them are eligible to apply for a recommendation towards obtaining a Schengen visa from the Directorate of Cooperation and Exchanges at the Ministry of Culture and Arts. This recommendation has resulted in faster processing times and the successful issue of 70 Schengen visas in the period 2018-2019, with musicians, actors, directors, writers, poets and visual artists benefitting from the measure. In some cases, applicants have obtained a Schengen visa within 48 hours.

The Ministry of Culture and Arts has worked in close cooperation with the Ministry of Foreign Affairs and with cultural organizations to implement this measure. Similar agreements are in the pipeline with embassies of other developed and developing countries in Algiers.

Source: Algeria QPR.

Recognizing the need for additional support, several countries report implementing large-scale enhancements to existing legal and operational frameworks for outward mobility

The need for support that goes beyond funding to address other structural needs is also highlighted by evaluations of mobility schemes, as well as the mobility dimension of cultural cooperation agreements in several countries (Box 5.2). The challenges include overly complex application processes, unclear selection criteria and limited outreach and impact, as well as the financial burden on beneficiaries and partnering CSOs.

Recognizing the need for such additional support, several countries report implementing large-scale enhancements to existing legal and operational frameworks for outward mobility.

In Ecuador, for example, the previous funding mechanism for outward mobility was replaced in 2019 by a specific funding scheme implemented through an open call by the Promotion of Arts, Innovation and Creativity Institute. It called for candidates to submit formal requests for financial support, which would then be decided upon by an ad hoc technical committee. The new scheme has clearer, more strategic criteria and more transparent procedures. Furthermore, the Organic Law of Human Mobility 2017 has harmonized and integrated different regulations and instruments (including the Migration Law, Law on Foreigners, Naturalization Law and Law on Travel Documents) into a single legal document, thereby making it easier for artists to access passports when representing Ecuador abroad.

In Lithuania, the Ministry of Culture has set up a working group of government officials and experts to improve the efficiency of its Culture Internationalization Policy, adopted in 2018. One of the key policy objectives is to develop the professional competencies of artists and cultural professionals by promoting their mobility. In Luxembourg, efforts have been made to ensure a more coordinated approach to mobility.

As such, Kultur: LX was set up in July 2020 as the new export office for all cultural sectors in Luxembourg, with a remit to support exchange programmes, tours and exhibitions abroad, as well as strengthening Luxembourg's participation in major international cultural events.

Box 5.2 • *Evaluations of publicly-funded mobility programmes*

Several Parties have made efforts to assess their publicly-funded international mobility programmes and cooperation agreements in order to improve their impact. The four evaluations described below reveal challenges in the administration and outreach of travel support to cultural professionals and the need to take a holistic approach to mobility programmes.

Two key learnings from the evaluation of Argentina's Aid Line scheme (2016-2019) under the Becar Cultura *(Culture Grants) Programme point to challenges in sustainability and impact. While the funding did help strengthen the management of formal and informal cultural and artistic organizations, other goals were not attained. The scheme was implemented between 2016 and 2017 but suspended in 2018 and 2019, which has reduced the possibilities for artists to access mobility support and has therefore made it more difficult for them to participate in training activities that involve travel abroad. The suspension also led to a drop in knowledge transfer activities, through which beneficiaries could have passed on their learning to local communities.*

A recent evaluation by the Parties of the long-standing bilateral cooperation agreement between Burkina Faso and the Wallonia-Brussels Federation in Belgium (which has been in operation since 1998) reveals that partnering civil society organizations do not have enough cashflow to comfortably advance the funds needed to run the projects, including mobility dimensions, as reimbursements are made later in the project cycle.

An evaluation of how Chile's National Fund for Cultural Development and the Arts (Fondart) contributed to the needs of transnational mobility of artists and cultural professionals (as well as internationalization of works) between 2016 and 2019 revealed the following gaps at the application and outreach phases: (1) a complex application form and online platform; (2) evaluation criteria that appear to be subjective; (3) regional concentration in the reach of the call for applications; and (4) priority given to some artistic disciplines over others. To address the challenges, the recommendations were to simplify and improve the application format; provide training for potential beneficiaries in making project applications; apply more transparency on the legal bases of the process; and support regional and artistic decentralization strategies.

Finally, a 2019 operational study of the initial phase (2018-2020) of the 'i-Portunus' mobility scheme funded by the European Union revealed noteworthy impact among the 337 artists in the performing and visual arts who received mobility grants of between US$1,780 and US$4,000. Of these artists, 97% acquired new skills/knowledge; 94% developed new audiences/outlets; 94% developed new co-productions/creations; and 49% received a job offer. Nonetheless, the study also recommended simplifying administrative processes for future phases of the scheme. Recommended improvements include the implementation of a more concise application form; payments to be made to beneficiaries in two instalments with simplified cost options where possible; mandatory but simple reporting procedures; and more financial support to be made available for ecologically responsible mobility.

Sources: QPRs of Argentina, Burkina Faso and Chile; European Commission (2020*a*).

UNEVEN SUPPORT FOR INWARD MOBILITY

By ratifying the Convention, developed countries commit themselves not only to supporting the transnational mobility of artists from their countries, but also to welcoming artists and cultural professionals from developing countries into their territory. The fulfilment of this commitment could also be translated into achievements to meet Sustainable Development Goal (SDG) Target 10.7, in seeking to achieve orderly, safe, regular and responsible migration and mobility.

The application of preferential treatment to mobility can help broaden opportunities for artists and cultural professionals from developing countries to access training and networking, and present their work abroad

The powerful and innovative mechanism of preferential treatment – an idea borrowed from international trade terminology – is a unique feature of the Convention. Through Article 16, it is understood as a binding commitment for developed countries to provide favourable conditions for artists from developing countries). Such provisions are particularly important in the cultural sector, due to the specific nature of creative work, which is characterized by last-minute calls to take part in productions that require speedy visa processes, or the widespread nature of low-paid projects (meaning that financial guarantees cannot always be provided). More generally, the application of preferential treatment to mobility can help broaden opportunities for artists and cultural professionals from developing countries to access training and networking, present their work abroad and contribute to more balanced cultural exchange and a more diverse cultural landscape (thereby responding to the SDG target 10.a to implement the principle of special and differential treatment for developing countries).

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In the context of the implementation of the Convention and the 2030 Agenda for Sustainable Development alike, it is therefore disappointing to note that the preferential treatment clause continues to be severely underutilized.

Nonetheless, there are positive examples of States supporting the inward mobility of artists. A complex architecture of funding schemes, cultural infrastructure and enabling immigration policies is required to support the regular flow of inward mobility of artists and cultural professionals into any region or country. Together, this combination of factors has led to some destinations becoming more accessible than others.

Financial support for travel between developing countries (both on their own continent and beyond) remains limited

While developing countries seem to be more active than developed countries in adopting policies to support inward mobility, funding programmes for travel to developing countries remain limited, thus undermining the impact of such policies. In the meantime, travel to developed countries continues to be supported by a broad collection of schemes financed by cultural, international aid and multilateral cooperation budgets. Artists from developing countries are therefore significantly reliant on such funds to access mobility opportunities, which in most cases then take them to developed countries.

These sources range from one-off schemes to more structured long-term efforts. Longer-term efforts can take the form of regular travel support schemes for individual professionals on short-term visits or residency stays, such as the Bulgarian National Culture Fund's Culture Contacts 'Mobility' programme or the artist in residence programme of the Academy of Fine Arts in Vienna, Austria. There are also funds dedicated to improving market access in developed countries for creatives from developing countries, including the *SüdKulturFonds* (South Culture Fund) financed by the Swiss Agency for Development and Cooperation to offer access to Switzerland. Mobility is also sometimes embedded in region-focused projects, such as the COINCIDENCIA cultural exchange programme between Latin America and Switzerland, initiated by the Swiss Arts Council Pro Helvetia, or the Baltic Culture Fund supported by Estonia, Latvia and Lithuania.

As for one-off schemes, these can take the form of ad hoc funding via embassies of developed countries, like the Swedish Embassy in Nairobi and the Swedish Institute, which sponsored 12 Kenyan artists' travel to Stockholm to participate in capacity-building activities in 2019.

In contrast to the above, financial support for travel between developing countries (both on their own continent and beyond) remains limited. Some national funding is available within the framework of bilateral cultural cooperation agreements, several of which have been signed in recent years, such as those between Barbados and Ghana, Indonesia and Papua New Guinea or Bangladesh and China. Schemes funded by third parties are rarer, but there are commendable exceptions, such as the Caribbean Mobility Fund (from the African and Caribbean cultural cooperation mission of the Institut Français), which is open to cultural professionals residing in any Caribbean country for travel to any other Caribbean country (or Canada and the states of Florida and Louisiana in the United States). Another interesting international scheme is 'ANT Mobility', a programme of the Swiss Arts Council Pro Helvetia providing travel support to individuals and arts organizations for international activities involving two or more countries in southern Africa. Finally, 'Mobility First!' is an Asia-Europe Foundation (ASEF) programme that supports intra-Asian travel for Asian cultural practitioners – with a focus on 21 countries, in partnership with Cambodian Living Arts.

Apart from funding, the availability of adequate cultural infrastructure, in the form of recurring platforms that can attract and host foreign creatives, is vital for inward mobility. Arts festivals, artist residency venues and programmes, conferences, art markets and art fairs are structures that can sustain long-term mobility towards any destination. In developed countries, residencies and festivals continue to be available in large numbers, subsidized through public funding.

In the past four years, there has been growing national support for festivals and art markets in developing countries, which is a positive development. Mongolia's Ulaanbaatar International Film Festival, for example, is a collaborative effort of the Ulaanbaatar Governor's Office, the Ulaanbaatar Culture and Arts Department, CSOs and the Arts Council of Mongolia. The 2019 edition of the festival gathered 60 film makers from over 50 countries and contributed to expanding international cooperation and increasing the capacity of local filmmakers.

In the past four years, there has been growing national support for festivals and art markets in developing countries

The 'Indonesiana' cultural platform, initiated by the Indonesian Ministry of Education and Culture, promotes better coordination and collaboration among organizers of cultural activities. Since its launch in 2018, 31 festivals have been held under this platform. The Market for African Performing Arts in Abidjan, Côte d'Ivoire, currently covers almost three quarters (73%) of its total expenditure through national contributions, which mainly come from the Ministry of Culture and Francophonie, the autonomous district of Abidjan, the Organisation internationale de la Francophonie (International Organization of La Francophonie) and private sponsors.

Temporary relocation initiatives for artists fleeing persecution in their own countries are a unique and vital form of cultural infrastructure supporting inward mobility. This topic, including the provision of safe spaces and protection of artists in exile, is covered in detail in Chapter 10 on artistic freedom.

ARTISTS FROM DEVELOPING COUNTRIES ARE INCREASINGLY YET STILL INSUFFICIENTLY REPRESENTED

Lack of adequate funding remains an oft-cited factor preventing artists in developing countries from working internationally. In the year it took to complete On The Move's Mobility Funding Guide to Latin America and the Caribbean, the original list of approximately 250 scholarships and opportunities had more than halved, as many programmes ceased operations (Guevara, 2019). Even where funding exists, it tends to support air or train fare but rarely covers the range of costs related to mobility, such as visa fee, accommodation and per diem allowances. Another obstacle is that many opportunities are one-off arrangements, which limits the ability to build sustainable collaborations (Bourdin, 2019).

For those in the developing world, even travel within the artist's own region is not as easy as it should be. The non-profit pARTage residency programme in Mauritius can attest to this – the scheme has an interest in bringing in artists from the Indian Ocean region and Africa but lacks sufficient funding. Instead, the scheme mainly hosts artists from developed countries, who can pay the costs of a residence in Mauritius or find funding at home. Another factor for poor connectivity among developing countries is the disproportionate emphasis traditionally placed on travel to developed countries. Some professionals in developing countries also point out that mobility 'can only be accessed at the invitation of a "western" collaborator' (Le Sourd, 2019), which illustrates how certain travel directions have unfortunately come to be prioritized. One unintended but beneficial outcome of creatively trying to bypass strict visa policies in developed countries is the rekindling of interest in developing countries as attractive and accessible destinations. Artists at Risk Connection, for instance, has considered or enabled travel to Brazil and Nigeria, in the light of Schengen visa rejections for artists with refugee status (Akkermans, 2021).

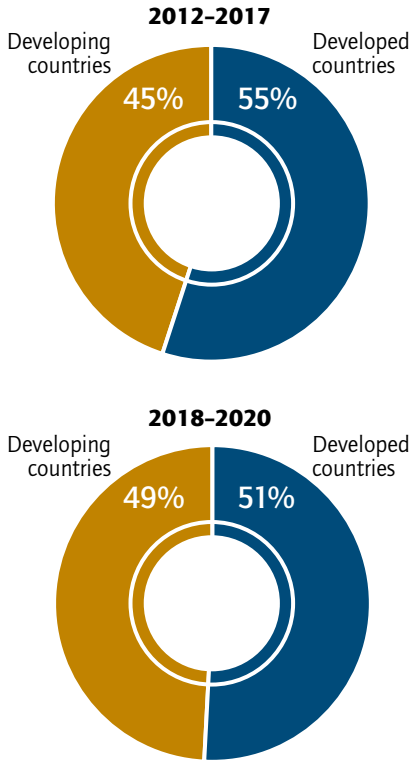
There are several other factors contributing to limited intra-regional mobility routes. Poor regional connectivity in some world regions means that artists can incur additional travel costs even when heading for nearby destinations on the map. Visa access can prove challenging as well, as is the case between the Middle East and Africa (Bourdin, 2019).

However, mobility is as much about representation as about access. The visibility over time of artists from developing countries at 14 prominent art biennales can thus serve as a symbolic measure of their presence on the global stage. The selected biennales feature in Artnet's ranking of the top 20 world biennales and triennials, and are evenly distributed across developed and developing countries. As international showcases for contemporary art, the influence of major biennales on the art market is extremely strong. A spotlight on an artist's work can launch careers. Simultaneously, these platforms represent structures of constant change and adaptation. By examining the origin of artists presented at 14 selected art biennales that took place between 2012 and 2017, the 2018 Global Report discovered that the majority still represented developed countries (Figure 5.2).

A study of artists presented at the same art biennales between 2018 and 2020, with the exception of the discontinued Marrakech Biennale, reveals a positive gain of 4% representation share by artists from developing countries (Figures 5.2 and 5.3), signalling a slow but positive shift in representation.

Figure 5.2

Origin of artists represented at 13 selected art biennales



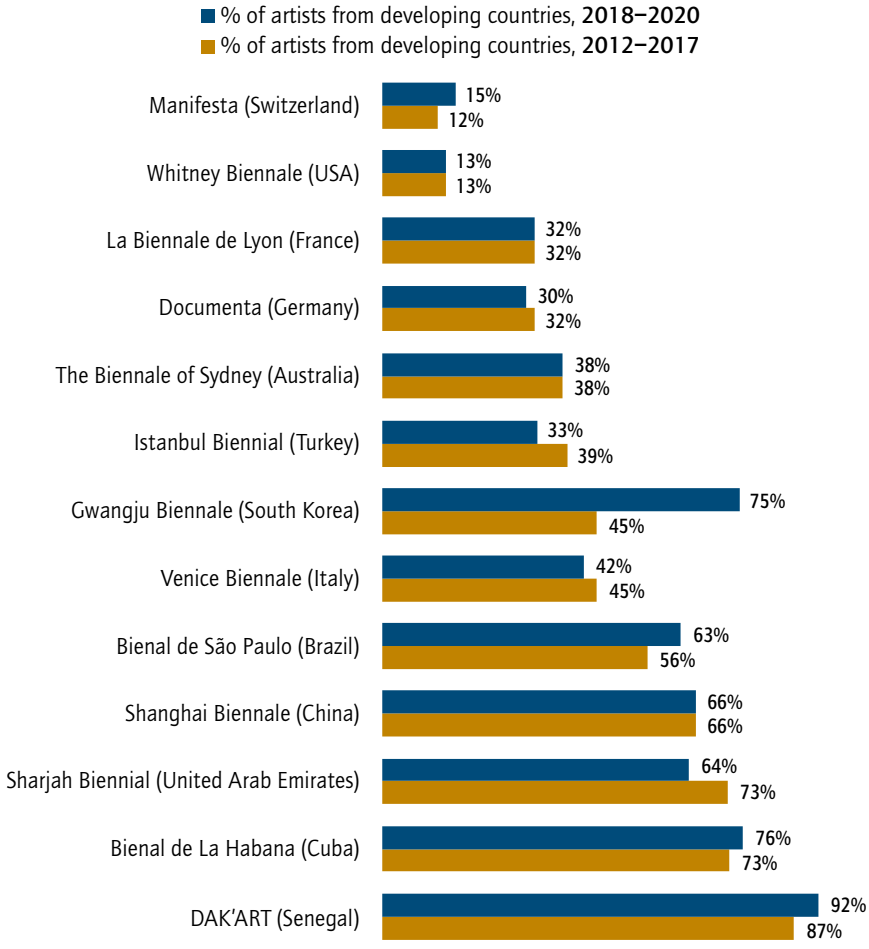
Source: BOP Consulting (2021).

Nonetheless, this modest increase does not apply to all the biennales studied. In fact, the Documenta (Germany), Istanbul, Sharjah and Venice biennials have all seen a slight reduction in the proportion of artists from developing countries. On the other hand, the Gwangju Biennale in Republic of Korea stands out, having increased the representation of artists from developing countries from 45% to 75%. It is also interesting to note that the biennales in Brazil, Cuba, and Senegal are among the few to have increased the representation of artists from developing States, suggesting that the increase in representation is perhaps rather a sign of increasing South-South cooperation within the mobility sphere.

Furthermore, it must be stressed that the increase in representation does not necessarily correspond to increased physical mobility of artists from developing countries.

Figure 5.3

Representation of artists from developed/developing countries at 13 selected art biennales



Source: BOP Consulting (2021).

Only a few major arts and cultural events offer mobility funding assistance, meaning that travel to the event will usually be at the expense of the artist, effectively deterring the physical participation of those who cannot afford it or handle the administrative hurdles on their own.

PERSISTENT BARRIERS TO INTERNATIONAL MOBILITY

The aforementioned encouraging developments point to slow but positive progress in understanding transnational mobility as being an integral part of artists' professional trajectory. In the past four years, States around the world have implemented measures to support artists' rights and abilities to move freely for work.

On closer examination, however, access to this privilege clearly continues to be severely impeded – particularly for professionals from developing countries – by a host of barriers. These can be broadly categorized as follows:

- Unavailability of, or challenges in accessing funding, visas, information, training or cultural infrastructure;
- Securitization of borders;
- Existing customs, financial and other regulations.

PERSISTENT GLOBAL INEQUALITY IN FREEDOM OF MOVEMENT

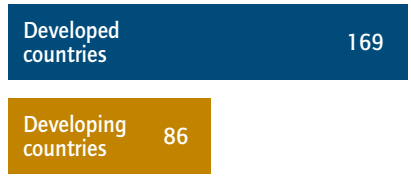
In the light of the above, the following sombre conclusion drawn in 2018 from the results of UNESCO's global quadrennial survey on the implementation of the 1980 Recommendation was hardly surprising: 'It is generally more difficult for artists from the global South to travel to the global North today than it was in 1980, despite some positive developments and limited preferential access' (Neil, 2019).

Unfortunately, there are no figures available on traveller numbers to track the global flow of mobility of artists and cultural professionals. This challenge was observed in the 2018 Global Report, which used the strength or weakness of a passport as an indicator of the overall barriers to mobility.

According to the data generated by the Henley Passport Index 2020, which annually ranks all the world's passports according to the number of destinations their holders can access without a prior visa, the average number of countries that can be accessed visa-free by passport holders from developed countries stands at 169, while those from developing countries are only able to access just over half that number without a visa on average (Figure 5.4). Thus, nearly 50% of the world remains more difficult to access for 70% of the world's population.

Figure 5.4

Average number of countries accessible without visas for passport-holders, by developing/developed countries*



*The Henley Passport Index ranks passports based on the number of countries to which its holders can travel without applying for a visa in advance. The figures in this figure represent the average number of countries that can be visited visa-free by citizens in these regions.

Sources: Henley & Partners Passport Index (2020); BOP Consulting (2021).

As such, the global inequality in the freedom of movement outlined in the 2018 Global Report persists. Among developing countries, passport holders from Arab and African States remain particularly disadvantaged, with visa-free access to fewer than 70 countries (Figure 5.5).

In 2020 and 2021, the widespread closure of international borders to supress the spread of COVID-19 heralded a shift in mobility. During the first wave of the pandemic, even passport holders from developed countries were unable to retain their high mobility owing to new public health protocols. For instance, international access for citizens of the United States plummeted from 184 destinations in January 2020 to fewer than 75 countries a year later. A peculiar consequence of the crisis was that cultural professionals faced similar restrictions under the pandemic – albeit briefly – as all were prevented from travelling abroad for work[1].

VISA POLICIES: STILL THE BIGGEST OBSTACLE TO THE MOBILITY OF ARTISTS

Beyond funding and cultural infrastructure, visa policies remain the principal instrument for regulating the mobility of cultural professionals, despite the positive measures taken by States in the past four years.

Visa regimes remain a persistent impediment for cultural professionals, particularly those from developing countries. In Europe, revisions to the Schengen visa code in 2019 fell short of the creation of a cultural visa programme, which was explicitly called for in the 2016 joint communication 'Towards an EU strategy for international cultural relations' (European Commission, 2016). Although the pandemic has put physical mobility on hold, the issue of visas for artists remains urgent, and has become more so in Europe after the United Kingdom's withdrawal from the EU and the missing chapter on individual mobility in the new EU-UK Trade and Cooperation Agreement (Dâmaso, 2021). Although the agreement includes some minor provisions in terms of standardizing EU-wide permitted business visitor activities, as well as provisions for contract service suppliers and independent professionals providing services within Europe and the United Kingdom, it does not provide any specific concessions for those engaged in the performing arts or entertainment industries (Lexology, 2021). Each EU Member State can set its own requirements for paid work, for example a musician would have to apply for a permit to perform in Germany or Spain, but not to perform in France or the Netherlands. In addition, musicians may have to complete additional paperwork, which may incur costs, in order to transport their instruments and equipment and apply for multiple work permits if touring in the EU (Dray, 2021). After protests from musicians, in August 2021 the Department of Digital, Culture, Media and Sport's announced visa-free tours to 19 countries in the EU for musicians from the United Kingdom. Nonetheless, the Musicians Union fears that the exemption will only be given for tours lasting a few days or weeks, and that crew, drivers, along with carnets or fees for moving equipment, would not be included. The Union therefore calls for a more comprehensive visa-waiver agreement with the EU (The Strad, 2021).

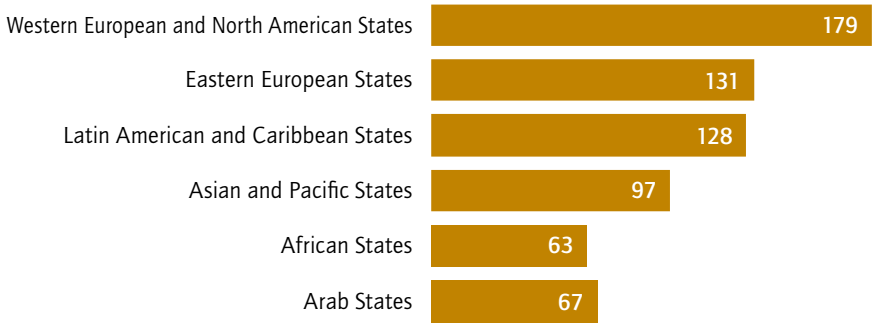
Time-consuming, costly and ever-changing visa application processes pose a challenge to lowering mobility imbalances. Artists may be required to show an employment contract or find a guarantor to vouch for their return to their country of residence. Discrimination due to the low professional status of the artist has been frequently reported. Visa regimes are particularly difficult for artists without formal qualifications, making mobility even harder for self-made artists.

Time-consuming, costly and ever-changing visa application processes pose a challenge to lowering mobility imbalances

Artists also report longer waiting times for interview appointment slots at embassies. The outsourcing of visa issuance to external service providers has also negatively impacted mobility, as it reduces artists' ability to discuss their case directly with consular officials. Such visa processing centres also appear less familiar with the standards specific to cultural professionals.

Figure 5.5

Average number of countries accessible without visas for passport-holders, by regions



Sources: Henley & Partners Passport Index (2020); BOP Consulting (2021).

1. A point raised at the online meeting of 'Voices of Culture' (the structured dialogue between the cultural sector in the European Union and the European Commission) on 27 April 2021.

Global security practices continue to impact artists' mobility. Securing visas for artists from countries enduring conflict is still difficult. This is demonstrated by the case of Kareem Abeed, the Syrian producer of the Oscar-nominated documentary *Last Men in Aleppo*. At first, Abeed was denied a visa to travel to the United States to attend the Academy Awards ceremony in 2018, owing to that government's travel ban on eight countries (including the Syrian Arab Republic). Public outcry and campaigns ensued. He was subsequently granted a visa after appealing (Verhoeven, 2021).

Restrictions can also be placed on individual mobility. At least nine artists in Europe were issued travel bans in 2020, according to Freemuse (Freemuse, 2020*b*). Travel bans are most often the consequence of judicial decisions, which may give rise to controversy. Some citizens question their validity, particularly in cases where artists are known for provocative works on gender, politics or religion, and publicly criticize the actions of their government.

It is disheartening that artists from developing countries face constant visa challenges, given the commitment of developed countries that have ratified the Convention to grant preferential treatment by facilitating entry into their territories. As mentioned earlier, the implementation of this provision – through measures such as visa exemptions, simplified visa procedures or lower visa fees – remains inadequate.

The application of preferential treatment is limited, even in the context of trade agreements that include relevant provisions. The CARIFORUM-EU Economic Partnership Agreement and its Protocol on Cultural Cooperation, signed in 2008, were expected to allow freer movement into Europe for Caribbean artists, through mechanisms such as artist or touring visas. To date, however, only visa-free travel to the Schengen area has been made possible for cultural professionals from CARIFORUM countries, with no possibility of undertaking paid work (Burri and Nurse, 2019).

Therefore, preferential treatment commitments seeking structural change have resulted in no more than a few measures triggering positive but unintended collateral effects. Reasons include data gaps and a lack of clarity on scope for States and for beneficiaries.

The application of preferential treatment remains limited, even in the context of trade agreements that include relevant provisions

In November 2019 a two-day workshop on commitments under Article 16 of the Convention was organized by UNESCO in Barbados in partnership with the CARIFORUM Secretariat, bringing together 30 intergovernmental and governmental officials, as well as culture and trade professionals, from Barbados, Dominican Republic, Jamaica, Saint Lucia and Trinidad and Tobago. The workshop served to assess and discuss the potential opportunities and implications of preferential treatment measures for artists and cultural professionals from the Caribbean region, within the framework of the implementation of the CARIFORUM-EU Economic Partnership Agreement. Discussions also revealed the increasing attention given to mobility issues for artists and cultural professionals from developing countries, as related policies are increasingly impacted by security concerns and economic and political constraints. Unsurprisingly, the recommendations from the workshop to both the EU and CARIFORUM included the need to create a 'one-stop shop', with the aim of offering comprehensive information on mobility barriers, as well as easy-to-follow instructions on the Economic Needs Tests and qualification or visa requirements across the EU.

While they affect artists from developing countries disproportionately, visa challenges are also reported by professionals from developed countries. A host of administrative burdens – such as customs regulations, Value Added Tax (VAT), double taxation on earned income and movement of instruments/equipment – continue to complicate mobility, even in economic integration areas such as the EU. Regulations around social benefits and pensions are a case in point. Costs can deter artists even where facilitating mechanisms exist – such as the ATA Carnet international customs document that permits the tax-free and duty-free temporary export and import of non-perishable goods for up to one year, including for artists travelling with instruments and equipment. The price of an ATA Carnet depends on the value of the items moved.

Other problems include airline security restrictions (which have increased the difficulty in transporting musical instruments and equipment) and national financial, security or travel regulations, such as limits on cash withdrawals that exist in Libya, Morocco and Tunisia or the need to obtain parental authorization for Tunisian citizens under 35 to be able to travel overseas (Bourdin, 2019).

Nonetheless, some progress has been made in the past four years. One good sign is that longer-term visas based on artistic merit have recently been introduced in some countries interested in attracting creative talent, including in the United Arab Emirates and the United Kingdom. In 2019, Dubai announced a cultural visa initiative, granting long-term residence permits for artists and entrepreneurs in the creative and cultural industries. This visa is part of a new immigration policy that aims to attract promising Arab and international creatives to Dubai. Writers, poets, painters, artists, calligraphers and actors are among those eligible for the 10-year visa. Two Dubai government entities – the Dubai Culture and Arts Authority and the General Directorate of Residency and Foreigners Affairs – have entered into an agreement to oversee this visa (United Arab Emirates, Government portal, 2021).

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When culture crosses borders, it is often in the guise of projects that do not adequately consider equitable representation and exchange. Historically and in the present, mobility opportunities are based on cultural context, preferences and the epistemological frameworks of the organizing bodies. The overseas experiences of the Cambodian Royal Ballet represent a range of challenges linked to cultural mobility.

In 1971, the Cambodian Royal Ballet performed in New York City at the invitation of the United States government. This was an act of cultural diplomacy during the political turbulence of the Cold War era. A black and white photo of the dancers in Times Square lives on to commemorate the moment. Only a few years later from 1975-1979, Cambodia was under the control of the Khmer Rouge, and all notions of cultural mobility were seen as a threat to the State. Cambodian artists no longer had the opportunity to take part in international exchanges.

In 2013, Cambodian Living Arts (a non-governmental art organization) brought the Cambodian Royal Ballet back to New York for the Season of Cambodia festival. Through partnership, friendship and advocacy, my team and I were able to bring 125 artists from the Kingdom of Cambodia to the United States of America. For so long, stories about us, our home and our culture were told from an outside point of view. We saw the Season of Cambodia as an opportunity to represent ourselves, from our own ways of being, on the international stage. With the support of partners and friends who shared our values, we were committed to making a multidirectional flow of cultural exchange that broke free of the neo-colonial gaze.

When implemented for the benefit of all, cultural mobility is about building friendship, compassion and a deeper understanding of humanity. In times of crisis, friendships and connections are the building blocks of resilience. Against the backdrop of COVID-19 and the climate crisis, we are forced to question when travel is necessary. During the last 18 months, it has been an enlightening challenge to create networks of exchange, learning and belonging across borders in ways we never previously considered. While the future of mobility and cultural mobility will take on new forms, the principles of interpersonal, contextual and transnational learning will endure.

Phloeun Prim

Executive Director, Cambodian Living Arts

In 2021, the Department of Culture and Tourism of Abu Dhabi unveiled its 'Creative Visa' initiative, which is open to talented individuals operating in key cultural fields (Department of Culture and Tourism, Abu Dhabi, 2021).

Similar measures exist in other countries where foreign artists may be able to secure work permits. That is the case in Colombia, where permits can be provided for up to two years in audiovisual production and digital content, or in France, where an artist visa requires a distinguished track record. In Canada, a special artist visa can be awarded if reciprocity exists with the country of which the artist holds citizenship. Another example is the city of Berlin, which has become a hub for artists from the Arab region, as a result of factors including the German government's refugee policy in 2015 (Unicomb, 2021).

While they affect artists from developing countries disproportionately, visa challenges are also reported by professionals from developed countries

However, in the spirit of both the Convention and the 1980 Recommendation, transnational mobility is not intended as a definitive measure (except for those at-risk artists hosted in a third country on a long-term basis). Rather, such mobility is an option that is essential both to the professional development of artists and to the balance of cultural exchange called for by the Convention. It is therefore vital to ensure that visa and work permit arrangements do not result in a pattern of permanent relocation, as this could lead to a creative brain drain that would compromise the dynamism of cultural and creative sectors in developing countries.

While cultural or artist visas for short-term visits are lacking in most parts of the world, there are some types of regulatory support to facilitate the inward mobility of foreign creatives.

In Turkey, there is a special artist permit for short stays (up to one month), while in Latvia, artists can enter to perform at live shows if intending to stay no more than 14 days.

Some countries provide for simplified access or the ability to work without a work permit if endorsed by the authorities. For example, foreign performers can be endorsed by the Ministry of Culture in Bulgaria and Cuba, while in Sweden some artists, their technicians and other tour personnel are included in a list compiled by the Swedish Migration Board, giving access to a special permit. In Belgium, artists of international renown can enter without a visa. In Mauritius, too, models and professional entertainers in the fields of theatre, motion picture, radio or television and music are exempt from the need to obtain a work permit.

In the Republic of Korea, event organizers and image-related managers including stage designers are eligible to apply for a special occupation visa, while artists attending events in Colombia may apply for an event participant visa, which is also used by athletes, juries and exhibitors.

Some countries also apply sector-specific exemptions, such as incoming film production units enjoying visa-free access in the Bolivarian Republic of Venezuela, Chile, Colombia and the Republic of Korea.

Finally, in some cases, such as Canada, artists can benefit from work permit exemptions if they enter as refugees. Visa-free entry can also be granted based on reciprocity, as established in bilateral cultural cooperation agreements, such as those between Morocco and Niger; Belarus and Lithuania; and France and Senegal.

Despite the above, many countries do not offer artist visas or visa exemptions, or when they do, not all artists can access them. As such, cultural professionals from developing countries routinely use tourist visas for work travel. Paradoxically, this means that general relaxations in visa regulations can benefit the creative sector. Borders in West Africa, for instance, have become increasingly open to Africans across the continent over the last five years, as shown by the African Development Bank's fifth annual *Visa Openness Index Report 2020*.

Longer-term visas based on artistic merit have recently been introduced in some countries interested in attracting creative talent

A revision of the common visa code of the EU in June 2019 also resulted in some amendments that will improve conditions for legitimate travellers, including cultural professionals applying for short stays. Changes include the possibility to lodge a visa request six months in advance; submit visa applications electronically; appeal a visa refusal; access detailed information on the reasons for visa refusal and on the appeal procedure; and request a fee waiver for travellers aged 25 or under attending seminars or cultural events arranged by non-profit organizations. Some of these revisions offer much-needed improvements to routinely reported visa-related mobility barriers, such as those documented by the Swiss Coalition for Cultural Diversity in a 2019 report (Abbühl, 2019). That report draws attention to the challenges of the visa application process and other administrative requirements, as experienced by cultural professionals denied a short stay visit visa or a work permit for the Schengen area and Switzerland for their shows or to attend residencies. Drawing on the commitments of the Convention, it also enabled the Swiss Coalition to lobby national authorities and raise awareness to improve visa procedures.

CIVIL SOCIETY ACTORS FILL GAPS IN PUBLIC FUNDING AND CULTURAL INFRASTRUCTURE

The above-mentioned progress and challenges offer important insights into who is enabling mobility access and how. However, the story would not be complete without mentioning another significant actor. Transnational mobility in the cultural sector is one of the policy areas where CSOs are making significant contributions to implementing the Convention, as illustrated by one of the highest percentages (21%) of the measures reported by civil society in the quadrennial periodic reports (QPRs) relating to mobility (see Chapter 4 for more details).

CSOs play an important role in developing countries by administering travel grants, disseminating information, delivering training or hosting platforms for presentation and networking. They also continue to play a crucial advocacy role in encouraging more beneficial visa regimes for artists.

Importantly, CSOs are filling funding gaps in countries where public funding is scarce. Some organizations target specific sectors such as music, like the Keychange Project that works globally on reducing gender inequality in music with grants for participation in showcases and network development. Another example is through Concerts SA's Music Mobility Fund which offers touring incentives for South African musicians. Lastly, the WOMEX Academy provides a practical programme for artists and other music professionals to strengthen their skills to access the international circuits and markets.

In developed countries, there are many examples of CSOs and public bodies cooperating on mobility projects. In Finland, for example, Frame distributes grants from the Ministry of Culture and Education to promote Finnish contemporary arts internationally, including travel by artists to the venues where their work is shown. Likewise, in Cyprus, the Visual Artists and Art Theorists Association – phytorio hosted the Phytorio Artists-in-Residency 2020 with funding from the Cultural Services of the Ministry of Education, Culture, Sport and Youth and the Youth Board of Cyprus.

Other CSOs reinforce intra-regional connections, such as the grants from Mophradat, and the *Wijhat* (Destinations) scheme from Culture Resource (Al-Mawred Al-Thaqafy), which offers grants to artists and cultural actors of up to US$8,000 to support travel within and outside the Arab region (Box 5.3). Other examples include travel grants from Cambodian Living Arts, which support travel within Asia; or Africa Art Lines, Art Moves Africa and the Trans-Saharan Artistic Mobility Fund, which all support travel within Africa. In Burkina Faso, the *Route des Arts* (Arts Route) initiated by the Cutural Space Gambidi promotes African integration by creating an exhibition route to showcase works from regional artists by fostering partnerships between exhibition spaces.

Civil society organizations are filling funding gaps in countries where public funding is scarce

For many CSOs, certain thematic or demographic priorities may be underlined. This is the case, for example, for the mobility grants of the Netherlands-based Prince Claus Fund, which has prioritized emerging professionals under 35, minority groups or peripheral geographical locations.

Box 5.3 • Wijhat – *A Culture Resource (Al-Mawred Al-Thaqafy) programme to promote mobility and the arts and culture of the Arab region*

In the Arab region, artists and cultural actors face major challenges when it comes to travel both within and outside the region. This is due to scarce funding sources, difficulties in obtaining visas and a lack of accessible information on potential partner organizations for creative production. These difficulties limit artists' opportunities to develop their careers, gain international exposure, reach wider audiences and exchange ideas with peers.

Culture Resource (Al-Mawred Al-Thaqafy) is a regional, non-profit organization founded in 2003 to support artists in the Arab region and encourage cultural exchange within the region and beyond. In 2019, Culture Resource (Al-Mawred Al-Thaqafy) launched the Wijhat *(Destinations) programme in response to the mobility issues described above, by offering grants to artists and cultural actors for travel within and outside the Arab region.*

The programme aims to offer between 25 and 30 grants per year. Despite the COVID-19 pandemic, Culture Resource (Al-Mawred Al-Thaqafy) decided not to suspend the programme in 2020 and 2021, but to allow applicants to receive grants indicating tentative travel dates. Due to a reduction in applications, however, fewer grants were offered in the last two years, which is the reason why no more than 61 grants were offered between 2019 and 2021. Out of these, 44 grants were offered to individuals and 17 to groups, bringing the total number of beneficiaries to 140 people. A breakdown of the types of grants offered shows that 41 were provided for international mobility and 20 were provided for regional travel. The most common type of project supported was for grantees to attend a residency (with 23 grants offered), while 15 grants supported participation in festivals.

Source: https://mawred.org/artistic-creativity/wijhat/?lang=en; Culture Resource (Al-Mawred Al-Thaqafy) '*Wijhat* 2019/2021 Quantitative Data'.

Many CSOs also regularly organize platforms such as festivals, residencies and arts markets. These include Thailand's Bangkok International Performing Arts Meeting launched in 2017, the workshop and galleries of the professional development and training programmes of the Caguayo Foundation in Cuba, the Tlacopac International Artist Residency in Mexico and the Visa For Music – Africa Middle East Music Meeting platform in Rabat, Morocco (which funds musicians to travel to Morocco from Africa and the Arab region to showcase their work to international promoters), as well as residencies at Contemporary Image Collective Cairo in Egypt.

Collectively, these CSO actions form a much-needed arts ecosystem to support mobility in and out of the developing world.

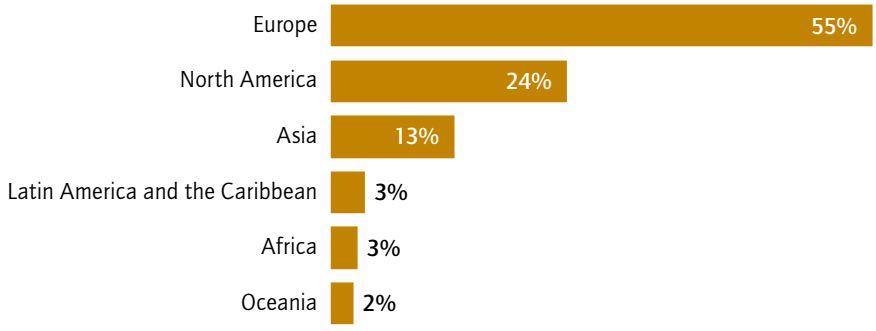
Artist residency facilities are less available in developing countries, limiting their ability to host more foreign creatives

WHEN INFORMATION IS CURRENCY: THE URGENT NEED FOR PUBLIC FUNDING

Uneven distribution of the vital cultural infrastructure required to support cultural exchange also hampers travel in the developing world. Artist residency facilities are less available in developing countries, limiting their ability to host more foreign creatives. Of the 1,435 international artist residencies published on the TransArtists platform in 2020, 55% were based in Europe, followed by 24% in North America. Only 13% of residency locations were in Asia. The situation is even more bleak in Africa, Latin America and the Caribbean, where only 3% of such opportunities are based in total (Figure 5.6).

Figure 5.6

Location of artist residencies on the TransArtists platform in 2020



Source: TransArtists (2020).

Information and capacity gaps continue. As ironic as it may seem in this digital age, 'information about international opportunities which do exist is scarce, and many artists do not know where to find this information' (Neil, 2019). This is due to a lack of sustainable funding mechanisms, with many relying on volunteers and short-term funding. When artists do know where to find information, application and administrative procedures can prove taxing.

In the world of transnational mobility, information is currency. Often working as freelancers without institutional affiliations, artists and cultural professionals rely on timely information and advice to expediently seize mobility opportunities. To this end, a publicly funded information ecosystem of websites, physical help desks, funding guides and professional consultancy is necessary to widen the benefits of mobility – especially for newer beneficiaries with less international exposure.

Such support systems appear well established in many developed countries, and the number of Mobility Information Points has increased in Europe and North America over the past four years. These take the form of information centres and websites offering free, up-to-date and reliable information on travel grants, artists' residencies and international workshops, as well as on complex practical matters including visas, social security, insurance, taxation and copyright. Materials are made available in the country's language and in English. It is encouraging to note that such information hubs exist not only as stand-alone organizations but are sometimes part of existing public agencies or managed by CSOs (On The Move, 2021).

Advisory services are increasingly in demand and point to growing complexities in inward mobility. For example, in 2017, Austria's publicly funded SMartAt Mobility help desk offered 32 hours of consultations to artists and cultural professionals. By 2019, that number had increased sixfold to 197 hours annually. Over this period, two-thirds of the cultural professionals advised were non-Austrians (from 40 countries, including stateless persons and those from internationally unrecognized territories). Their queries covered insurance, taxes, visa regulations and labour laws.

Publicly supported information and advisory services at the national level are often lacking in developing countries. Fortunately, the ensuing gaps are often filled by CSOs, including membership-based networks and associations located in developed countries but serving professionals located in all regions of the world. A case in point is Belgium-based On The Move, which offers a free website listing global mobility opportunities for artists working across artistic disciplines.

Its regional Mobility Funding Guides offer the only overview of the regional funding landscapes in Latin America and the Caribbean, Africa and the Arab States (Box 5.4). Another interesting mobility information service is the North Africa Cultural Mobility Map, which gives an accessible overview of cultural mobility programmes in North Africa. Its website also includes an archive with creative projects and relevant exhibitions from the Arab region, as well as interviews with artists, thereby helping spread knowledge about the region's rich cultural offerings.

Other contributions by CSOs in this area include the second edition of the *Fund Finder* of the International network for contemporary performing arts (IETM) (Le Sourd, 2019), an online map of art residencies worldwide from Res Artis and practical guides on visa, legal and administrative matters from the Performing Arts Employers' Association League Europe, Pearle. Noteworthy regional initiatives are 'Culture Funding Watch' (with a focus on the Middle East and African regions), 'Music in Africa' and the MERCOSUR Map of Artistic Residencies, a free collaborative tool that allows public and private organizations to upload information to the site.

TOWARDS FAIR AND SUSTAINABLE MOBILITIES

Work in re-imagining mobilities had already begun prior to the pandemic, partially in response to the above-mentioned barriers, and with the aim of critically examining current practices in the context of fair cooperation and sustainability.

Structural inequalities, as well as different working methods and expectations in developed and developing countries, remain obstacles to fair international cooperation. Advice on navigating the intercultural challenges of mobility also remains relatively hard to find. An excellent initiative in this area is *Beyond Curiosity and Desire: Towards Fairer International Collaborations in the Arts* toolkit, which is a joint 2018 project by IETM and On The Move in partnership with DutchCulture. This toolkit addresses the non-economic elements affecting expectations in transnational mobility, such as historical political relationships and marked differences in cultural infrastructure and working conditions for artists (van Graan, 2018).

Sustainability beyond the environmental angle has been less extensively considered within the cultural sector. A thorough examination of the potentially negative aspects of mobility by the Kunstenpunt (Flanders Arts Institute's) *(Re)framing the International. On new ways of working internationally in the arts* reveals several fault lines:

- The paradox of hypermobility experienced by some cultural professionals due to the need to make a living;
- The inability to forge any meaningful connections with the local environment while working internationally due to the rapid turnaround time for commitments arranged;
- The dearth of alternate spaces to work without the pressure of the institutional market;
- The challenge of finding mobility opportunities that facilitate a healthy work-life balance, such as family-in-residence programmes like the kind offered by the Brussels-based FoAM;
- The pressure that artists from minority cultures or some regions may feel to 'satisfy exotic and stereotypical expectations' to secure international opportunities (Janssens, 2018).

Stereotypical expectations of a different kind apply to artists from countries and contexts experiencing conflict, who tend to be pigeon-holed and expected to address war and tension in their works (Le Sourd, 2019). To ensure more holistic and diverse representation, funders should consider expanding juries and peer-review panels to make them more diverse (IFACCA, 2019), and begin focusing on the development of well-balanced, horizontal relations and of intercultural skills among those involved (van Graan, 2018; DutchCulture, 2018).

In contrast, it has long been considered important to innovate with mobility schemes that offer environmentally conscious or digital connections. As underlined by UNESCO's 2020 *Culture in Crisis* policy guide, the COVID-19 pandemic has brought these two issues into sharper focus (UNESCO, 2020*f*).

Box 5.4 • *Mapping regional mobility funding landscapes*

On The Move's regional guides offer a glimpse into the volume of mobility opportunities available in the developing world, as well as the (national, regional or international) sources of such schemes.

On The Move's first-ever Cultural Mobility Funding Guide – Latin America and the Caribbean *was published in 2018 in collaboration with the non-profit Arquetopia, Foundation for Development (Mexico), and lists 97 opportunities. Of these, 39% are national or regional schemes, while the rest are internationally funded.*

The 2019 edition of the Africa Cultural Mobility Funding Guide *lists 129 opportunities, of which only a quarter are offered by African organizations or funds. This Guide is a good example of a CSO-public partnership at the international level, bringing together On The Move and Art Moves Africa with the Institut Français.*

The updated third edition of the Cultural Mobility Funding Guide Focus on Arab Countries from North Africa and the Middle East (MENA) *was published in 2020, also in partnership with the Institut Français. It lists 63 mobility opportunities* available to professionals from the MENA region. Of these, a quarter are funded through national or regional schemes and organizations.*

Source: On The Move (2018, 2019 and 2020).
* Excludes opportunities for journalists, activists and those reserved for artists at risk.

'Green mobility' in the cultural sector is a work in progress and aims to balance the legitimate need for professionals to travel, with the responsibility of limiting their ecological footprint. In the EU, efforts have been made to promote greener programmes for educational and cultural mobility, for example by launching baseline assessments of the environmental impact of Erasmus programmes, designing environmentally focused programmes and promoting digital solutions as well as travel by rail[2]. As a response to the ethical dilemma of promoting air travel in an era of climate change, train travel and longer stays are being considered around the world, but with mixed results. For instance, not all parts of the world enjoy good intra-regional rail connectivity, while crossings may be complicated by border disputes or security concerns (as in North Africa) (Bourdin, 2019). Building knowledge and capacities for climate action are also prioritized, as with the 'Creative Climate Leadership' programme by Julie's Bicycle based in the United Kingdom.

COVID-19 AND THE EXPONENTIAL GROWTH OF DIGITAL OFFERINGS

Within the cultural sector, online connections have long been considered an alternative to short trips and a complement to face-to-face encounters. For most of 2020 and 2021, the digital sphere became the only reliable option to keep international cooperation going, allowing for 'transnational cultural interactions without the visa limitations, expense or carbon footprint attendant on air travel' (Bennoune, 2021).

Some travel grants were transformed into digital grants. For instance, the '_in Motion Mobility Grants' 2019 for African cultural professionals from the British Council and the Prince Claus Fund had become '_in Motion Digital Grants' in the space of just one year[3].

Residencies and arts festivals went virtual. New digital platforms brought much-needed sources of income to artists. When South Africa's National Arts Festival went virtual in June-July 2020, in partnership with Digital Lab Africa, all artists whose works were presented on the festival's virtual platform were offered a fee and formal agreements were made regarding the fair digital use of the artists' work. New initiatives explored how VR and other digital technologies could creatively re-imagine accessible artistic spaces, such as Re-Connect Online Performance Festival and Basita.live, an income-generating virtual venue for artists to share live or pre-recorded content. New project formats were encouraged to explore innovative approaches to cope with the physical distancing imposed by the pandemic and envisage a long-term re-thinking of mobility[4]. Organizations such as the Kone Foundation in Finland also offered virtual residencies, allowing artists to receive a grant and take part in a residency from the comfort of their own home (Kone Foundation, 2020).

Beyond support for virtual mobility and the digital shift, emergency funds were also made available to ensure the survival of CSOs in developing countries, including those promoting mobility such as the International Relief Fund 2020 from the German Federal Foreign Office and the Goethe-Institut. Such investments generated huge interest from the creative sector. For example, Swiss Arts Council Pro Helvetia's 'Close Distance' global call received 591 proposals in just two months.

Such initiatives continue in the face of onerous restrictions on cross-border travel, and they create valuable opportunities for cultural professionals to work internationally.

Nonetheless, the rapid shift to virtual forms of mobility has some of the following long-term implications:

- Digital access remains highly asymmetrical, with 46% of the global population still offline. The vast majority of these estimated 3.6 billion people reside in developing countries (UNESCO, 2020*b*);
- New forms of privilege are being created in favour of artists and cultural professionals who already possess digital collaboration skills and tools;
- The disadvantages of one-off encounters are just as relevant to the digital space as in the world of physical travel;
- The reliance on the Internet exacerbates the challenge of fair pay in the digital environment (see Chapter 10). This is likely to trigger a talent drain from the creative sector, as mobility is a massive source of income for artists (UNESCO, 2020*f*);
- Few studies are available on the significant carbon footprints of digital tools (such as video streaming and cloud computing);
- Artists in some contexts are still better supported than others (particularly via public schemes), leading to new imbalances in funding and opportunities to engage in mobility;
- A decreased desire for travel and a deceleration of global cultural exchanges in favour of local, regional and national ones (Schindhelm, 2020);
- The risk of permanent diversion of funds set aside for travel and face-to-face encounters into other types of schemes to support the creative sector, particularly digital initiatives;
- The number of residencies is likely to shrink in the medium term, particularly in developing countries (as the latter could be disproportionately affected by closures due to loss of revenue, inability to invest in digitalization and limited access to emergency funding) (Res Artis and UCL, 2020).

2. See the European Parliament's report on effective measures to 'green' Erasmus+, Creative Europe and the European Solidarity Corps: *www.europarl.europa.eu/doceo/document/A-9-2020-0141_EN.html.*

3. *www.britishcouncil.org/arts/sub-saharan-africa/_inmotion* (Accessed 1 November 2020).

4. See, for example, the Swiss Arts Council's call for projects under the heading 'Close Distance': Seeking New Cultural Formats: *https://prohelvetia.ch/en/2020/04/call-close-distance-coronavirus/* (Accessed 2 December 2021).

CONCLUSIONS AND RECOMMENDATIONS

Although it seems paradoxical to speak of future global mobility amid current closures, it is important to imagine a more sustainable ecosystem for cultural mobility in a post-COVID-19 world.

Meanwhile, several pandemic-related trends will probably continue to disrupt mobility. Mobility opportunities are likely to become more expensive due to COVID-19 testing, quarantine or insurance costs, reissue or cancellation charges by airlines and the increased cost of remaining in residencies when travelling home is unsafe. Travel might also require so-called 'COVID Passports'. As vaccine roll-out is imbalanced, this will also lead to mobility inequalities. The focus on digital may lead to a persistent decline in physical mobility opportunities, to the detriment of meaningful global cultural exchange.

Even when logistical and regulatory barriers such as lockdowns and travel bans ease, some might face psychological reasons for staying at home, including worries about their health and well-being abroad. Fears of racism and xenophobia could also dampen interest in travelling to certain destinations[5].

When the conditions for travel eventually improve after the pandemic recedes, existing economic, security, visa and other barriers to mobility must be addressed, as they contribute to unequal opportunities for artists from developed and developing countries. As this chapter has shown, the past four years have seen many measures implemented to support the outward and inward mobility of artists. Nonetheless, there are major ongoing barriers that lead to significant imbalances in mobility opportunities for artists from developed and developing countries.

Between 2019 and 2021, priority areas of work and proposals for improvement have been articulated by UNESCO, public bodies and CSOs. The following recommendations draw on these assessments and link them to potential interventions for improving the transnational mobility of artists. Through such efforts, it is hoped that freedom of international movement will soon become a regular experience for cultural practitioners from developing countries.

The following recommendations aim to make progress in addressing mobility imbalances:

- States should act for the safe return to mobility in a post-pandemic world. The Convention has a critical role to play and the call to Parties is clear and unambiguous: States should recall their commitment to the free movement of artists as soon as international travel can resume, once health rules are relaxed.
- Developing States should provide not only funding, but also administrative support, for the outward mobility of artists (for example by securing letters of support to strengthen visa applications).
- Governments are invited to improve the transparency of decisions on the granting of visas or travel bans, including through monitoring systems that ensure, *inter alia*, that decisions are never motivated by stereotypes or prejudices related to the origin of artists or the attempt to restrict artistic freedom.
- Governments should improve funding for intra-regional and intra-continental mobility, as well as for increased knowledge sharing and networks among developing countries in Africa, Asia, the Arab States, Latin America and the Caribbean.
- Governments should support civil society initiatives (particularly those based in developing countries) that produce knowledge and guidance about mobility opportunities, as already advocated in the 2018 Global Report. Their role is even more significant in the light of new schemes and protocols for the gradual return to mobility.
- Governments should promote investments in digital upskilling for cultural professionals and in long-term virtual networks beyond one-off projects.
- Funders are encouraged to improve their existing support to mobility by offering more flexibility in mobility schemes; ensuring an equitable gender distribution of funding; building long-term partnerships; fostering the right balance between physical, virtual and blended mobility formats; and ensuring more diverse and intercultural representation of artists, for instance by expanding juries and peer-review panels.
- Governments and private companies should invest in more environmentally friendly mobility activities (of longer periods, for instance) and green mobility infrastructure, as opposed to implementing green taxation or supplementing in-person engagement with digital engagement, as the latter increase the cost of mobility and deepen inequalities between artists from developed and developing countries.
- Governments, funders and residencies should consider current trends in favour of alternative mobility that require the availability of longer-term residencies and longer-term visas, and which should also be respectful of the needs of cultural professionals with childcare and other responsibilities.
- UNESCO should strengthen efforts in building capacities on preferential treatment for government officials and continue raising awareness of the Convention among visa officials and visa-processing centres.

5. Scoping calls, BOP Consulting (2020).

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Chapter 6

Global flow of cultural goods and services: still a one-way trade

Lydia Deloumeaux

KEY FINDINGS

- *The participation of developing countries in the global flows of cultural goods has stagnated over the last three years. Global trade has also shown no signs of opening up to cultural services from developing countries.*
- *The lack of Aid for Trade towards the culture and media sectors of developing countries contributes to ongoing imbalances in the flow of cultural goods and services and limits the overall capacity of the cultural and creative sectors to promote sustained, inclusive and sustainable economic growth.*
- *An increased number of export and preferential treatment measures have been put in place to enhance the flow of cultural goods and services among developing countries, demonstrating a growing determination to open their markets to each other, in response to limited trade with developed countries.*
- *COVID-19 has accelerated the shift towards digital trade, making the availability of data on the flows of cultural services, including in the digital sphere, increasingly important to capture.*
- *The triple challenge of measurement, data and reporting alignment needs to be addressed so there can be better trend analysis and a deeper understanding of the cultural goods and services traded.*
- *Measures aimed at expanding developing countries' know-how in export practices of cultural goods and services and mastering digital skills are crucial to redress persistent imbalances in the flow of cultural goods and services.*

PROGRESS

CULTURAL GOODS

Export doubled in value from 2005 to **US$271.7** billion in 2019

2005 → 2019

The export value from developing countries almost tripled to **US$144.5** billion in 2019*

2005 → 2019

*India and China alone accounted for at least 40% of these exports

CULTURAL SERVICES

Export doubled in value from 2006 to **US$117.4** billion in 2019

2006 → 2019

The 'audiovisual and related services' is the largest cultural service sector, at **US$47.9** billion in 2019

CHALLENGES

DEVELOPING COUNTRIES

Participation of developing countries in the global flows of cultural goods has **stagnated over the last three years**

Trade from **least developed countries is less than 0.5%** of the global cultural goods trade

Lack of Aid for Trade towards developing countries adds to ongoing imbalances and limits sustainable growth

DEVELOPED COUNTRIES

For visual arts and publishing, developed countries are **trading almost exclusively among themselves**

Developed countries still **dominate the cultural services trade** with **95%** of total exports

COVID-19 PANDEMIC

The pandemic **amplified the investment gap between developed and developing countries**

Global music revenues increased by **7%** largely due to music streaming

Digitization is also an opportunity as trade and engagement barriers are lower

Preferential treatment measures are not common: only **12%** of developed countries report having granted them

RECOMMENDATIONS

BALANCED FLOW

Developed countries:
- Increase the Aid for Trade for developing countries
- Strengthen preferential treatment measures
- Exchange know-how with developing countries

INFORMATION SYSTEMS

All countries:
- Improve information systems to collect accurate data
- Evaluate international flows of cultural goods and services

OPEN MARKETS

Developing countries:
- Adopt a sectoral approach to diversify Foreign Direct Investment
- Open markets more to other developing countries

CORE INDICATORS

Policies and measures support balanced international flows of cultural goods and services

Information systems evaluate international flows of cultural goods and services

INTRODUCTION

In 2020 and 2021, the COVID-19 pandemic abruptly and severely hit the cultural and creative sectors by disrupting many cultural activities and global exchanges. To remain active and maintain cross-border links, numerous cultural activities shifted to an online format. The In/Out Festival[1] is an interesting initiative under the aegis of the programme COINCIDENCIA – Swiss & South American Cultural Exchanges[2]. The programme was initiated in 2017 by the Swiss Arts Council Pro Helvetia, to promote Swiss arts in South America and increase cultural exchanges. Since then, the programme has generated over 300 projects by Latin American and Swiss artists.

To adapt to the global pandemic, an online festival of advanced, experimental and improvisational music was organized in September 2020. There were 11 artistic projects from Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia and Uruguay showcased online on COINCIDENCIA's channels. They had been created and made accessible in a new format. Various institutes, labels, festivals, residencies and platforms collaborated to set in motion what was described as a 'unique cross-platform event'. During the five days, participants could virtually access concerts, video art, DJ sessions, immersive audiovisual performances and hybrid offerings combining music and other art forms, alongside webinars, round tables, and workshops focused on the exchange of musical and cultural knowledge.

1. *www.in-outfestival.com.*

2. *www.southamerica.prohelvetia.org/en/coincidencia.*

These initiatives alone reached over 25,000 people on various online platforms[3].

The organization of this online festival (which presents a diversity of cultural expressions, from musical performances to audiovisual works) is one example of how Switzerland grants preferential treatment to Latin American countries. Indeed, in accordance with Article 16 of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, developed countries ratifying it commit themselves to granting preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services, from developing countries.

The COVID-19 pandemic has accelerated the shift to digital dissemination and access of cultural goods and services

The Convention states that 'cultural activities, goods and services' refer to those activities, goods and services that, at the time, are considered to have a specific attribute, use or purpose, or to embody or convey cultural expressions, irrespective of the commercial value they may have (Article 4.4). The 2009 UNESCO Framework for Cultural Statistics (FCS) classifies cultural goods and services into different cultural domains[4] that cover books, magazines, multimedia products, recordings, films, videos, audiovisual programmes, crafts and fashion (UIS, 2009). The flow of cultural goods measures the value of physical goods that are crossing the borders. Meanwhile, cultural services are intangible in nature, in the sense that 'they do not represent cultural material goods in themselves but facilitate their production and distribution' (UIS, 2009). They encompass cultural service transactions between two entities or persons in two different countries. They cover, for example, music groups performing abroad, the establishment of foreign affiliates[5] of an international movie or music company or downloading music purchased from a foreign company. Thus, subscribing to international platforms for a streaming service is considered a cultural service, as no physical goods are exchanged.

The above example shows how the COVID-19 pandemic has accelerated the shift to digital dissemination and access in terms of cultural goods and services. In 2020 and the first half of 2021, most economies enforcing 'lockdowns' maintained only a limited number of activities, while most cultural activities (such as live performances in dance, music or theatre and festivals) were shut down. Due to the closure of most performing arts theatres and cinemas, many activities became available exclusively online. The music industry, which had undertaken this transformation years earlier, was more resilient in the face of the pandemic.

3. Data reported by Pro Helvetia in October 2021, for the purpose of this third edition of the Global Report.

4. Cultural domain categories within the 2009 UNESCO Framework for Cultural Statistics: Cultural and Natural Heritage; Performance and Celebration; Visual Arts and Crafts; Books and Press; Audiovisual and Interactive Media; Design and Creative Services; and Intangible Cultural Heritage (UIS, 2009).

5. Foreign affiliates: 'Enterprises resident in a country or area, such as the European Union, controlled or owned by (multinational) enterprises which are resident outside that country or area' (Eurostat, 2019.)

Box 6.1 • *The International Creative Exchange Caribbean*

The International Creative Exchange Caribbean (ICEC) Online launched in December 2020, with some limitations imposed by the COVID-19 pandemic. The initiative provided online training for business stakeholders from the cultural and creative sectors in the Caribbean to learn about export strategies and identify market opportunities in Europe and Asia.

The initiative was launched by the South-South Collective, an art and culture led, business-to-business collaboration platform based in Jamaica, within the framework of the UNESCO Transcultura Programme, funded by the European Union. Driven by the goal of strengthening the position of creative citizens from the Global South in the international development of the cultural and creative industries, South-South Collective designs and co-creates activities and programmes that facilitate a more balanced flow of cultural goods and services, increase the mobility of artists and cultural professionals from the Global South and bring about social change. The project connects 134 developing countries.

The first edition of ICEC was produced in collaboration with Pan-African Creative Exchange (PACE), a biennial event and platform that showcases interdisciplinary cultural and creative productions from Africa to national and international stakeholders from the entire creative chain. Its goal is to increase the share of the cultural and creative industries in the African economy. This example illustrates export measures focusing on networks and training programmes to increase the flow of cultural goods and services among developing countries.

Sources: https://en.unesco.org/fieldoffice/havana/transcultura, www.panafricancreativeexchange.co.za.

In 2020, global music revenues reached US$21.6 billion (an increase of 7% compared to 2019) and total streaming revenues including paid subscriptions accounted for 62.1% of music revenues (IFPI, 2021*b*).

Consequently, a growing proportion of international cultural transactions take the form of e-commerce or digital products known as 'digitally delivered trade'[6]. One example of this is the purchase or streaming online music on global platforms that is covered by international trade in services.

The 2018 Global Report highlighted the need to study international trade in cultural services. While this chapter continues to examine global trends in the international flows of cultural goods, it also assesses the share and role of developing countries in the flow of cultural services (Box 6.1) and the possible impact on changes in these flows resulting from efforts to achieve the objectives of the Convention. Due to the time lag in data gathering, a comprehensive analysis of the impact of the COVID-19 pandemic on global trends on cultural goods and services in 2020 was not possible.

Therefore, only some of the overall results on the global economy, as well as examples of policy measures for key cultural sectors, have been described. Where possible, the chapter also focuses on examples of cultural initiatives to illustrate the significant impact of the pandemic on the digital transformation of cultural activities.

AN UNEVEN INVESTMENT AND TRADE LANDSCAPE

An ongoing situation of uneven investment in cultural goods and services by developed and developing countries was amplified by the COVID-19 crisis. Given the dramatic effects of the COVID-19 pandemic, the United Nations Conference on Trade and Development predicted that Foreign Direct Investment (FDI)[7] in all sectors would drop by 40% in 2020 (UNCTAD, 2020*c*). It also reported that trade in goods across all categories fell by 6% in the same year. The effects on international trade across services were even more significant. International trade in all services dropped by 16.5% in 2020 compared to 2019 (UNCTAD, 2021*b*). This drop will significantly impact the 2030 Agenda's ambitions in the remaining decade left to achieve the Sustainable Development Goals and related targets aimed at culture.

Since 2011 (baseline), the share of least-developed countries remained stable and only accounted for 1% or less of global exports of all merchandise

The 2030 Agenda for Sustainable Development defines international trade as 'an engine for inclusive economic growth and poverty reduction [that] contributes to the promotion of sustainable development'. SDG target 17.11 aims to significantly increase the share of developing countries' exports in world trade. The Convention, in calling on Parties to ensure more intense and balanced cultural exchanges worldwide, echoes this aspiration in the specific field of cultural goods and services and recognizes the role that trade in cultural goods and services can play in the protection and promotion of the diversity of cultural expressions worldwide. One goal set by SDG target 17.11 is to double the least-developed countries' (LDCs) share of global exports of all merchandise by 2020. This goal has not been achieved: since 2011 (baseline), the share of LDCs remained stable and only accounted for 1% or less of global exports of all merchandise (ECOSOC, 2020).

6. International transactions that are delivered remotely in an electronic format using computer networks specifically designed for this purpose (UNCTAD, 2020*b*).

7. FDI is defined as an investment involving a long-term relationship and reflecting a lasting interest and control in an enterprise by a foreign direct investor or parent enterprise. FDI implies that the investor exerts a significant degree of influence on the management of the enterprise in which it is investing (OECD, 2021*g*).

In 2018, the share of global exports of developing countries in worldwide trade of all services accounted for 30%, stagnating for the last 10 years

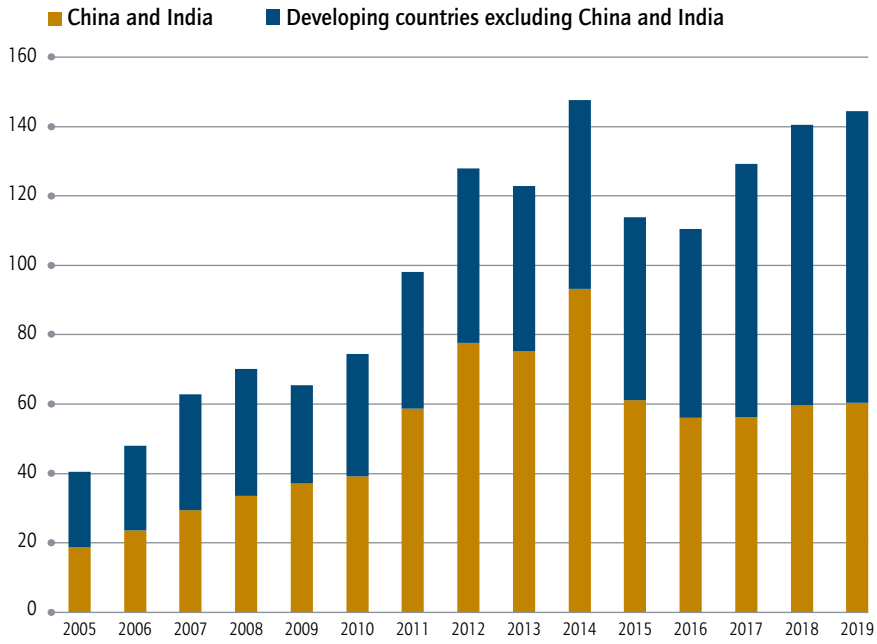
A thematic perspective on SDG target 17.11 focusing only on cultural goods[8] showed that, despite a significant increase of trade of cultural goods from LDCs from US$162.6 million to US$274.5 million between 2011 and 2018, their share in global exports remained unchanged. During this period, the proportion accounted for less than 0.5% of the world trade of cultural goods. In addition, the trade of cultural goods of LDCs has been erratic and unstable over the years, failing to provide the sustainable revenues that would significantly improve living conditions there and contribute to sustained, inclusive and sustainable economic growth and decent work.

While LDCs are low-income countries facing severe structural impediments to sustainable development, developing countries cover a large span of countries from upper high-income nations (such as China) to lower-income countries (such as Bhutan). In contrast with LDCs, the value of cultural goods exports from developing countries almost tripled, rising from US$40.5 billion in 2005 to US$144.5 billion in 2019. Figure 6.1 shows that China and India alone accounted for at least 40% of these exports. The exports of cultural goods were dependent on the exports of these two countries. After reaching a peak in 2014, with US$147.6 billion, the value of exports of cultural goods globally decreased significantly from 2015, influenced by the economic slowdown in China during this period.

8. In the analysis of international trade of goods and services conducted for this chapter, the data on cultural goods are based on customs statistics from the United Nations International Trade Statistics Database (COMTRADE), while data on cultural services are taken from the World Trade Organization (WTO) database.

Figure 6.1

Exports of cultural goods from developing countries, 2005-2019 (in US$ billion)



Source: Data from UN COMTRADE-DESA-UNSD/UIS, February 2021.

From 2017, exports of cultural goods from developing countries rebounded, with 2019 reaching almost the same level as in 2014.

Regarding services, the picture is less positive, even for the developing countries that have performed well in terms of cultural goods. Despite a major increase between 2017 and 2018, the share of LDCs in global exports of all services (mainly business and financial services) did not reach 1% (0.8%). In 2018, the share of global exports of developing countries in worldwide trade of all services accounted for 30%, stagnating for the last 10 years. Since most LDCs do not provide detailed data in international trade in services, they remained invisible in the statistics of cultural services.

THE CHASE OF ATTRACTING FOREIGN DIRECT INVESTMENT

For many developing countries, FDI is seen as one of the most development-friendly sources of investment because, while complementing levels of domestic investment, it can create jobs, develop technology and foster new productive capacity, as well as helping local firms access new international markets. Within SDG target 10.b, FDI is also encouraged as part of increasing official development assistance (ODA) and financial flows to States where the need is greatest, including LDCs. Under SDG target 17.3, which focuses on mobilizing additional financial resources for developing countries from multiple sources, the financial resources from all sectors benefiting developing countries are monitored. Determining the amount of FDI allocated to the cultural and creative sectors can provide insight on the level of exchanges between developed and developing countries. Data on FDI inflows[9] are used to monitor indicator 17.3.1 on FDI, ODA and South-South cooperation as a proportion of gross national income (UN, 2017).

9. 'Inward flows represent transactions that increase the investment that foreign investors have in enterprises resident in the reporting economy, minus the transactions that decrease the investment of foreign investors in resident enterprises' (OECD, 2021*g*).

Countries compile data on FDI by industries that correspond to the major tabulation categories in the UN's International Standard Industry Classification. As a result, data for cultural goods and services are only available under the category of 'arts, entertainment and recreation sector', consisting of a grouping of several activities from movies, television programmes[10] or other creative, arts and entertainment activities. Figure 6.2 shows that, between 2014 and 2019, FDI inflows in the culture sector in developed countries (US$3,127.34 million) were almost three times higher than the investment made in developing countries (US$1,321.64 million). The comparison of investments in other countries (outflows) shows that developed countries have invested in the other countries' culture sectors more than twice as much as developing countries have invested in other countries. From 2014 to 2019, outflows[11] from developed countries accounted for US$2.6 billion, compared to US$1.2 billion from developing ones.

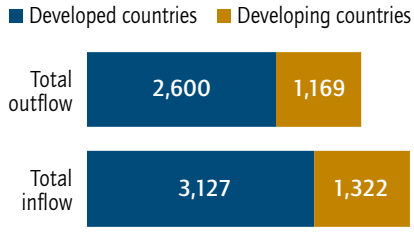
Based on the Sustainable Development Goals Report of the UN Economic and Social Council, FDI inflows continued to decline in 2019, for the fourth consecutive year. It is worth noticing that, while inflows were mainly directed towards developed countries in 2005 (about 61.3% of FDI global inflows), developing countries accounted for 54.3% of FDI inflows in 2018. However, there was a large contrast among regions. Asia – driven mostly by China – was the region that benefited the most from investment in the last decade with 39.4% of FDI inflows in 2018, followed by Latin America with 11.8%.

10. This class includes the operation of facilities and provision of services to meet the cultural and entertainment interests of their customers. This includes the production and promotion of, and participation in, live performances, events or exhibits intended for public viewing; and the provision of artistic, creative or technical skills for the production of artistic products and live performances (DESA, 2008).

11. 'Outward flows represent transactions that increase the investment that investors in the reporting economy have in enterprises in a foreign economy' (OECD, 2021*g*).

Figure 6.2

Total flow of Foreign Direct Investment in the arts, entertainment and recreation sector, 2014-2019 (in US$ million)



Source: International Trade Centre/BOP Consulting (2021).

Other regions only received a marginal level of FDI inflows, with Africa representing less than 3.5% of global FDI inflows, the Caribbean 0.2% and LDCs under 1.8% (ECOSOC, 2020). In short, current data show that developed countries are the beneficiaries of around 70% of all FDI in the culture and media sectors. The current data consolidate the arts, entertainment and recreation into one single category. In a context of shrinking FDI, it is impossible to identify which cultural subsectors are receiving FDI inflows or which cultural sectors are experiencing declining FDI inflows. Disaggregated data would be required to assess if there is a predominance of investment in audiovisual and music compared over other cultural sectors (as described in this chapter's section on country export measures).

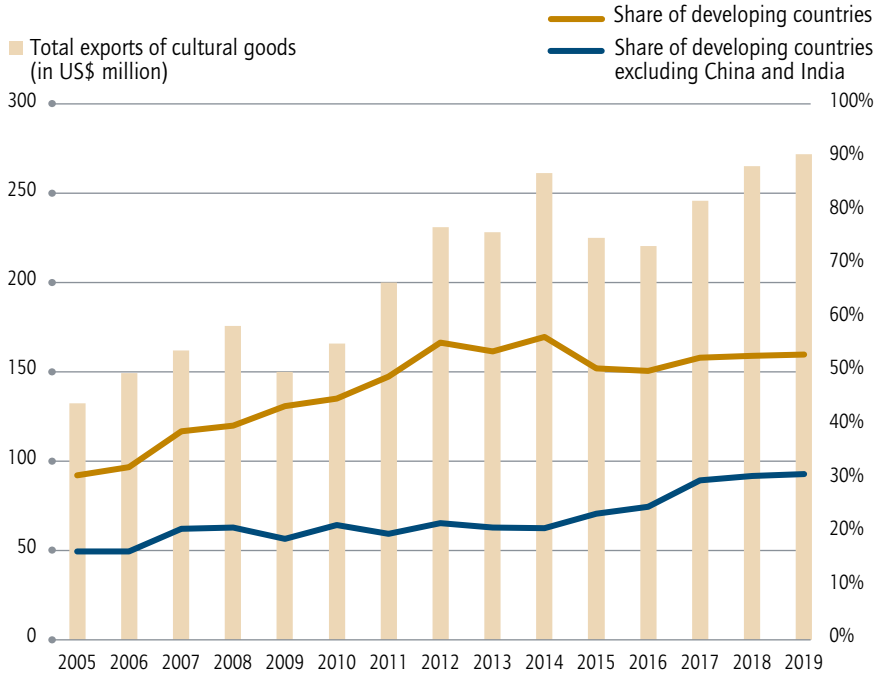
CONTRASTING PICTURE OF THE ROLE OF DEVELOPING COUNTRIES IN THE CULTURAL FLOWS

STAGNATION IN EXCHANGES OF CULTURAL GOODS FROM DEVELOPING COUNTRIES

The exports of cultural goods doubled in value from US$132.3 billion in 2005 to US$271.7 billion in 2019. As described above, the exports of developing countries surged in the decade from 2005 to 2014. As shown in Figure 6.3, from 2014 they have decreased, with a slight uptick from 2016 and stagnating as of 2017 to 2019.

Figure 6.3

The recent stagnating share of developing countries in exports of cultural goods



Source: Data from the UN COMTRADE-DESA-UNSD/UIS, February 2021.

However, the picture is incomplete, especially for developing countries, where limited growth was at play long before 2017, although it was masked by the performance of China and India.

Figure 6.3 hides contrasting patterns. While the sharp increase from 2005 to 2014 was mainly due to the increasing role of China in exports, followed by India, the share for the remaining developing countries only increased slightly during the same period. Meanwhile, the significant drop was mainly due to a fall in Chinese exports in 2015 and 2016. The figure shows that this actually benefited the other developing countries, whose share of exports increased. Between 2004 and 2014, their share among global exports of cultural goods remained around 20%, but then increased as of 2015 to reach 30% in 2017, where they have remained stable since. A pertinent question in this context is whether developing countries have reached a permanent plateau that makes it challenging to improve the balance of cultural flows of cultural goods and services.

VISUAL ARTS AND CRAFT LEAD THE WAY

The analysis of Table 6.1 shows that, in US$ value, the type of cultural goods exported from developed countries slightly differed from the ones of developing countries. For developed countries, 'visual arts and craft' accounted for 40% of exports of cultural goods in 2004, while they accounted for more than half of cultural goods exported by developing countries in that same year. In 2019, the dominance towards 'visual arts and craft' in the flows of cultural goods intensified to account for two-thirds of exports of cultural goods for both developed and developing countries. In 2019, while the other two categories in the top three remained the same for both country groups ('performance and celebration' and 'books and press' for developed countries, 'performance and celebration' and 'audiovisual and interactive media' for developing countries), they significantly dropped by at least 10%. Imports of cultural goods show similar patterns.

In 2019, 'visual arts and craft' accounted for two-thirds of exports of cultural goods for both developed and developing countries

To better understand the importance of developing countries in the flows of cultural goods as defined by the Convention, three subdomains defined by the FCS can be considered: visual arts; audiovisual and music; and publishing[12]. By analysing these three subdomains from 2005 to 2019, the profile of key cultural goods exchanged between developed and developing countries tempered the results.

12. This section focuses on key cultural expressions based on the subdomains of the 2009 UNESCO Framework for Cultural Statistics to remain consistent with the 2018 version of this chapter. Audiovisual and music includes some subdomains from the Performance and Celebration domain, and music and films from the Audiovisual and Interactive Media domain.

Table 6.1

Flows of cultural goods by domains and by level of development, 2004 and 2019

Share by FCS* domains in %		Cultural and Natural Heritage	Performance and Celebration	Visual Arts and Crafts	Books and Press	Audiovisual and Interactive Media	Design and Creative Services	Total
		2004						
Export	Developed countries	3.0	**31.9**	**40.2**	**21.8**	2.8	0.3	100
	Developing countries	0.2	**30.8**	**53.5**	7.1	**8.3**	0.1	100
Import	Developed countries	3.1	**31.0**	**40.2**	**19.3**	6.3	0.1	100
	Developing countries	0.7	**37.6**	**41.4**	**14.5**	5.5	0.3	100
		2019						
Export	Developed countries	3.2	**10.6**	**66.3**	**13.6**	6.1	0.1	100
	Developing countries	0.5	**21.1**	**66.6**	4.0	**7.8**	0.0	100
Import	Developed countries	2.9	**17.8**	**56.4**	**12.1**	10.8	0.0	100
	Developing countries	1.5	**20.8**	**68.3**	**5.5**	3.9	0.0	100

* FCS stands for the 2009 UNESCO Framework for Cultural Statistics.

Source: Data from UN COMTRADE-DESA-UNSD/UIS, February 2021.

In 2005, developed countries imported the great majority of audiovisual and music goods from developed countries (72%). As shown in Figure 6.4, however, a drastic change occurred between 2005 and 2019, with this figure systematically dropping to reach 33% (particularly during the past decade). This suggests that an increasing share of goods from developing countries is now accessing the markets of developed countries.

Developed countries purchased visual arts mostly from developed countries, with a 70% share on average for the entire period 2005-2019

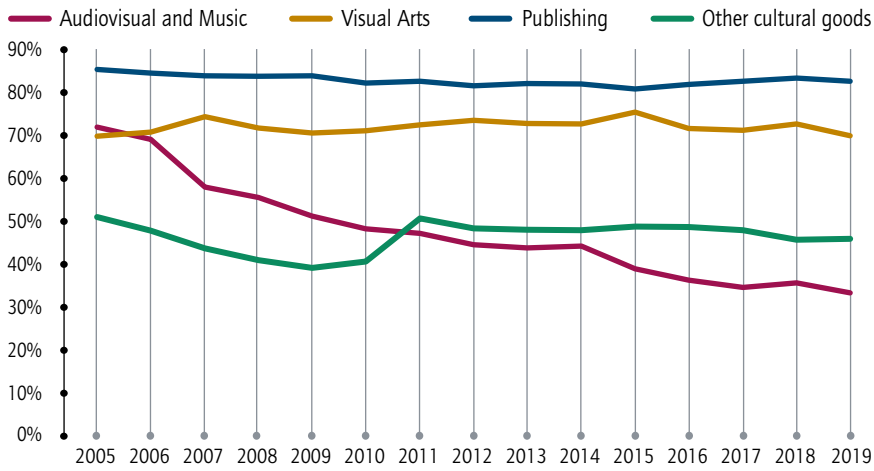
Nevertheless, these results are not conclusive for all developing countries, as most of this trade originated in China. In addition, the customs classification changed in the middle of this period, as recorded CDs are no longer distinguished from other CDs (blank CDs), and the latter cannot be considered as cultural goods embodying or conveying cultural expressions. For visual arts, from 2005 to 2019, there was no such changing ratio visible between developed and developing countries. Developed countries purchased visual arts mostly from developed countries, with a 70% share on average for the entire period 2005-2019.

In the publishing domain, the imports of books and newspapers showed a similar pattern over the same period of 2005-2019, with an even higher average percentage of around 80% coming mainly from developed countries.

Figure 6.5 on the imports of cultural goods between developing countries shows an important increase of trade in audiovisual and music, a moderate increase in the trade of publishing and other cultural goods, but a decline in visual arts.

Figure 6.4

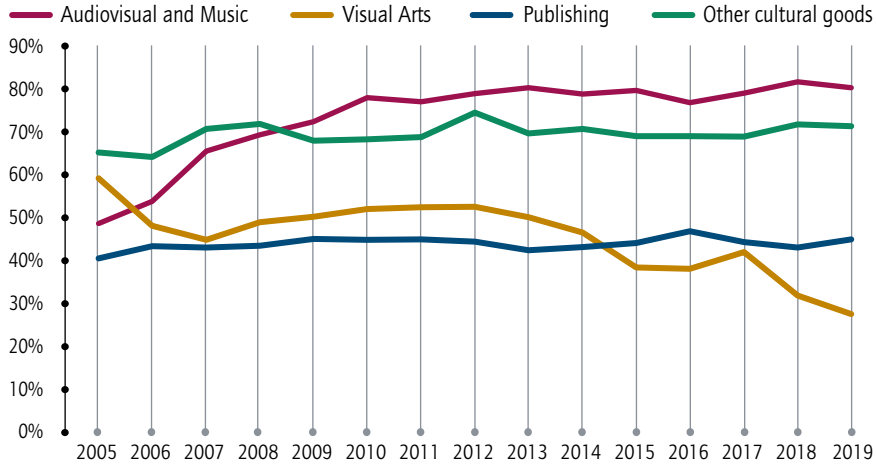
Imports of cultural goods between developed countries, 2005-2019



Source: Data from UN COMTRADE-DESA-UNSD/UIS, February 2021.

Figure 6.5

Imports of cultural goods between developing countries, 2005-2019



Source: Data from UN COMTRADE-DESA-UNSD/UIS, February 2021.

Therefore, the results show that, for visual arts and publishing, developed countries are still exchanging cultural goods almost exclusively among themselves, while they increasingly imported audiovisual and music from developing countries. Since the adoption of the Convention, the improvement of the balance of cultural flows in favour of developing countries also resulted from an increase in trade among the latter.

For visual arts and publishing, developed countries are still exchanging cultural goods almost exclusively among themselves, while they increasingly imported audiovisual and music from developing countries

Because physical movement has been radically curtailed by the COVID-19 pandemic, many governments and cultural stakeholders have attempted to protect their cultural sector by transitioning to digital. However, this could not fully protect the cultural and creative industries), such as the art market. As shown in the analysis of the trade in cultural goods, visual arts constitute the core of exchanges in cultural goods. Online sales of art even doubled in value in 2020 comparing to 2019. Nonetheless, this has not been sufficient to offset the losses experienced via physical distribution channels.

Given that this sector relies on physical exchanges, the global art market was seriously hit by the pandemic, resulting in a drop of 22% of global sales in 2020 compared to 2019, accounting for US$50.1 billion (Art Basel and UBS, 2021).

The global art market was seriously hit by the pandemic, resulting in a drop of 22% of global sales in 2020 compared to 2019, accounting for US$50.1 billion

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In addition, audiovisual and music exchanges – due to the digitization of their production, streaming and other electronic distribution methods of TV programmes and films – no longer require physical carriers. Therefore, this trade is no longer captured in the trade of cultural goods but in the trade of cultural services. For the audiovisual sector, physical exchanges rarely occur now, as they mostly take place digitally, especially between developed countries. Between 2005 and 2019, exports (understood as physical trade) of audiovisual and music goods decreased by 50% in developed countries. However, this cannot be interpreted as a fall in international trade in the audiovisual and music sector, but rather as a result of the fact that such trade is now mostly classified under cultural services.

PERSISTENT DOMINANCE OF DEVELOPED COUNTRIES IN THE FLOWS OF CULTURAL SERVICES

While the data on the flows of cultural goods showed that developing countries' share in the global flows of cultural goods may have slightly increased then reached a plateau, the situation in the international trade in services is quite different. With the digitization of the economy, measuring the exchanges in services is even more crucial. Thanks to a better coverage of data on cultural services, trend analysis is now possible, which was not the case when the 2018 Global Report was published.

As noted in the relevant chapter of that report, statistics on the international flows of cultural services may be scattered, covering just 76 countries, which represent less than half of the countries where data for cultural goods are available (UNESCO, 2018).

Cultural services are defined according to the Extended Balance of Payments categories, aligned to the domains of the 2009 UNESCO Framework for Cultural Statistics[13]. Two items dominate the trade in cultural services. The first one, 'audiovisual services and related services', covers activities such as movie production transmitted electronically, radio or television programmes or music performance recordings. It also includes some coverage of online subscriptions to Pay TV services, including online services. Subscriptions to film platforms from entities with multiple activities such as Amazon are often categorized by their principal activity (free delivery service) or data may not be disaggregated by categories to distinguish audiovisual activities (Amazon Prime). The second one is 'information services', encompassing news agencies and similar service providers (UN et al., 2012). The other categories include 'licenses to reproduce and/or distribute audiovisual and related products', advertising services, architectural services and artistic and related services.

The world exports of all cultural services amounted to US$117.4 billion in 2019, which was double the value recorded in 2006

The world exports of all cultural services amounted to US$117.4 billion in 2019, which was double the value recorded in 2006. With US$42.5 billion in 2019, 'information services' posted the strongest growth, as it was three times higher than in 2006. During the same period, the value of 'audiovisual and related services' remained the largest cultural service sector, increasing its value by 70% to reach US$47.9 billion in 2019. Even this value is an underestimate, as the vast majority of developing countries, including China, do not report these flows of cultural services.

13. Cultural services as defined by Extended Balance of Payments Services codes. P39 (UIS, 2009).

Despite this significant growth between 2006 and 2019, cultural services still accounted for less than 2% of total traded services. Figure 6.6 shows that developed countries still heavily dominate the trade in cultural services, with an average of 95% of total exports of cultural services – a value that remained almost constant during this period. The United States accounted for around 45% of exports of all cultural services. This figure needs, however, to be taken with caution as many developing countries report only limited data (including China in particular).

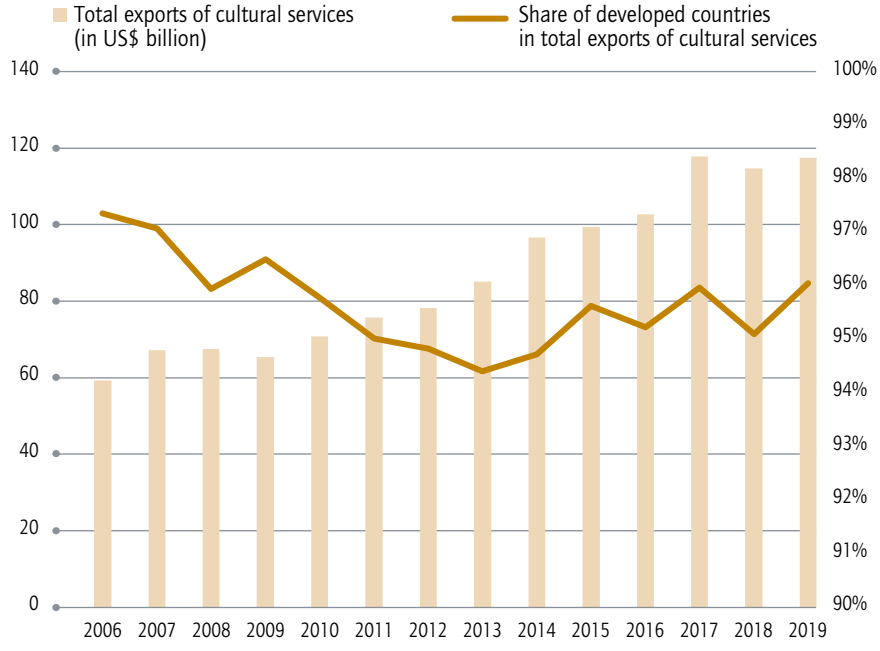
Cultural services still accounted for less than 2% of total traded services. Developed countries still heavily dominate the trade in cultural services, with an average of 95% of total exports of cultural services

Cultural services data by partner countries identify countries where cultural services are exported to or imported from between 2006 and 2018. Import data on cultural services provide an insight into whether developed countries have opened their markets to developing ones. Data by partner countries are only available for 33 countries, mainly from Europe and North America. Results show that developed countries primarily imported cultural services among themselves during this period, while the volume of cultural services exchanged was six times higher. Cultural services imported from developing countries accounted for only 5.8% of all imports in 2006, with a small increase to 7.6% in 2018. This applies to all types of cultural services for which data are available.

For instance, 'information services', in which developing countries accounted for 7.3% of the imports of developed countries in 2018, were less than 1% higher than in 2006. For audiovisual and related services, the share of developing countries was more erratic between 2006 and 2018, but still with on average just a 3% share of imports from developing countries.

Figure 6.6

Exports of cultural services, total amount and share in total trade, 2006-2019



Source: Data from WTO database (2021), *www.wto.org/english/res_e/statis_e/tradeserv_stat_e.htm*.

The dominance of developed countries in some cultural services exchanges, for example in 'licenses to reproduce and/or distribute audiovisual and related products', is overwhelming. This category includes fees and charges (usually in the form of licensing agreements) for the reproduction and/or distribution of movies, TV series or music (UN et al., 2012).

The dominance of developed countries in cultural services exchanges such as licenses to reproduce and/or distribute audiovisual and related products is overwhelming

For this category, global exchanges occurred almost exclusively among developed countries (99%) from 2013 to 2018 (the period for which reasonable country coverage is available). The near absence of developing countries in this area is of concern because it affects their ability to capitalize on the benefits of sales and licensing, to stimulate innovation in the cultural and creative sectors and to support the sector's ability to benefit from the advances made in developing new products. Copyright infringement is one of several factors that contribute to the unequal flow of trade in licensing revenues. Indonesia has voiced concerns that the sector's competitiveness is undermined by piracy and poor protection of intellectual property rights.

While in developed countries there is a robust protection of authors' rights, copyright protection needs to be strengthened in developing countries

On the African continent, the illegal exploitation of creative audiovisual content remains a significant problem, with some estimates claiming that piracy waylays upwards of between 50% and 75% of the revenue of the film and audiovisual industries (UNESCO, 2021*c*).

Licences to reproduce books or translate them into other languages are an important part of cultural services. To combat piracy, Box 6.2 illustrates an initiative from Indonesia to promote the sale of book rights, which both increases the presence of Indonesian works in international markets and protects the authors' revenues from copyright infringement.

These findings should be treated with caution, due to the lack of data on informal activities and piracy that may underestimate the results. While in developed countries there is a robust protection of authors' rights, copyright protection needs to be strengthened in developing countries.

Box 6.2 • *Indonesian Partnership Programme – Publishing*

In 2019, the Indonesian Publishers Association launched the Indonesian Partnership Programme to stimulate the licensing agreements of Indonesian books abroad with the support of the Creative Economy Agency (Bekraf). The sale of book rights enables buyers to translate the book and disseminate it in their country or abroad. During the Indonesia International Book Fair in September 2019, agreements between Indonesian and foreign publishers resulted in the sale of rights for 42 books to be translated into other languages. This will contribute to increasing the market value and visibility of Indonesian books around the world, reducing the threat of piracy and reaching new readers. This export measure from Indonesia aims to open the international market to literature from Indonesia, including by providing translated versions of the books.

Source: Indonesia QPR (2020).

TRADE MEASURES: FACILITATOR OR OBSTACLE TO ENTERING THE INTERNATIONAL MARKET?

This section explores the different types of trade-related measures and policies that can affect the flow of cultural goods and services. The first is the reduction or elimination of trade tariffs. Trade tariffs, or 'tax imposed on a good imported into a country or on products exported from developing countries'[14], applies an additional rate that increases the price of the exported good, resulting in reduced competitiveness in the market of the importing country. They are one of the most frequent preferential treatment measures in international flows of goods. Eliminating tariffs for products originating from developing countries is also an SDG indicator 10.a.1 – 'proportion of tariff lines applied to imports from LDCs and developing countries with zero-tariff'.

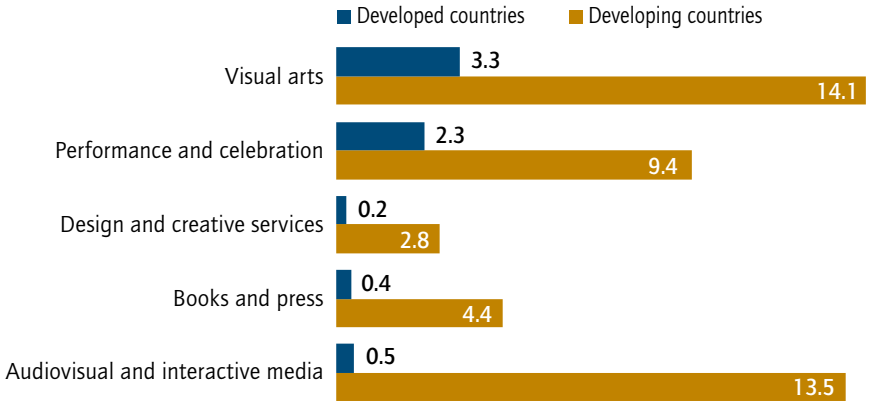
Global trade is governed by several principles and rules that are applied to countries bound by trade agreements under the auspices of the World Trade Organization (WTO)[15]. Although the Convention defines cultural goods as embodying or conveying expressions that result from the creativity of individuals and having a symbolic meaning originating from or expressing cultural identities, in the international trade of cultural goods, based on customs data (as used in the previous section), the WTO definitions apply. One of the most important WTO rules is that of the Most Favoured Nation (MFN). This is a non-discrimination principle, whereby if a country applies a reduced tariff for a particular good to a country, then the same tariff shall be applied for the same good to all WTO members. These tariffs are bound, meaning that countries establish the maximum tariff that will be applied to the products, with exceptions possible under bilateral and regional free trade agreements.

14. OECD Glossary. *https://stats.oecd.org/glossary/index.htm* (Accessed 28 May 2021).

15. Principles of the trading system. *www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm#seebox* (Accessed 15 May 2021).

Figure 6.7

Most Favoured Nation applied tariff – Average of Ad Valorem tariffs by cultural domains and developed/developing countries



Source: WTO / BOP Consulting (2021), based on average cultural goods lines by Harmonized System codes.

Figure 6.7 shows the average of tariffs applied to cultural goods based on 2020 figures for MFN applied tariffs by cultural domains and countries (and their level of development). The results show that developed countries had significantly lower tariffs on cultural goods compared to developing countries. This is in favour of developing countries' goods exported to developed countries. In developed countries, tariffs for goods in visual arts and performing arts were higher, with 3.3% and 2.3%, respectively, compared to the other cultural domains with less than 1%. In developing countries, goods from visual arts and audiovisual and interactive media were significantly higher, at 14.1% and 13.5%, respectively.

In the absence of comparable data for 2017, no trend analysis can be made between the 2018 Global Report and this one. However, using 2020 data as a baseline, the next edition will show whether there has been a reduction in tariffs.

In many multilateral or bilateral trade agreements, these tariffs are partially or fully lifted to facilitate exchanges among member countries. Under the African Continental Free Trade Agreement, which established the African Continental Free Trade Area (AfCFTA), tariffs were eliminated in the trade of cultural goods. The trade agreement between Mauritius and China offers customs tax exemption for cultural goods. As the agreement entered into force in January 2021, tariffs on products from Mauritius are lifted for 96% of Chinese tariff lines, thereby benefiting cultural goods in a de facto way.

While Aid for Trade accounted for almost 30% of total official development assistance during the last 10 years, very few projects were dedicated to cultural activities

Another type of trade-related measure that can affect the flow of cultural services and cultural goods is Aid for Trade. As part of overall ODA, Aid for Trade is a type of assistance provided to developing countries, particularly LDCs, to build the trade capacity and infrastructure they need to benefit from open trade. This can take the form of technical assistance in developing trade strategies or negotiations, building infrastructure to link domestic and global markets or providing financial means by investing in industries and sectors so that countries can diversify their exports and build on their comparative advantages. In the monitoring framework of the Convention, Aid for Trade is also considered as a means to measure the commitment of developed countries to rebalancing the flow of cultural goods and services in the world. This is also consistent with SDG target 8.a., which relates to increasing Aid for Trade. Aid for Trade provides developing countries with the financial means to access international markets of cultural goods and services.

Only 8 of 75 countries reporting on the implementation of the Convention in the latest reporting period indicated that they benefited from Aid for Trade support.

Corroborated with ODA data, these figures show that, while Aid for Trade accounted for almost 30% of total ODA during the last 10 years, very few projects were dedicated to cultural activities (Figure 6.8). This means that developed countries are not using Aid for Trade to help developing countries strengthen their institutional and legal frameworks and their capacity to export cultural goods and services and to benefit from preferential treatment. Ultimately, this weak use of Aid for Trade in the culture sector undermines the possibility of rebalancing the flow of cultural goods and services.

However, the results must also be seen in the light of the limitations of the current Aid for Trade measurement system. As defined in the database of the Organization for Economic Co-operation and Development (OECD), 'Radio/television/print media' is the only category within Aid for Trade categories that fits the Convention's definition of cultural goods and services[16]. In the future, it would be useful to include in the OECD database categories related to other cultural expressions, such as performing arts or visual arts.

16. The other culture-related code, 'culture and recreation', includes libraries and museums, which are less relevant from the perspective of the Convention.

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Culture is a necessity. The State must ensure that its public policies take into account planning for and funding of culture, creativity, innovation and cultural experimentation. We firmly believe this.

Throughout their history, the States most advanced and stable, politically and economically, have devoted part of their national budgets to arts training and to the promotion and patronage of the arts and culture. Anyone who views the development of these countries solely as the result of economic prosperity is mistaken. Both institutionalized culture and culture as a space for dissent, for innovation and for collective expression are part of the mindset of those societies which have achieved their public-policy aim to foster general well-being. These societies have also invested in technology, science, education, research, experimentation and in a public space where freedom of the press and citizen participation flourish. It is absolutely essential that the 'culture' software be installed in international organizations' sustainable development programmes, not as a cross-cutting programme, but as a targeted action with the capacity to have a real impact on the lives of citizens and societies.

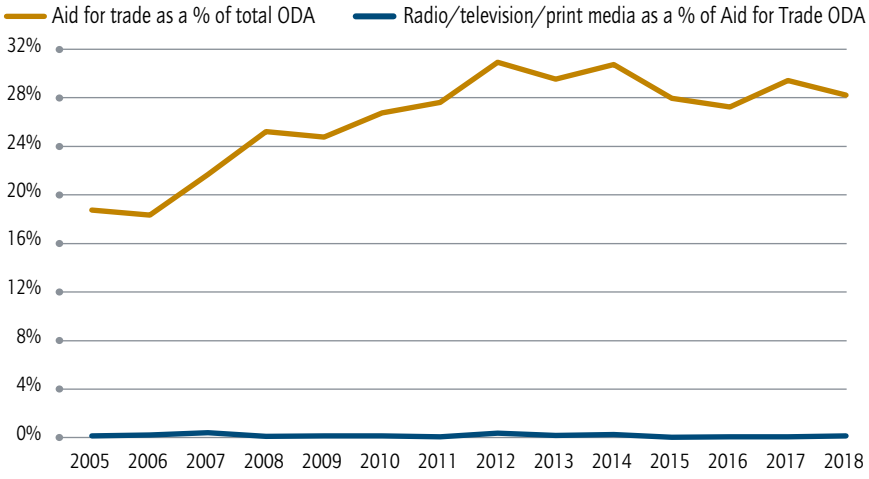
The direct transfer of resources. This is fundamental for developing countries, whether it concerns resources from States' budgets or from international organizations' budgets. As a priority, these resources should be invested in arts education and culture, the preservation of traditions, the construction and renovation of cultural facilities for collective creation, promotion of the built historical heritage, local training for critical-mass empowerment, and funding for artistic and cultural projects. In addition to funding, it is also of prime importance that the free movement of cultural professionals and the free flow of cultural goods and services be encouraged. This is the only way of creating a market and opportunities which are shared by all.

Abraão Vicente

Minister of Culture and Creative Industries, Republic of Cabo Verde

Figure 6.8

Aid for Trade in Official Development Assistance and radio/television/print media in Aid for Trade, 2005-2018



Source: Based on data gathered by BOP Consulting from the OECD ODA database (2021).

The UNESCO Institute for Statistics (UIS) has previously called for changes to the Creditor Reporting System purpose code list of the OECD (OECD, 2021*d*) that is used to identify the cultural sector for which the Aid for Trade is made. One of the major obstacles is that the Aid for Trade dedicated to culture needs to be significant enough to create a new category, which is far from being the case. Data show that, since 2005, no improvement has taken place. From 2005 to 2018, 'radio/television/print media' did not even reach 0.5% of the total Aid for Trade (Figure 6.8).

In addition to tariffs and Aid for Trade, other trade measures can influence the flow of cultural services. In order to account for a greater share of cultural service flows, developing countries design export strategies or measures to enhance the benefits they can receive from preferential treatment. However, these efforts may be counteracted by new trade policy measures regulating the general flow of services that could restrict cultural service flows, especially in the digital age.

The Services Trade Restrictiveness Index Regulatory database has been developed by OECD to monitor the types of policy measures governing international trade in services and the changes that occur from one year to another (OECD, 2021*f*). It includes 48 countries, covering 80% of the worldwide international trade of services. Of these, 37 are OECD members, consisting mainly of developed countries. Non-OECD members covered by the database include Brazil, China, India, Indonesia, Kazakhstan, Malaysia, Russian Federation, South Africa and Thailand. If a country puts in place restrictive policy measures in the trade in services, the flows of cultural services may be affected. The database covers 22 sectors, including television and broadcasting, motion pictures services and sound recording services.

The 2021 OECD report shows that, in 2020, policy changes affecting trade in services increased significantly (OECD, 2021*f*). Most likely due to the effect of the pandemic, many countries designed measures to facilitate cross-border digital trade. However, trade restrictions increased in 2020 compared to 2019 for some sectors, such as the audiovisual sector and computer services.

The results showed an increase in restrictive policy measures associated with commercial presence. These new measures may hinder the establishment of foreign affiliates in a country. Foreign Affiliate Trade in Services (FATS) is a form of FDI when the investment in another country takes the form of a company that is foreign owned. For example, this practice is quite common in film production, when a FAT is created for co-production movies or for filming movies abroad. By reducing the ability of developed countries to foster private sector investment in the developing countries' cultural industries in a de facto way, these restrictive measures may limit the ability of developed countries to implement preferential treatment measures under the Convention. This would have consequences on the flows of cultural goods and services. Meanwhile, in television and broadcasting, 13 countries designed a measure that limits downloading and streaming affecting cross-border trade. In audiovisual sound recording, local presence is required for cross-border supply for 19 countries (OECD, 2021*f*).

Trade restrictions increased in 2020 compared to 2019 for some sectors, such as the audiovisual sector and computer services

Trade policies and measures are therefore important contributory factors – either enabling or constraining – in achieving a better balance in the flow of cultural goods and services.

EXPORT STRATEGIES AND MEASURES FAVOURING DEVELOPING COUNTRIES

The analysis of the quadrennial periodic reports submitted by Parties between 2017 and 2020 shows that, while there are many export strategies in developed and developing countries alike, preferential treatment measures that only benefit developing countries are not common.

Export measures aim to increase the presence of a country's cultural goods and services on the international market through means including co-production agreements, fiscal measures, training or networking. According to Article 16 of the Convention, developed countries undertake to implement preferential treatment measures to facilitate access of cultural goods and services from developing countries to their markets. In other words, these measures are supposed to be non-reciprocal and their main objective is the benefit of developing countries (for a detailed explanation of the conditions that must be met for a measure to be considered preferential treatment, see Chapter 7). They can take the form of capacity-building programmes for artists or cultural entrepreneurs, or financial aid or technical assistance to government bodies from developing countries.

Among 74 countries considered for this analysis, only 20 developing countries said that they benefited from preferential treatment. Looking further at the examples given, countries mainly reported general trade agreements rather than specific preferential treatment measures that apply to cultural products alone.

Preferential treatment measures that only benefit developing countries are not common

Only four developed countries (Albania, Germany, Italy and Switzerland) indicated that they granted preferential treatment to developing countries. The projects described include the Berlin International Film Festival (Berlinale) World Cinema Fund, which aims to strengthen the film industry with and from Africa and many other developing regions of the world (Box 6.3).

A SHIFT TO TRADING WITH EACH OTHER – THE DEVELOPING WORLD LOOKS INTERNALLY

Since 2017, an increased number of measures favouring cultural flows among developing countries can be observed. There were 19 developing countries that reported granting special treatment measures. For example, Paraguay put in place special treatment (usually no tariff is applied to the partner country) for temporary imports that applied to artists and their assets when they attended an exhibition or a related event. In 2020, Burkina Faso and Senegal signed a protocol on film cooperation, another example of a policy that can contribute to an increase of flows between developing countries. In 2018 the Golden Apricot International Film Festival (GAIFF) launched the Cross-Border Regional Co-Production (C2C), 'Feature Film Project and Work-In-Progress Markets' for filmmakers from the Lesser Caucasus Region, including Armenia, Azerbaijan, Georgia, Turkey and Iran, to finance and co-produce their films[17]. Other examples are provided later in this section.

Meanwhile, there are many export measures that often benefit both developed and developing countries. Countries that do not yet have export measures in place are exploring different ways of introducing such arrangements. In Lesotho, the National Development Corporation and the Ministry of Trade are working together to design export strategies that could benefit the culture sector. Peru is considering the possibility of reviewing its foreign cultural policy with the same goal in mind.

There were 19 developing countries that reported granting special treatment measures

The audiovisual sector continues to feature the highest number of reported export measures supporting the distribution of cultural goods and services. Such measures have been put in place by 66% of countries, including 75% of developed countries and 61% of developing countries. One of the objectives of the Uruguay Audiovisual Programme is to facilitate access by Uruguayan films to the international market by promoting international co-production. Foreign film production is encouraged through two types of measures.

Box 6.3 • *Berlinale World Cinema Fund – supporting international co-production and market access*

Development agencies or foundations are often the way in which developed countries provide support to nurture the talent, skills and competencies of artists and cultural professionals from developing countries, while creating opportunities for more sustainable cultural value chains. The Berlinale World Cinema Fund is one such example. It was established by the Berlin International Film Festival (Berlinale) together with the German Federal Cultural Foundation and in cooperation with the Goethe Institut, the German Federal Foreign Office and German producers. The Fund, which launched in 2004, aims to support developing countries with weak film infrastructure by financing co-productions in different regions of the world and facilitating their distribution. It is involved in financing projects from Latin America, the Caribbean, Africa, the Middle East, Asia and the Caucasus. Besides the standard Fund, additional complementary programmes have been created over time, such as the World Cinema Fund Africa (WCF Africa), focused on supporting film production projects and promoting film culture in the sub-Saharan region. Since 2016, 13 projects have been funded, some of which have gained critical acclaim. African-German co-productions are eligible for privileged access to the European market, which enables films from African directors or with African actors to be more accessible to the European audience (thereby contributing to more diverse cultural expressions).

Source: Germany QPR (2020).

17. *www.gaiff.am.*

The first one is a cash rebate, allowing foreign entities making a co-production with a local company in Uruguay to claim back up to 25% of eligible expenses, depending on the budget invested. The second measure is 'Zero-rated VAT', allowing co-productions with foreign and local companies to receive a certificate from the Directorate of Film and Audiovisual Arts and be considered production export services. Both measures are helping to attract foreign investment and facilitate film co-production in the country, giving Uruguayan film co-productions greater access to international markets.

Global streaming and Video on Demand (VOD) platforms offering movies and TV series from around the world have become increasingly popular. Despite growing competition from big players such as Apple TV+, Amazon Prime Video, Disney, Hulu, HBO Max or Netflix, specialized platforms such as Mubi for art films are emerging, as well as local or regional platforms (see Chapter 3 for more details). For movies, most catalogues must comply with national rules, ensuring a certain percentage of national content (based on the quotas for that country's audiovisual sector). In many European countries, as well as in Australia, Canada or other countries that have established such quotas, foreign companies must invest in local content production by co-producing films with local producers, actors and the industry at large.

A total of 61% of countries reported 'visual arts and music' as the second sector in which such supporting export measures most commonly existed. As mentioned previously, the global recorded music sector fared better than other cultural industries during the COVID-19 pandemic, particularly thanks to streaming services and other forms of digital access.

However, the live music sector was decimated[18]. As a result of local and national lockdowns, as well as the closure of borders in 2020, live performances and international festivals were banned in many countries, substantially cutting many artists' revenues.

Financial investment, including the creation of funds for expanding exports, followed by cooperation agreements, are the most frequent measures and strategies used by developed countries

The Export Office of Moroccan Music (MoMEx) experienced first-hand the slowing effect of the pandemic on its activities. It also felt the need to seek new ways to support musicians and other professionals in the music industry, which nonetheless continues to be rapidly transforming. MoMEx was created in 2016 as a public export office to promote Moroccan artists on the international scene. Since its creation, it became active on international music markets such as Market for African Performing Arts (Côte d'Ivoire), Babel Med Music (France), Atlantic Music Expo (Cabo Verde), WOMEX – Worldwide Music Expo (Europe) and Association of Performing Arts Professionals (USA), and took part in major music festivals in Africa, Europe and Asia. By promoting the diversity of musical expressions in Morocco and abroad, MoMEx directly contributes to the development of a sustainable music sector and facilitates a balanced flow of cultural goods around the world. Through its work, it supports the achievement of SDG target 17.11, intended to increase the exports of goods and services of developing countries.

APPROACHES TO BECOMING MORE EXPORT FRIENDLY

Developing countries are increasingly using transversal measures dedicated to all cultural expressions rather than prioritizing specific sectors. Honduras, for instance, adopted a decree in 2018 to help boost the export of cultural goods and services. Developing countries seem to be using a wider range of measures than developed countries to support exports. Cooperation agreements covering a broad range of cultural expressions have also been signed between developing countries. For example, in 2018, China and Niger signed a cultural cooperation agreement to exchange information and expertise in the areas of audiovisual, publishing, libraries and exhibitions.

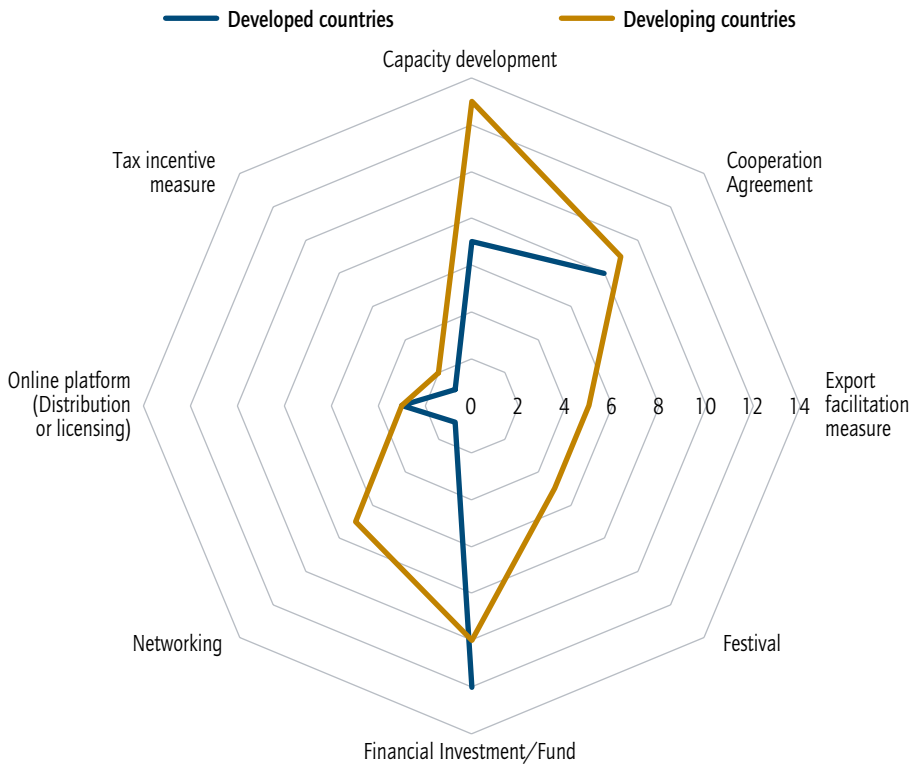
Figure 6.9 describes the typology of export measures that developed and developing countries are implementing to achieve a more balanced flow of cultural goods and services. It shows that financial investment, including the creation of funds for expanding exports, followed by cooperation agreements, are the most frequent measures and strategies used by developed countries. In 2017, France and Tunisia established bilateral funds for the production of Franco-Tunisian audiovisual works, while in 2018 Chile and Germany put in place cooperation agreements for film co-production. In both cases, the films produced will have privileged access to the European market. No export facilitating measures or festivals were reported by developed countries.

Tax incentive measures can take different forms such as tax rebates or tax incentives applied to imported goods. Ecuador introduced tax incentives by creating a law to implement tax reductions or exemptions on imports of cultural goods. Viet Nam, under the framework of the Association of Southeast Asian Nations (ASEAN) Trade in Goods Agreement (ATIGA), has established a measure reducing or eliminating the import tax on cultural goods such as 'cinematographic, performing art works, and other audiovisual products, regardless of the material they are recorded on; fine arts and photographic works', among others.

18. The UNESCO report on the economic impact of COVID-19 on the cultural and creative industries as a whole provides evidence on which sub-sectors were hit hardest (BOP Consulting, 2021).

Figure 6.9

Overview of export strategies and measures implemented by level of development



Source: UIS (2021).

Signed in 2016, ATIGA resulted in the elimination of intra-ASEAN import duties on over 99% of tariff lines between Brunei, Indonesia, Malaysia, Philippines, Singapore, Thailand and Viet Nam. Meanwhile, in Cambodia, Lao PDR and Myanmar, Viet Nam reduced their import duties to between 0% and 5% on nearly 99%[19] of their tariff lines of all goods, thereby benefiting cultural goods.

Further contractions in FDI due to the COVID-19 situation have led many more vulnerable countries to take proactive policy and programmatic steps to mitigate against economic shocks. Some Small Island Developing States (SIDS) have attempted to counter the negative impact of the pandemic and to attract back FDI by adopting a sectoral approach to reduce their economic fragility. A telling example is offered by Barbados, where FDI inflows increased by 22% to US$262 million despite the pandemic, and where efforts to diversify FDI have targeted, among others, the creative and artistic industries (UNCTAD, 2021*c*).

Developing countries favour capacity-development programmes, especially those aimed at improving the digital skills of cultural entrepreneurs, civil society organizations, local production companies or incubators wishing to expand their activities in the digital environment, in line with the Guidelines on the Implementation of the Convention in the Digital Environment. These capacity-building programmes can be facilitated through cooperation agreements, which also ensure a better integration of their cultural products and services in the international market.

In many cases, developing countries described initiatives aimed at enhancing their export capacities across all economic sectors, which may also benefit cultural products. For instance, Eswatini mentioned the creation of an export guide to support small and medium-sized enterprises (SMEs).

Further contractions in foreign direct investment due to the COVID-19 situation have led many more vulnerable countries to take proactive policy and programmatic steps to mitigate against economic shocks

In Lesotho, several training projects were designed to enhance the entrepreneurial competencies and digital skills of cultural professionals to better export their products, as these had been identified as causes of the low export rate. Meanwhile, the Gambia Youth Empowerment Project[20], funded by the European Union and implemented by the International Trade Centre (ITC), is dedicated to young entrepreneurs in some economic sectors, including crafts, fashion and tourism, with a view to building synergies in design, media arts and performing arts. This five-year programme, launched in 2017, invests in the skills of young professionals working in the cultural and creative industries to become competitive for sustainable employment opportunities in Gambia's exporting sectors. The training programmes are carried out by ITC, a multilateral agency established by the WTO and the United Nations through UNCTAD for the internationalization of SMEs. Training activities also involve partnerships with SMEs to enhance participants' employability. Another good example of developing networks and capacity-building measures is the Ouaga Film Lab, presented in Box 6.4, which targets the audiovisual sector to increase the production and distribution of films from Africa.

19. ASEAN Tariff Finder. *https://tariff-finder.asean.org/index.php?page=atiga* (Accessed 19 November 2021.)

20. *www.yep.gm*.

Box 6.4 • *Ouaga Film Lab*

Ouaga Film Lab is the first incubator and laboratory for film development and co-production in West Africa. This online platform creates an international network of young professionals from the African continent and beyond. Participants share best practices, and young creators (directors and producers) from Africa may submit projects to be selected and developed. The selected projects benefit from local financing, international co-production schemes and mentorship to support the development of the films in all their aspects. Mentors are international experts, mainly from Africa, who contribute to inspiring and strengthening the technical capacities of the young professionals. The first Lab took place in 2016, in partnership with international, local and foreign organizations from the film sector, such as European Audiovisual Entrepreneurs (EAVE), the French Institute in Paris and Burkina Faso, including through a partnership with the film support programmes of the Institut Français: Fabrique Cinéma *(Cinema Factory) and* La Cinémathèque Afrique *(Cinematheque Africa), the Institute Imagine, the International Documentary Film Festival of Agadir in Morocco (FIDADOC) and Sud Écriture (South Writing) in Tunisia. It also benefited from financial support from local offices of foreign development agencies from Switzerland, Germany, the International Organisation of La Francophonie and the United Nations Children's Fund (UNICEF). Other partners have joined the initiative on subsequent occasions.*

The 2020 edition selected five projects – three documentaries and two fiction films from five francophone countries: Burkina Faso, Guinea, Côte d'Ivoire, Republic of Congo and Rwanda. Ouaga Film Lab is a good example of when network export measures combine with capacity-building and training to help developing countries' efforts to improve their presence on the international market of cultural goods and services. The financial support provided to developing countries by developed countries, through their development agencies, is key in this process, as it contributes to a better balance of cultural goods and services and more diverse cultural and creative expressions.

Source: www.ouagafilmlab.net.

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CONCLUSIONS AND RECOMMENDATIONS

Although the last decade has seen some improvements in the global flows of cultural goods from the perspective of the diversity of cultural expressions (with an increased share for developing countries in global trade), only a few countries have actually benefited – and that has involved a limited range of cultural goods. In addition, little improvement was made during the last three years. Developed countries continued to import certain cultural goods mainly from other developed countries, whereas developing countries increased the flows of cultural goods among themselves. This fact may be a result of the increasing number of export measures put in place to enhance the flow of cultural goods and services among developing countries, thereby contributing to a more balanced flow at the global level. Evidence also shows the limitations of using data based on the physical characteristics of cultural goods to measure emerging trends such as the digitization of cultural exchanges. The analysis of quadrennial periodic reports shows some promising examples of initiatives on the digitization of cultural exchanges (mostly in the audiovisual and music sector), but the overall impact remains relatively low. Digitization is an opportunity, as trade barriers and the threshold for engagement on the global market all tend to be lower.

Data on FDI are still inadequate to truly assess direct investment in the culture and media sectors, as data are aggregated and do not facilitate trend analysis. The financing of cultural projects via Aid for Trade remained very low from 2004 to 2019. The same can be said for the reduced number of preferential treatment measures granted by developed countries to developing countries, in line with the Convention. The audiovisual sector was the one most frequently chosen by developed countries when engaging in cooperation agreements with developing countries.

This is doubtlessly related to the global nature of the audiovisual industry, which relies on measures enabling international cooperation. While global exchanges may be less central to the creation and production of cultural expressions in other cultural and creative sectors, there is potential to support regional and international exchange there too.

Developed countries still dominate the flows of cultural services worldwide. From 2006 to 2018, little to no improvement was recorded for cultural services from developing countries entering the global market. Real data analysis is constrained by the overall lack of good measurement, reporting and indeed alignment between various measurement bodies. The results are therefore limited by the partial nature of the data available.

The COVID-19 pandemic accelerated digitization in the distribution of cultural goods and services, with the multiplication of online events and training activities, virtual galleries and online performances. Further analysis is required to assess whether these emerging practices will be temporary or reinforced alongside the digitization of the production and dissemination of cultural goods and services, thereby profoundly impacting the entire cultural value chain.

The analyses above lead to the following recommendations for different actors.

For governments and public bodies:

- Dedicate more resources – particularly in developed countries – to Aid for Trade to enable developing countries' cultural goods and services to enter the international trade market;
- Consider diversifying – particularly in developed countries – the cooperation agreements or co-productions with developing countries beyond the audiovisual sector if necessary;
- Improve information systems to collect accurate data and evaluate international flows of cultural goods and services, including ODA and FDI data;
- Leverage the COVID-19 recovery to re-position or update policies and responsiveness to cross-cutting challenges that impact the cultural goods and services sector, in order to benefit cultural flows;
- For developing countries: adopt a sectoral approach to diversify FDI and to reduce economic fragility by targeting the cultural and creative industries.

For governments and international organizations:

- Design capacity-building programmes to empower developing countries' artists and cultural entrepreneurs and improve their competencies and skills to give their products better access and be more competitive on the international market;
- Strengthen cooperation with international organizations such as WTO, UNCTAD and United Nations Statistics Division to reinforce developing countries' capacity to produce international cultural services data;
- Raise awareness among developed and developing country governments and enhance their capacity to implement and benefit from preferential treatment policies and measures respectively.

For cultural institutions, media, and local and international civil society organizations:

- Create training programmes on digital competencies and entrepreneurship for artists and cultural professionals, so that their goods and services become more competitive on the national and international markets;
- Train cultural professionals from both the public and the private sectors in cultural cooperation, co-production, export of cultural goods and services, marketing and e-commerce;
- Create and maintain professional networks and communities of practice among cultural professionals across sectors, facilitating peer-to-peer learning and knowledge sharing.

© Fernando Poyón, *Estrategia para no olvidar [Rub'eyal richin man yamestan]*, 2019, Guatemala*

Chapter 7

Protecting diversity: still room to pursue a legitimate public policy objective outside the framework of the Convention

Véronique Guèvremont

KEY FINDINGS

- *A large majority (84%) of the 25 trade agreements concluded between 2017 and 2020 contain clauses recognizing the specific nature of cultural goods or services and protecting the right of Parties to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions to take action in the cultural sector.*
- *While 15 of these trade agreements have been concluded exclusively between Parties to the Convention, only one agreement contains an explicit reference to the Convention.*
- *Most of the 25 trade agreements concluded between 2017 and 2020 include provisions on e-commerce and data flow that could have an impact on the implementation of the Convention in the digital environment.*
- *A new generation of trade agreements exclusively related to e-commerce have recently emerged; the incorporation of clauses to preserve the right of signatories to protect and promote the diversity of cultural expressions in the digital environment would be worth considering in future negotiations.*
- *The Convention receives more attention in non-trade forums than in trade forums, as at least 40 multilateral and regional instruments contain a reference to the Convention.*
- *To date, Parties to the Convention have paid little attention to promoting the objectives and principles of the Convention in international forums dealing with artificial intelligence issues, even though artificial intelligence and recommendation algorithms have the potential to introduce bias and undermine the visibility of local content, and thus the diversity of cultural expressions.*
- *Tax issues also deserve attention, since outdated tax regimes can create significant imbalances between domestic and foreign cultural and creative industries, and add to other kinds of inequality that may impact the diversity of cultural expressions. This is the case when foreign competitors operating online are exempt from domestic fiscal regimes.*
- *Article 16 of the Convention on preferential treatment for developing countries is not widely implemented in trade agreements and other international instruments, with the main exception being co-production agreements that may facilitate access by developing countries to the markets of developed countries.*

2017 → 2020 *All agreements and instruments mentioned were signed between 2017 and 2020*

PROGRESS

PROMOTING DIVERSITY

25 **free trade agreements or economic partnerships** involving at least one Party to the Convention were signed, of which:

- **19** **recognize the specific nature of cultural goods or services**
- 1 explicitly mentions the Convention

MULTILATERAL INSTRUMENTS

At least **40** **multilateral and regional instruments mention the Convention**, of which:

- 10 link culture and the digital environment
- 10 link culture and sustainable development
- 1 is the **UNESCO Recommendation on the Ethics of Artificial Intelligence**

DIGITAL ENVIRONMENT

At least **17** include **commitments relating to the digital environment:**

- **15** have **a chapter on digital trade:**
  - 5 include a **commitment to non-discrimination** for digital products...
  - and **4** of these have no cultural clause
- 2 are **new-generation agreements** dedicated to digital commerce

+ Improve digital cultural exchanges
+ Reduce digital divide between developed and developing countries

- Possible limitation of the right of Parties to promote local cultural content in the digital environment

CHALLENGES

BILATERAL AGREEMENTS

Out of **85 Bilateral Investment treaties** signed, only **5** **contain cultural clauses**

PREFERENTIAL TREATMENT

No agreements signed by developed countries **included preferential treatment provisions**

NEW SYNERGIES

Collaboration is needed between the Convention and frameworks for:

- Intellectual property
- Taxation
- Artificial intelligence

COVID-19 PANDEMIC

COVID-19 has raised public awareness of the tax inequalities resulting from the **special status of multinational companies**

RECOMMENDATIONS

E-COMMERCE

Exclude the cultural sector from the scope of non-discrimination commitments related to e-commerce in trade agreements

INEQUALITIES

Developed countries: **make additional efforts to grant preferential treatment** to developing countries

POLICY PROVISIONS

Include provisions in agreements that preserve a Party's capacity to design new public policies when necessary

DATA

Pay close attention to data flow commitments, as some may limit how a Party acts in the cultural sector and monitors its cultural policies

CORE INDICATORS

Trade and investment agreements refer to the Convention or implement its objectives

Other agreements, declarations, recommendations and resolutions refer to the Convention or implement its objectives

INTRODUCTION

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) reaffirms the importance of promoting cultural identity and diversity. It is part of a new generation of agreements that cover topics such as corporate social responsibility, environmental protection and conservation, labour rights, gender equality and sustainable development. Its members are therefore committed to moving towards inclusive trade, ensuring that all citizens enjoy the benefits of trade integration. Eight of its eleven members are parties to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and, in this sense, their negotiations have been inspired, albeit marginally, by its principles, and in particular by the complementarity of economic and cultural aspects of development.

In the case of Chile, after a long negotiation led by the Ministry of Foreign Affairs but also involving many others (including the Ministry of Culture, Arts and Heritage), Chile successfully put forward its 'reservations' on culture. These reservations protect Chile's sovereign right to adopt cultural policies, while allowing it to benefit from the full range of trade commitments arising from this treaty, including in the area of e-commerce. They also preserve the country's autonomy to adopt or maintain measures that establish more favourable treatment for third party service providers and investors that it is not obliged to extend to service providers or investors from CPTPP countries in similar circumstances. This should allow it, for example, to adopt or maintain any type of international agreements – bilateral or multilateral – in the cultural and creative sector, such as audiovisual cooperation agreements. Such an approach is not only consistent with the Convention's guiding principle of sovereignty (Article 2), but also contributes to the promotion of the Convention's objectives and principles in other international forums, in line with Article 21.

Although the Convention is the only multilateral treaty entirely dedicated to the diversity of cultural expressions, it is part of a dense network of multilateral, regional and bilateral agreements whose rules can have a significant impact – negative or positive – on such diversity. These agreements cover areas such as human rights, sustainable development, trade, investment, intellectual property and telecommunications.

Although the Convention is the only multilateral treaty entirely dedicated to the diversity of cultural expressions, it is part of a dense network of multilateral, regional and bilateral agreements whose rules can have a significant impact on such diversity

Since the interaction between rules of varying origin may be decisive in achieving the objectives of the Convention, negotiators included two provisions on the relationship to other instruments (Articles 20 and 21). Article 20 describes this relationship in terms of 'mutual supportiveness, complementarity and non-subordination'. This means that the Convention should not be subordinated to another treaty, and nothing in the treaty shall be interpreted as modifying Parties' rights and obligations under any of their other treaties. As for Article 21 on international consultation and coordination, it requires Parties 'to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles'. Other provisions also reinforce the importance of promoting the Convention's objectives and principles in other international forums, notably those that explicitly or implicitly refer to the specific nature of cultural goods and services, or to preferential treatment with both a cultural and a commercial dimension.

These features of the international legal system combine with the various impacts of digital technologies on the diversity of cultural expressions, as well as their effect on rules that recognize or limit the right to protect and promote such diversity in the digital environment. This makes it necessary to fine-tune the approaches used to promote the objectives and principles of the Convention in other international forums.

All forums identified in previous editions of the Global Report remain relevant. Digital technologies, however, call for a broader approach that includes forums, instruments and provisions that may not initially appear strictly relevant to the diversity of cultural expressions but that nevertheless influence Parties' actions in the cultural sector.

International forums dealing with data flow are the main focus of this widened approach. In the digital environment, cultural expressions or cultural goods and services, mainly described as digital products or content, are now linked to a new generation of commitments on data flows. Digitally encoded or electronically transmitted content and products play a crucial role in the data-driven economy. Parties must consider this when promoting the Convention's objectives and principles in other forums. Commitments on the free flow of data could limit Parties' rights to adopt and implement certain measures aimed at protecting and promoting the diversity of cultural expressions.

As stated in the Guidelines on the Implementation of the Convention in the Digital Environment, '[t]he distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning does not change in the digital environment. Consequently, the recognition of the dual nature of cultural goods and services (cultural and economic) is also applicable to cultural expressions in the digital environment or those produced with digital tools'.

The focus of discussions or negotiations often moves away from cultural goods or services (and even more from culture or cultural diversity) and shifts towards data (data circulation, protection, localization) or systems that rely on the use of data such as artificial intelligence (AI) systems. When this shift happens, few States stop to point out that, beyond data considerations, the very future of diverse cultural expressions may be at stake in some cultural sectors.

Based on the foregoing, this chapter monitors the implementation of Article 21. Research and analysis relating to other international forums are divided into two parts: (1) trade and investment agreements; and (2) other agreements, declarations, recommendations and resolutions. A third part looks at the implementation of Article 16 on preferential treatment, since developed Parties could 'facilitate cultural exchanges with developing countries' by taking action in other international forums using trade agreements or other instruments. Each section will pay specific attention to Parties' initiatives to promote 'complementarity and coherency among the various legal instruments addressing the diversity of cultural expressions in the digital environment', as stipulated in paragraph 19 of the Guidelines.

TRADE AND INVESTMENT: FROM CULTURAL EXCHANGES TO DATA FLOW

One of the main objectives of the Convention: the 'recognition of the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning' (Article 1.g) requires Parties to be vigilant when negotiating trade and investment agreements. In order to recognize this distinctive nature and preserve their right to adopt measures to protect and promote the diversity of cultural expressions, Parties have long included cultural clauses such as exceptions, exemptions or reservations in these agreements. These clauses can limit Parties' commitments in the cultural sector and provide them with policy space for the implementation of certain cultural policies (such as those supporting national and local cultural expressions or industries).

Parties are encouraged to include provisions in their trade and investment agreements that preserve their capacity to design new public policies when necessary

More recently, some Parties have been considering the digital environment when formulating these cultural clauses. In a few cases, such clauses have been included in the e-commerce chapter or section of trade agreements. This approach echoes paragraph 19.4 of the Guidelines on the Implementation of the Convention in the Digital Environment, which states that, '[c]onsistent with their obligations in Article 21 [...] Parties are also encouraged to promote [...] the consideration of introducing cultural clauses in international bilateral, regional or multilateral agreements [...] with particular attention to the status of e-commerce that shall recognize the specificity of cultural goods and services'.

Parties are also encouraged to include provisions in their trade and investment agreements that preserve their 'capacity to design new public policies when necessary' (paragraph 19.5). This guideline echoes Sustainable Development Goal (SDG) 17 on global partnerships and Target 17.15 requesting that stakeholders respect each country's policy space.

NEW TRENDS IN INTERNATIONAL TRADE

There have been two striking trends in trade agreements observed between 2017 and 2020. First, most new trade agreements contain provisions on e-commerce or digital trade[1] (see Table 7.2 for more details on the 15 agreements involved). Second, a new generation of agreements exclusively dedicated to e-commerce has recently emerged. An analysis of the concerned agreements is featured below. In both cases, it is important to understand how the commitments made by Parties may impact their right to adopt and implement cultural policies and measures in the digital environment. It is also worth considering the way in which some Parties have taken account of the specific nature of cultural goods and services in how they formulate their commitments in terms of digital trade.

The challenge is how to understand all that is at stake when a Party negotiates provisions on e-commerce. These provisions can be extremely varied and have a wide range of legal implications for the cultural sector.

1. The terms 'electronic commerce' and 'digital trade' are used interchangeably in this chapter, depending on the terminology used in the agreements being described. Although some authors consider the two terms to have different meanings, this conclusion is not supported by a reading of the trade agreements described herein.

Many provisions aim to stimulate cooperation among Parties to promote, expand and secure digital transactions, in order to facilitate the data flows (which is a key element of digital trade) and to ensure the appropriate regulatory environment (to protect personal information, for instance). Such provisions are important for building consumer confidence and facilitating exchanges. Other provisions go further by creating binding obligations to prohibit certain barriers to trade, such as customs duties. These commitments can significantly improve cultural exchanges in the digital environment and reduce the digital divide between developed and developing countries. As argued by Chile during the CPTPP negotiations, such commitments could enhance export potential for musicians, filmmakers, writers and artists in general, and facilitate the distribution of their creations online.

Some provisions, however, may limit a State's prerogative in implementing cultural policies in the digital environment. In such cases, Parties to the Convention shall exercise caution and, if necessary, take appropriate means to preserve this right. The first provision is the commitment to non-discrimination[2] of digital products, which is part of a growing number of agreements. The lack of a clause limiting the scope of this commitment in the cultural sector will have an impact on the implementation of the Convention, for instance by restricting Parties' rights to adopt measures aimed at 'ensuring visibility and discoverability of national and local cultural content' (paragraph 16.1 of the Guidelines on the Implementation of the Convention in the Digital Environment).

For decades, States have been examining the effects of the non-discrimination principle on their cultural policies, as well as developing appropriate clauses to preserve their right to take action. Now that trade agreements feature commitments on e-commerce, such clauses should be adapted to digital technologies. For instance, the aim of making local content visible and accessible (a long-standing objective for many Parties that has proved difficult to achieve online) remains a legitimate public policy objective in the digital environment. The challenge is to fully understand how States may need to maintain control over or access to data related to cultural content in order to monitor the achievement of this public policy objective. The percentage of national content in a platform's catalogue or data on national content in the recommendation algorithms, for instance, could be highly relevant for public decision-makers. Their trade commitments should not compromise their ability to access such information.

Three provisions presented in Table 7.1, which are found in the Canada–United States–Mexico Agreement (CUSMA) and others, are used as examples to reflect on these issues.

Now that trade agreements feature commitments on e-commerce, cultural clauses should be adapted to digital technologies

Digital platforms involved in the creation, production and dissemination of cultural content also collect personal information. Indeed, the business model of these platforms is based on information related to consumer preferences, which are used to recommend – and even create – cultural content that will satisfy them. Article 19.11 of the CUSMA prohibits the parties from restricting the cross-border transfer of such information, while Article 19.12 prohibits a Party from imposing a data localization requirement.

Table 7.1

The Canada–United States–Mexico Agreement (CUSMA)

Article		Chapter 19 • **Digital trade**
19.11	**Cross-border transfer of information by electronic means**	No Party shall prohibit or restrict the cross-border transfer of information, including personal information, by electronic means if this activity is for the conduct of the business of a covered person [according to Article 19.1, a 'covered person' means an investment, an investor or a service supplier of a Party].
19.12	**Location of computing facilities**	No Party shall require a covered person to use or locate computing facilities in that Party's territory as a condition for conducting business in that territory.
19.16	**Source code**	**1.** No Party shall require the transfer of, or access to, a source code of software owned by a person of another Party, or to an algorithm expressed in that source code, as a condition for the import, distribution, sale or use of that software, or of products containing that software, in its territory. **2.** This Article does not preclude a regulatory body or judicial authority of a Party from requiring a person of another Party to preserve and make available the source code of software, or an algorithm expressed in that source code, to the regulatory body for a specific investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure.

2. As defined by the World Trade Organization (WTO), non-discrimination is a core policy-making principle of international trade and investment agreements. It is the principle that most directly underwrites the process of international economic integration, since it binds a treaty's participants together by guaranteeing that none of them will be picked out and treated unfavourably on the grounds of their nationality.

Parties to the Convention must fully understand the technical provisions that are appearing in trade agreements , as such clauses may threaten their right to adopt and implement the cultural policies of their choice

Allowing free movement of data could support the expansion of cultural exchanges in the digital environment, while Articles 19.11 and 19.12 could lead to the elimination of unnecessary barriers to the flow of data. Parties must, however, bear in mind that trade commitments could also restrict their own access to the data that platforms collect and use to guide the creation, production and dissemination of online cultural content. Access to such data may be necessary to monitor the implementation of cultural policies and measures, for instance to support a law establishing a local content quota in catalogues. Any trade commitments restricting this access may limit Parties' rights to protect and promote the diversity of cultural expressions, and may even have detrimental effects on cultural diversity itself.

Commitments regarding source code may also be relevant. The risk of such commitments is that a Party may no longer have the flexibility to monitor some cultural policies. One example would be if a Party can no longer compel platforms to provide certain information about their recommendation algorithms and their results in promoting national or local content. The second paragraph of Article 19.16 is therefore particularly important, as it states that a Party's regulatory body or judicial authority can compel an entity in another Party to preserve and make available the source code of software, or an algorithm expressed in that source code, for a specific inspection or examination.

It will be interesting to see how this paragraph allows Parties to monitor the implementation of future cultural policies aimed at promoting local content online. One observer commenting on the CUSMA stated that there is enough in the source code provisions, 'to cause concern about what [Canada] might be trading away at the early stages of a profound digital transformation. These provisions must also be considered in conjunction with others that address intellectual property, privacy, data transfers and localization. Together, they will have an impact on the shape of our emerging digital economy' (Scassa, 2018).

This is why Parties to the Convention must fully understand the technical provisions that are appearing in trade agreements, as such clauses may (depending on their wording) threaten their right to adopt and implement the cultural policies of their choice.

Provisions on electronic commerce in bilateral and regional trade agreements

Between 2017 and 2020, 25 free trade agreements or economic partnerships involving at least one Party to the Convention were signed. Of these 25 agreements, 15 contain a chapter on digital trade and two are exclusively dedicated to digital commerce. Irrespective of other commitments applicable to electronic commerce that may be contained in other chapters of these trade agreements, at least 68% of such agreements signed by Parties between 2017 and 2020 contain commitments relating to the digital environment.

What is in the digital trade chapter?

Of the 15 agreements containing an exclusive chapter or section on digital trade (in bold in Table 7.2), five include a commitment to non-discrimination for digital products, and four have no cultural clause preserving the right of the Parties to support local content, cultural industries, artists or other cultural professionals in the digital environment. This is the case of the Chile–Brazil Free Trade Agreement (FTA), the CPTPP, the FTA between the Republic of Korea and the Republics of Central America, and the Peru–Australia FTA. These four agreements involve 15 – or 10% – of the Parties to the Convention (Australia, Brazil, Brunei, Canada, Chile, Costa Rica, El Salvador, Honduras, Mexico, New Zealand, Nicaragua, Panama, Peru, Republic of Korea and Viet Nam). In their annexes to the chapters on services or investment, however, some Parties to the CPTPP have formulated cultural reservations that apply to the digital environment.

The fifth agreement that includes a commitment to non-discrimination for digital products, the CUSMA, contains a general exemption that excludes cultural industries from the scope of the entire agreement. Canada has qualified this exception as 'technologically neutral', as it 'applies to both the physical and the digital environment', while Mexico underlined the fact that this clause authorizes Parties to adopt 'certain measures to protect or pursue a legitimate objective'. Indeed, this exemption could play a crucial role in preserving the right of Parties to protect and promote the diversity of cultural expressions in the digital environment. However, the CUSMA also provides for a right of retaliation[3] if a Party relies on this general exemption to maintain a measure otherwise inconsistent with the Agreement. It is still too early to predict the impact of this clause, but the right to retaliate may discourage use of the exemption and thus act as a deterrent to the adoption of cultural policies applicable to the digital environment.

Finally, of the ten other agreements that contain a chapter or a section on digital trade, but no commitment to non-discrimination for digital products, six have been signed by the European Union (EU). Four of these agreements (shown in brown in Table 7.2) demonstrate how the EU has adapted cultural clauses it had consistently used in previous trade agreements in the light of the digital environment, so as to exclude the audiovisual sector from its commitments on trade in services and investment.

3. WTO obligations towards another Member can be suspended with prior authorization from the Dispute Settlement Body. The complainant is then allowed to impose countermeasures that would otherwise be inconsistent with the WTO agreement, in response to a violation. This practice is also informally referred to as 'retaliation' or 'sanctions'. Such a suspension of obligations takes place on a discriminatory basis only against the Member that has not implemented the agreement.

Table 7.2

Overview of e-commerce or digital trade chapters/sections in bilateral and regional trade agreements signed between 2017 and 2020
involving at least one Party to the Convention
(excluding those entirely dedicated to digital trade)

Presence of a chapter or section on e-commerce and a commitment to non-discriminatory treatment

Presence of a chapter or section on e-commerce, no commitment to non-discriminatory treatment but a cultural clause (exception, exemption, reserve) to limit the scope of other commitments in the cultural sector

	Agreement	Parties	Date of signature	E-commerce (or digital trade) chapter/section		
				Presence of a dedicated chapter or section	Commitment to non-discriminatory treatment	Cultural clause
1	EU-UK Trade and Cooperation Agreement	EU (27), United Kingdom	30/12/2020	✔	✘	✔
2	Regional Comprehensive Economic Partnership (RCEP)	Australia, Brunei*, Cambodia, China, Indonesia, Lao PDR, India, Japan*, Malaysia*, Myanmar*, New Zealand, Philippines*, Rep. of Korea, Singapore*, Thailand*, Viet Nam	15/11/2020	✔	✘	✘**
3	EU-Mercosur Association Agreement (Agreement in Principle)	EU (27), MERCOSUR (4)	12/07/2019	✘		
4	EU and Viet Nam Trade Agreement	EU (27), Viet Nam	30/06/2019	✔	✘	✘
5	Australia-Hong Kong (Special Admin. Region of the People's Rep. of China) FTA	Australia, Hong Kong (Special Admin. Region of the People's Rep. of China)	26/03/2019	✔	✘	✘
6	Indonesia-Australia Comprehensive EPA	Australia, Indonesia	04/03/2019	✔	✘	✔ General exception
7	Canada-United States-Mexico Agreement (CUSMA)	Canada, United States*, Mexico	30/11/2018	✔	✔	✔ General exception + Retaliation clause
8	Chile-Brazil FTA	Brazil, Chile	22/11/2018	✔	✔	✘
9	FTA between the EU and the Rep. of Singapore	EU (27), Singapore*	19/10/2018	✔	✘	✘**
10	Agreement between the EU and Japan for an Economic Partnership	EU (27), Japan*	17/07/2018	✔	✘	✔
11	FTA between Hong Kong (Special Admin. Region of the People's Rep. of China) and Georgia	Hong Kong (Special Admin. Region of the People's Rep. of China), Georgia	28/06/2018	✔	✘	✘
12	New EU-Mexico Agreement in Principle	EU (27), Mexico	28/06/2018	✔	✘	✔
13	Agreement Establishing the African Continental Free Trade Area	54 African States (47)	21/03/2018	✘		
14	Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	Australia, Brunei*, Canada, Chile, Japan*, Malaysia*, Mexico, New Zealand, Peru, Singapore*, Viet Nam	08/03/2018	✔	✔	✘**
15	FTA between the Republic of Korea and the Republics of Central America	Rep. of Korea, Costa Rica, El Salvador, Honduras, Nicaragua, Panama	21/02/2018	✔	✔	✘
16	Peru-Australia FTA	Australia, Peru	12/02/2018	✔	✔	✘
17	China-Maldives FTA	China, Maldives*	08/12/2017	unavailable	unavailable	unavailable
18	Comprehensive and Enhanced Partnership Agreement between the EU and the Rep. of Armenia	Armenia, EU (27)	24/11/2017	✔	✘	✘
19	Argentina-Chile FTA	Argentina, Chile	02/11/2017	✘		
20	Acuerdo de Complementación Económica Colombia-MERCOSUR	Colombia, MERCOSUR (4)	21/07/2017	✘		
21	PACER Plus	Australia, Cook Islands*, Kiribati*, Nauru*, New Zealand, Niue, Samoa, Solomon Islands*, Tonga*, Tuvalu*, Vanuatu*	14/06/2017	✘		
22	FTA between the Gov. of the People's Rep. of China and the Gov. of Georgia	China, Georgia	13/05/2017	✘		
23	El Salvador-Ecuador Trade Agreement	El Salvador, Ecuador	13/02/2017	✘		

** Not party to the Convention. ** Reservation(s) formulated in other chapter(s) or section(s) applicable to electronic commerce. ( ) Number of Parties to the Convention.*

In the Free Trade Agreement between the EU and the Republic of Singapore, despite the low level of commitment included in Section F on Electronic Commerce, Article 8.59 states that measures related to the supply of a service using electronic means fall within the scope of the obligations from the relevant chapter, subject to any applicable exceptions. One of these exceptions is the audiovisual sector, which is excluded from the scope of that Section.

The three other agreements concluded by the EU, with Japan, Mexico and the United Kingdom, take an even more explicit approach by excluding some cultural sectors from the scope of commitments related to digital trade. The chapter entitled Electronic Commerce contains a clause stating that the chapter does not apply to broadcasting services or audiovisual services. This explicit wording may therefore protect the State's regulatory power in these sectors, since the commitments concerning digital trade are not applicable (including provisions on source code or circulation of data when they are integrated in the agreement). France uses the audiovisual sector's exclusion from the scope of trade liberalization as a means of preserving the capacity of the EU and its Member States to develop and implement policies to support and regulate the audiovisual sector with a view to protecting the diversity of cultural expressions. According to France, this exclusion is applied in accordance with the principle of technological neutrality, which means that it applies to all audiovisual services that do not change their nature according to their mode of transmission. In defending this exclusion, France stressed that it was taking advantage, alongside the EU, of the dynamic created by the entry into force of the Convention.

Finally, the Regional Comprehensive Economic Partnership (RCEP) concluded in 2020 also reflects the Parties' cautious approach. This treaty brings together 16 States, 9 of which are Parties to the Convention. As it is the most important global trade agreement regarding gross domestic product and may influence future trade negotiations, it is worth considering some of the 17 articles contained in the e-commerce chapter.

The objectives and principles of the Convention may be outlined in the preamble of agreements but such statements do not constitute a mandatory rule or a cultural exception binding on Parties

First, it should be noted that the e-commerce chapter does not contain a commitment to non-discrimination. Second, the provision setting out the chapter's scope specifies that reservations, limitations and exceptions applicable to the obligations in the chapters and annexes on trade in services and investment do apply to services delivered electronically. Several of these reservations, limitations and exceptions relate to cultural services, thereby preserving the right of Parties to act in this sector, including in the digital environment. Lastly, while the main articles on data flow are binding, they leave significant flexibility for Parties to achieve a legitimate public policy objective. In each case, a footnote specifies that, for the purposes of the subparagraph, it is up to the implementing Party to decide on the need to implement such legitimate public policy. These provisions could enable Parties to promote the free flow of data while allowing them, for example, to implement certain cultural policies requiring the access to and monitoring of data related to the dissemination of cultural content.

Cultural clauses in other chapters of bilateral and regional trade agreements

Beyond the issue of digital trade, it is worth examining the cultural clauses that have been incorporated into the 23 agreements listed in Tables 7.2 and 7.3. First, only one agreement – the Comprehensive and Enhanced Partnership between the EU and the Republic of Armenia – contains an explicit reference to the Convention. This may be disappointing, as 15 agreements have been concluded between Parties to the Convention (or groups of States, in the case of the EU).

The objectives and principles of the Convention may nevertheless be reflected in other types of cultural clauses. In some agreements, relevant rights are only outlined in a preamble. This is the case of the Agreement Establishing the African Continental Free Trade Area (AfCFTA) in which the Preamble mentions 'the right of the Parties to regulate within their territories and the State Parties' flexibility to achieve legitimate policy objectives in areas including [...] the promotion and protection of cultural diversity'. Although this could have positive effects, since the Preamble has an interpretative value, such a statement does not constitute a mandatory rule or a cultural exception binding on Parties. Other agreements (19 out of 23) go further as they contain exceptions, exemptions, reservations and/or limited commitments that recognize the specific nature of some cultural goods or services and partially or entirely preserve States' power to act upon the cultural sector. This represents 84% of the bilateral and regional trade agreements – involving at least one Party to the Convention – concluded between 2017 and 2020. As mentioned previously, the relevant clauses thus contribute to the achievement of SDG target 17.15 (respect for each country's policy space).

Second, a general cultural exception or exemption is included in 10 of these 19 agreements (highlighted in blue in Table 7.3) involving 40 Parties to the Convention. For instance, the chapter on trade in service, investment liberalization and electronic commerce in the EU's trade agreements with Armenia, Japan, MERCOSUR, Singapore and Viet Nam each contains a similar provision affirming Parties' rights to adopt regulatory measures necessary to achieve legitimate policy objectives (including the promotion and protection of cultural diversity). Furthermore, these agreements contain specific provisions on investment liberalization and cross-border trade in services that exclude audiovisual services from the scope of the relevant chapter.

Table 7.3

Overview of references to the Convention and/or cultural clauses in bilateral and regional trade agreements signed between 2017 and 2020, involving at least one Party to the Convention (excluding those entirely dedicated to digital trade)

The agreement contains a general cultural exception or exemption

The agreement does not contain a general cultural exception or exemption, but other cultural clauses limit the scope of the commitments

	Agreement*	Explicit reference to the Convention	Cultural clauses		
			General exemption/ exception	Reservations	Limited commitments
1	EU-UK Trade and Cooperation Agreement	✘	✔	✔	✘
2	Regional Comprehensive Economic Partnership (RCEP)	✘	✘	✔	✔
3	EU-MERCOSUR Association Agreement (Agreement in Principle)	✘	✔	✔	✔
4	EU and Viet Nam Trade Agreement	✘	✔	✘	✔
5	Australia-Hong Kong (Special Admin. Region of the People's Rep. of China) FTA	✘	✘	✔	✘
6	Indonesia-Australia Comprehensive EPA	✘	✔	✔	✔
7	Canada-United States-Mexico Agreement (CUSMA)*	✘	✔	✔	✔
8	Chile-Brazil FTA	✘	✘	✔	✘
9	FTA between the EU and the Rep. of Singapore*	✘	✔	✘	✔
10	Agreement between the EU and Japan for an Economic Partnership*	✘	✔	✔	✘
11	FTA between Hong Kong (Special Admin. Region of the People's Rep. of China), China and Georgia	✘	✘	✘	✔
12	New EU-Mexico Agreement in Principle	✘	✔	✔	✔
13	Agreement Establishing the African Continental Free Trade Area (AfCFTA)	✘	✘	✘	✘
14	Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)*	✘	✘	✔	✔
15	FTA between the Rep. of Korea and the Republics of Central America	✘	✘	✔	✘
16	Peru-Australia FTA	✘	✘	✔	✘
17	China-Maldives FTA*	unavailable	unavailable	unavailable	unavailable
18	Comprehensive and Enhanced Partnership Agreement between the EU and the Rep. of Armenia	✔	✔	✘	✔
19	Argentina-Chile FTA	✘	✘	✘	✔
20	Economic Complementation Agreement Colombia-MERCOSUR	✘	✘	✘	✘
21	PACER Plus*	✘	✔	✔	✔
22	FTA between the Gov. of the People's Rep. of China and the Gov. of Georgia	✘	✘	✘	✔
23	El Salvador-Ecuador Trade Agreement	✘	✘	✘	✘

* Includes at least one State not party to the Convention.

For its part, the CUSMA contains a general exception to exclude cultural industries from the scope of the Agreement.

Finally, the Indonesia–Australia Comprehensive Economic Partnership Agreement states that nothing in the chapters on Trade in Services and Investment shall be construed as preventing a Party's adoption or enforcement of measures necessary to support creative arts of national value. This provision, however, is subject to the requirement that these measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties, or between investors or between investments, where like conditions prevail, or a disguised restriction on trade in services or investment. The Pacific Agreement on Closer Economic Relations (PACER Plus) contains a similar provision.

THE STATUS OF CULTURE IN AGREEMENTS EXCLUSIVELY RELATED TO E-COMMERCE

A new generation of trade agreements exclusively dedicated to e-commerce emerged in 2019. To date, three such agreements have been concluded, two of which involve three parties to the Convention (Australia, Chile and New Zealand): the Digital Economy Partnership Agreement (DEPA) between Chile, New Zealand and Singapore (Box 7.1); and the Australia–Singapore Digital Economy Agreement (which mainly replaces the provisions of the Electronic Commerce and Financial Services chapters of the 2003 Singapore–Australia Free Trade Agreement). The third is between the United States and Japan concerning Digital Trade. Even though this third agreement does not involve Parties to the Convention, it is worthy of attention as it could influence future trade negotiations.

These agreements are particularly extensive and contain a large number of provisions on digital trade. The DEPA, for instance, has 70 articles divided into 16 modules, in addition to 3 annexes.

A new generation of trade agreements exclusively dedicated to e-commerce emerged in 2019

The nature of the commitments varies greatly. Some clauses are merely declarations of intent regarding cooperation or information exchanges.

Other clauses contain commitments aimed, *inter alia*, at facilitating business and trade, securing market access, preventing discriminatory measures and promoting data flow. What all three agreements have in common vis-à-vis the cultural sector is that they reflect certain concerns that Parties have about the implementation of the commitment to non-discrimination in broadcasting.

Box 7.1 • *Taking into account the dual nature of digital cultural products in the Digital Economy Partnership Agreement*

Several provisions of the Digital Economy Partnership Agreement (DEPA) between Chile, New Zealand and Singapore explicitly refer to culture and creativity, either to stimulate exchanges and support the digital economy, or to preserve the right of the Parties to adopt measures to regulate broadcasting or support creative arts.

First, in the Preamble the Parties reaffirm 'the importance of promoting [...] cultural identity and diversity, [...] as well as the importance of preserving their right to regulate in the public interest'. Second, the section on Innovation and the Digital Economy insists on 'the importance of technological innovation, creativity, and the transfer and dissemination of technology [...] as a means to achieve social and economic welfare' (Article 9.2). In the same section, the Parties recognize that 'cross-border data flows and data sharing enable data-driven innovation' (Article 9.4.1) and that 'data sharing mechanisms, such as trusted data sharing frameworks and open licensing agreements, facilitate data sharing and promote its use in the digital environment to: (a) promote innovation and creativity; (b) facilitate the diffusion of information, knowledge, technology, culture and the arts; and (c) foster competition and open and efficient markets' (Article 9.4.2). For these reasons, Parties shall endeavour to collaborate on data-sharing projects and mechanisms (Article 9.4.3). Another relevant provision deals with cooperation on matters relating to Digital Inclusion (Article 11.1.3), which is crucial to ensure that all people and businesses benefit from the digital economy (Article 11.1.1). To achieve this objective, efforts will have to be made by Parties to remove barriers in order to expand and facilitate digital economy opportunities, and this may include 'enhancing cultural and people-to-people links, including between Indigenous Peoples' (Article 11.1.2).

Specific clauses are included in the DEPA to preserve the right of Parties to adopt policies and measures in the cultural sector. First, Article 3.3 states that the commitment to Non-Discriminatory Treatment of Digital Products shall not apply to broadcasting. The DEPA also contains a general exception allowing Parties to adopt measures necessary to support creative arts, subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on trade (Article 15.1.4). For the purpose of the DEPA, 'creative arts' include 'the performing arts – including theatre, dance and music – visual arts and craft, literature, film and video, language arts, creative online content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art work, including those that use new technologies to transcend discrete art form divisions. The term encompasses those activities involved in the presentation, execution and interpretation of the arts; and the study and technical development of these art forms and activities'.

The DEPA and the Australia–Singapore Agreement state that the non-discriminatory treatment of digital products 'shall not apply to broadcasting', while the United States–Japan Agreement simply specifies that 'nothing in this Article prevents a Party from adopting or maintaining measures that limit the level of foreign capital participation in an enterprise engaged in the supply of broadcasting'. There is no other reference to culture in the United States–Japan and Australia–Singapore agreements, meaning that digital cultural products are covered by all the commitments made by their Parties. As for the DEPA, the Parties seem to be more aware of the opportunities and challenges this agreement may present for the cultural sector.

It is interesting to compare the approach to culture in the DEPA with that adopted by the same Parties in other trade agreements. In this regard, New Zealand's general exception that the country has incorporated in several other agreements over the last 15 years has been influential. Such an exception preserves, to a certain extent, the power of Parties to take action in the digital environment, in particular to protect and promote their own cultural content. As it stands, however, recourse to this exception requires fulfilling certain conditions that may be subject to interpretation in the context of a challenge before a dispute resolution body. Similar clauses on other matters have been the subject of numerous disputes before the World Trade Organization (WTO). In this sense, the EU approach so far, which involves explicitly excluding the audiovisual sector from the scope of its commitments on digital trade, seems to offer greater legal certainty.

The negotiations of the World Trade Organization on trade-related aspects of electronic commerce

The preceding analysis of bilateral and regional agreements and the approaches favoured by some Parties to the Convention provides some indication of the proposals being made at the WTO as part of negotiations on trade-related aspects of e-commerce.

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The creative economy is a vibrant part of the global economy, where intellectual property and creativity are traded on the marketplace of ideas and innovation. COVID-19 demonstrated just how important creativity is to humans, as millions of people turned to books, music, art, craft, film and television to get through the pandemic. However, not everyone had equal access to consume creativity or the ability to share their creative goods and services, and there is uneven investment in the creative economy in developing and developed nations.

The scales need to be balanced in a post-COVID-19 world, as the creative and digital worlds continue to merge at scale. While it is impossible to replace handicrafts, walking through artisan markets or listening to live music, we have seen that culture makes digital more human – and only a digital world that is human can lead to sustainable development.

There is an urgent need to strengthen the creative and cultural sectors globally by promoting a more inclusive entrepreneurial ecosystem and ensuring it is prepared for any challenges brought about by digital transformation. This can be achieved by ensuring that developing countries have a more equal footing in the global trade of cultural and creative goods and services. This involves introducing special and differential treatment for developing countries, and supporting their creative economy export strategies.

In turn, the dividends will help us achieve the Sustainable Development Goals by supporting entrepreneurship, stimulating innovation, empowering people, including young people and women, and preserving and promoting cultural heritage and diversity. Let us set an agenda for a more creative and innovative future that builds momentum towards a resilient and inclusive world. Many lives, and many more livelihoods, depend on us succeeding.

Rebeca Grynspan

UNCTAD Secretary-General

It is becoming increasingly difficult to ignore the close relationship between the protection and promotion of the diversity of cultural expressions in the digital environment and the intellectual property rights regime

While the work programme on e-commerce launched by WTO in 1998 has been on hold for several years, important steps have recently been taken. In December 2017, 75 members signed a Joint Statement on Electronic Commerce, recognizing 'the important role of the WTO in promoting open, transparent, non-discriminatory and predictable regulatory environments in facilitating electronic commerce'. The Statement also announced that exploratory work would begin 'toward future WTO negotiations on trade-related aspects of electronic commerce' (WTO, 2017). After several meetings held in 2018, a second Joint Statement on Electronic Commerce was issued in Davos in January 2019 during the World Economic Forum, this time confirming the 76 signatories' 'intention to commence WTO negotiations on trade-related aspects of electronic commerce' (WTO, 2019*d*). The Osaka Declaration on the Digital Economy, signed in June 2019 by 24 countries during the Group of Twenty (G20) summit in Japan, launched the 'Osaka Track' to stimulate the ongoing WTO negotiations on electronic commerce. Stating that 'digitalization is transforming every aspect of our economies and societies, and data is increasingly becoming an important source of economic growth', the signatories renewed their commitment to work together by building on the previous Joint Statement and to 'engage in international policy discussions for harnessing the full potential of data and digital economy'.

In this context, members of WTO have shared their views and put forward proposals on various issues related to electronic commerce. The proposals made by some Parties to the Convention are in line with the position they had defended in previous bilateral or regional trade negotiations. The EU and its Member States, for instance, have expressed their willingness to 'maintain the possibility to define and implement cultural and audio-visual policies for the purposes of preserving their cultural diversity, including by not taking commitments on audio-visual services' (WTO, 2019*b* and 2019*c*). Argentina and Brazil expressed their concerns regarding the implementation of copyright rules in the digital environment, insisting on two points. First, they argue that there is a need to address the 'value gap' problem – which is the gap between the volume of consumption of cultural content and the lower level of artists' associated income – proposing the adoption of a 'transparency principle regarding copyright and related rights in the digital environment'. Second, they underline the need to maintain an appropriate balance between the interests of right holders and users of protected works, proposing a provision stipulating that 'exceptions and limitations provided for the analog environment under Article 13 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) shall be carried forward and appropriately extended into the digital environment' (WTO, 2019*a*). These proposals show how difficult it is becoming to ignore the close relationship between the protection and promotion of the diversity of cultural expressions in the digital environment and the intellectual property rights regime, as acknowledged by the Parties in the Guidelines on the Implementation of the Convention in the Digital Environment.

On the other hand, some communications submitted to WTO by other Parties to the Convention in the context of this negotiation, notably Australia, Benin, China, Côte d'Ivoire and Kenya, do not contain specific remarks on the cultural sector, while the communications submitted by others have not been made public. The available documents nevertheless attest to a low level of mobilization among Parties around the Convention's objectives and principles, which should find some resonance in the proposals for guiding electronic commerce negotiations at WTO. The Guidelines on the Implementation of the Convention in the Digital Environment promote an 'integrated approach in the areas of culture, trade and investment in the digital environment'. However, when Parties refer to legitimate public policy objectives that must be reconciled with future rules to facilitate digital exchanges and stimulate the cooperation in this area, the imperative of protecting cultural diversity is rarely mentioned. This is despite the fact that WTO negotiations on trade-related aspects of electronic commerce are an opportunity for Parties not only 'to promote the objectives and principles of this Convention', but also 'to consult each other', as requested by Article 21.

Cultural clauses in bilateral investment treaties

Finally, it is worth considering how culture is treated in bilateral investment treaties (BITs). Out of the 85 BITs concluded between 2017 and 2020, only five contain cultural clauses. There is also a notable absence of cultural clauses in several investment treaties concluded between Parties to the Convention. Indeed, some States – such as Canada and France – consider control over investments in the cultural sector (and broadcasting in particular) to be an essential condition for preserving their cultural sovereignty. However, fewer Parties seem to promote the Convention's objectives and principles in their investment treaties than in their trade and economic partnership agreements.

Two agreements negotiated by Hungary (with Belarus and Cabo Verde) contain an article on investment and regulatory measures. According to that article, the agreement's provisions do not affect Parties' rights to regulate within their territories through measures necessary to achieve legitimate policy objectives, such as the promotion and protection of cultural diversity. The Agreement for the Reciprocal Promotion and Protection of Investments between the Argentine Republic and the United Arab Emirates contains a similar provision in Article 11 on the Right to Regulate.

There is a notable absence of cultural clauses in several investment treaties concluded between Parties to the Convention

In the Agreement between the Argentine Republic and Japan for the Promotion of Investment, in terms of national treatment, Japan reserves the right to adopt or maintain any measure relating to investment in broadcasting industry. For its part, Argentina lists reservations regarding national treatment and most-favoured nation, in order to preserve the right to adopt or maintain any measure that grants differential treatment to its nationals based on its domestic legislation, or to nationals of other States based on international agreements. Finally, the Canada–Moldova Foreign Investment Promotion and Protection Agreement provides for a general exception that excludes from its scope any measures adopted or maintained by a Party with respect to a 'person engaged in a cultural industry'.

BEYOND TRADE AND INVESTMENT AGREEMENTS: PROMOTING THE OBJECTIVES AND PRINCIPLES OF THE CONVENTION IN OTHER INSTRUMENTS AND FORUMS

It is worth mentioning that, in their quadrennial periodic reports, very few Parties identify instruments or initiatives from other international forums that refer to the Convention, its objectives or its principles. The instruments and other documents listed below therefore point to a trend, rather than representing an exhaustive list of initiatives to implement Article 21 of the Convention.

Based on research undertaken for this report, there were at least 40 international legal instruments adopted between 2017 and 2020 (most of them non-binding) that refer directly to the Convention or its objectives and principles. Besides these instruments, there are several reports, studies or other non-statutory documents from various international or regional organizations that also refer to the Convention or its objectives and principles. About half of these texts make explicit reference to the Convention. It is significant that the Convention has received more attention in non-trade forums than in trade agreements.

Also, about a quarter of these texts deal with culture and the digital environment. A quarter also recognizes the link between culture and sustainable development. Finally, four texts focus on the role of cities for culture and creativity. These texts place a particular emphasis on the role of cultural and creative industries for local development, as reflected, for instance, in the *Guide for Local Governments, communities and museums – Culture and Local Development: Maximising the Impact*, which was jointly published in 2019 by the Organization and Development (OECD) and the International Council of Museums (ICOM).

The Convention has received more attention in non-trade forums than in trade agreements

INTERNATIONAL INSTRUMENTS

The Convention (or its objectives and principles) is referred to in 12 international instruments from the United Nations General Assembly (UNGA), the Human Rights Council (HRC), the World Tourism Organization (UNWTO), the Organisation internationale de la Francophonie (International Organization of La Francophonie, OIF), the Assemblée parlementaire de la Francophonie (Parliamentary Assembly of the French-Speaking World, APF) and United Cities and Local Governments (UCLG).

Since 2013, the United Nations General Assembly has adopted several resolutions on culture and sustainable development. Three resolutions contain explicit references to the Convention and invite all States 'to actively support the emergence of local markets for cultural goods and services and to facilitate the effective and licit access of such goods and services to international markets, taking into account [...] the provisions of the Convention' (UNGA, 2018*a*, 2020*a* and 2021). The 2021 resolution also calls on States 'to promote the diversity of and the access to cultural expressions in the digital environment'. In addition, the General Assembly adopted two resolutions on human rights and cultural diversity (UNGA, 2018*b* and 2020*b*). Although these resolutions do not explicitly refer to the Convention, several statements echo its objectives and principles as well as those of the 2001 UNESCO Universal Declaration on Cultural Diversity.

Since 2013, the United Nations General Assembly has adopted several resolutions on culture and sustainable development

In terms of the HRC, its 2018 resolution to renew the mandate of the UN Special Rapporteur in the field of cultural rights explicitly refers to the Convention. In the Preamble, the Council notes 'the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular [...] the Universal Declaration on Cultural Diversity' and welcomes 'the increasing number of States Parties to the Convention'.

As for UNWTO, its members adopted three declarations recognizing the link between tourism and culture. While the Preamble of the 2017 Muscat Declaration on Tourism and Culture and the 2018 Istanbul Declaration on Tourism and Culture make explicit reference to the Convention, the 2019 Kyoto Declaration on Tourism and Culture goes further.

It not only contains a reference to the Convention, but also a commitment from Member States' representatives of tourism and culture administrations to '[i]mplement innovative policy and governance models reflected in cutting-edge cultural tourism projects by [...] [s]trengthening measures to [...] promote and protect the diversity of cultural expression and intrinsic values therein'. Another commitment aims at redefining tourism management to advance local community empowerment and responsible tourism by '[i]nvolving the whole destination in urban planning and destination management through the participation of local communities and the private/public sectors, ensuring the opinions of residents are reflected as the bearers of traditions and cultural expressions rooted in their daily lives'.

Other references to the Convention are present in several instruments adopted by members of the OIF and the APF – two long-standing allies in protecting and promoting the diversity of cultural expressions (Box 7.2). Recent initiatives from these organizations take full account of the impact of digital technology on the diversity of cultural expressions.

Finally, the UCLG Durban Political Declaration adopted in 2019 does not contain an explicit reference to the Convention but states that '[c]ulture is a core component of local identity, the fourth pillar of sustainable development, and has a key role as a strand of global solidarity'. The Declaration adds that local cultural policies and programmes, including those devoted to creativity and diversity, are key vectors of people-centred local sustainable development. Local governments also intend to ensure that 'the 4th industrial revolution goes beyond strictly technological advancements' and state that 'the defense of digital rights must be a priority for all local and regional governments'.

Box 7.2 • *The Organisation internationale de la Francophonie (International Organization of La Francophonie) and its ongoing commitment to the diversity of cultural expressions in the digital age*

In the Abidjan Declaration of July 2017, the International Organisation of La Francophonie (OIF in their French acronym) members explicitly refer to the Convention to recognize the importance of 'adapting public policies to the governance of the digital ecosystem in order to guarantee the pluralism of cultural expressions on the networks and to ensure the financing of creation and the equitable remuneration of authors'. In the Action Plan relating to the Abidjan Declaration, OIF members express their wish to 'pool [their] will and the means of implementing the Convention [...] to ensure [their] linguistic plurality and enhance [their] cultural diversity'. They also state their desire to '[f]oster the training of creators in all creative industries in the most advanced techniques for the production, dissemination and promotion of cultural expressions as well as conditions conducive to experimentation in the creative industries (scholarships, residencies, mentorships, business incubators, grants)'. In the Yerevan Declaration of October 2018, OIF members reiterate their commitment to effectively implement the Convention and its operational guidelines concerning the digital environment, 'in particular by building on the principle of cultural exception, strengthening cooperation for development and encouraging greater participation of civil society in its work to achieve sustainable development objectives'. Finally, the Resolution on access to digital technology in the Francophone community adopted by the Assemblée parlementaire de la Francophonie (Parliamentary Assembly of the French-Speaking World, APF) in Abidjan on 7 July 2019 refers to the Convention and stresses 'the importance of developing and facilitating access to French-language digital content, in order to consolidate the place of French on the Web' [author's translation].

Regional instruments

Most of the instruments included in Table 7.4 promote the integration of culture into development policies and aim to stimulate cultural cooperation. Several declarations reflect States' willingness to promote intra- or inter-regional cultural exchanges and some also call for the adoption of measures to promote the flow of cultural goods and services, as well as the mobility of cultural professionals. Cultural industries are often the subject of specific clauses, such as in the Forum on China-Africa Cooperation Beijing Action Plan (2019-2021), in which States declare that '[t]he two sides will explore the possibility of cooperation in the cultural industry, and encourage and support governments and the business communities to step up exchanges and cooperation in cultural industry and trade'.

The Council of Europe has adopted three highly relevant recommendations dealing, *inter alia*, with cultural diversity and content in the digital environment. For instance, according to the 2018 Recommendation on the roles and responsibilities of Internet intermediaries, 'States should determine appropriate levels of protection, as well as duties and responsibilities according to the role that intermediaries play in content production and dissemination processes, while paying due attention to their obligation to protect and promote pluralism and diversity in the online distribution of content'. The 2018 Recommendation on media pluralism and transparency of media ownership goes in the same direction, stipulating that 'States are encouraged to adopt regulatory and policy measures to promote the availability, findability and accessibility of the broadest possible diversity of media content as well as the representation of the whole diversity of society in the media, including by supporting initiatives by media to those ends'.

Although the Council of Europe is a distinct organization from the EU, Article 13 of the 2018 EU Directive on audiovisual media services is in line with the Council's 2018 Recommendation on media pluralism.

Table 7.4

Instruments adopted between 2017 and 2020 that refer to the Convention, its objectives or its principles

Organization		Type of instrument	Year of adoption
African Caribbean and Pacific Group of States (ACP)	Summit of Heads of State and Government	Nairobi Nguvu Ya Pamoja Declaration	2019
	Meeting of Ministers of Culture	Niamey Declaration 'Strengthening and diversifying partnerships in favor of ACP cultures'	2019
	Meeting of Ministers of Culture	Brussels Declaration	2017
Asia-Europe Meeting (ASEM)		'Global Partners for Global Challenges' Chair's Statement	2018
		'Strengthening Partnership for Peace and Sustainable Development' Chair's Statement	2017
Association of Southeast Asian Nations (ASEAN)		Yogyakarta Declaration on Embracing the Culture of Prevention to Enrich ASEAN Identity	2018
Beijing Summit of the Forum on China-Africa Cooperation		Beijing Declaration-Toward an Even Stronger China-Africa Community with a Shared Future	2018
		Action Plan (2019-2021)	2018
Council of Europe-Committee of Ministers (45-46-52)		Recommendation on culture's contribution to strengthening the Internet as an emancipatory force	2018
		Recommendation on the roles and responsibilities of Internet intermediaries	2018
		Recommendation on media pluralism and transparency of media ownership	2017
Council of Ministers of Culture of South-East Europe		Declaration of the Sixth Ministerial Conference	2020
		Declaration of the Fifth Ministerial Conference	2019
		Declaration of the Fourth Ministerial Conference	2018
		Declaration of the Third Ministerial Conference	2017
European Union	Council of the European Union	Resolution on the cultural dimension of sustainable development	2019
		Recommendation on Key Competences for Lifelong Learning	2018
	European Parliament	Resolution on structural and financial barriers in the access to culture	2018
		Proposal of regulation for establishing the Creative Europe programme (2021-2027)	2018
		Resolution on media pluralism and media freedom in the European Union	2018
		Resolution on the 2016 Commission Report on Turkey	2017
		Resolution on Towards an EU strategy for international cultural relations	2017
		Decision on a European year of Cultural Heritage (2018)	2017
		Resolution on the implementation of Regulation establishing the Creative Europe Programme (2014-2020)	2017
	Council of the European Union and European Parliament	Directive on audiovisual media services	2018
Organization for Security and Cooperation in Europe (OSCE)		Tallinn Guidelines on National Minorities and the Media in the Digital Age	2019
Southern Common Market (MERCOSUR)		Declaration-XLV Meeting of Ministers of Culture	2019

The Directive states that 'Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a 30% share of European works in their catalogues and ensure prominence of those works'. The Directive also allows Member States to 'require media service providers targeting audiences in their territories' to contribute financially to the production of European works (see Chapter 2).

Finally, the Tallinn Guidelines on National Minorities and the Media in the Digital Age adopted in 2019 by the Organization for Security and Co-operation in Europe (OSCE) are particularly noteworthy. This instrument addresses the challenge of 'operationaliz[ing] the right to freedom of expression in diverse societies by providing guidance on creating and sustaining structures and processes for a pluralistic discussion between and within communities of majorities and minorities in the digital age'. Referring to several legal instruments, including the Convention, the Guidelines state that minority-specific aspects of human rights have been set out in various international treaties. In addition, the explanatory note attached to the Guidelines reflects an effective consideration of the objectives and principles of the Convention in another international forum. For instance, citing Article 7.2 of the Convention, the document insists 'on the importance for individuals to have "access to diverse cultural expressions" from their own country and from "other countries of the world," as well as the need for States to enable such access' for national minorities.

It also recalls that States Parties 'may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory', such as regulatory measures and 'measures aimed at enhancing diversity of the media, including through public service broadcasting', citing Articles 6.1, 6.2.a and 6.2.h of the Convention. Emphasizing the new challenges generated by digital technologies, the explanatory note states that '[t]he realization of effective media pluralism entails targeted measures to create and sustain a wide variety of media types and content'.

In addition to these new regional instruments adopted since 2017, it is worth mentioning recent advances in pre-existing initiatives such as the ASEAN Strategic Plan for Culture and Art 2016-2025, which promotes the contribution of creative industries to innovation; the ongoing work of the MERCOSUR Cultural – created in 1995 – to strengthen cooperation and promote the cultural diversity of the region; and the Ibero-American Cultural Charter, signed in 2006, and re-launched on its 10th anniversary to strengthen and redefine the tasks of the Ibero-American States.

Bilateral instruments

Several Parties to the Convention are bound by cultural cooperation agreements covering cultural and creative industries. When these agreements converge with the Convention's Article 16, they can be considered as a preferential treatment measure, as discussed later in the chapter. Otherwise, these agreements could fall within the broader scope of Article 21, besides being considered a form of cooperation covered by other provisions.

Some of these agreements explicitly refer to the Convention. Austria, for instance, signed agreements with Bosnia-Herzegovina, and Ukraine, in addition to several Memoranda of Understanding with India, Israel, Panama and Switzerland, and nine new working programmes developed with Albania, Bulgaria, China, Hungary, Mexico, Russian Federation, Slovakia, Slovenia and Tunisia.

The Australian government also enters into bilateral cultural agreements to achieve several objectives, such as promoting mutual understanding and mutual exchange and engagement. Croatia has so far signed 48 bilateral agreements and 25 bilateral programmes that are currently being implemented. These countries recognize the contribution of such agreements to the international visibility of their artists and their access to new opportunities and markets. Thus, although cooperation is more often examined in terms of its benefits for developing countries, these strategies show that developed countries also see it as an opportunity to increase the presence of their artists on the international scene.

Some countries recognize the contribution of bilateral cultural agreements to the international visibility of their artists and their access to new opportunities and markets

South-South cultural cooperation agreements are also seen as contributing to the implementation of the Convention by countries such as Barbados, Senegal, Uganda and the United Arab Emirates. Recent initiatives by the Barbados–Cuba Joint Commission, which implements their cultural cooperation agreement signed in 1983, illustrate how digital issues are gradually being integrated into this type of relationship. Indeed, they are increasingly focusing on mutual collaboration in the field of film and digital media. Barbados also implements cultural cooperation agreements with African and Asian countries. Its agreement with China, for example, has stimulated exchanges in the areas of film, broadcasting and the performing arts.

Finally, cultural cooperation initiatives linking sub-State entities with each other, or with Parties to the Convention, have also been reported. For example, the government of Quebec (Canada) has concluded cooperation protocols or signed joint declarations – with Wales (United Kingdom), Flanders (Belgium) and the Basque Country (Spain) – that include components specifically dedicated to cultural cooperation.

The France-Quebec mission on the discoverability of French-language cultural content online is another example of cooperation that contributes to the implementation of the Convention, specifically in the digital environment.

JURISDICTION

Although previous editions of the Global Report identified several cases submitted to international or regional jurisdictions that made reference to the Convention, it appears that there are no such references in new cases submitted between 2017 and 2020. Two decisions of the European Commission (EC) on State aid are nevertheless worth mentioning as they take account of the specific nature of cultural industries.

No references to the Convention were made in cases submitted to international or regional jurisdictions between 2017 and 2020

In the 2017 case of 'Italy – Tax credit for film production companies', the EC examined a measure aimed at protecting and promoting the cultural potential of the film sector. The measure consisted of a few modifications to one of the tax incentive schemes (tax credit for film production companies) that had been approved in 2008 by the Commission under Article 107.3.(d) of the Treaty on the Functioning of the European Union (TFEU). The tax was found to be compatible with the internal market on the grounds of the 2013 Communication from the Commission on State aid for films and other audiovisual works. Such measures are provided for in the Convention itself and in Article 6 in particular, which sets out the rights of Parties at the national level and includes the right to adopt measures aimed at providing public financial assistance.

In the 2018 case of 'France – State aid for the production of shows in France', the EC examined a measure aimed at supporting the production of performing arts shows. The same measure had been approved previously and the 2018 case was about the renewal of the support scheme for a further period of five years. The 3.5% tax levied on ticket sales is redistributed to performing arts companies in the form of grants for the creation, production or dissemination of shows, or for the acquisition of equipment for performing arts venues. The EC recalled Article 167.1 and 167.4. of the TFEU, stating that '[t]he Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity' and that '[t]he Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures'. The compatibility of this scheme had to be examined under the derogation provided for in Article 107.3.(d) of the TFEU for aid to promote culture. The EC stated that the French Entertainment Tax regime was compatible with that Article. Again, such a regime falls within the scope of Article 6 of the Convention on the rights of Parties at the national level.

VARIOUS WORKING DOCUMENTS, STUDIES AND REPORTS

In addition to the instruments identified above, 15 documents issued by a range of international and regional organizations refer to the Convention or some of its principles and objectives. Most of these documents deal with culture and digital technologies.

Documents containing an explicit reference to the Convention are mainly from organizations or entities that have already been mentioned. This is the case of the APF, OIF, MERCOSUR, Council of the EU and the EC. The Euro-Latin American Parliamentary Assembly can also be added to this list.

There are also documents from other organizations, such as the International Telecommunication Union (ITU), OECD and the World Intellectual Property Organization (WIPO) that impact the diversity of cultural expressions. However, only one WIPO document contains an explicit reference to the Convention.

Since 2011, WIPO's Standing Committee on Copyright and Related Rights has been drafting a treaty on the Protection of Broadcasting Organizations. A *Revised Consolidated Text on Definitions, Object of Protection, Rights to be Granted and other Issues,* published in 2017, contains the following proposal on 'the protection and promotion of cultural diversity': 'Nothing in this Treaty shall limit or constrain the freedom of a Contracting Party to protect and promote cultural diversity. To this effect: (a) In modifying their domestic laws and regulations, Contracting Parties will ensure that any measures adopted pursuant to this Treaty are fully consistent with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions'. What is striking about this report is that it reflects the Parties' will to develop international law in a consistent manner, which is the purpose of Article 21 of the Convention.

THE CONVENTION'S RELEVANCE IN NON-CULTURAL FORUMS: TAXATION AND ARTIFICIAL INTELLIGENCE

The spirit and letter of the Convention's Article 21 call on Parties to promote its objectives and principles in forums outside the field of culture. Working programmes in other areas can also impact the diversity of cultural expressions. International discussions in the areas of taxation and AI can be used as examples.

In terms of taxation, ongoing work at OECD has major implications for the cultural sector. This subject, however, does not always receive much attention. A report released in 2018 notes that '[t]he digital transformation is changing the way people interact with each other and society more generally, raising a number of pressing issues in the areas of jobs and skills, privacy and security, education, health as well as in many other policy areas' (OECD, 2018*b*).

Cultural considerations are not explicitly mentioned in the report, except in a case study devoted to France's tax on online and physical distribution of audio-visual content. While it is widely accepted that 'COVID-19 has exacerbated [the tax challenges] by accelerating the digitalization of the economy, increasing pressures on public finances and decreasing public tolerance for profitable [multinational enterprises] not paying their fair share of taxes' (OECD, 2020*b*), the particular impact in the cultural sector should be resulting in greater mobilization among Parties to the Convention. It is worth mentioning that there might be some progress in the next few years.

The implementation of the principle of a global minimum rate to ensure that multinationals pay tax of at least 15% in each country where they operate could ultimately contribute to more equitable exchanges in the cultural and creative sector

The June 2021 agreement of the Group of Seven (G7) Ministers of Finance on key elements of international tax reform to address the economic challenges of digitalization includes the principle of a global minimum rate to ensure that multinationals pay tax of at least 15% in each country where they operate. The implementation of such a principle could have significant implications for cultural content platforms operating around the world, as they could be required to pay a share of their revenue back to the States where audiences are targeted, thus contributing to more equitable exchanges in the cultural and creative sector.

As for the work undertaken by some international organizations – other than UNESCO – to reflect on AI or regulate the use of this technology, the impact on the cultural and creative industries is often not given due consideration. For instance, the Report of the UN Secretary-General's High-level Panel on Digital Cooperation (UN, 2019) underlines several issues related to AI, without addressing the specific challenges of the cultural sector. This is also the case for the Road map for digital cooperation adopted in 2020 (UNGA, 2020*c*).

As for the work undertaken by some international organizations – other than UNESCO – to reflect on AI or regulate the use of this technology, the impact on the cultural and creative industries is often not given due consideration

There are similar examples in the work of OECD. The 2019 Recommendation of the Council on Artificial Intelligence recognizes that the way AI is transforming our world 'may have disparate effects within, and between societies and economies, notably regarding economic shifts, competition, transitions in the labour market, inequalities, and implications for democracy and human rights, privacy and data protection, and digital security', without mentioning the impact it has on the diversity of cultural expressions. While its principles state that 'AI actors should respect the rule of law, human rights and democratic values, throughout the AI system lifecycle', and that '[t]hese include freedom, dignity and autonomy, privacy and data protection, non-discrimination and equality, diversity, fairness, social justice, and internationally recognized labour rights', there is no reference to culture in the Recommendation. Parties to the Convention gathered for the Global Partnership on Artificial Intelligence – whose Secretariat will be hosted by OECD – could take advantage of this coalition to include the diversity of cultural expressions on the agenda there for the next few years. To this end, the mobilization and involvement of ministries of culture in the deployment and monitoring of this partnership could be decisive.

Finally, Parties should closely monitor the work on AI undertaken by other organizations. A follow-up to WIPO's work would be relevant, as a recent report recognizes that AI 'is already having, and is likely to have increasingly in the future, a significant impact on the creation, production and distribution of economic and cultural goods and services' (WIPO, 2020*b*). That report also underlines that AI intersects with intellectual property (IP), since one of the main aims of IP policy is to stimulate innovation and creativity in economic and cultural systems (WIPO, 2020*b*).

To help Parties define their position within these international organizations, they can refer to the UNESCO Recommendation on the Ethics of Artificial Intelligence. The text contains multiple references to culture and cultural diversity. Culture is also one of the 11 areas of policy action covered by the Recommendation, which affirms that 'Member States should engage large technology companies and other stakeholders to promote a diverse supply and plural access to cultural expressions, and in particular to ensure that algorithmic recommendation enhances the visibility and discoverability of local content' (paragraph 98).

Parties could also consider the work of OIF, including the report *Artificial Intelligence in Art and Cultural and Creative Industries* (Kulesz and Dutoit, 2020). In addition, several documents released by the European Parliament and the Council of Europe deal with various aspects of the relationship between AI and culture, which could also inspire Parties to promote the objectives and principles of the Convention.

The September 2020 study *The impact of algorithms for online content filtering or moderation* commissioned by the European Parliament, or the Council of Europe's Recommendation of the Committee of Ministers to Member States on the human rights impacts of algorithmic systems, adopted in April 2020, are two recent European examples.

Parties to the Convention could take advantage of the Global Partnership on Artificial Intelligence to include the diversity of cultural expressions on the agenda there for the next few years

Finally, some ad hoc forums can also provide an opportunity to promote the objectives and principles of the Convention internationally. This is the case of the Multistakeholder Working Group on Diversity of Content Online established by the Department of Canadian Heritage to develop guiding principles around four themes. Three of these themes are directly related to the implementation of the Convention in the digital environment: creation, access and discoverability of diverse content online; fair remuneration and economic viability of content creators; and transparency of the impacts of algorithmic treatments of online content. This initiative involves four other Parties to the Convention (Australia, Finland, France and Germany), as well as civil society organizations (International Federation of Coalitions for Cultural Diversity, the Society of Authors, Composers and Publishers of Music and the French Coalition for Cultural Diversity), private sector (Google, Netflix, Deezer and Vubble) and the European Audiovisual Observatory.

PREFERENTIAL TREATMENT: UNFINISHED BUSINESS FOR PARTIES TO THE CONVENTION

Article 16 on preferential treatment for developing countries is one of the most binding provisions of the Convention. Its implementation helps to reduce inequality among countries in the field of cultural and creative industries, in line with SDG 10 and more specifically with Target 10.A on implementing of the principle of special and differentiated treatment for developing countries.

To fall within the scope of Article 16, a measure must meet five conditions: (1) be offered by a developed country; (2) benefit developing countries; (3) facilitate cultural exchanges; (4) relate to cultural goods, cultural services and/or artists or other cultural professionals or practitioners of developing countries; and (5) not require reciprocity. This commitment triggers an obligation of result, which means that a developed country merely making efforts to facilitate exchanges is not sufficient to fulfil its obligation if these do not produce concrete outcomes.

As stated in the Convention's Operational Guidelines '[p]referential treatment as defined by Article 16 is wider than the narrow trade meaning'. As a result, the institutional frameworks that Parties use to offer preferential treatment can be based around trade, culture or a combination of the trade and cultural dimensions.

TRADE AGREEMENTS: MORE MISSED OPPORTUNITIES

Preferential treatment could result from a free trade agreement, and commitments undertaken in relation to digital trade could also be relevant, as stated in paragraph 18.2 of the Guidelines on the Implementation of the Convention in the Digital Environment referring to Article 16.

The 2015 edition of this Global Report highlighted Cultural Cooperation Protocols that aim to offer preferential treatment to Parties (mainly developing countries).

The 2018 Global Report underlined that, while no new Protocols had been signed between 2015 and 2017, preferential treatment for the broadcasting and audiovisual sectors was offered through specific clauses on cultural cooperation within free trade agreements. None of the bilateral and regional trade agreements signed between 2017 and 2020 has included a provision falling within the scope of Article 16. Only one agreement, the Free Trade Agreement between the Republic of Korea and the Republics of Central America, contains an Annex on 'Audiovisual Co-production and Services', which recognizes 'that audiovisual co-productions in the areas including film, animation and broadcasting programme can significantly contribute to the development of audiovisual industry and to an intensification of cultural and economic exchange'. The Parties 'agree to consider the negotiation of an audiovisual co-production agreement' that 'shall become an integral part of this Agreement but shall be interpreted and applied solely in accordance with its own term'. Therefore, Parties to the Convention are still reluctant to use their trade agreements to offer preferential treatment to developing countries in the cultural sector.

However, there are three agreements in which Parties have incorporated reservations in order to preserve their right to conclude and implement cultural cooperation or audiovisual co-production agreements, as an exemption from their commitment to most-favoured-nation treatment. These agreements are the aforementioned Regional Comprehensive Economic Partnership, the Peru–Australia FTA and the Chile–Brazil Bilateral Trade Agreement.

The Comprehensive and Enhanced Partnership Agreement between the EU and the Republic of Armenia is worth mentioning, as Chapter 18 on 'Cooperation in the cultural field' explicitly refers to the Convention (Article 96). It also states that '[c]ooperation shall focus on, *inter alia*: (a) cultural cooperation and cultural exchanges;

(b) the mobility of art and artists and the strengthening of the capacity of the cultural sector; [...] (f) cooperation in international fora such as UNESCO' (Article 97). Another reference to the Convention is included in Chapter 19 on 'Cooperation in the audiovisual and media fields', although no preferential treatment arises from these provisions.

Parties to the Convention are still reluctant to use their trade agreements to offer preferential treatment to developing countries in the cultural sector

It is therefore clear that developing countries that are Parties to the Convention are not taking sufficient advantage of trade agreement negotiations to obtain concessions from developed countries that might facilitate cultural exchanges. Furthermore, when developed countries are Parties to the Convention, they are bound to grant them preferential treatment under its Article 16. On this point, it is worth mentioning the example of the Brussels Declaration of the 4th Meeting of Ministers of Culture from African, Caribbean and Pacific States (ACP) held on 9 and 10 November 2017, in which they committed to 'work together to defend common interests within international fora, so that cultural goods and services, in particular, are given priority consideration in international and regional trade agreements' and to '[s]upport the movement of artists and cultural professionals'.

More recently, in the Nairobi Nguvu Ya Pamoja Declaration, the Heads of State and Government meeting at their 9th Summit in December 2019 called 'for unhindered access to international markets for [their] cultural goods and practitioners such as artists'.

For their part, developed countries should more actively demonstrate their willingness to implement Article 16 for the benefit of developing countries, whether in the context of trade negotiations or in any other cooperation framework. Even in cases where no specific provisions on cultural cooperation have been negotiated, as in the texts of the Trade Part of the EU-MERCOSUR Agreement in Principle, there are possibilities for implementing Article 16. Signatories should explore ways of acting on such potential, as this would enrich the agreement by stimulating cultural exchanges among Parties.

CO-PRODUCTION AGREEMENTS AND RELATED FUNDS: MODEST PROGRESS FOR PREFERENTIAL TREATMENT

Co-production agreements or funds set up to finance joint productions between two or more countries may, under certain conditions, constitute preferential treatment measures. Even if these are implemented in a limited way, they seem to be Parties' preferred modality for implementing Article 16.

For instance, Canada has signed co-production treaties with China, Jordan and Ukraine since 2016. The co-produced works can access federal and provincial funding programmes and are recognized as national content for broadcasting purposes. These agreements explicitly refer to the Convention. Similar benefits are part of co-production agreements signed by France with Bosnia-Herzegovina, Brazil and Uruguay. Germany and Switzerland are also reporting the conclusion of co-production agreements (with Chile and Mexico, respectively). Australia has signed co-production agreements with South Africa and Singapore, which could lead to the development of screen projects that access benefits offered by each partner country. Colombia has concluded film co-production agreements with Italy and Peru, whereby any co-produced film would be considered a national product in each of the signatory States. These agreements can both facilitate market access and contribute to the mobility of artists and cultural professionals involved in co-productions.

In terms of production funds that may be a form of preferential treatment, one relevant example is the bilateral fund for the co-production of Franco-Tunisian cinematographic works. Thanks to this facility, 18 projects have been supported in three years, and two of these were presented at the Directors' Fortnight of the Cannes Film Festival.

Box 7.3 • *Preferential treatment as part of cultural cooperation*

As for the cultural dimension, preferential treatment can be the result of cultural cooperation agreements or national cultural policies that afford certain privileges to cultural goods and services, artists or other cultural professionals from developing countries. Again, such agreements or policies could be implemented in the digital environment. The Secretariat of the Convention has proposed a non-exhaustive list of 14 measures that could fulfil the 5 conditions of Article 16:

1. *Co-production agreements*
2. *Aid for production/post-production*
3. *Aid for distribution/broadcasting/screening*
4. *Aid for translation/subtitling*
5. *Fiscal measures*
6. *Festivals and other cultural events*
7. *Training*
8. *Encounters and networking*
9. *Support for civil society*
10. *Funds for mobility from public cultural bodies*
11. *Facilities for entering a territory*
12. *Artist residencies*
13. *Awards and other forms of recognition*
14. *Support for international initiatives*

Source: UNESCO, *Preferential Treatment* leaflet, 2020.

Another example is Germany's Berlin International Film Festival World Cinema Fund, which has provided increased support for co-productions involving Germany and sub-Saharan African producers. As a result, 13 projects have been financed since 2016.

Although South-South co-production agreements may not constitute preferential treatment when they are concluded between countries of an equivalent level of development, they are nevertheless commendable efforts to achieve one of the objectives of the Convention – namely, to ensure wider and balanced cultural exchanges. For example, Burkina Faso and Senegal developed a Protocol to set up a cinematographic and audiovisual cooperation policy, and to help each other develop policies to protect and promote cultural expressions. This 2020 Protocol is supplemented by an Agreement on co-production and cinematographic exchanges.

The few measures reported above are encouraging. However, Article 16 on preferential treatment generally remains poorly implemented to date. Considering the 14 categories of measures that can be arranged for preferential cultural treatment (Box 7.3), it would be simple enough to use pre-existing initiatives in developed countries by adapting them to the conditions of Article 16. Such adaptations should be made in the next few years, so that the Convention can offer developing countries the benefits that were expected at the time the treaty was adopted. A promising initiative in this respect is the 'Fair Culture' project led by Germany to stimulate cultural exchanges, promote the mobility of artists and other cultural professionals and improve international cooperation and solidarity to strengthen local and regional markets. One of its objectives is to raise awareness of preferential treatment to promote a balanced flow of cultural goods and services, as well as highlighting the need to ensure fair working conditions for artists and other cultural professionals.

CONCLUSION AND RECOMMENDATIONS

The protection and promotion of the diversity of cultural expressions require coherent action by Parties to the Convention in multiples sectors and at all levels. This chapter contains several examples of such coherent actions, as illustrated in a wide range of legal instruments and other initiatives implemented by a large number of Parties from all regions of the world. Some efforts are reflected in the cultural clauses included in trade agreements, in cultural policy actions carried out by regional cooperation organizations and in forums that bring together cities or local actors involved in the development of cultural and creative industries.

The good practices presented in this chapter should not, however, obscure areas where the principles and objectives of the Convention are not sufficiently promoted. This applies to some trade agreements, where the dual nature of cultural goods and services is not fully recognized – particularly in the digital environment. There are many missed opportunities to honour the commitment of developed countries that are Parties to the Convention to grant preferential treatment to artists and other cultural professionals and practitioners (and cultural goods and services) from developing countries. Finally, the growth of digital technology in the field of cultural and creative industries requires new synergies between the Convention and other forums – particularly in areas such as intellectual property, taxation and AI – which are still slow to appear.

The following recommendations are therefore put forward:

- Parties should increase references to the Convention in the international legal instruments they negotiate, particularly in their trade agreements.
- Parties should exclude the cultural sector from the scope of a non-discrimination commitment included in the e-commerce chapter of a trade agreement.
- Parties should pay close attention to their data flow commitments, as some may implicitly limit their capacity to act in the cultural sector and to monitor their cultural policies.
- Parties should work together to promote the objectives and principles of the Convention in the ongoing WTO negotiations on e-commerce.
- Where Parties participate in international forums conducting work in areas such as taxation and AI, they should consider their impact on the diversity of cultural expressions and ensure that they promote the objectives and principles of the Convention in those forums.
- Parties from developed countries should make additional efforts to meet their commitment to Article 16 on preferential treatment for developing countries. Their efforts can be invested in the area of trade, as well as in cultural, institutional and legal frameworks.

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Goal 3

INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

Goal 3

INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

Recognize the complementarity of economic and cultural aspects of sustainable development

2022 REPORT CARD

Sustainable development policies and international cooperation programmes integrate culture as a strategic dimension

8 DECENT WORK AND ECONOMIC GROWTH

17 PARTNERSHIPS FOR THE GOALS

National sustainable development policies and plans | **International cooperation for sustainable development**

PROGRESS

- Culture's contribution is widely recognized in national development and sustainability planning
- Urban and cultural development agendas are increasingly intertwined
- Culture and creativity grow into key intervention areas in cooperation programmes
- Cooperation models based on peer-learning are spreading

CHALLENGES

- Cultural and creative industries' potential and priorities remain overlooked
- Cultural expressions and creativity are undermobilized in climate action
- Official Development Assistance for culture remains dramatically low
- Limited earmarking of international development cooperation to support cultural and creative industries and market development in developing countries

RECOMMENDATIONS

- Foster intersectoral coordination for holistic implementation of the 2030 Agenda
- Mainstream the culture/environment nexus across the policy spectrum
- Increase funding for culture and creativity in international cooperation, including in COVID-19 recovery plans
- Strengthen evaluation capacities and knowledge sharing

DATA REQUIREMENTS

- Public investment in culture and creativity for sustainable development
- Social and territorial distribution of cultural participation and production
- Environmental impact of cultural and creative industries
- Official Development Assistance for culture and recreation with a breakdown by cultural domain

© SCOWCZA, *Synthetic seabed: a new life for garbage?*, 2021 *

Chapter 8

Culture and sustainable development: a still untapped potential

Yarri Kamara

KEY FINDINGS

- *The holistic framing of sustainable development in the 2030 Agenda offers many pathways for integrating culture in a broad sense. However, only a limited number of concrete action lines to support the diversity of cultural expressions have been inspired by the 2030 Agenda.*
- *In national sustainable development planning, the cultural and creative sectors are recognized for their ability to advance cultural outcomes (65%) and drive societal transformations (63%), particularly in the realm of social inclusion. Resulting plans and strategies also harness the economic potential of the cultural and creative industries (54%), especially in developing countries.*
- *Culture and creativity are largely underinvested to bring about the change in mindsets and behaviours that is urgently needed to address the climate crisis. The cultural and creative sectors themselves need to accelerate their transition towards sustainable cultural production and consumption.*
- *New funding instruments have been established to increase international cooperation, while multilateral organizations (including development banks) are showing renewed interest in the cultural and creative sectors. However, the five largest private donors have contributed almost twice the amount of public multilateral funding to developing countries in these sectors.*
- *Overall, only 0.23% of development aid is allocated to culture and recreation. A decline due to COVID-19-related recessions is predicted in the coming years, which is worrying for the future of cultural cooperation.*

PROGRESS TOWARDS

12 RESPONSIBLE CONSUMPTION AND PRODUCTION · 13 CLIMATE ACTION · 17 PARTNERSHIPS FOR THE GOALS

4 QUALITY EDUCATION · 5 GENDER EQUALITY

8 DECENT WORK AND ECONOMIC GROWTH · 10 REDUCED INEQUALITIES · 11 SUSTAINABLE CITIES AND COMMUNITIES · 16 PEACE, JUSTICE AND STRONG INSTITUTIONS

PROGRESS

DEVELOPMENT OUTCOMES

Countries identify the **role of culture in sustainable development** as:

- 65% Cultural
- 63% Social
- 54% Economic
- 17% Environmental

DEVELOPMENT FUNDING

There is **increased interest in cultural sectors** from multilateral organizations

However, they **provided only half of the funding** invested in developing countries by the private sector

17% **of contributions** to the International Fund for Cultural Diversity come **from developing countries**

CHALLENGES

CLIMATE CHANGE

Climate change reports and strategies rarely mention the role of the cultural sector

CULTURE DRIVING SDGs

Only **13%** of voluntary national reviews **acknowledge the transversal role of culture** for sustainable development

IFCD CONTRIBUTIONS

The **International Fund for Cultural Diversity has yet to take off**. Contributions have decreased:

2011 **US$ 1,563,216**

2020 **US$ 738,926**

In 2020, **only 35% of Parties to the Convention contributed**

COVID-19 PANDEMIC

There is a risk that **recovery plans overlook** the sector

A **decline in development aid** is predicted

DEVELOPMENT AID

Only **0.23%** of **Official Development Aid was spent on culture and recreation** in 2018

RECOMMENDATIONS

CLIMATE ACTION

Invest in **creativity for climate action and environmental sustainability**

CULTURE FOR ALL

Support **inclusive and equitable cultural participation**

INNOVATION

Promote creativity and innovation for sustainable economic growth and decent work

ACHIEVING SDGs

Develop **a holistic policy approach and partnerships**

CORE INDICATORS

National sustainable development policies and plans include action lines to support diverse cultural expressions

Policies and measures support equity in the distribution of cultural resources and inclusive access to such resources

Development cooperation strategies include action lines to support diverse cultural expressions

Development cooperation programmes strengthen creative sectors in developing countries

INTRODUCTION

In 2021, Germany updated its Sustainable Development Strategy to fast track greater sustainability, on the basis that dramatic transformations were required. The German arts and the media sectors are key stakeholders, thanks to their ability to sketch out the kind of society in which people want to live in the future. The sectors also function as 'drivers of innovation for sustainable development' (Federal Government of Germany, 2021). In relation to the environmental, social and economic dimensions of sustainable development, the Strategy considers culture as one of the main binding elements behind all areas of life, as well as contributing directly to the 2030 Agenda for Sustainable Development. The Strategy demonstrates very strong transversal integration of culture in many domains. For instance, cultural education is highlighted as laying the foundation for social cohesion; cultural and creative sectors are to play a role in revitalising cities and keeping rural areas alive; and cultural dialogue on Germany's colonial past is to contribute to renewed dialogue globally. This holistic policy vision shows how governments can mobilize culture and creativity to drive societal transformations, as well as echoing a growing global trend in 'policy engagement harnessing culture for sustainable development', highlighted by the United Nations Secretary General Report on Culture and Sustainable Development (UNGA, 2021).

THE 2005 CONVENTION AND SUSTAINABLE DEVELOPMENT

The 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly (UNGA) in 2015, is the most ambitious and holistic agenda for development ever adopted by the countries of the world. It sets out a bold vision for both developed and developing countries to achieve balance in the environmental, social and economic dimensions of development. Its adoption has led to increased attention on the need to shift from siloed approaches to 'navigating multidimensional, interconnected and increasingly universal predicaments' (UNDP, 2020). The 2030 Agenda's recognition of the diverse responses needed to address the world's multifaceted challenges provides an ample and largely untapped framework under which culture can contribute to sustainable development.

The preamble of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions recognizes how cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, thereby contributing to human development as defined by the United Nations Development Programme (UNDP). The Convention was also a pioneer in establishing links between culture and sustainable development. In the Convention's holistic view of development processes, culture is generating direct social, economic or environmental benefits, thereby making development interventions more effective. Article 13 of the Convention thus exhorts Parties to integrate culture into development policies at all levels to create conditions conducive to sustainable development, while Article 14 calls for culture to be integrated into international development cooperation for sustainable development and poverty reduction in developing countries.

Culture is generating direct social, economic or environmental benefits, thereby making development interventions more effective

As the climate crisis and COVID-19 pandemic unfold, and countries across the world grapple with rising social inequalities, conflicts and migratory flows, a renewed emphasis is being placed on culture for policy action. In this regard, the Convention's Monitoring Framework is designed as an actionable tool that evidences the connection between the promotion of the diversity of cultural expressions and selected Sustainable Development Goals (SDGs) and targets, thereby highlighting its contribution towards the achievement of the 2030 Agenda (Table 8.1).

In understanding the Convention's crucial role in sustainable development, it is useful to recall that cultural expressions are 'those expressions that result from the creativity of individuals, groups and societies, and that have cultural content' (Article 4).

They emanate from and influence the values, shared meanings and ways of life encompassed by culture in its widest sense. These expressions have the power to shape the narratives of societies. In the fight against climate change, for instance, they are powerful resources to reshape our relationship with nature, fostering the paradigm shifts urgently needed to change the way we live, produce and consume. This capacity to address values at the heart of societies explains why culture is an inseparable part of the environmental, social and economic dimensions of sustainable development.

This chapter reviews how Parties are fulfilling the Convention's culture and sustainable development agenda. The focus is on the level of integration of culture, and cultural expressions more specifically, into national sustainable development plans – with a special emphasis on their links to environmental sustainability. The chapter also covers territorial equity in the distribution and inclusive access of cultural resources as keys to unlocking culture's contribution to social sustainability. Finally, the chapter reviews the international community's investment in culture and creativity in developing countries.

TOWARDS A CULTURAL AGENDA IN SUSTAINABLE DEVELOPMENT PLANNING?

For cultural expressions to play their full role in building diverse, inclusive and sustainable societies, key planning documents at all government levels need to support the emergence of dynamic cultural and creative sectors. Assessing the integration of culture in such documents is therefore crucial for examining the extent to which culture is mobilized to generate cultural, social, economic and environment outcomes.

The review of national development plans (NDPs) and national sustainable development plans and strategies (NSDPs) shows that the overall inclusion of culture has remained broadly consistent since 2017.

PROGRESS AND CHALLENGES TO UNLOCK THE POTENTIAL OF CULTURE

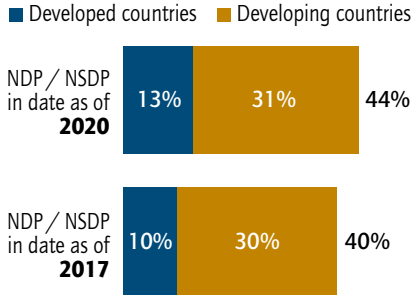
Since the adoption of the 2030 Agenda, sustainability planning increasingly overlaps with national development planning. While there are still some countries that choose to prepare specific sustainable development strategy documents, most countries are now aligning their national plans with the SDGs (DESA, 2019). This is also increasingly the case for developed countries, as the past decade has seen a resurgence of comprehensive national development plans (Chimhow et al., 2019). Research undertaken for this chapter, covering NDPs and NSDPs adopted by Parties to the Convention, shows that the vast majority (72%) of the 127 documents reviewed are adopted by developing countries (and only 28% by developed countries).

Since the adoption of the 2030 Agenda, sustainability planning increasingly overlaps with national development planning

Out of the countries surveyed, 88% reported that their NSDPs recognized the strategic role of culture, while 63% recognized the strategic role of cultural and creative industries specifically. Culture is thus more generally integrated into national planning in its holistic sense, which is particularly true for developed countries. Meanwhile, developing countries, particularly in Latin America and the Caribbean (81%) and in Africa (76%) declared that they specifically recognize the cultural and creative industries as strategic. In-depth content analysis showed a more nuanced story. In 2020, 44% of plans and planning documents analysed (including all NDPs and NSDPs to date) integrated concrete cultural goals specific to the Convention (such as focusing on the production and consumption of diverse cultural goods and services, or supporting cultural expressions). This only represents a 4% increase since 2017, suggesting that further efforts are still needed to better reflect the contribution of cultural expressions to sustainable development (Figure 8.1).

Figure 8.1

Share of NDPs and NSDPs including cultural goals specific to the Convention*



* Rounded up to single digit.
Source: BOP Consulting (2021).

Overall, there is common understanding of the foundational role of culture in societies – in terms of identity, social cohesion, well-being and openness. However, among countries reporting on measures connecting the diversity of cultural expressions with the 2030 Agenda, the main emphasis is on culture's contribution to the social dimension of sustainable development. In contrast, those that focus more on the economic potential of protecting and promoting the diversity of cultural expressions tend to integrate the 2030 Agenda less fully into their cultural policy frameworks. Sustained efforts are thus needed to leverage the contribution of the diversity of cultural expressions to all dimensions of sustainable development.

At the United Nations level, there is a growing inclusion of culture in sustainable development planning mechanisms, such as Common Country Assessments, United Nations Sustainable Development Cooperation Frameworks, COVID-19 national impact assessment and recovery plans or Voluntary National Reviews (VNRs) (UNESCO, 2021*b*).

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When we first set out to film Honeyland, we thought we would be doing research for a short documentary film about the Bregalnica River – the second largest river in North Macedonia. The story completely changed when we met Hatizde Muratova, a keeper of wild bees who lives in the remote mountain village of Bekirlij. Never taking more honey than necessary to make sure the beehives can keep the production cycle going, Hatizde showed us that humans can live in harmony with nature. We became convinced that her golden rule of 'half for me, half for you' could be a model for the fair and equitable sharing of benefits between humans and nature and could help us adapt as a species to our rapidly changing environment.

Less than three years later, the world has changed so dramatically and quickly that the challenges we addressed have only multiplied and magnified in size. In the light of global challenges that the human species has never faced before, the importance of the environmental and societal problems addressed in Honeyland *can seem less important. Yet behind every statistic, there are real people and actual parts of nature being affected. As documentary filmmakers, it is our responsibility not to let the magnitude of global challenges deter us from raising awareness of the human stories behind them. While it is sometimes discouraging and disheartening to make films about issues that cannot be easily fixed, we are convinced that film has a particular capability to visualise issues, show the interconnectedness of humans and nature and inspire viewers to start looking for solutions. It is our call to use the art of documentary filmmaking to show other ways of living that may inspire a better world.*

Tamara Kotevska and Ljubomir Stefanov

Directors of the award-winning documentary film Honeyland

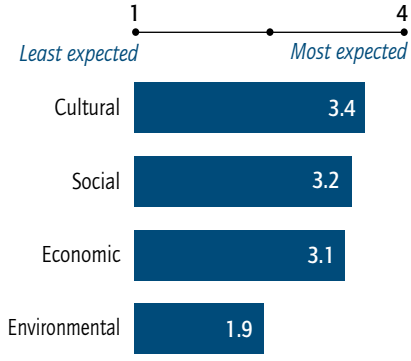
The main emphasis is on culture's contribution to the social dimension of sustainable development

However, a review on how culture has been integrated in SDG monitoring between 2016 and 2020 corroborates this generic approach to culture. The periodical reports that countries produce to monitor their progress in implementing the 2030 Agenda (VNRs) provide strategic indicators to measure and characterise countries' approaches to culture. Of the reports, 63% refer to culture in the implementation of the SDGs, but only 13% of the submitting countries acknowledge the transversal role of culture and 'the cultural and creative industries remain a largely uncharted area' (UNESCO, 2021*a*). This reveals significant potential for leveraging them further. While the holistic framework of the 2030 Agenda offers many avenues for integrating culture, the limited number of explicit cultural targets does not sufficiently encourage policy-makers to reflect on the role of culture in general in achieving the SDGs, and even less so on the role of cultural and creative industries in particular. Countries are often not sure how to integrate cultural and creative targets in their reporting. Palau, for example, points out that the connection between culture and sustainability is not fully explored in the 2030 Agenda, outside of Target 11.4. Echoing this observation, the European Union has asked an Open Method Coordination expert group to prepare guidance on how to include culture in VNRs (Council of the European Union, 2020).

Some of the countries that prioritize culture within their VNRs also underline in their quadrennial periodic reports (QPRs) that the Convention makes it possible to highlight the contribution of culture and the diversity of cultural expressions to the SDGs (Austria, Slovenia, Switzerland). According to QPRs, the pursuit of cultural outcomes is the most common in Parties' national sustainable development plans, especially in Arab States and in Asia and the Pacific. Social and economic outcomes follow closely behind, with environmental outcomes scored the lowest by Parties (Figure 8.2).

Figure 8.2

Inclusion of culture in National Sustainable Development Plans according to expected outcome



Source: BOP Consulting (2021).

Cultural outcomes are mainly related to cultural infrastructure, participation and access to culture, as well as innovation and artist support. In Finland, a dynamic cultural life is recognized as having an intrinsic value, which leads the country to place significant focus on cultural participation.

The objectives of the 2019 Government Programme included improving the accessibility of cultural services and the conditions for culture to flourish, including by securing levels of central government transfers, subsidies for cultural activities and credits for cultural institutions. Timor-Leste, for its part, plans to develop its cultural infrastructure network by 2030, in order to foster creativity and train a new generation of artists. Some other countries (Norway, Sweden) highlight the importance of artistic freedom in ensuring healthy democratic societies.

Advancing social outcomes remains a key concern for countries, which are mobilizing culture to nurture identity(ies) and social cohesion, fight inequalities and empower vulnerable groups and minorities. This trend is particularly strong in Western Europe and Africa. In Switzerland, for instance, culture plays an important role in the Sustainable Development Strategy (2016-2019). It is seen as a pillar of society, and is expected to advance gender equality and social cohesion. For Niger, culture is a tool for social progress and for creating an enabling environment for sustainable socio-economic development.

Box 8.1 • *Mobilizing culture as a bulwark against violent extremism*

Mali, like other countries in the Sahel, has seen an unprecedented rise in violent extremism in the last decade. The project 'Donko ni Maaya' (Culture and Humanism), implemented between 2018 and 2021 by the Ministry of Culture in partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit *(German Agency for International Cooperation, GiZ), provided support to cultural centres to improve their youth-focused offerings of urban arts as a way of revitalising cultural wellsprings that can strengthen tolerance, forgiveness and understanding. The project focused on the capital, Bamako, where all Malian communities and ethnicities are present. Artists worked to give young people alternatives to extremist positions and encourage them to become agents of change.*

In Egypt, the Ministry of Culture is deploying the 'Promoting Positive Values in Society' programme under the country's sustainable development strategy, Vision 2030. *Aimed at promoting citizenship and cohesion, the programme combats extremism through cultural and artistic events. Particular attention is paid to ensuring remote communities' access to cultural offering. The 'Roaming Theatre' project, launched under this programme, is an example of how cultural expressions can be mobilized for social impact. It supports professional theatre performances in touring villages and hamlets lacking cultural services. A second phase of the project was launched in early 2021 with the aim of presenting 325 nights of performances in 20 governorates.*

Sources: Egypt QPR, Mali QPR, 'Donko ni Maaya' project page *www.giz.de/en/worldwide/76553.html*.

There is also an interesting rapprochement of cultural and inclusion policies in some countries. Within the Norwegian Ministry of Culture and Equality, a specific department implements the equality and non-discrimination policy and coordinates international cooperation in cultural diversity and other cultural areas.

There are still gaps in policy-makers' understanding of the cultural and creative sectors' economic potential and insufficient funding

Given that culture is most often associated with education, it is no surprise to see it strongly mobilized for educational purposes. Several countries across all regions report measures strengthening their library systems, which contribute both to social inclusion and education (Algeria, Comoros, Finland, Iraq, Peru, Viet Nam). Among countries grappling with rising extremism, there is a noticeable focus on including culture in their policies to reduce tensions and construct intercultural dialogue and appreciation of cultural diversity (Box 8.1). A few countries have also entered the emerging policy area of arts, health and well-being (Australia, Austria, Belgium, Bulgaria, Germany, Lithuania), especially in the context of the global COVID-19 pandemic[1]. At the regional level, the #DontGoViral campaign launched by UNESCO and i4Policy to tackle the spread of misinformation on COVID-19 reached communities in 45 African countries, supporting openly licensed content, crowdsourcing translations into local languages and disseminating them through radio and television.

Economic outcomes come third, as they were explicitly recognized in just over half (54%) of the plans reviewed.

1. The World Health Organization (WHO), for example, published a scoping review on the evidence on the role of arts in improving health and well-being in 2019 (Fancourt and Finn, 2019).

Box 8.2 • *Colombia's Orange Economy development arsenal*

Colombia has very strongly integrated cultural and creative sectors, which it refers to as the 'Orange Economy', in its economic development arsenal. Within the Ministry of Culture, a specific vice-ministry dedicated to Creativity and the Orange Economy was created. In 2019, a general National Stimulus Programme included a package targeting the sector.

Through strong interministerial and intersectoral cooperation with the Ministry of Trade and Industry and the development bank Bancóldex, a comprehensive support and investment mechanism has been put in place. Procolombia, the national trade promotion agency, was mobilized to boost the flow of cultural goods and services. In 2018 and 2019, creative companies achieved US$317 million in exports and attracted US$1.19 billion in investments to the sector. To help creative businesses improve productivity levels, these were integrated into the country's 'Productivity Factories' scheme, run by the Ministry of Trade and Industry.

There are also funding mechanisms to further support dynamic cultural and creative sectors. The territorial development agency Findeter offers instruments for public and private stakeholders to fund hard and soft infrastructure investments in these sectors. Bancóldex, for its part, launched Orange bonds in 2018 to fund cultural and creative industries. Professionals can access seed funding for new cultural initiatives following their training in accredited institutions. In 2018 and 2019, more than 1,500 jobs were created thanks to this seed funding.

Source: Colombia QPR.

They are more often pursued by developing countries. In Africa, Latin America and the Caribbean and the Arab States specifically, the cultural and creative sectors are considered as vectors of economic growth and innovation. Therefore, targets related to employment and revenue in those sectors feature in many planning documents. Identified as one of the rapidly growing sectors in the United Republic of Tanzania, the cultural and creative industries have been included in the National Five Year Development Plan for the first time. For some Parties with weaker enabling environments for the cultural and creative sectors, this policy attention has resulted in funds being set up to encourage the growth of their creative economies (Kenya, Mali). Other countries have developed their first cultural and creative industries strategies (Ecuador, Georgia, United Arab Emirates, Zimbabwe). In some cases, support to cultural and creative sectors is explicitly linked to export diversification strategies and strengthening competitiveness in international markets (Azerbaijan, Colombia, Ireland, Jamaica). Boosting cultural tourism can also be an incentive to include support mechanisms for those sectors in development plans (Algeria, Comoros, Cuba, Ireland). Finally, there is a trend towards the integration of the cultural and creative industries in wider economic development policies, such as Paraguay's National Competitiveness Plan or Colombia's Orange Economy (Box 8.2). Through its National Research and Innovation Agency, Uruguay developed a creative industries programme to drive innovation.

> ***We only become painfully aware of the fact that creativity is the essential element of humanity as such when it is gone. In the history of a community, there are only rare moments when an opportunity arises to experience the invaluableness of cultural creativity for both the individual and the community. As a rule, this happens during major social and economic upheavals, when the true, sustainable values come to the foreground, including creativity as one of the most important.***
>
> ***Dr. Simona Bergoč***
> *Secretary, Cultural Heritage Directorate, Ministry of Culture of Slovenia.*

Some countries nonetheless face challenges with insufficient policy focus and capacity in terms of the economic dimension of culture. There are still gaps in policy-makers' understanding of the cultural and creative sectors' economic potential and insufficient funding. Moreover, few VNRs include these sectors in reporting on the economic dimension of sustainable development[2], indicating that they tend to be marginalized when the economy as a whole is considered. Conversely, the transformative social role or foundational importance of culture receive more coverage in the VNRs.

Cultural and creative sectors can rally society in the fight against climate change. They must also contribute to sustainability and be held accountable for their environmental impact, as in all other economic sectors

Environmental outcomes are the least common outcomes of cultural policy in NDPs and NSDPs, lagging considerably behind the other three, and this is a serious shortcoming in terms of achieving sustainable development. Cultural and creative sectors can rally society in the fight against climate change. They must also contribute to sustainability and be held accountable for their environmental impact, as in all other economic sectors. This crucial dimension is explored in greater detail in the following section, with a view to understanding the levers for boosting the interlinkages of these sectors with environmental sustainability and climate action.

2. Out of the 45 full VNRs submitted in 2020, 25 of them (55%) were reviewed for this chapter. In this sample, only a quarter of them mentioned their cultural and creative sectors in discussing economic outcomes (Benin, Bulgaria, Estonia, India, Kyrgyzstan, Morocco), and most were brief mentions linked to developing cultural tourism under SDG 8.

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Culture is a driving force of sustainable development for communities, peoples and nations, as recognized by the international community in the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. It is a powerful platform for human empowerment, in particular of those left behind, giving them a voice that societies will listen to. It empowers young people – not only in their ability to embrace diversity and to respect the views of others, but also in their power to imagine and shape the societies they want to live in. I had the privilege to witness this first hand, when I visited an art gallery set up by Afghan youth in Tajikistan. Culture is their tool to integrate into their new home country. At the same time, creative industries contribute to job creation and economic opportunities, and so it is crucial to embrace their full potential. Green and digital transitions will require fundamental shifts in the way we think, live, work, consume and produce. Yet again, culture will be at the core of this change. This is why we, in the European Union, recognize culture in the Consensus on Development not only as a component of sustainable development, but as an enabler too. The European Union has invested more than €100 million since 2016 in cultural and creative industries, intercultural dialogue and cultural heritage in partner countries. Cultural diversity is at the heart of the European project and we support the diversity of cultural expressions around the globe. It is essential to promote mutual understanding among cultures for more peaceful societies, and to ensure that fundamental freedoms and human rights are upheld. Along with education and exchanges, culture is key to boost people-to-people connections, a main objective of the new European Union Global Gateway Strategy. The Erasmus+ programme and other actions will offer opportunities to young people, including creatives and artists, to learn from each other, and to co-create innovative solutions to sustainable development challenges. However, more efforts are needed to unlock the potential of culture. The European Union remains committed to do so, together with its Member States, UNESCO and other international actors in the spirit of effective multilateralism.

Jutta Urpilainen

Commissioner for International Partnerships, European Commission

INVESTING IN CREATIVITY FOR CLIMATE ACTION

The 2020 Report of the UN Secretary General (ECOSOC) raises the alarm about climate change occurring much more quickly than anticipated. By the end of the century, the world's temperature is expected to rise by more than 3°C, which is well beyond the goals set by the Paris Agreement (UNEP, 2020).

Faced with the urgent need for a radical transformation of the production and consumption patterns to limit and adapt to the consequences of the climate crisis, the idea of a Green New Deal – a major investment programme combining ecological transition and social justice – has been given new impetus in recent years at the national, regional and global levels. It calls for a shift to a new resource-efficient, sustainable and inclusive economic model aiming at net zero emissions, with a focus on investment in services and infrastructure, such as health, clean energy, public transport and agriculture. In 2020, the European Parliament adopted the European Green Deal, with the aim of becoming what the European Commission has called the 'first climate-neutral continent'. In the same year, the European Commission unveiled the New European Bauhaus, a movement mobilizing the cultural and creative ecosystem to re-imagine the European way of life and co-design solutions for the implementation of the Green Deal.

While this initiative sends an encouraging message, the transformative power of the cultural and creative sectors is not yet sufficiently exploited in the fight against climate change and the shift towards new sustainable models. Conversely, the impact of climate change on the diversity of cultural expressions is currently under-assessed, as highlighted by Karima Bennoune, the then United Nations Special Rapporteur in the field of cultural rights. In a 2020 report, she stated that those most affected by climate change have often done the least to contribute to it and have fewer resources to protect their cultures from its effects. According to her report, the impact of climate change may result in a 'terrible climate culture apartheid and a catastrophic "editing" process, in which much of the history and cultural traces of the biggest victims of climate change are allowed to disappear while the traces of those most responsible for it are more protected and most likely to survive [...]' (Bennoune, 2020*a*).

The transformative power of the cultural and creative sectors is not yet sufficiently exploited in the fight against climate change and the shift towards new sustainable models

At the policy level, two broad types of responses are being used to address the defining challenge of our times. Firstly, in both academia and policy circles, there is an increasing awareness of the untapped transformative role of culture for climate action: the causes of climate change are linked to values and ways of life. Diverse cultural expressions can powerfully engage values, fuel re-imaginings of the planet's future or help implement 'conflict-sensitive adaptation' approaches to deal with the stress arising from the impacts of climate change, biodiversity loss and land degradation. Based on this premise, governments and civil society organizations, particularly in Europe, North America and Latin America and the Caribbean, are using cultural expressions to build understanding and unlock policy engagement with climate change and environmental issues. However, climate change reports and strategies rarely feature in the role of the sector. Addressing this gap, a UNESCO-ICOMOS-IPCC co-sponsored international expert meeting on culture, heritage and climate change was held in 2021 to support the Intergovernmental Panel on Climate Change (IPCC) 7th Assessment Report and its upcoming special report on Cities and Climate Change. The main objective was to highlight the added value of culture in climate science, through a knowledge assessment on its role for climate mitigation and adaptation.

> ***Today's strategy for a Renovation Wave will help us cut emissions and cut energy poverty. It will bring economic, environmental and social benefits. But our European Green Deal is bigger. It is a systemic change. To achieve this, we need broad engagement, wide support and lots of innovation and creativity. This is why we are today launching the New European Bauhaus. The New European Bauhaus movement is intended to be a bridge between the world of science and technology and the world of art and culture.***
>
> ***Ursula von der Leyen***
> *President of the European Commission.*

A few countries are devising and implementing comprehensive policy responses for mobilizing the cultural and creative sectors to respond to the climate crisis. For example, Germany's Federal Commission for Culture and Media supports resource-efficient filmmaking through environmental requirements to access subsidies and is rolling out a science-based certification scheme for sustainable film and TV production in the country. Moreover, all State-sponsored cultural events, as well as the Commission itself, comply with eco-management standards. Other countries have valuable measures but that currently appear more ad hoc. Since 2019, Austria has been investing US$173,000 annually in the *Kulturtankstelle* (Cultural filling station) initiative, a cooperative laboratory for artistic-scientific research to drive transformative processes around social and spatial issues for cities in times of climate change. In developing countries, civil society organizations are generally more active than governments in mobilizing the cultural and creative sectors against climate change. The Association Mali Culture produces interactive performances in parks and protected areas to raise awareness, educate and mobilize communities.

Some countries are also mobilizing the arts in dialogue with their heritage to amplify local and indigenous knowledge and perspectives on environmental sustainability.

In East Africa, for example, a pilot project was launched in seven countries to research and document case studies of intangible cultural heritage practices that addressed the challenges of biodiversity conservation, climate change and disaster risk reduction. In line with the UNESCO 'Local and Indigenous Knowledge Systems' programme, this project helps shape local approaches to sustainable development. Similarly, in Latin America and the Caribbean, there have been initiatives contributing to the new development paradigms needed. In Cuba, the Núñez Jiménez Foundation of Nature and Humanity works closely with various entities from the Ministry of Culture to integrate environmental dimensions, often linked to indigenous knowledge, in cultural action. In Mexico in 2021, the British Council organized a cultural hackathon entitled *Hackear la crisis climática: El futuro es indígena* (Hacking the Climate Crisis: the Future is Indigenous)[3]. The aim was to encourage indigenous narratives around the climate crisis for structural change. Colombia's Ministry of Culture, for its part, is implementing a programme aimed at enabling indigenous communities to put into practice their own development paradigm along the indigenous concept of *Buen Vivir* (Good Living), which emphasises a balance with nature in satisfying human needs.

However, the analysis of VNRs reveals that the cultural and creative industries' potential to highlight heritage as a resource for climate change responses is often untapped. While developing countries are often firmly committed to drawing on their heritage to propose alternative solutions to environmental challenges, creative industries have not been given the same attention. The Small Island Developing State of Palau asserted, in its 2019 VNR, that Palau culture and traditions are essential resources in the fight against environmental degradation. Building on a cultural ecological ethic of 'take only what you need, think always of tomorrow', Palau introduced a passport pledge for incoming visitors to promise to do no harm. Palau is a signatory to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage but not yet to the 2005 Convention. In Palau's example, as in others, there is an untapped potential for the arts and creativity to engage with cultural heritage and knowledge for climate action. The Palau passport pledge was developed by an advertising firm (Medel, 2020). Sectors such as film, music and literature can also be powerful amplifying levers of heritage for climate change action.

3. *www.britishcouncil.org.mx/hackear-la-crisis-climatica*

Box 8.3 • *Reducing the environmental impact of the cultural and creative sectors*

Arts Council England and Julie's Bicycle

One game-shifter in the public sector is Arts Council England. In 2012, it became the first cultural body in the world to make environmental reporting and plans into a funding requirement. Working with Julie's Bicycle, a non-governmental organization, the Arts Council designed a policy requiring a category of recipients to have environmental policies and action plans, and annually report on their environmental impacts. Julie's Bicycle rolled out capacity-building activities to help organizations shift to lower carbon practices.

The 2018-2022 funding cohort included 828 cultural organizations. They used the 'Creative Green Tools' carbon calculators to report energy consumption, waste generation, kilometres of touring and so forth. In 2019, the largest contributor to the culture sector's carbon footprint came from energy consumption (81%) and waste generation (11%). The most common measures for reducing carbon impact included installing energy-efficient lighting, eliminating single-use plastic and reducing travel. While every contribution to emissions reduction counts, only 10% of organizations were found to have a policy or strategy aligned with the level of reductions needed according to climate science.

Source: Arts Council England, 2020.

A global creative coalition for climate action

'Data analysis shows that one average tentpole film production – a film with a budget of over US$70m – generates 2,840 tonnes of CO2e, the equivalent amount absorbed by 3,709 acres of forest in a year' (albert et al., 2020). Driven by the desire to take collective climate action, film and television industries have come together around a voluntary mechanism. Launched in 2019, the Creative Industries Pact for Sustainable Action takes direct inspiration from the 2030 Agenda and the Paris Agreement and sets goals aligned with national and local climate strategies. Signatories are encouraged to self-report on measures adopted for green production and consumption processes and for collaboration with peers in the film and television industries. They are also expected to leverage their influence on the general public to achieve a broader cultural shift towards more sustainable living. Signatories include film corporations, public agencies, guilds, member-based organizations and film schools. As of May 2021, the Pact had 90 signatories from North America, Europe and Africa. Other notable national film schemes include Ecoprod in France, Grüner Filmpass *in Germany and albert in the United Kingdom. Most schemes today are voluntary, although this is progressively changing. Germany's* Grüner Filmpass (Green Film Pass)*, redesigned in 2020, now includes some mandatory measures. However, the dearth of benchmarking data for different types and sizes of film production (adverts, TV, feature film and so on), and the lack of common standards across international productions, remain significant challenges. Moreover, many industry players still give low priority to environmental sustainability in the absence of obligatory regulation (Bigger Picture Research, 2020).*

Sources: https://creativeindustriespact.com, www.ecoprod.com, www.ffhsh.de/en/film_commission/Green-Filming-Badge.php, www.wearealbert.org.

The second trend is based on the awareness that the cultural and creative sectors also contribute to climate change and need to minimize their environmental impact. In this context, countries such as the United Kingdom are at the forefront (Box 8.3). Several funding bodies in developed countries currently include environmental requirements, which are often accompanied by training and advisory support to beneficiaries. Requirements of funding bodies can be a key factor in cultural decision-makers adopting more sustainable production and consumption patterns (Julie's Bicycle, 2018). However, smaller institutions often lack the capacity to take action, as may also be the case for less developed countries (Creative Carbon Scotland, 2017). While initiatives such as the development of free toolkits are useful, stronger public support is needed to foster change – together with monitoring and data collection efforts. Cultural and creative stakeholders have also mobilized to set standards/principles and to disclose emission figures. In some cases, certification schemes are implemented to drive sectors such as film, festivals, performing arts and recorded music towards lowering their carbon emissions and making net-zero commitments. A challenge in this sphere is ensuring that organizations and businesses are not simply implementing 'fashionable, ad hoc, tokenistic and short-term initiatives that [are] ill-devised or ill-prepared' (Julie's Bicycle, 2018).

Data are essential to understand the environmental impact of cultural production and consumption. As the use of online streaming platforms is increasing, debate has been growing on the real impact of digital content consumption. It is complex to build models to estimate energy consumption of data centres and networks storing/transmitting content, as well as the carbon footprint of user devices. Estimates can vary by a factor of 90 or more[4].

4. Two of the most influential debates of 2020 on quantifying the impact of streaming can be found on Kamiya (2020) and The Shift Project (2020).

Data are essential to understand the environmental impact of cultural production and consumption

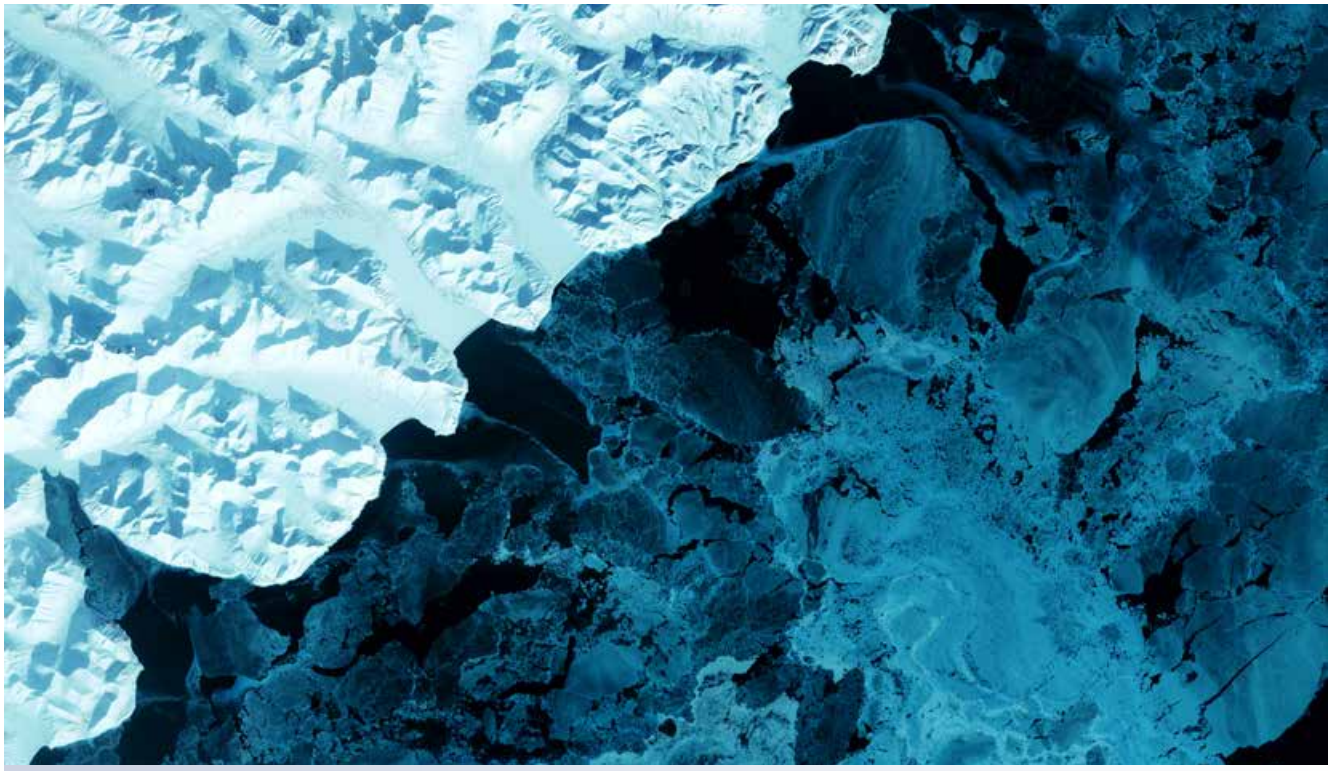
Amidst ongoing debates about how to track and calculate the environmental impact of streaming in terms of upstream and downstream energy demands, a recent study suggests that the explosive rise in demand (as well as the rise in artificial intelligence and blockchain technologies) may significantly drive up such impact in the future (Kamiya, 2020). Developing and deploying independent and robust methodologies for assessing the impact of streaming are therefore needed. Concrete recommendations on how to minimize this impact need to be more widely disseminated. For instance, streaming on TV is estimated to consume 100 times more energy than streaming on a phone (Kamiya, 2020). While digitalization may help, it is not environmentally harmless, and regulations towards more digital sobriety might be considered.

STRENGTHENING INTERSECTORALITY IN COORDINATION MECHANISMS FOR THE IMPLEMENTATION OF THE 2030 AGENDA

The inclusion of cultural objectives in NDPs and NSDPs, and their effective implementation, partly depend on the inclusion of cultural ministries or agencies in national coordination mechanisms. Overall, the holistic vision of the 2030 Agenda has instigated greater whole-of-government approaches than in the past, with a substantial number of interministerial committees created (DESA, 2020). While Parties report that only 63% of NSDPs specifically recognize the strategic role of the cultural and creative industries, 76% declare that bodies and agencies responsible for these industries are involved in the design and implementation of NSDPs. This suggests that the needs of the cultural and creative sectors, but also their potential for sustainable development, are not systematically reflected.

Developments in this area often encompass not only governmental bodies but also other stakeholders. In this regard, Austria notes that, through a series of events on culture and sustainable development aimed at stimulating cross-sectoral reflections on the SDGs, interministerial dialogue spurred by the Convention has served to create mechanisms for dialogue including both government and civil society actors. There is still much to be done to improve intersectoral coordination. The formalization of coordination mechanisms, including the participation of civil society, remains limited. The establishment of a Commission for Sustainable Development in Estonia to advise the government and monitor the implementation of Sustainable Estonia 2021 is an inspiring example. The Commission is composed exclusively of non-governmental stakeholders from various fields of expertise, including the Estonian Chamber of Culture, and meets four to five times every year. Lithuania's Ministry of Culture coordinates an inter-institutional action plan to implement the culture priority of the National Advancement Strategy with the cooperation of seven Ministries and the Department of Statistics.

Another trend is to ensure that cultural policy is coherent with the SDGs. In Sweden, government arts agencies have signed a letter of intent to work together to achieve the SDGs. Similarly, in Quebec, 82% of the departments and agencies were found to contribute to the goal of enhancing access to and participation in cultural life (included in Quebec's Sustainable Development Strategy). As a whole, however, a review undertaken by UNESCO (2019*b*) found there was still considerable scope for cultural policies to actively integrate the SDGs, and particularly the environmental dimension. In response to a growing number of country requests, it has therefore become a strategic area of action for the Organization, which supports the set up of intergovernmental platforms and develops monitoring instruments such as the *Culture and Public Policy Tracker*.



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The UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions relates closely to my mandate. In studying the relationship between cultural rights and cultural diversity with the aim of further promoting cultural rights, it is crucial for my mandate to collaborate closely with civil society and international organizations, including UNESCO. The cultural rights of individuals and communities can only thrive where cultural diversity is protected. Very often, we see cultural diversity being undermined at the domestic level. Reasons include alleged or real threats to national sovereignty, the need to promote the 'national' or majority culture and the need to prioritize other interests, often development, over cultural rights. Yet, we now know beyond any doubt that recognizing cultural diversity and implementing cultural rights makes a significant contribution to the well-being and development of individuals and communities; and therefore ultimately to social cohesion and peace. It is important to remember that international standards oblige States to grant special protection and prioritize the rights of specific sections of the population including women, indigenous peoples, minorities, and vulnerable individuals. It is vital that the interpretation and implementation of the Convention is always informed by the ever-evolving human rights standards in this sphere. Closer interaction between UNESCO and the UN is one of the main priorities of my mandate.

Cultural rights must also be at the core of any discussion and activity relating to sustainable development. As early as 1987, the Brundtland Report had rightly noted that, in order to be 'sustainable', development must meet the needs of the community without compromising the ability of future generations to meet their own needs. States are under a clear obligation to adopt all appropriate measures to protect the environment, the livelihood and the natural resources of the affected communities. Cultural rights are an important ally and resource in this respect. It is vital that States and the international community apply a variety of development models. The wisdom of traditional knowledge holders and the experiences of affected communities must be used in all stages of development projects, from inception to delivery and evaluation. Such communities must not only be consulted; their free, prior and informed consent must be respected and their leadership in implementing and evaluating development programmes must be sought. This is the only way to ensure that individual and collective cultural rights are protected; and that cultural diversity empowers communities and benefits humanity.

The Convention ensures that culture is no longer seen as a top-down concept. We are grateful for this. I am determined to use my mandate to ensure that such a message is heard loudly through cultural rights. I look forward to using this timely Report in carrying out my mandate in the years to come.

Alexandra Xanthaki

UN Special Rapporteur in the Field of Cultural Rights

MONITORING AND EVALUATING

When culture is integrated in NDPs and NSDPs, generally the Ministry of Culture or equivalent body is given the mandate to break down goals into strategies with more specific targets. As such, the monitoring capacity of the culture portfolio determines the extent to which any culture-related outcomes integrated in plans can be evaluated. Cultural outcomes, by their multidimensional nature, are difficult to measure. To provide guidance on monitoring culture's multiple contributions to the SDGs, UNESCO developed the *Culture 2030 Indicators* in 2019 (UNESCO, 2019*a*). This framework, built on previous frameworks such as the Culture for Development Indicators Suite, combines quantitative and qualitative indicators. It is hoped that it will facilitate greater inclusion of cultural processes and outcomes at the national and local levels.

New steps have been taken at country level to bolster cultural monitoring (see Chapter 1). However, monitoring and evaluation of culture-related outcomes in sustainable development plans are still rare. Out of 469 measures to integrate culture into sustainable development frameworks described by Parties to the Convention, only 13% had been evaluated. A compelling example of the value of the tracking exercise is Indonesia's Cultural Development Index. It measures the performance of culture in relation to sustainable development and serves to identify priorities for informed policy-making, including at the subnational level. The Republic of Korea, for its part, has developed a cultural impact assessment statutory regulation to measure the impact of cultural plans and policies on the quality of life by both central and local governments.

An interesting emerging trend is the development of composite indicators focused on measuring well-being, as a complement to standard Global Domestic Product (GDP) or development indicators. Indeed, the *2020 Human Development Report* (UNDP, 2020) exhorts societies to transition from valuing what they measure to measuring what they value. The new frameworks adopted in this regard often integrate culture. For instance, the Indicators Aotearoa New Zealand measure national well-being by incorporating indicators on cultural engagement, intergenerational transfer of knowledge and sense of belonging (Culture 2030 Goal Campaign, 2019).

An interesting emerging trend is the development of composite indicators focused on measuring well-being

EQUITY IN THE DISTRIBUTION AND ACCESS TO CULTURAL RESOURCES

The Convention establishes a commitment to integrating culture into sustainable development policies at the international, national and local levels. The 2030 Agenda echoes this conviction, highlighting local authorities as strategic partners. The United Nations received 32 Voluntary Local Reviews (VLRs) on SDG implementation from city and regional governments between 2016 and 2020. The local level, or other subnational levels (especially in the case of federal structures) largely determine the availability of cultural resources, whose equitable distribution is key for the effective exercise of cultural rights. Involving subnational authorities is particularly crucial for the concrete achievement of outcomes related to social cohesion, economic vitality and environmental viability. Depending on national contexts and the actual state of decentralization, the transfer of resources and capacity from central government may be a prerequisite for effective local policy. Globally, however, there is a significant mismatch between the funds available at the national level and the funding that reaches those subnational governments, territories and communities that are most in need. This may undermine many SDG localisation efforts (Global Taskforce of Local and Regional Governments, 2020).

INTERCONNECTING URBAN AND CULTURAL DEVELOPMENT

As cities across the world become increasingly multicultural, there is a keener appreciation of culture as the glue that holds cities together. Cities in countries with advanced systems of decentralized governance are becoming particularly active in providing for the cultural life of their inhabitants as a way of achieving SDG 11, which urges leaders to make cities inclusive, safe, resilient and sustainable. While comprehensive figures are not available on the number of local governments that have developed cultural policies or integrated culture in their strategies, the high level of activity in policy networking and learning in the sector is an indicator of rising interest. Since 2015, the Organisation for Economic Co-operation and Development (OECD) has had an Office on Culture and Local Development in Venice. Local government networks such as 'Mercociudades' in Latin America, 'EuroCities' in Europe, as well as 'United Cities and Local Governments' (UCLG) and UNESCO's 'Cities Platform' and 'Creative Cities Network', have very active programmes leveraging creativity for urban development. In 2020, city leaders and policy experts convened virtually to launch the Rome Charter. Through this Charter, signatory cities across the world commit to discovering, creating, sharing, enjoying and protecting their cities' cultural resources to work towards inclusive and sustainable cities (Roma Capitale and UCLG Committee on Culture, 2020). Guidelines for leveraging culture in sustainable urban development were also developed by the World Bank and UNESCO in *Cities, Culture and Creativity* (2021).

As identified at the national level earlier, there are also a range of local measures addressing the cultural, social and economic dimensions of sustainability, but only a few focus on the environmental dimension. The cultural dimension in sustainable local planning is frequently associated with cultural and creative vibrancy viewed as key to a city's identity and citizen well-being. This is reflected in Melbourne's recovery efforts, a UNESCO Creative City since 2008.

Indeed, the municipality created a connected network of routes across Melbourne with their own stories, visuals and acoustic designs to showcase the city's creative culture and unlock the potential of some of its lesser-known areas. As well as providing employment opportunities, improving mental health and economic satiation for many residents, this new initiative strived to improve local amenities and neighbourhoods to encourage people to move to or visit there, therefore revitalising the city during this difficult time. In its VLR on the 2030 Agenda's implementation, the Chinese city of Deqing included an indicator tracking whether '100% of residents can reach cultural facilities in 40 minutes' to evaluate progress on the fight against poverty (SDG 1) (Culture 2030 Goal Campaign, 2019). The economic dimension of culture is strong in local strategies aimed at local branding and competitiveness and, under such objectives, there is often a focus on cultural tourism, notably through heritage promotion but sometimes through developing cultural industry hubs. The region of Lazio in Italy, for instance, has developed several instruments and triennial plans for developing the region's cinema industry as a way of boosting employment, revenues and tourism (Cavallini et al., 2018).

Cultural industry-based regeneration projects are a good example of how cultural, social and economic outcomes can be interconnected. While 73% of respondent countries reported implementing such projects at the regional, urban or rural levels, the trend was particularly significant for Western Europe and North America (88%) and Latin America and the Caribbean (82%). These projects are an opportunity to enhance community participation and create new economic opportunities. In Maribor, Slovenia, university students and residents were involved in the inception phase of the conversion of a former prison, close to the historic centre, into a commercial and cultural facility. The results of this multistakeholder consultative process are intended to inform the Local Action Plan of the municipality. The Mexican Ministry of Culture, for its part, has been working with Mexico City authorities to launch development of the Chapultepec Forest Cultural Project, which combines urban, ecological and cultural planning. The biocultural park, with a design coordinated by renowned Mexican artist, Gabriel Orozco, may be an interesting experience that will need to address the challenge of combining cultural and environmental planning within cities.

The rural-urban divide in cultural participation rates is higher in developing countries than in developed ones

The involvement of central governments in developing local government capacities is a crucial driver for the integration of culture in local development. Under its Orange Economy Law, Colombia developed tools advising mayors and local governments on how to include culture and creativity in their development plans. Argentina's national Creative Cities Network programme provides training to local officials of 54 cities to strengthen local creative ecosystems.

IMPROVING TERRITORIAL EQUITY, INCREASING ACCESS TO CULTURE

Equitable distribution of cultural resources and infrastructures is key for territorial development, and a prerequisite for creativity to thrive. Throughout the cultural value chain, such assets crucially enable artists and cultural professionals to create, produce and distribute works. They also allow audiences to access and participate in cultural life.

Equity in accessing culture across national territories can be tracked in many ways depending on national and local statistics available. Currently, the region with the most comparable data is the European Union (EU). The EU Cultural and Creative Cities Monitor includes indicators such as the percentage of inhabitants living no more than two kilometres from the closest cultural venue. Eurostat figures from 2015 show a cultural participation rate of 69% for European cities, compared with 57% for rural areas. In some countries (Austria, Belgium, France, Germany, Netherlands, Portugal, Slovenia) the gap between urban and rural cultural participation rates is less than 5% showing a balanced distribution of cultural assets (Montalto et al., 2019). While trends in other regions are more difficult to compare due to a lack of detailed data, the UNESCO *Culture 2030 Indicators* could help to enhance data collection in the coming years. However, it appears that the rural-urban divide in cultural participation rates is higher in developing countries than in developed ones, which could reflect lower capacity to ensure cultural infrastructure in rural areas.

Developing and developed countries all implement a variety of measures for ensuring access to culture outside of the main urban areas. Viet Nam has a particularly comprehensive policy approach for rural areas through the National Target Programme on New Rural Development. In Latin America, under the regional *Cultura Viva* (Living Culture) programme, several countries (Argentina, Costa Rica, Peru, Uruguay) have created *Puntos de Cultura* (Cultural Hotspots) by designating and supporting civil society organizations with a track record of strengthening cultural life in their communities. These hotspots become hubs for cultural and creative events and resources in their region. Emphasis is also placed on strengthening regional cultural infrastructures (Algeria, Senegal, Timor-Leste) or fostering participation through the 'Cultural Sharing' schemes in the Republic of Korea, which ensure that art performances reach remote areas, or mobile libraries and bookstores deployed to stimulate reading (China, Egypt, Iraq). Similarly, the Creative City of Heidelberg (Germany), as part of its 'Lust4Live' initiative – which saw the creation of small-scale open-air festival throughout the city centre – ensured that access to culture for all was provided by driving a mobile stage on a truck through the city's suburbs. Given that the COVID-19 pandemic has highlighted the challenge of digital exclusion, it is encouraging to see the reporting of measures aimed at ensuring greater connectivity in libraries across national territories (Argentina, Costa Rica).

In order to foster creation in remote communities or emptying regions, many developed countries have also established dedicated funds, grants or innovative schemes (Denmark, Finland, Sweden). Australia runs a Regional Arts Fund targeting isolated communities, while the Austrian province of Vorarlberg has instituted a 'Comeback grant' to encourage artists originally from the province to come back and revitalise the local cultural offering. Ireland has an interesting scheme to encourage film shoots outside of key urban areas, which applies additional tax credits to productions that contribute to audiovisual activity in priority regions.

Globally, an innovative emerging trend is to strengthen the skills of cultural professionals and develop resources for the promotion of more diverse cultural expressions at a decentralized level. Peru's Cultural Governance Programme strengthens the cultural management capacities of district municipalities in small northern communities to foster social and territorial development and counter the emptying out of rural zones by maintaining a pool of local talent. Through the model for sustainable development frameworks, Lithuania empowers local communities in cultural policy and funding, while Costa Rica provides specific training to community cultural managers.

Box 8.4 • *Giving a platform to indigenous voices*

Most Latin American countries, as well as Australia, Canada and Finland, have introduced various measures to ensure greater cultural expression and access to culture for their Indigenous Peoples. Australia invests in funding traditional and contemporary cultural projects of indigenous communities along the value chain. The indigenous initiatives of the Australian Film, Television and Radio School (AFTRS) focus on training or upskilling indigenous media practitioners, providing scholarships and subsidies and supporting their entry into the industry in key creative positions. Initiatives include writing workshops to support talented indigenous screen storytellers or pilot initiatives such as 'Drawing out Story', which introduces remote Aboriginal women in filmmaking. At the industry level, Australia's national broadcaster provides a platform for indigenous filmed expressions. It operates a National Indigenous Television (NITV) station, with content produced by Australian Aboriginal and Torres Strait Islander peoples. Revenue generated by the station is reinvested directly into indigenous-made content to strengthen the indigenous production sector. Similarly, Canada's National Film Board (NFB) launched an Indigenous Action Plan in response to the country's Truth and Reconciliation Commission (TRC) recommendations, which had called for a new era in relationships between indigenous and non-indigenous Canadians.

The NFB's action plan to address systemic barriers for indigenous filmmakers in the production ecosystem was developed in collaboration with an indigenous advisory group and contains 33 commitments in the areas of institutional transformation, industry leadership, production and distribution. Of the NFB production budget, 15% has been allocated to projects by indigenous artists. By 2020, NFB's online collection of indigenous cinemas featured more than 300 titles accessible to all Canadians, while the Aabiziingwashi *(Wide awake) Indigenous Cinema Tour implemented under the action plan surpassed 1,300 screenings nationwide. Under the plan, the NFB will also make available an online educational experience to provide schools with indigenous perspectives on Canada's history and culture.*

These initiatives echo recommendations of the Los Pinos Declaration, a strategic roadmap adopted in 2020 to guide the UN Decade of Indigenous Languages (2022-2032). Under the slogan 'Nothing for us without us', it emphasises, inter alia*, Indigenous Peoples' rights to freedom of expression and the need to empower indigenous language users.*

Sources: Australian QPR, Canada QPR.

INCLUSIVITY MEANS DIVERSITY

Even in a city or rural area with a good cultural offering, if there are no special measures then vulnerable groups (young people, older adults, marginalized racial groups, immigrants, persons with disabilities and Indigenous Peoples) may not be able to access or contribute to this offering (Box 8.4). Of the countries surveyed, 81% reportedly implement measures to facilitate access to culture for disadvantaged or vulnerable groups. This is generally more common in developed countries (90%) than in developing countries (76%) although Latin America and the Caribbean bucks this trend. The latter region, like Europe and North America, has prioritized the mobilization of culture to promote social inclusion and cohesion. Unsurprisingly, the countries there implement numerous measures to ensure inclusion of vulnerable groups and minorities.

In this regard, measures for the inclusion of people with disabilities are becoming more widespread. This has been helped by instruments such as the 2013 Marrakesh Treaty, aimed at facilitating access to printed works for the visually impaired. Measures in this field range from translating the Treaty into national languages, to legislation on physical accessibility of public cultural spaces, as well as active support to cultural professionals with disabilities and audiences. In Bulgaria, the Ministry of Culture implements the National Disability Strategy by ensuring integrated arts education for children with special needs and providing support to artistic projects for disability organizations. In Mozambique, the Ministry of Culture provides training in arts and crafts to women with disabilities.

The inclusion of migrant or migrant-origin populations is also a continuing trend in many countries (Austria, Cyprus, Germany, Italy, Republic of Korea, Switzerland). A non-government-led example can be found in Switzerland, where the live music association, PETZI, in collaboration with other music associations, created the Diversity Roadmap to provide guidelines to the music industry to make the programme, communication and structure of events more diverse and less discriminatory.

Of the countries surveyed, 81% reportedly implement measures to facilitate access to culture for disadvantaged or vulnerable groups

There is a noteworthy regional initiative under way in Nordic countries aimed at producing guidelines to help practitioners foster inclusiveness and diversity in the cultural and creative sectors. Conversely, some countries (Armenia, Ecuador, Ireland) are also reporting measures targeting their diaspora populations.

While measures for youth inclusion are common in developed countries, developing countries have also implemented many interesting measures. Barbados, under its Youth Achieving Results Performing and Visual Arts Programme, provides an avenue for economically disadvantaged youth to access careers in these fields, and the Digital Media Film Project targets out-of-school youth to train them in the audiovisual and media industries. Another Caribbean country, Jamaica, has created a Youth Advisory Council within its National Culture and Creative Industries Unit so that young people within the sector can have a direct line of communication with the Ministry of Culture. Some countries faced with conflict situations pay particular attention to measures aimed at children. Iraq, for example, has measures for the production of children's plays and films in collaboration with the United Nations Children's Fund (UNICEF). Civil society organizations (CSOs) play a central role in the design and implementation of youth-related measures. For example, Music Crossroads Malawi runs music camps for youth while the publishers association of Madagascar (AEdiM) promotes reading among disadvantaged and autistic children. In the United Republic of Tanzania, the Zanzibar Film Actor Association builds capacities of rural film practitioners and provides access to rural cultural archives, to decentralize filmmaking from urban voices and visions.

CULTURE AND CREATIVITY IN INTERNATIONAL DEVELOPMENT COOPERATION

In line with the 2030 Agenda and SDG 17, calling for reinforced partnerships for sustainable development, the Convention requires enhanced cooperation in support of diverse cultural expressions and strengthened cultural and creative sectors in developing countries. It is through the integration of culture into bilateral, regional and international sustainable development frameworks and programmes that this obligation can be fully realised.

POSITIONING CULTURE AND CREATIVITY IN COOPERATION STRATEGIES

Almost half of the countries surveyed (49%) have international development cooperation strategies – either as a donor or a recipient – that recognize the role of creativity and diverse cultural expressions. However, more developing countries (56%) than developed countries (33%) report they have integrated culture into development cooperation, which means that significant progress can still be made in this area.

Donor countries with explicit strategies or mechanisms for culture in development cooperation are mostly in Europe, as well as in the Asia Pacific region. Swiss Development Cooperation commits around 1% of its budget with a partner country to cultural projects. It totalled US$6.2 million in 2019, mainly allotted to CSOs. Sweden reports that culture is a key element in its development cooperation to advance democracy and freedom of expression. Through the Swedish International Development Agency (Sida), it supports UNESCO in enhancing participatory cultural policy monitoring in 16 partner countries, as well as global knowledge production and sharing, including on media diversity, artistic freedom and gender equality in the cultural and creative sectors. Finally, the Republic of Korea and Japan have provided significant support to the cultural and creative sectors in developing countries, especially in Asia and increasingly in Africa.

Culture can be integrated into international cooperation strategies in several ways, not all of which are aimed at aiding development, let alone fostering the emergence of a dynamic cultural sector as called for in Article 14 of the Convention. Indeed, countries often combine objectives related to diplomacy and security policy, trade promotion of their own cultural products and cooperation to advance culture sectors outside their borders. The example of the Netherlands' International Cultural Policy 2021-2024 (involving the Ministry of Foreign Affairs, the Ministry of Foreign Trade and Development Cooperation and the Ministry of Education, Culture and Science) illustrates the many facets of international cultural cooperation. Among other goals, the policy aims to use the power of creative industries to achieve the SDGs in its development focus regions (Ministry of Foreign Affairs et al., 2020).

Among countries that have traditionally channelled cultural cooperation funding through their culture institutes, there is an increasing involvement of their development agencies. In Germany, culture is now an integral part of development cooperation strategy under the responsibility of the Federal Ministry for Economic Cooperation and Development, and projects are implemented by Germany's Goethe Institut, as well as its development agency, GiZ (Franco and Njogu, 2020). Since 2018, France's Development Agency (AFD) has a mandate to develop funding instruments for the cultural and creative industries, which was inspired by the Convention (AFD, 2020).

Interest in cultural development cooperation from non-traditional donor countries is also increasing. In Bulgaria, the Convention inspired inclusion of cultural diversity protection in its 2016-2019 Medium-Term Development Assistance and Humanitarian Aid Programme, while Italy's development agency has implemented activities in support of the cultural and creative sectors since 2017.

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Tackling the climate emergency and the coronavirus disease (COVID-19) pandemic requires hard work through global solidarity, cooperation, coordination and dialogue. As the capital of Mexico, we decided to forge, together with all like-minded cities, a new path of collective resilience in the face of these challenges. This approach is based on policies and actions which are closely linked to the restoration of the welfare state and which reattach importance to basic human rights, such as health. It moves away from the period of neoliberalism during which these rights were diminished to the point of being viewed as mere sources of business opportunities and during which there was also a distorted view of scientific activity, of advances in research and of new information and communication technologies, whose commercial potential was valued more than their innovative spirit.

By establishing the outlines for the complete reconstruction of our societies, individuals and communities are themselves demanding that States restore the essence of human rights, guaranteeing them in our policies and putting cultural rights at the core of our strategic action. In the midst of a health and environmental crisis, culture has served as a unifying force of hope which is as vast as it is indispensable to a reinvention of our cities as regards an inclusive and sustainable future and socio-environmental well-being.

We face major challenges which have shown us that culture is, above all, necessary to identity and that it acts as a neighbourly bridge for human communication. Culture is a set of rights which, when exercised, have played various roles, all crucial: it has served as a mechanism for the creation of meaning, identity and community at a time of uncertainty and pain; through art, freedom of expression and shared practices and knowledge, it has helped people to overcome isolation; and it has transformed uneasiness into imagination and creation. The time has come for cities to dream and innovate. By supporting cultural rights we can generate a range of participatory systems in which creativity and technological advances are drivers of prosperity for urban recovery. It is our job now to promote cultural ecosystems in which there are new kinds of coexistence rooted in diversity, experimentation and imagination, thereby fostering the development of meaning and a continuous exchange of knowledge for the benefit of individuals, their communities and our planet.

Dr Claudia Sheinbaum Pardo

Mayor of Mexico City

Outside of Europe, China is supporting capacity-building in the African cultural sector through the 2016-2018 action plan developed at the Forum on China-Africa Cooperation.

Several subregional bodies have also integrated culture into their development cooperation strategies. One stakeholder that has been exceptionally active both in terms of strategising and funding cultural development cooperation is the EU, which is also the only regional organization to have ratified the Convention so far (Box 8.5).

TRENDS IN OFFICIAL DEVELOPMENT ASSISTANCE FOR CULTURE

Although not many new strategy documents or declarations have been issued since 2018, some new funding instruments have been put in place to advance SDG targets 10b and 17.2 for increased Official Development Assistance (ODA)[5].

The latest available data show a very slight upturn in bilateral ODA for culture and recreation since 2016, when it only amounted to 0.15% of total bilateral ODA. In 2018, this category accounted for 0.23% of total bilateral ODA and stood at US$281 million (Figure 8.3). However, when put into a long-term perspective, this level represented only a third of the funding available before the 2008 global financial crisis, which may point to a new decline due to COVID-19 related recessions in the next years (Box 8.6).

In 2018, there was an additional US$18.6 million in multilateral ODA allocated to culture and recreation, of which 83% came from EU development cooperation instruments.

5. OECD reported ODA data for a list of 50 donor countries in 2018 (See: *http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/dacdatasubmitters.htm*). ODA data covers development cooperation for the cultural and creative sectors under the wider category 'culture and recreation', thus aggregating funding for these sectors with heritage, sports and recreational sectors. One-off tours by donor country artists and other activities related to cultural diplomacy are excluded from ODA (OECD, no date).

Box 8.5 • *The European Union – mainstreaming culture in development and cooperation*

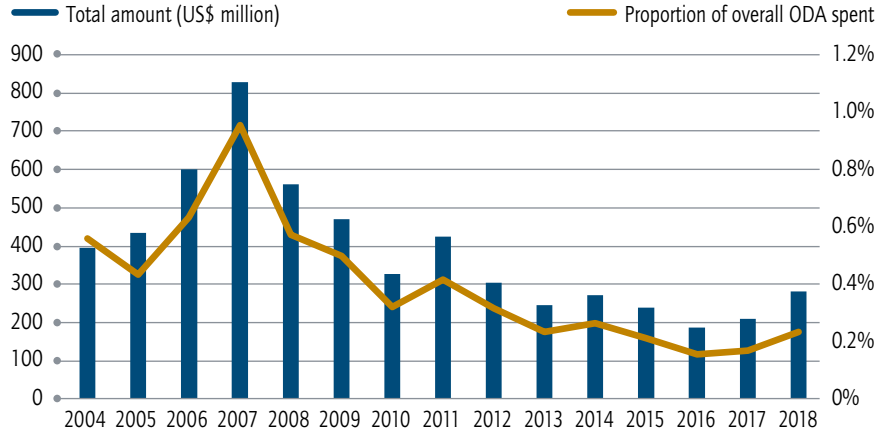
The European Union (EU) has developed several policy documents on the integration of culture in its external cooperation action and within Member States. The 2016 Joint Communication on EU International Cultural Relations was a milestone for mainstreaming culture in all EU external policies. The document identified three work strands, including supporting culture as an engine for sustainable social and economic development. More recently, a resolution on the cultural dimension of sustainable development was adopted and a working group set up to formulate an action plan (Council of the EU, 2020). The Culture for the Future Manifesto *was launched in 2019, following a colloquium with 400 artists, cultural professionals and policy-makers from Europe, Asia, Africa and Latin America (European Commission, 2020*b*).*

Currently, EU development cooperation is channelled through various instruments, including the European Development Fund. The Directorate-General for International Partnerships (DG INTPA, formerly known as DEVCO) is in the process of centralising information-sharing in culture across the European Commission, which should make it easier to have comprehensive figures on funding for culture in development cooperation in the future. Since 2016, a series of new innovative initiatives for culture have been launched, such as 'Creatifi', a US$23 million experimental financing instrument aiming to leverage further financing from investment funds for cultural industries in Africa and the Caribbean. The EU has also collaborated with UNESCO to support the roll-out of the Culture 2030 Indicators *in six countries and to set up an Expert Facility on the Governance of Culture. The Facility's pool of 43 leading international experts provides on-demand technical assistance (policy advice, skills training and knowledge sharing) to create sustainable regulatory environments for the cultural and creative industries in 12 developing countries and foster South-South cooperation. The programme supports multistakeholder dialogue and consultation for the elaboration of new regulatory frameworks and empowers partner countries through training workshops and the provision of tandem specialized expertise involving one international expert and one national one. Peer-learning is actively promoted through a dedicated platform, experience sharing and networking sessions. Under this programme, policy-makers working on Zimbabwe's music strategy had exchanges with Nigerian music industry players, and Panamanian policy-makers consulted Chilean policy-makers on lessons learned from their own creative economy policy process.*

Sources: https://ec.europa.eu/culture/policies/international-cultural-relations, https://en.unesco.org/creativity/activities/supporting-new-regulatory-frameworks-strengthen.

Figure 8.3

Share of culture and recreation of total Official Development Assistance spent between 2004 and 2018



Source: OECD/BOP Consulting (2021).

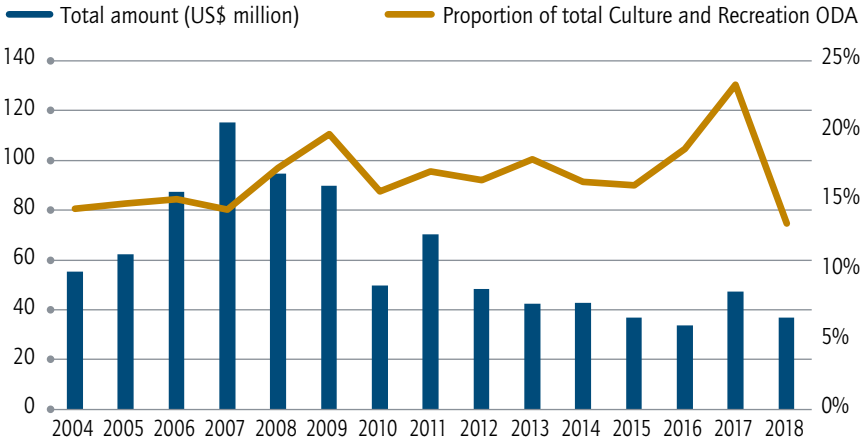
Figure 8.4

Ten largest Culture and Recreation Official Development Assistance recipients, 2018

Source: OECD/BOP Consulting (2021).

Figure 8.5

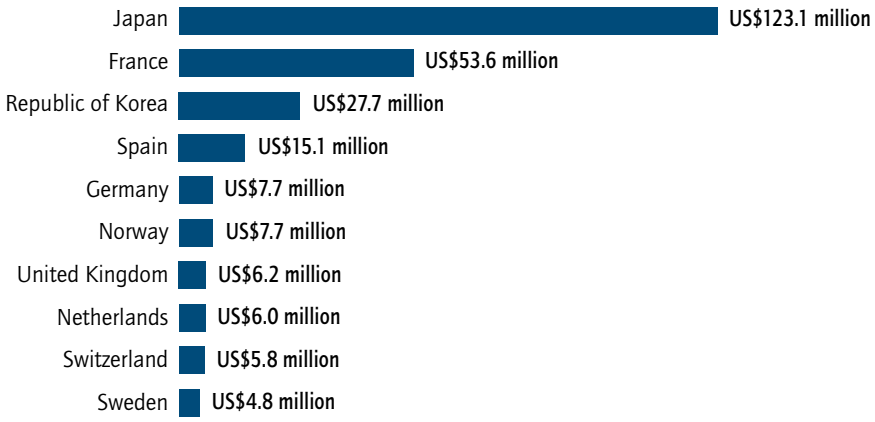
Culture and Recreation Official Development Assistance to least-developed countries, 2004-2018



Source: OECD/BOP Consulting (2021).

Figure 8.6

Ten largest Culture and Recreation Official Development Assistance donors, 2018



Source: OECD/BOP Consulting (2021).

The Asian Development Bank was the only other multilateral institution to have allocated more than US$1 million to culture and recreation in 2018. Despite timid funding, multilateral and regional organizations and development banks are showing increased interest in cultural sectors. The Inter-American Development Bank has an 'Orange Economy' work stream, focused on supporting the cultural and creative sectors development, and the Caribbean Development Bank established the Cultural and Creative Industries Innovation Fund in 2017. The African Development Bank has ventured into the creative sector with its 'Fashionomics' initiative, supporting the development of the fashion sector in Africa. In 2020, the African Export-Import Bank announced a US$500 million cultural and creative industries support fund and organized the first 'Creative Africa Exchange', a marketplace facilitating investments in these industries (Afreximbank, 2020). The World Bank has implemented some ad hoc support initiatives and is increasing production of knowledge on the cultural and creative sectors (World Bank, 2020*b*).

The list of top 10 recipients of ODA for culture and recreation seems to indicate that funding is not always directed towards those countries most in need. Only one least-developed country, the Democratic Republic of Congo, features in the top ten (Figure 8.4) and, since 2004, least-developed countries have only received an average of 17% of culture and recreation ODA (Figure 8.5). The list of top 10 donor countries, with one exception (the United Kingdom having replaced Denmark), shows the same donors as in 2015, with slight shifts in the order of magnitude (Figure 8.6). Some recipients are also becoming significant donor countries in their own right, although this is not yet captured in the OECD dataset.

Much of the project funding in the cultural and creative sectors within developing countries comes from private funds – foundations and international NGOs.

The five biggest private donors (in order, the Ford Foundation, Doen Foundation, Prince Claus Fund, Wellcome Trust and Open Society) provided a total of almost US$31 million in funding to developing countries in 2018, almost double the amount of multilateral funding for the wider category of 'culture and recreation'. Funding from these five donors went mainly to Africa, followed by Latin America and the Caribbean. The Ford Foundation is by far the biggest donor, accounting for more than half of the total top five funding.

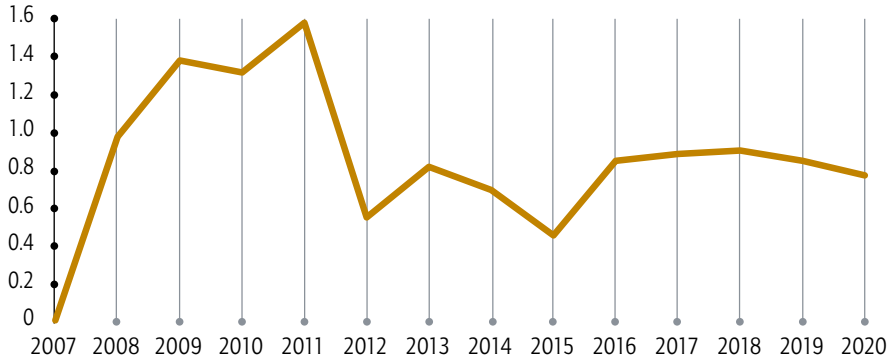
Private funds driven by developing countries have also emerged. African Culture Fund, set up in 2018, stands out through its ambition to fund cultural projects, in part through the sale of artworks donated by renowned African artists and through donations from businesses operating on the continent. The fund also receives subsidies from international NGOs and foundations. At the end of 2020, the fund reported having raised over US$1.7 million and funded 206 artists or organizations (African Culture Fund, 2020, 2021). This is an interesting development to monitor in terms of diversification of funding models in Africa.

The funding instrument created under Article 18 of the Convention, the International Fund for Cultural Diversity (IFCD), is a conduit for both developed and developing countries. It funds projects by the public sector and NGOs in developing countries, with a view to achieving structural change in the cultural and creative sectors.

Donations to the IFCD are counted in official ODA figures. As IFCD provides funding for structural policy processes often neglected by other funding sources, it is worth analysing the trends for this specific instrument. IFCD was operationalised in 2010 and reached its funding peak in 2011, when US$1.5 million was available. Funding fell considerably thereafter, but has since risen from a low in 2015 (Figure 8.7). Indeed, by mid-2021, the Fund had received the equivalent of 70% of the contributions paid for the 2018-2019 period, thus offering the prospect of a certain stability from one biennium to the next. While some of the largest contributions to IFCD come from developed countries, some developing countries are also among the top ten donors (Brazil, China, Mexico) (Figure 8.8). Since the creation of the Fund, developing countries have provided 17% of contributions. In 2018, UNESCO launched its first large-scale private sector partnership in support of cultural and creative industries, the UNESCO Sabrina-Ho 'You Are Next' initiative for women in digital creative industries, which has funded four projects in Mexico, Palestine, Senegal and Tajikistan.

Figure 8.7

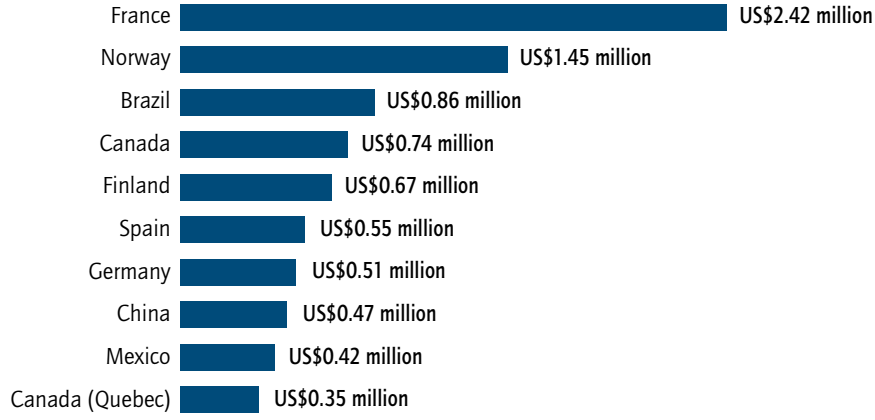
Contributions to the International Fund for Cultural Diversity, 2007-2020 (in US$ million)



Source: UNESCO (2021).

Figure 8.8

Countries with largest contributions to the International Fund for Cultural Diversity, 2007-2020



Source: UNESCO/BOP Consulting (2021).

ENHANCED CAPACITIES FOR CULTURE AND CREATIVITY

The 2030 Agenda for Sustainable Development calls for international support for capacity-building in developing countries (SDG target 17.9). With the Convention providing an enabling framework for its implementation, encouraging trends can be observed in cultural cooperation programmes dedicated to this purpose. 72% of Parties have projects supporting artists and cultural professionals in developing countries.

For example, Finland's Ministry of Foreign Affairs grants financial support to CSOs working in various cultural domains in developing countries. The Artist Residency Programme between Hong Kong (Special Administrative Region of China) and Indonesia is a meaningful initiative.

While most capacity-building cooperation programmes on cultural policy-making are funded by regional and multilateral institutions and specialized agencies, the Organisation internationale de la Francophonie (International Organization of La Francophonie, OIF) and UNESCO in particular, it is worth noting that 57% of Parties reportedly manage programmes in this field. Support to cultural and creative industries and market development (52%) in developing countries is less pronounced. This echoes an observation made in a review of cultural development cooperation in Africa, which noted that mature enterprises were less frequently targeted by support (Franco and Njogu, 2020). The incubation programme *Afrique Créative* (Creative Africa), financed by AFD, is an innovative example. It provides mentoring and equity funding to cultural and creative businesses ready to scale up in nine African countries. The booklet *Investing in African Cultural and Creative Industries* produced under the programme also provides investors with a better understanding of these sectors (Kamara and Creative Africa consortium, 2021).

Within the array of cooperation models, South-South cooperation and North-South-South cooperation are progressing. They can be particularly rich for exchange of relevant and applicable knowledge suited to developing country contexts. Such cooperation may also foster greater regional ownership and further collaborative approaches to regional challenges. The Latin American and Caribbean region is particularly active in this area, which is often accompanied by concrete funding. Examples include MERCOSUR, which has organized a regional cultural industries market, MICSUR, since 2014. There are also Ibero-American cultural cooperation programmes – such as 'Ibercultura Viva', 'Iberescena' and 'Ibermedia' – which provide funding and knowledge exchange. Peer-to-peer learning in the region is also fostered by the Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura (Organization of Ibero American States, OEI), which has set up a mechanism for sharing good practices in cultural policies, and the Caribbean Development Bank, which has facilitated workshops on intellectual property.

Within the array of cooperation models, South-South cooperation and North-South-South cooperation are progressing

With the apparent renewed interest for culture in development cooperation, the issue of evaluation (and particularly knowledge management of existing evaluations) becomes strategic for future intervention planning. While more monitoring and evaluation should be done, there is already a reasonably good base of evaluations that can be used to avoid pitfalls and replicate good practices. However, these reports are rarely accessible in centralised locations, and therefore remain underutilized. A clearing house for cultural development evaluation reports, such as that managed by the United Nations Evaluation Group[6] for projects in other fields, would be welcome on a regional or a global basis. Public authorities and all other cultural actors, including major foundations funding cultural development projects, should be involved in its creation.

Box 8.6 • *How COVID-19 is putting a strain on international cultural cooperation*

The COVID-19 pandemic has highlighted the need for sustained and increased international cooperation and solidarity, as well as the importance of the local level in peoples' lived experiences of policy decisions. Lockdowns exacerbated inequalities and challenged the cultural and creative sectors and their actors.

From March 2020, many countries across the world announced emergency measures to provide assistance targeting these sectors/actors in developing countries, including several donors who launched relief funds (Germany, United Kingdom) or invested additional cooperation funding in targeted capacity-building (Sweden).

A few regional organizations, mainly in Latin America and the Caribbean, also made relief funding available. The Caribbean Development Bank created an Emergency Relief Grant package totalling US$100,000 to compensate income loss for music, festival and carnival organizations. The Inter-American Development Bank, MERCOSUR and other international partners focused on data collection to assess the impact of COVID-19 on cultural and creative sectors.

In African and Arab States, CSOs were important in providing international COVID-19 relief funding. The Arab Fund for Arts and Culture (AFAC) deployed the Artist Support Grant and the AFAC-Netflix Hardship Fund providing US$1.5 million to artists and professionals in the Middle East and North Africa. International NGO Africalia launched the US$86,000 'Creativity is Life' scheme supporting creation by African artists in seven countries during the initial months of the COVID-19 crisis.

The global imbalances recognized in the Convention form the basis for Parties' obligation of international solidarity. This has taken on renewed relevance during such a period of crisis. It is therefore urgent to integrate these challenges systematically into cooperation strategies and recovery plans. Ensuring that international cooperation funding for culture is not relegated to a lower priority in the post-COVID-19 recovery will be a key challenge in the next four years.

6. See *http://www.uneval.org/evaluation/reports.*

Table 8.1

Inspiring ways to advance selected Sustainable Development Goals through the implementation of the Convention

SDGs	SDG targets	Convention goals	Examples from Parties
4 QUALITY EDUCATION	**Target 4.4:** By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.	**Goal 1** SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE	Kenya's revised National Curriculum policy establishes the first arts and sports track at secondary school level to better prepare learners wishing to pursue further professional training.
	Target 4.7: By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through [...] appreciation of cultural diversity and of culture's contribution to sustainable development.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Cyprus's Ministry of Education deploys several actions to make learners aware of the importance of protecting environmental and cultural identity as a driver for sustainability. One of them is to have students collaborate with artists and scientists to create animation films on climate change.
5 GENDER EQUALITY	**Target 5.5:** Women's full participation and equal opportunities for leadership at all levels of decision-making [...]	**Goal 4** PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	The Austrian Film Institute introduced incentives to increase the number of female directors in film. Guidelines on TV production were also revised to ensure that women hold key creative positions. In 2018, the percentage of female directors increased to 39% and the percentage of women in key creative positions in TV to 28%.
	Target 5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.	**Goal 4** PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	Argentina's Law on Female Quota and Access for Women Artists to Musical Events states that all live music events featuring at least three artists or groups have to include 30% female artists minimum in their programming. The same requirements are applied to the digital environment during the COVID-19 pandemic.
8 DECENT WORK AND ECONOMIC GROWTH	**Target 8.3:** Promote development-oriented policies that support [...] entrepreneurship, creativity and innovation, and encourage formalization and growth of MSMEs [...].	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Bulgaria's Innovative Strategy for Smart Specialization (2014-2020) identified cultural and creative industries as one of four areas for sustainable development. It aimed to foster access to entrepreneurship and strengthen business capacity in film, TV, music and publishing, among others.
	Target 8.a: Increase Aid for Trade support for developing countries, in particular least developed countries [...].	**Goal 2** ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	Chile's Ministry of Finance implemented a support programme for service exports with the Inter-American Development Bank. Through interministerial cooperation with the Ministry of Culture it strengthened business capacity and the inter-institutional ecosystem to increase cultural and creative exports.

SDGs	SDG targets	Convention goals	Examples from Parties
10 REDUCED INEQUALITIES	**Target 10.2:** By 2030, empower and promote the social, economic and political inclusion of all [...].	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Algeria's Regional Theatre of Oran offers 'a book for a ticket' theatre shows to collect books for creating libraries for hospitals and marginalized communities. Three thousand books were collected in 2017 for a paediatric hospital.
	Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people [...].	**Goal 2** ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	The Artists Residency Programme of the Association of Southeast Asian Nations is designed to facilitate South-South regional mobility of artists and cultural professionals in the field of visual arts.
	Target 10.a: Implement the principle of special and differential treatment for developing countries [...].	**Goal 2** ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	Canada's Coalition for the Diversity of Cultural Expressions, through intense advocacy ensured that the cultural exemption was maintained during the negotiations of the new trade agreement between Canada, Mexico and the United States.
	Target 10.2: Encourage official development assistance and financial flows, including foreign direct investment [...].	**Goal 2** ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	Uruguay's Audiovisual Programme attracts foreign direct investment by favouring international co-productions through a cash rebate targeting foreign companies and the issuance of certificates allowing co-productions to be considered production export services.
11 SUSTAINABLE CITIES AND COMMUNITIES	**Target 11.3:** By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	The Hub City of Asian Culture is a cultural and urban development project in Gwangju, Republic of Korea, which bolsters cultural production, activities and exchanges through the creation of culture zones and new infrastructures and training of cultural professionals.
12 RESPONSIBLE CONSUMPTION AND PRODUCTION	**Target 12.5:** By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	The Festival of Literature, organized by the Emirates Literature Foundation, offsets all its carbon emissions through the Clean Development Mechanism of the United Nations Framework Convention on Climate Change. It also operates a green procurement strategy to purchase eco-friendly products and materials.
	Target 12.6: Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	The French collective EcoProd developed 'Carbon'Clap', the first carbon footprint calculator for film and audiovisual productions. It also provides free tools and studies, trains students and professionals and advocates for sustainable practices and funding from public authorities.

SDGs	SDG targets	Convention goals	Examples from Parties
13 CLIMATE ACTION	**Target 13.3:** Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Palestine's 'Sakiya' interdisciplinary residency programme gathers artists, scholars and farmers to produce and share knowledge on the interactions between contemporary art, ecology and local agrarian traditions of self-sufficiency.
16 PEACE, JUSTICE AND STRONG INSTITUTIONS	**Target 16.6:** Develop effective, accountable and transparent institutions.	**Goal 1** SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE	Costa Rica provides training in socio-cultural management to the staff of the Ministry of Culture and Youth on an annual basis to strengthen their capacities.
	Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.	**Goal 1** SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE	Burkina Faso established a participatory review process for its cultural policies through sectorial and inter-ministerial consultations, including public, private and civil society stakeholders. The process trained local actors and developed a guide for cultural policy planning and monitoring.
	Target 16.10: Ensure public access to information and protect fundamental freedoms [...].	**Goal 4** PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	Sweden has several targeted measures to protect freedom of expression and artistic freedom, including knowledge production, and support to artists and journalists. The Swedish Arts Grants Committee has a mandate to monitor artistic freedom violations.

SDGs	SDG targets	Convention goals	Examples from Parties
17 PARTNERSHIPS FOR THE GOALS	**Target 17.2:** Developed countries to implement fully their official development assistance commitments.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Switzerland commits to allocating 1% of its development cooperation budget to cultural projects.
	Target 17.9: Enhance international support for implementing effective and targeted capacity-building in developing countries [...].	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	In 2019, three regional trainings of trainers were held in Asia, Latin America and Africa, with the support of UNESCO and Sweden. They strengthened human and institutional capacities of more than 100 government and civil society actors in monitoring and reshaping cultural policies, inspired peer-to-peer cooperation mechanisms and expanded South-South cooperation.
	Target 17.11: Significantly increase the exports of developing countries [...].	**Goal 2** ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	Colombia's national trade promotion agency supported cultural and creative businesses to achieve US$317 million in exports in 2018 and 2019
	Target 17.14: Enhance policy coherence for sustainable development.	**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Lithuania's Inter-Institutional Action Plan for Culture (2014-2023) implements the provisions of the National Advancement Strategy in the field of culture, such as infrastructure renewal, support to the cultural and creative industries, and enhanced access to and participation in cultural life. Its implementation by the Ministry of Culture involves participation from seven other Ministries and the Department of Statistics.
	Target 17.17: Encourage and promote effective public, public-private and civil society partnerships [...].	**Goal 1** SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE	Creative Partnerships Australia is a public agency operating at national level which supports more dynamic cultural and creative sectors by encouraging partnerships with the private sector.

CONCLUSIONS AND RECOMMENDATIONS

At the national level, the integration of concrete goals around the diversity of cultural expressions in sustainable development policy documents has remained stable since 2017. However, there is a qualitative expansion in the conceptualization of its role in sustainable development, which has partially been driven by the holistic framework of the 2030 Agenda. Moreover, countries where local governments are well-resourced are often forging ahead with some of the most effective and innovative ways of integrating culture in sustainable development planning. Nevertheless, this is not always followed by necessary budgetary allocations and concrete implementation. Translation of cultural goals into dedicated strategies and action plans is a crucial step, which can be triggered by ensuring that bodies and agencies in charge of the cultural and creative sectors are included in national coordination mechanisms.

There is widespread recognition of the interconnections between the cultural and creative sectors, social inclusion and cohesion. Countries in Europe and Latin America and the Caribbean, in particular, have mobilized to harness this potential. Although the economic power of these sectors is acknowledged by many countries across the world, the policy awareness of how to catalyse potential is not universally distributed. The largest and most urgent challenge is the integration of the diversity of cultural expressions into policy action for environmental sustainability. While developed countries are taking increased steps to move towards more environmentally sustainable cultural production and consumption (sometimes pushed by public regulations), much remains to be done to ensure that the cultural and creative sectors play their part. Cultural expressions also need to be more strongly mobilized to enact the shift of mindsets necessary for faster and wide-reaching climate action.

With regard to international development, a few private donors are making substantial financial contributions to strengthen the sectors in developing countries. While the renewed interest for culture and creativity in development cooperation from development banks and multilateral organizations does bode well for future investments, the wider culture and recreation sector remains a marginal part of ODA. As a result of the COVID-19 crisis, there is greater uncertainty as to the levels of effective funding that will be available to support culture and creativity in developing countries in the years to come. The emergence of blended funding mechanisms may also lead to a focus on more commercial outcomes, while possibly neglecting less commercially viable cultural and creative products and activities. This is compounded by the variety of definitions and concepts that different countries and multilateral institutions adopt to frame their support. Terms like 'creative industries' or 'Orange Economy' sometimes have very broad interpretations[7].

It is, however, in times of crisis where the global imbalances addressed by the Convention become more acute, and where sustained, urgent action is most needed. Tracking the proportion of cooperation funding available for cultural and creative subsectors, and the main outcomes pursued (cultural, environmental, social and economic) over the next few years, is important to identify potential imbalances; understand whether these are corrected by national funding or not; and ensure the promotion of diverse cultural expressions. Finally, while progress in designing new indicators and assessment instruments has been made in developed countries, data and policy evaluation remains a major challenge in developing countries. This could be an area for future investment by international cooperation.

7. For example, one report on the Orange Economy for the Inter-American Development Bank covered innovations in biomimicry alongside traditional arts and cultural sectors (Finlev et al., 2017).

Overall, Parties to the Convention have made significant contributions to a diversity of SDGs in recent years. The main examples include SDG 8 on decent work and economic growth, SDG 10 on reduced inequalities, SDG 11 on sustainable cities and communities and SDG 16 on peace, justice and strong institutions. The implementation of SDG 4 on education and SDG 5 on gender equality are also advancing in the cultural and creative sectors. However, stronger commitment is needed to SDG 17 on global partnerships and cooperation in the future, while culture and creativity should be mobilized to a greater extent in the achievement of SDG 12 on responsible consumption and production and SDG 13 on climate change.

In order to achieve the Convention's culture and sustainable development agenda, the following recommendations could be considered:

- Parties should further integrate the protection and promotion of the diversity of cultural expressions in national sustainable development planning, their VNRs and other relevant United Nations mechanisms to enable integrated policy design for effective implementation of the 2030 Agenda.
- Parties should enable integration of the cultural and creative industries in smart specialization strategies to foster knowledge-based investments and innovation.
- Ministries of Culture and other cultural actors should systematically be incorporated in the preparation of both NSDPs and VNRs. This should better enable the holistic policy design needed to meet the tremendous challenges outlined in the 2030 Agenda.
- Parties should involve all tiers of government in charge of the cultural and creative sectors, as well as civil society, in participatory design, implementation, monitoring and evaluation of national sustainable development plans and related documents.

- Parties should also ensure that, where the cultural and creative sectors are recognized as strategic sectors in such planning documents, an adequate budget allocation is provided.
- Parties should strengthen their efforts in measuring territorial equity in cultural production and participation in order to monitor access to culture and the inclusion of vulnerable groups in cultural life.
- Parties should strengthen interconnections between the culture and education sectors to expand capacities and skills; overcome social, economic and gender inequalities; and address environmental challenges for an inclusive and sustainable development.
- Cultural policies and action plans of all tiers of government should integrate environmental dimensions, including measures addressing the climate crisis. Conversely, environmental policies should consider how cultural expressions can help reshape existing models and obtain more effective results, particularly on climate action.
- As part of strengthening collaboration between cultural and environmental sectors, Parties and other funding bodies should increase funding instruments for cultural expressions around the climate crisis. This can include mainstreaming the environment into existing funding instruments, increasing environmental requirements where these already exist or developing new funding instruments.
- Global institutions working together with regional and national bodies should fine-tune methodologies to measure the environmental impacts of streaming, as well as designing model regulatory measures for countries to keep these impacts to a minimum.
- Parties should reinforce synergies between traditional, marginal and subaltern knowledge, intangible cultural heritage and the arts and creative sectors to mobilize the power of the arts to explore, revitalise and amplify values and approaches that can bring new perspectives in the fight against climate change and other major societal challenges.
- Explicit reference to SDGs 12 (responsible production and consumption) and 13 (climate action) could be included in the Convention's Monitoring Framework to unlock the power of culture and creativity and encourage comprehensive monitoring of environmental and climate-related issues in the sector.
- UNESCO, Parties and other relevant stakeholders should pursue and accelerate guidance to countries in different regions on how to integrate culture in their NSDPs as well as in VNRs on SDG implementation.
- International solidarity in funding cultural cooperation during the post-COVID-19 recovery should continue, including through the International Fund for Cultural Diversity and the funding commitments of development banks, to ensure that economic and social recovery plans do not overlook the cultural and creative sectors, as that could have irreversible effects on the diversity of cultural expressions, particularly in developing countries.
- Parties should further invest in evaluating sustainable development plans and programmes and strengthen their evaluation capacities, notably through dedicated international cooperation programmes in developing countries and the creation of a clearing house for cultural development evaluation reports to enhance use of existing knowledge.

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Goal 4

PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Goal 4

PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Respect human rights and fundamental freedoms of expression, information and communication as a pre-requisite for the creation and distribution of diverse cultural expressions

2022 REPORT CARD

International and national legislation related to human rights and fundamental freedoms is implemented and promotes gender equality and artistic freedom

5 GENDER EQUALITY

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

Gender equality | **Artistic freedom**

PROGRESS

- Gender equality is a growing priority for public authorities and civil society organizations
- Increasing efforts to improve labour conditions and social welfare, especially through emergency COVID-19 measures
- Increased capacities of artistic freedom monitors

CHALLENGES

- Gender imbalances in creative positions remain wide
- Income protection and career transition schemes remain rare
- Attacks on freedom of artistic expression continue to rise and digital censorship is becoming a growing concern

RECOMMENDATIONS

- Take affirmative action and monitor gender equality and diversity
- Improve the status of the artist and build capacities to protect artists and cultural professionals' social and economic rights
- Support international human rights frameworks with local monitoring systems and concrete implementation mechanisms, including online

DATA REQUIREMENTS

- Levels of women's participation, representation and advancement in culture and creativity
- Official national registers of artists and cultural professionals, disaggregated by gender and cultural domain
- Attacks on freedom of artistic expression

© Victoria Villasana, *Fibonacci sequence*, 2017, Mexico*

Chapter 9

Gender equality: one step forward, two steps back

Anna Villarroya Planas

KEY FINDINGS

- *Gender equality is increasingly being recognized as a priority for the cultural and creative industries, as evidenced by the high percentage of Parties reporting measures to ensure gender equality in the sector. However, acting for gender equality remains one of the main challenges in the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.*
- *There is a critical lack of data regarding women in the culture and media sectors. However, existing evidence suggests that women remain under-represented in positions of leadership, have less access to public funding and their work is far less visible and acknowledged than their male counterparts.*
- *The COVID-19 pandemic may have taken a disproportionate toll on female artists and cultural professionals. For a sustainable recovery, gender equality needs to become a mainstreamed priority.*
- *Civil society organizations are proving to be key in advancing innovative measures for gender equality, building the capacities of female artists and creative professionals and stimulating networking.*
- *The film industry plays a leading role in advocating and benefitting from gender equality measures (65%) compared to music and publishing (each at 13%) and the performing arts (9%). However, only about a third (33%) of the awards for the main film categories of 60 major film festivals worldwide were given to female artists and producers in 2019. Under a quarter (24%) were awarded for best director and best screenplay.*
- *The female workforce in the gaming industry stands at just 30% worldwide. This confirms women's under-representation in some creative industries (particularly those linked to fast growing technologies) and overrepresentation in other, traditionally more precarious ones.*
- *Gender diversity and intersectionality are emerging areas of intervention, both contributing to advancing gender equality and fostering more diverse and inclusive cultural and creative sectors.*

PROGRESS

GENDER EQUALITY MEASURES

77%
of Parties reported **policies or measures on gender equality**

Civil society organizations play an important role in advancing gender equality: **21%** of their measures addressed gender equality

PROGRESS BY SECTOR

Gender equality initiatives implemented by government and civil society organizations:

- 65% Film
- 65% Audiovisual
- 13% Music
- 13% Publishing
- 9% Performing arts

CHALLENGES

FEMALE WORKFORCE

More women are heading up National Arts or Cultural Councils globally, but women remain underrepresented

In 2017, from every 10 leading positions, on average **3 were women** and 7 were men

In 2020, **4 were women** and 6 were men, with significant differences between regions

Moreover, support for change is low: **27%** of policies **support women's access to decision-making positions**

WOMEN'S REPRESENTATION

Representation of women remains low in:

- National art prizes 32%
- Film awards (2019) 33%
- Conductor performances (2019) 8%
- DJ performances (2019) 25%
- Gaming workforce 30%

COVID-19 PANDEMIC

48.1%
of work in the culture and entertainment sector is done by women – and, globally, women were more affected by employment loss than men

DATA ON EQUALITY

Only **53%** of countries regularly **collect and share data to monitor gender equality** in the sectors

In African States this is **17%**, illustrating the stark difference between regions

RECOMMENDATIONS

GENDER PARITY

Apply **affirmative action measures** in recruitment, promotion, funding and awards

WORKING CONDITIONS

Eliminate precarious labour practices in the cultural sector such as short-term contracts, long working hours and pay gaps

DATA

Make continuous efforts to **measure and monitor progress towards gender equality and gender diversity**

POLICY

Adopt and strengthen **policies and enforceable legislation for the promotion of gender equality**

CORE INDICATORS

Policies and measures promote gender equality in the culture and media sectors

Monitoring systems evaluate levels of representation, participation and access of women in the culture and media sectors

INTRODUCTION

In 2017, the #MeToo movement took the world by storm. The movement and its related hashtag became an overnight phenomenon that provided millions of women and girls with a means to share their stories of sexual harassment and express solidarity with all those who experienced gender-based violence or discrimination at home, at work, in public spaces or online. It is not an overstatement to say that the movement shook the world to its core. It also came as no surprise that the movement was fuelled by leading film actresses who came forward to share their struggles in an industry historically run by men. While they amplified the voices emerging from all walks of life and professions across the world, it also sounded the alarm that the film and creative industries at large were not spared from sexual misconduct, gender-based inequalities and a culture of silence.

The #MeToo movement continues to reverberate and have long-lasting effects at an individual and societal level, including in the adoption of policies and measures in the cultural and creative sectors.

In Sweden, #MeToo led to immediate action against sexual harassment and discrimination in the cultural sector. The Swedish Work Environment Authority and the Equality Ombudsman were commissioned to distribute information about employers' responsibilities in this regard. In the theatre sector, the government released new guidelines calling for dedicated measures to prevent and counter sexual harassment and other forms of discrimination. The Swedish Arts Council was mandated to work together with the Swedish regions – responsible for distributing funds to regional cultural activities throughout the country – to tackle this issue and bring about change from the ground up. These immediate actions led to positive change in public and private organizations' policies against harassment and discrimination of any kind. The Swedish Film Institute, a champion for gender parity in the industry, further reinforced its advocacy efforts at the international level in 2018 by organizing the international seminar 'Take Two: Next moves for #MeToo' at the Cannes Film Festival to help raise awareness about inequalities facing women in this sector.

Similarly, the performance *Un violador en tu camino* (A Rapist in Your Path) rallied women across the world against femicides and gender-based sexual violence. LASTESIS[1] (The Thesis), a feminist art and performance collective from Chile, first organized the protest flash mob in 2019 outside the Supreme Court in Santiago, to mark the International Day for the Elimination of Violence Against Women (25 November). The song and choreography became an international movement, replicated by women of all ages in 54 countries across six continents[2].

However, as the COVID-19 pandemic impacted the world and demanded an immediate response at the government level, female and gender diverse artists and professionals working in the cultural and creative sectors are at risk of being left out of the recovery plans. In reviewing policies and measures to counteract the devastating effects of the pandemic on the cultural and creative industries, UNESCO could not identify any government measures specifically aimed at promoting gender equality (UNESCO, 2020*f*).

While female creators and women working in the culture and media sectors are at the forefront of making gender equality a reality, all too often achieving gender equality in the cultural and creative industries is not high on the list of government priorities.

Female and gender diverse artists and professionals working in the cultural and creative sectors are at risk of being left out of COVID-19 recovery plans

ONE STEP FORWARD

Since 2007, gender equality has been one of UNESCO's two global priorities. Emphasizing the importance of culture for social cohesion in general, and in particular its potential to enhance the status and role of women in society, the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions relies on Parties' commitment to: 'create in their territory an environment which encourages individuals and social groups to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women [...]' (Article 7).

1. Artists at Risk Connection. Artist Profile: LASTESIS, Chile. *https://artistsatriskconnection.org/story/lastesis* (Accessed 22 October 2021).

2. A map documenting the locations of the 400+ performances of *Un violador en tu camino* (A Rapist in Your Path) is available online at *https://umap.openstreetmap.fr/es/map/un-violador-en-tu-camino-20192021-actualizado-al-2_394247#3/57.47/-2.99* (Accessed 22 October 2021) – project initiated by Geochicas (2021), a collective of feminist mapmakers.

The Recommendation concerning the Status of the Artist (1980), also calls on governments 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' (Article 4).

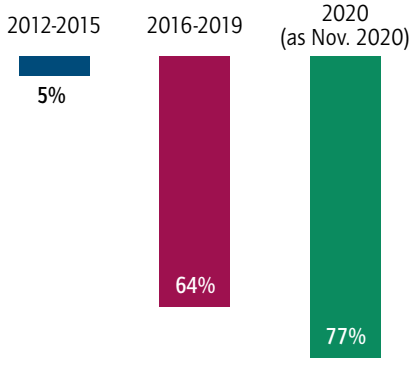
Public awareness about the importance of gender equality, both as a human right and as an indispensable factor for sustainable development, has increased over time. Since the previous edition of the Global Report, in the cultural and creative sectors, countries have taken important steps towards advancing SDG 5, which aims to achieve gender equality and empower all women and girls. In 2020, Parties to the Convention reported more measures and policies than ever aiming to enable women to access and excel in the creative economy, as well as to diversify the ways in which girls and women are represented across the spectrum of cultural expressions.

Public awareness about the importance of gender equality, both as a human right and as an indispensable factor for sustainable development, has increased over time

As shown in Figure 9.1, in the first reporting cycle (2012-2015) when gender equality was not included as a specific reporting area, only 5% of reports detailed policies or measures on this topic. For the second reporting cycle (2016-2019), Parties were encouraged to report on policies and measures to promote gender equality and 64% of the submitted reports included at least one policy or measure on gender equality. For the third reporting cycle launched in 2020, the new reporting form (which is fully aligned with the Convention's Monitoring Framework) has had a leverage effect: the share of reports including policies or measures on gender equality in the first year of this cycle peaked at 77%.

Figure 9.1

Progress in monitoring policies and measures promoting gender equality, by % of quadrennial periodic reports submitted by Parties



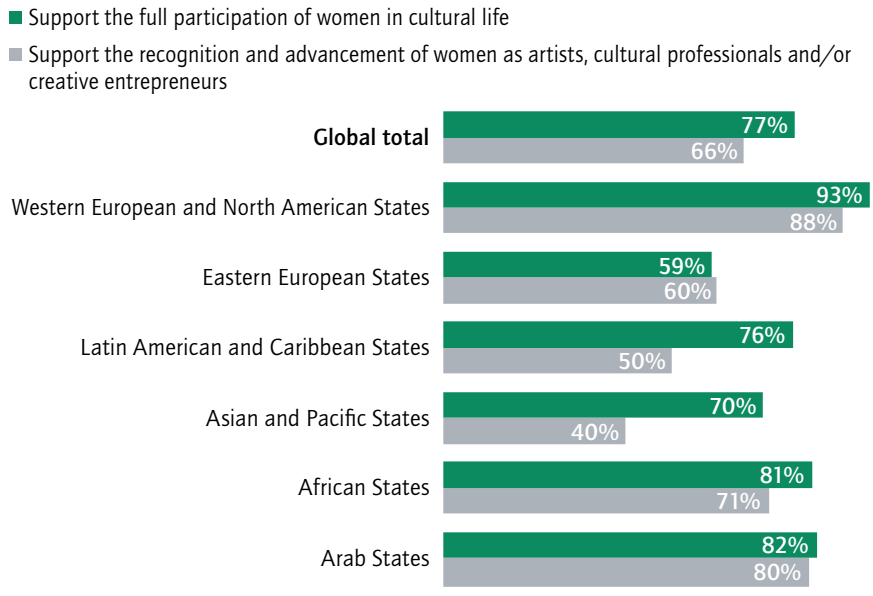
Note: The percentage for 2020 is lower than the one included in UNESCO, 2021*d* because of the large number of new QPRs submitted in the latter half of 2020, which increased the base size.

Source: BOP Consulting (2021).

Some of the measures reported by national governments are not exclusively meant for cultural and creative sectors, but rather aim to advance gender equality across several sectors through gender equality strategies, new legal provisions and dedicated programmes. For example, a six-month online training programme for women entrepreneurs with small to medium-sized enterprises in all fields, including culture, was launched in the United Arab Emirates in 2020 by the United States Embassy in partnership with startAD (an accelerator) and Zayed University. Meanwhile, the government of Comoros revised its National Policy for Gender Equality in 2018 to incorporate culture in the government's approach to sustainable development. Similarly, Nicaragua has dedicated one of the National Human Development Programme's lines of action to the equality between men and women. On this basis, the Nicaraguan Institute of Culture prioritizes the equitable participation (50% – 50%) of men and women in cultural activities across age groups (children, youth, adults, older adults). As demonstrated by these examples, the pre-existence of standard policies in the field of gender equality can be a first step towards the inclusion of specific measures in the cultural field.

Figure 9.2

Policies or measures to support women's full participation in cultural life in the last four years, by region



Source: BOP Consulting (2021).

Aside from generic policies and measures, the promotion of gender equality in the cultural and creative sectors specifically is deserving of attention. Overall, Parties report having devoted slightly more attention to supporting women's full participation in cultural life as audiences and consumers of cultural goods and services (77%, for instance to access cultural offerings) than to supporting the recognition and advancement of women as artists, cultural professionals and/or creative entrepreneurs (66%, for example by ensuring equal pay for equal work or equal access to funding, coaching and mentoring schemes or implementing anti-discrimination measures). This ratio applies to all regions except for Eastern Europe, where there appears to be a balance of measures targeting each objective. When further broken down at regional level, these figures also show a more nuanced picture (Figure 9.2). As shown later in the chapter, evidence indicates that cultural participation may in fact be equally divided between women and men, based on a sample of 13 countries in Latin America, Asia Pacific, Western Europe and North America.

The film industry has played a leading role in advocating and benefitting from gender equality measures

The distinction emerging from the periodic reporting process, however, seems to suggest that women are perceived more as consumers than as creators and changemakers in the field of culture. It may also indicate that, in some parts of the world more than in others, women working in the cultural and creative sectors have fewer opportunities than male counterparts to access work and contribute creatively to the art scene and the conversations driving social progress. Their recognition as professionals is likely to be hindered by stereotypes about women's role in society, thereby limiting their capacity to reach their full creative potential.

Regardless of whether it is related to public awareness raising by the #MeToo movement in the build-up to this round of reports, the film and audiovisual sectors have dominated the gender equality initiatives implemented by governments or civil society organizations (CSOs) in the cultural sector at the domestic and international levels (65%). Looking back at the trend since the first Global Report was published in 2015, the film industry has played a leading role in advocating and benefitting from gender equality measures. The other creative fields that benefited from increased attention were music and publishing (each at 13%) and the performing arts (9%).

Starting in January 2020, Parties were able to report not only on policies and measures implemented by government and public-funded cultural institutions, but also by CSOs (Box 9.1). This meant that 89% of the quadrennial periodic reports (QPRs) submitted under the revised framework included measures or initiatives undertaken by CSOs, in partnership with a variety of public/private and profit/non-profit stakeholders. There was a high number of gender equality measures reported by CSOs (21% of all CSO measures).

Nevertheless, the progress made in the cultural and creative sectors also highlights how much is left to do before the goal of gender equality can be achieved. According to the QPRs submitted, gender equality remains one of the main challenges encountered by governments and CSOs in implementing the Convention in all regions of the world.

Time and again, cultural expressions have challenged gender norms and relations by offering visions of a world free of bias, where differences are embraced and celebrated. Indeed, a large and growing body of studies points to the transformative power of cultural expressions, in terms of changing the perspective on the role of women and gender-diverse artists and professionals. Arts and creative industries can play an important role in shaping gender norms and challenging restrictive expectations of women and girls (MacNeill et al., 2018).

Box 9.1 • *Soma Book Café Reading Initiative*

Soma Book Café (Dar es Salaam, United Republic of Tanzania) was set up in 2008 as a literary hub and space for leisure, culture and learning. It houses a bookshop, café and event spaces, where it regularly hosts book launches, art and cultural events and various educational programmes for children, young people and adults. Soma uses multimedia storytelling as a 'language' for dialogue, inclusive education and lifelong learning. Its programming is intentionally feminist, with a particular focus on the empowerment of women and girls. 'Herstories' is one of Soma's programmes, consisting in a multimedia feminist storytelling, documentation and archiving platform associated with the feminist movement coalition in Tanzania. Alongside 25 women's rights organizations, the initiative organized four feminist research and creative writing workshops to explore new approaches for excavating, preserving and disseminating women's herstories *using creative media accessible to mainstream audiences. Using its feminist online TV, Soma steers the dialogue on the role of literature and art in feminist communication and movement building. 'UlizaWahenga Dada' (Ask the ancestors* sistah*) is also conceived as an art-preservation project seeking to identify and bring to light women's stories along the Swahili coast. The artists, chosen through a selection process, attend art resident training and mentorship, and co-curate a final exhibition on women's histories on the costal historical sites.*

Source: United Republic of Tanzania QPR, *www.somabookcafe.com.*

In recent years, cultural policies and measures introduced by government bodies and CSOs have increasingly turned towards the transformative potential of cultural expressions to address challenges such as exclusion and violence by changing the perceptions of women, minorities and people of all gender identities and sexual orientations. In many parts of the world, the cultural and creative sectors have proven to be effective vehicles for showing what life is like for the 'other', and nurturing empathy, respect and appreciation for diversity (MacNeill et al., 2018; Bielby and Bielby, 1996). The 'G20 on Culture', organized in Rome under Italy's 2021 Presidency, was the first meeting devoted to culture in the history of the Group of Twenty. The Rome Declaration of the G20 Culture Ministers recognized: 'the social impact of cultural and creative sectors, supporting health and well-being, promoting social inclusion, gender equality and woman's empowerment, local social capital, amplifying behavioural change and transformation towards more sustainable production and consumption practices and contributing to the quality of the living environment, for the benefit of everyone's quality of life' (Article 1.4).

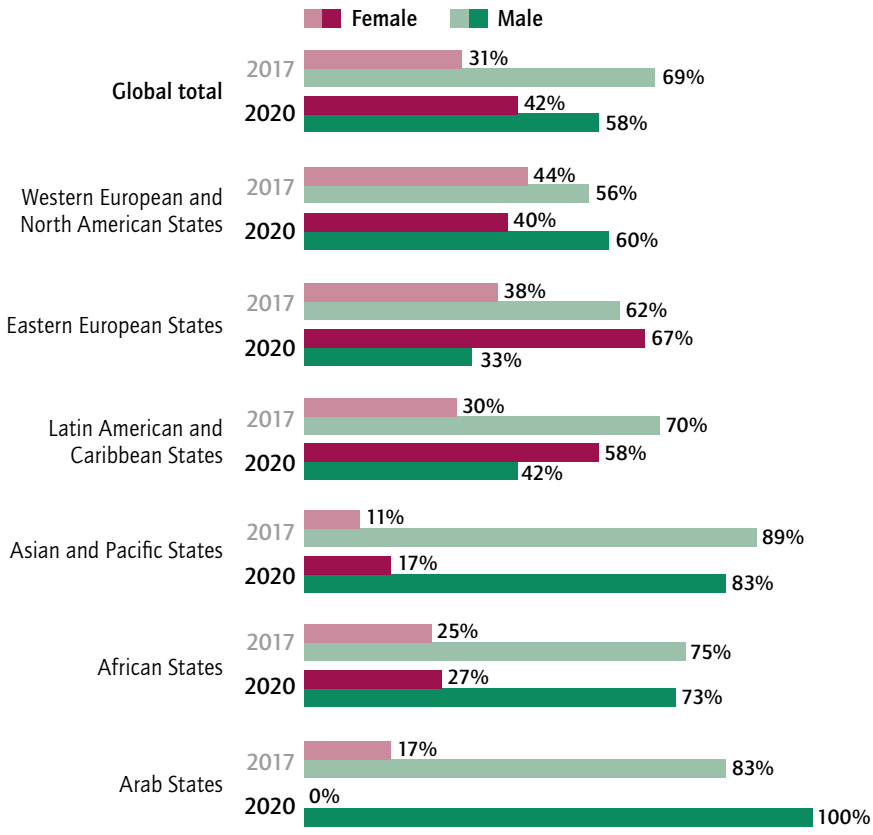
Rather than being treated as an afterthought on public and political agendas, it is paramount that the economic, social and symbolic value of gender equality in the cultural and creative sectors is seen as a central element towards attaining the 2030 Agenda for Sustainable Development.

CLIMBING THE CAREER LADDER

As previous Global Reports have discussed, the achievement of a more diverse workforce, and particularly the access of women to management and decision-making positions, remains an all-important indicator for gender equality. Nevertheless, focusing solely on the composition of the cultural workforce is not sufficient to fully address inequalities and power imbalances in cultural representation and consumption (Allen et al., 2017).

Figure 9.3

Proportion of male and female heads of national arts or cultural councils of Parties to the Convention



Source: IFACCA / BOP Consulting (2021).

This is because, when women and gender diverse artists and creative professionals enter the cultural industries, they are not afforded the same creative freedom as their male counterparts (Vozab and Zember, 2016; Allen et al., 2017). Moreover, the commercial or political logics that underpin cultural production can limit cultural workers, including women and members of minority groups, to reproducing biased forms of representation. In the film sector, for example, the drive to attract large audiences may prioritize stories that comply with current societal norms (Allen et al., 2017).

Although the access of women and gender diverse people to decision-making positions remains a challenge in many countries worldwide, any resulting success in effectively advancing gender equality in the culture sector will largely depend on the models of governance and gender-transformative[3] practices, as well as on ensuring the presence of explicit gender expertise (such as gender advisors) and diverse stakeholder views in implementing and assessing dedicated measures and policies (Hillenbrand et al., 2015). Ultimately, to address the root causes of gender inequality, gender-transformative approaches need to move beyond providing advancement opportunities to individual women, and focus instead on transforming the power dynamics and structures that reinforce gendered inequalities (Hillenbrand et al., 2015).

3. By gender-transformative approach, UNESCO understands in this context the gender-specific policies and measures that aim to change gender inequalities in the cultural and creative sectors and industries. For more, please visit *https://trainingcentre.unwomen.org.*

In this respect, one important step relates to ministries, governmental agencies and/or parliamentary bodies in charge of gender equality: 99% of the Parties to the Convention have such bodies, and 72% declare that they are relevant for artists and cultural professionals. Innovative initiatives are reported by Jamaica (with a Ministry of Culture, Gender, Entertainment and Sport) and Mexico (with a Gender Unit within the Culture Secretariat).

Simply put, in a room with 10 heads of arts and cultural councils, an average of 6 will be men and 4 will be women

With regard to leadership positions, the advocacy and policy-making efforts for gender equality over the past years have borne fruit. As shown in Figure 9.3, over the last three years the gap between the number of men and women heading up national arts or cultural councils has narrowed – thereby contributing to ensuring women's full and effective participation and equal opportunities for leadership at all levels (SDG target 5.5). However, men continue to hold the majority of leadership positions (58%), in comparison to women (whose share of power has progressed from 31% in 2017 to 42% in 2020). Simply put, in a room with 10 heads of arts and cultural councils, an average of 6 will be men and 4 will be women. Even though this might seem like promising progress to some (and close to parity), the picture is less encouraging in some parts of the world. While developed countries are on the path to parity, developing countries tend to come in at under 40%. In developing countries in Asia Pacific, Africa and the Arab States, climbing the career ladder is even more challenging, as the proportion of women holding leading positions in arts or cultural councils is as low as 27% – at best. The room is still not diverse enough.

Progress in this area is hampered by difficulties in the work-life balance. Organizational cultures favour long working hours, partly due to the nature of cultural activities that often occur late in the day (such as concerts, theatre performances); touring demands; or project-based activities within the gig economy that require a high amount of mainly unpaid overtime. Given that women shoulder greater domestic and care responsibilities at home, the activities outlined above tend to be more suited to men than women. Without working conditions that suit women's everyday reality, as well as additional compensation for working overtime when required, gender equality in this area remains elusive. Larger societal issues, from the paucity of schemes encouraging men to take on domestic work and a lack of comprehensive paternity leave impact women in the culture sector as well. In addition, a lack of women mentors, lack of connections and 'glass ceilings' (restrictions on women's career progression) are factors that hinder the careers of women cultural professionals (Villarroya and Barrios, 2019). There is also a lack of policies and measures to address these shortcomings: only 27% of the cultural policies and measures reported by countries globally were tailored to support the representation of women artists, cultural professionals and/or creative entrepreneurs in decision-making positions.

The first challenge is still to ensure that more women are in key positions with access to budgets and decision-making (Box 9.2). The second and more complex challenge in the coming years will be to mobilize gender-transformative approaches that go beyond the individual level of having more women in leadership roles to address the working conditions found in cultural organizations and the creative ecosystems in our societies.

ADDRESSING THE GENDER GAP IN CULTURAL EMPLOYMENT

In terms of addressing the disparities in representation between men and women and promoting access to funding and opportunities in the cultural and creative sectors, the adoption of policies and measures can be seen to contribute to SDG target 5.c. A typology of measures and relevant examples of each are presented below.

The mechanisms most frequently reported, particularly by CSOs, were the organization of artistic events such as exhibitions and festivals that showcase work by female artists and that often involve a capacity-building component.

Box 9.2 • *Australia Council for the Arts' investment in female artists*

In November 2017, the Australia Council for the Arts – the Australian Government's arts funding and advisory body – released the results of Making Art Work: An Economic Study of Professional Artists in Australia*, the sixth in a series of studies tracking trends in the lives and working conditions of practising professional artists. The study found that female artists in Australia continue to earn less overall than their male counterparts. While the earnings gap has narrowed since the previous survey (2009), at 25% it remained significantly wider than the gender pay gap of 16% across the Australian workforce. The Australia Council for the Arts' own grants data also suggested that male applicants tend to request higher amounts than female applicants when making grant applications.*

Additional research further indicates that, in the Australian arts sector, women continue to be under-represented in leadership roles in some art forms (particularly music). Applications to the Australia Council's Leadership programmes consistently indicate a higher proportion of women applying and participating, which suggests that the Council's investment in female arts leaders has the potential to help reduce these disparities over time.

Source: Australia QPR.

For example, with support from the Ministry of Culture, Hecho por Mujeres (Made by Women) is Peru's first festival to showcase feature and short films directed by women. It was launched in 2018, in response to persistent inequality in the industry, where only 5% to 8% of the annual feature films released in the country were directed by female directors. For its first two editions in 2018 and 2019, the festival was organized in more than 40 venues in 10 different regions of the country, screening over 150 Peruvian productions. Its programme included meetings with artists and filmmakers, round tables and workshops. In Rwanda, the Urusaro International Women Film Festival, which has been organized by CinéFEMMES RWANDA since 2015, attempts to change the perception of women in society, promote the role of creative industries for economic growth and invest in training new female talent in film production. Along the same lines, the Fémina Festival in Panama is a multidisciplinary event with workshops, a marketplace and a talk show dedicated to women creators in cinema, theatre, visual arts, crafts, stand-up comedy and music to discuss women's role in and contribution to society.

Artistic events showcasing work by female artists and capacity-building programmes were among the most commonly reported measures and policies to support female creative talent

Capacity-building programmes were also commonly reported among the measures and policies to support female creative talent. Frequently involving CSOs, such measures often aim to facilitate market access for cultural expressions created or produced by women. Through the 'Arts Femmes' (Arts Women) project, since 2016 the cultural association Coté Cour in Mali has trained more than 100 women in lighting design, set design, playwriting, directing and cultural management – especially for theatre. The association continues to invest in its female alumni by facilitating their access to the job market, festivals and other art residencies. Also in Africa, Music Crossroads Zimbabwe provides skills enhancement workshops for female artists. As a result of this initiative, the Women's Desk at the Zimbabwe Union of Musicians has been established to oversee the interests of and identify empowerment initiatives for female musicians across the country. The UNESCO-Sabrina Ho initiative 'You Are Next: Empowering Creative Women' was launched in 2018 to tackle the multifaceted gender challenges that are ongoing in the culture sector. Over the course of two years, it funded four outstanding projects that empowered and trained young women under the age of 40 in Mexico, Palestine, Senegal and Tajikistan by providing access to digital tools and courses to build their technical, creative and entrepreneurial skills. One of these projects was 'Women Audio Visual Education', a technology-based training programme developed by Ayyam Al Masrah (Theatre Day Productions) in Gaza, Palestine, teaching participants to work with communities and turn improvisation, character analysis and development into new digital content. Similarly, the Digital Arts Academy offered courses in coding, digital creation and entrepreneurship to young female cultural entrepreneurs from Afghanistan and Tajikistan through the Bactria Cultural Center, founded by the non-governmental organization ACTED (Agency for Technical Cooperation and Development).

Other significant mechanisms included advocacy events, forums, competitions and prizes for female artists. The Ministry of Culture, Tourism and Antiquities in Iraq organizes the annual Naziq Al-Malaika Award for Women's Literary Creativity, aimed at stimulating and increasing the exposure of female writers in the Arab region in the fields of poetry, the novel and literary criticism. The Award is international in scope and seeks to promote cultural exchange among Arab countries and to expand the literary market. Similarly, the Algerian Ministry of Culture and the Ministry of Communication, in partnership with other public institutions, have established a series of national and international prizes for literary and artistic creation bearing the names of women artists. The Algerian government is also considering the creation of a National Observatory for Women, with a mission to promote female artists and women working in the cultural field, while ensuring statistical monitoring of women's representation in culture and other sectors of the economy at the national level. At the international level, the ResiliArt initiative was launched by UNESCO in April 2020. This initiative began as a movement for and by artists, and has drawn attention to gender equality issues. It has provided women with opportunities to lead global, regional and national discussions, and to set an agenda for overcoming the crisis in culture – with particular emphasis on the effects on women past and present. As a result, UNESCO launched the digital campaign 'The Voice of the Resilient: Women Creators from West Africa' in August 2020 to promote gender equality in the West African cultural sector during the pandemic.

Other types of instruments adopted include laws and regulatory developments on women's participation in cultural institutions, decision-making processes and cultural programmes – including specific quotas and targets in some cases. The Albanian Ministry of Social Welfare and Youth and the Ministry of Finance, in cooperation with the UN Women Country Office in Albania, have taken the initiative to integrate gender budgeting principles in the annual and medium-term budget programming processes. The purpose is to eliminate gender inequalities in various areas, including culture. The Ministry of Culture is one of 24 public institutions benefitting from the initiative. In Argentina, Law No. 27539 on Female Quota and Access for Women Artists to Musical Events was adopted in December 2019, with the scope to eliminate all discrimination based on sex, gender or gender identity. According to the Law, live music events or activities involving a minimum of three artists and/or musical groups must ensure that at least 30% of their artists are women and/or people whose self-perceived gender identity is female.

In the context of the COVID-19 pandemic, the same requirements applied for virtual musical events. In Mexico in 2019, the Ministry of Culture adopted the 'Equitativa', a national programme based on a conceptual guide for cultural programming that sets criteria and guidelines for equality and parity between men and women. The guide will be reflected in the programmes of all cultural and artistic venues. The national programme was designed as an affirmative action measure to make the work of women creators visible and viable, as well as launching platforms for creation, production and dissemination across artistic disciplines.

Increasingly, countries are establishing subsidies and/or financial incentives to counteract gender imbalances. In the audiovisual sector, such measures are aimed at achieving parity in key creative positions. Examples include initiatives implemented by Screen Australia, Screen Ireland, the Austrian Film Institute, the National Film Board of Canada and the Norwegian Film Institute. In all these cases, linking funding decisions to greater gender equality is already paying dividends and providing a positive model to replicate in other cultural sectors.

A survey carried out by the International Labour Organization (ILO) among over 90 trade unions in the live entertainment, film and television, and broadcasting industries analysed the links between the way the work is organized the industry, its specific organizational dynamics and the diverse employment relationships, and patterns of sexual harassment. It also stressed the need to prevent, address and eliminate violence and harassment in combination with actions tackling the underlying gender imbalances in the industry (ILO, 2020*b*).

Some countries have also adopted policies and measures to combat sexual harassment of artists and cultural professionals. In Finland, the Ministry of Education and Culture provides financial support in the fields of theatre and film, including practical measures to prevent harassment, and support for employers' rights and obligations.

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Achieving gender equality in the cultural and creative sectors requires accepting that there is an unquestionable need to acknowledge and remedy the difference in opportunities and social status associated with gender. In other words, it requires exercising fairness. This acknowledgement should enable us to develop empathy towards those currently less fortunate and foster respect and tolerance within the group. It should also serve to cultivate what is a key belief, namely, that change is necessary if we are to make equality a reality.

People's experiences have laid the foundations for establishing a path towards equity and providing a source of optimism. Achieving equity involves creating tools which make it possible for women and men to be seen as equally capable of realizing their full potential in different fields - not only the field of acting. It involves awakening in women and men an interest in bettering themselves or expanding their knowledge. And it involves understanding that they deserve equal recognition and equal pay for any work they do; they deserve work which is free of discrimination based on gender, sexual orientation, socioeconomic background or any other differentiating circumstance.

We must make it clear that it is society's duty to ensure, with assertive information, that people understand their rights. It is time for change. It is time to respect human rights by treating people with dignity and seeing to it that their working conditions meet their needs. It is time to recognize, by highlighting every achievement, that skin colour, physical appearance and sexual preference do not matter when it comes to talent and the desire to progress – whether through large steps or small ones.

We need to be aware of our reality and of how we can change it. We need to find a way to go further, based on our history and our reflections, in order to make visible all those considered invisible. In doing this we must make an impression on all those trying to forge their own way, not only in the cultural and creative spheres, but in all fields of work.

Yalitza Aparicio Martínez

Actress and UNESCO Goodwill Ambassador for Indigenous Peoples

The Ministry has also introduced new obligations for the Finnish Film Foundation, which must ensure that publicly funded productions fulfil their legal obligations and that appropriate measures are in place to prevent harassment and promote gender equality. The same clause applies to all operating grants of the Ministry from 2020 onwards (Box 9.3). Also in the audiovisual sector, in Bangladesh the Ministry of Information (through the Cinema and Television Institute) has established a committee to prevent any kind of harassment within the industry. In France, the Ministry of Culture has created a legal and psychological alert and listening unit for permanent and temporary employees in the performing, audiovisual and film sectors to deal with sexual and gender-based violence and harassment.

Networks to protect women and gender diverse artists' rights are usually established as civil society initiatives and act as advocacy groups with key actors, stakeholders and partners. In many cases, these networks use shared experiences to identify career obstacles, and to collectively reflect on the levers to mobilize in order to overcome them. One such example is the Network of Gender Journalists for Women and Cultural Advancement in Gambia, which has around 90 members and has published about 26 articles on women and culture.

Box 9.3 • *Gender equality policy of the Finnish Ministry of Education and Culture*

Motivated by the need to gain deeper insight into the #MeToo discussion, in 2018 the Finnish Ministry of Education and Culture commissioned a study on gender equality in the country's cultural and creative sectors. The questions addressed by the study included reasons why the artistic and cultural scene in Finland is prone to sexual or gender-based harassment and improper conduct. The research was carried out by the Centre for Cultural Policy Research Cupore, and the final study She plays like a man! How to strengthen equality and wellbeing at work in the cultural field? *was published in 2019. Besides up-to-date statistics and good practice examples, the report proposes recommendations for promoting well-being and ensuring more equal working conditions for artists and culture professionals, such as:*

- *Including equality plans in funding applications, together with financial sanctions in case of misconduct – with possible withdrawal of funding;*
- *Continuous collection and publication of data on the state of gender equality in the cultural and creative sectors;*
- *Training on gender equality for managers/leaders/supervisors;*
- *Dismantling outdated gender traditions, stereotypes and genius myths – remembering that nobody is exceptional enough to have the right or special privilege to oppress others;*
- *Working conditions need to be decent, even when work is done as a calling.*

One of the concrete actions carried out in 2019 by the Finnish Ministry of Education and Culture was the adoption of the Guidelines for Inclusion 2020-2023, an action plan for promoting operational gender equality and non-discrimination. Also, a gender equality clause was included in all operational grants of the Ministry, as of 2020. The clause stipulates that all beneficiaries must promote gender equality and non-discrimination in their operations, report on it and ensure that work is carried out within legal remits (Gender Equality Act and Non-discrimination Act).

These initiatives are even more noteworthy given that, in its 2016 periodic report on the implementation of the Convention, Finland stated that gender was not then part of the arts or cultural policy discourse in the country.

Sources: Finland QPR, *www.cupore.fi/en/publications/cupore-s-publications/the-girl-plays-like-a-man.*

Everywhere in the world, it remains much more difficult for women to gain recognition and acclaim for their work in the creative professions

Meanwhile, Conectadas Latinoamérica (Connected Latin America) is a multidisciplinary platform connecting female artists, managers, producers and technicians in several Latin American cities. Significant initiatives in the film and audiovisual industry include the Collectif 50/50 in France, which is committed to reflecting on and fighting for equality, parity and diversity in the industry, and CinéFEMMES RWANDA, which focuses on raising awareness about the need to support women filmmakers in pursuing their careers. At the local level, musicHHwomen is the first local network in Hamburg (Germany) for women musicians aimed at improving access to senior positions, overcoming prescribed roles and stereotypes and increasing the presence of women in the music industry.

ENHANCING WOMEN'S ACCESS TO CULTURAL LIFE

Among the data collected at national levels, the participation in artistic and cultural events and activities is the form most frequently disaggregated by sex. However, it is not possible to establish a comprehensive global picture because datasets collected by countries are not entirely comparable. In addition, regions like Africa and the Arab States provide little statistical evidence to support a geographically balanced analysis. Out of the 13 countries[4] that reported accurate measurements of the female participation rate in cultural activities as an indicator for the implementation of the Convention and of SGD target 5.c, Australia and Canada are the two developed countries with the highest female cultural attendance of 85% (2018) and 87% (2016), respectively.

4. Based on the research conducted by BOP Consulting, in alphabetical order, the 13 countries are: Australia, Canada, Chile, Columbia, Costa Rica, Japan, Republic of Korea, Mexico, New Zealand, Peru, Singapore, Switzerland and the United States.

In both cases, these percentages were slightly above the male participation rates. Marginally lower rates were found in New Zealand (70%), Switzerland (69%), the Republic of Korea (67%), Mexico (61%) and Peru (60%). It is important to note that the types of cultural activities considered may vary from one country to another, which partly explains national differences.

Overall, research remains limited into women's participation in cultural life and reasons for non-participation. While available data suggest that women remain overall more interested in taking part in cultural activities than men, the data are not conclusive in terms of the barriers that may make it difficult for them to engage more in artistic and creative activities. At the European Union (EU) level, recent data suggest that financial considerations weigh more heavily for women than for men, preventing them from attending the cinema, live performances or cultural sites more often (Eurostat, 2021*b*). Data collected in the Republic of Korea, Singapore and Switzerland point to other factors such as a lack of: free time; information on existing cultural activities; leisure facilities; a friend, partner or family member to attend with; or experience in attending cultural events. Social norms also play a major role in limiting women's access to recreative activities worldwide, in some regions more strongly than in others.

CALLING FOR EQUAL OPPORTUNITIES

Everywhere in the world, it remains much more difficult for women to gain recognition and acclaim for their work in the creative professions. Mainly on the basis of film research, studies have shown how women's performances are less likely to be noted than men's (Simonton, 2004). Research has also revealed how various modes of masculinity are associated with creativity in a way that marginalises women from more prestigious creative roles (Hesmondhalgh and Baker, 2015). Women's talent and merit are heavily critiqued and often dismissed (Harvey and Shepherd, 2016), while the reduced visibility of women working in these industries means that fewer women see this career path as viable (UNESCO, 2014; Berridge, 2019).

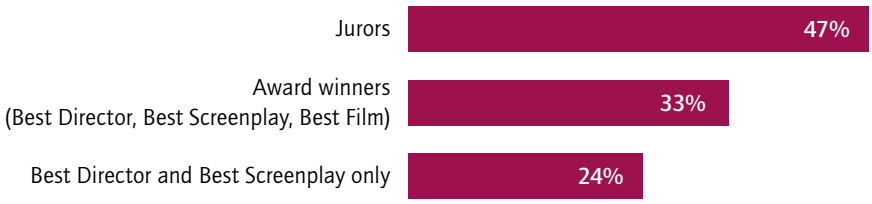
This appears to be reflected in the data collected through the reports submitted by Parties to the Convention, which indicate that no more than 32% of national art prizes or awards are given to women, with a notable difference between developed (37%) and developing countries (29%).

According to an analysis of women's participation in 60 major film festivals, carried out for this Global Report, only about a third (33%) of the awards for the main film categories were given to female artists and producers in 2019. Under a quarter (24%) of the coveted titles of best director and best screenplay were awarded to women. The only noteworthy progress is at the level of the jury members, where the balance between female and male jurors is not far from reaching parity (47%), as shown in Figure 9.4.

While conclusive data are not available worldwide, recent European statistics on the European Commission's Creative Europe – MEDIA Programme, which provides support for the film and audiovisual industry, confirm that female professionals remain under-represented. While over 50% of participants in training are women, only 6 of 20 films chosen in the selective distribution support scheme were directed by women (European Commission, 2021). Figures also show that, in 2020, just 33.3% of all the applicants in the programme were women (Figure 9.5).

Figure 9.4

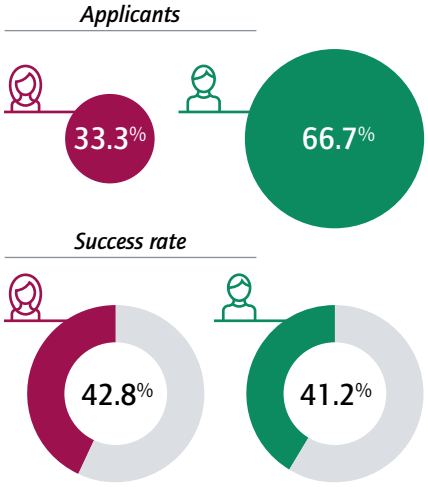
Proportion of female award winners and jurors in major film festivals, 2019



Source: BOP Consulting (2021).

Figure 9.5

Gender balance in MEDIA grants, 2020



Participation of women in selected schemes

Scheme	Share of applicants	Share of results
TV – Scriptwriters	37%	41%
TV – Directors	28%	40%
Development (single & slate) – Scriptwriters	38%	40%
Development (single & slate) – Directors	34%	37%
Selective Distribution – Scriptwriters	38%	33%
Selective Distribution – Directors	23%	22%
Training	n.d.	55%

Source: European Commission (2021).

Even if the success rate was slightly higher for female than male applicants (42.8%), men outnumber their female counterparts. All in all, further efforts should be made to attract more women film and TV directors and scriptwriters to apply, and to help them increase their chances of being selected.

On the African continent, gender equality in film stands out as one of the greatest challenges. In the Central, Eastern and Western Africa regions, the proportion of women in the film industry is estimated to be less than 10%. However, several Arabic-speaking and English-speaking countries, including Kenya, Morocco, Nigeria, Rwanda, South Africa, Tunisia and Zimbabwe, showed encouraging dynamics, with 30% or more female professionals behind and in front of the camera. In general, however, most of the technical roles are held by men. Freedom of expression is another major challenge, as 87% of film professionals report explicit or self-imposed limitations to what can be shown or addressed on screen (UNESCO, 2021*c*).

Commercial logic interferes with policies to promote gender equality, including with initiatives to promote more women in key creative roles in major film projects. A recent study of the film industry in Sweden reported on the difficulties faced by women directors when they attempt to portray gender differently and challenge current gender norms. Larger budgets are often correlated with more circumscribed artistic control and therefore less opportunity to break with convention. Female producers call out the pressure to develop female protagonists who fall under the 'umbrella of female likeability': characters that are physically attractive, submissive, non-opinionated or, in a word, 'likable'. They also criticise the long hours on set, which are incompatible with responsibilities that women usually have at home (echoing the complaints of women across the cultural sector). This means that, while the presence of more women in commercial productions may increase their representation behind the camera, it will not necessarily result in more diverse and complex female characters showing women's true lived experiences, nor will it naturally lead to better working conditions for women on set (Jansson & Wallenberg, 2020). Policies and measures aimed at promoting gender equality must therefore also aim to change industry norms about how gender is reflected on screen, as well as behind the camera.

In the music sector, more specifically in classical music, the disproportionate representation of male over female conductors is stark. According to Bachtrack[5] (a global online classical music event listing platform), in 2019 just 8 out of the 100 conductors with the most performances across the world were women. Even though this is eight times higher than in 2013, the contrast should be worrisome for anyone who understands the need for gender equality progress in all areas of the creative economy.

Policies and measures aimed at promoting gender equality must also aim to change industry norms about how gender is reflected on screen, as well as behind the camera

An international survey was conducted in 2015 and 2016 among female composers, but with a response rate mainly from Australia, North America and Europe (84% from a sample of 225 respondents). According to the survey, social networks and social capital, online visibility, family support and the availability of external funding continue to play a decisive part in their career trajectories (Hennekam et al., 2019). The findings revealed the need for: more grants and funding opportunities, online platforms for composers to enhance visibility and a more ambitious collaborative effort to reduce gender inequity.

5. *www.bachtrack.com.*

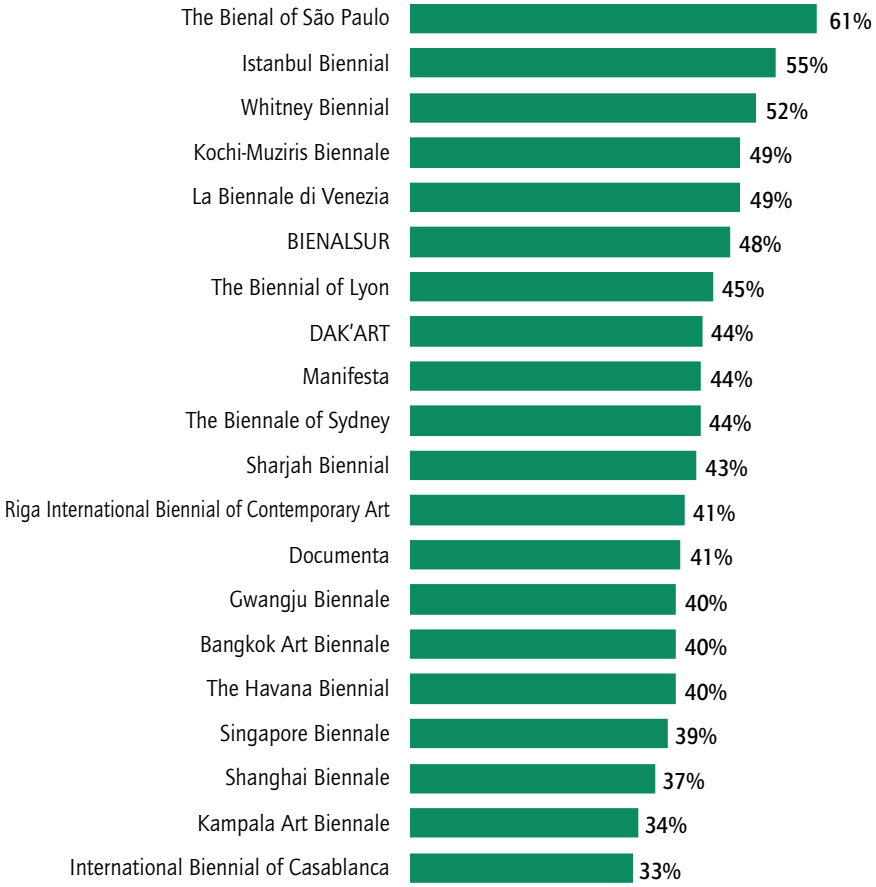
The visual art world is showing progress in the representation of women artists and curators

Other music genres do not necessarily perform much better. For example, the proportion of female artists performing at electronic music festivals worldwide is still unbalanced – despite having increased from 15% in 2016 to 25% in 2019. Moreover, existing data show that larger festivals still tend to have a lower percentage of female acts. Unsurprisingly, public funded festivals and festivals with female artistic directors have a considerably higher proportion of female acts. This suggests the ways forward to improve the current situation in favour of gender equality and diverse cultural expressions.

The visual art world is showing progress in the representation of women artists and curators. Art biennales, such as the Istanbul Biennial, la Biennale di Venezia, the Sharjah Biennial, DAK'ART and the Havana Biennial, have significantly improved the participation of women curators and female artists. In the period 2015-2017 these biennales had between 26% (Havana Biennial) and 43% (Istanbul Biennial) female curators and artists. From 2018 to 2020, their representation improved, ranging between 40% (Havana Biennial) and 55% (Istanbul Biennial). Figure 9.6 shows the proportion of female artists and curators in 20 global art biennales, after considering nearly 2,000 artists and curators participating in these global art events. Even if the numbers have improved, just three events have had a greater representation of female artists and curators between 2018 and 2020: Bienal of São Paulo (Brazil), Istanbul Biennial (Turkey) and Whitney Biennial (United States). The other 17 still have some way to go in terms of giving balanced exposure to male and female experts and artists.

Figure 9.6

Proportion of female artists and curators in 20 international art biennales, 2018-2020



Source: BOP Consulting (2021).

Even if there are no data at the global level, the national research available suggests that opportunities start to narrow down right after graduation. In February 2018, the Haut Conseil à l'Egalité (French High Council for Equality) published a national report on the inequality between men and women in the art and cultural sector. The report shows that, even if most school graduates in the field of culture are women (60%), they become less active, less well paid, less featured in cultural programming and hold fewer responsibilities than men over time. For equal competencies and equal responsibilities, women earn on average 18% less than men. In the top 1% of highly paid professions only 27% are women, while in the bottom 10% lowest paid employees, 57% are women.

The ratio varies by sector. In the performing arts field, for instance, women represent:

- 52% of the students in education preparing for performing arts;
- 31% of practising artists;
- 11% of authors whose work is performed on stage;
- 18% of managerial positions;
- Between 4% and 12% of artists to have received awards since 1980.

Additionally, just 23% of the projects funded through public grants are led by women. For equal competences and responsibilities, woman in the performing arts earn on average 27% less than their male counterparts (Haut Conseil à l'Egalité, 2018; EENCA, 2019).

These statistics show stark gender gaps, which speak to the persistent gendered divisions in cultural occupations. Certain creative endeavours have been traditionally associated with one gender. Using big data and machine learning to look into how the media are reporting on female creativity[6], it appears that words like 'sings', 'sang', 'dances' and 'danced' were more associated with women, while the words 'produced', 'directed' and 'painted' were more likely to refer to men. However, following the #MeToo movement, in addition to women being more often referenced within creative sections, some creative pursuits also appear to have become more gender neutral.

Certain creative endeavours have been traditionally associated with one gender

What is more, the words 'wrote', 'produced' and 'directed' are no longer tending to follow a 'he', while the word 'plays' is now more associated to female subjects (as in, she plays a role in a film or on stage). Nonetheless, gender imbalances persist in reporting on areas such as technology and games (Nesta, 2019).

Research demonstrates that women fare better in settings where there is greater transparency and formality in the hiring process (Conor et al., 2015; De Vuyst and Raeymaeckers, 2019). Except for large organizations, this is relatively atypical since 'word-of-mouth' and reputation-based decisions remain the most common ways of securing or assigning work – particularly in the cultural and creative industries.

6. The analysis is based on over half a million articles published in *The Guardian* newspaper between 2000 and 2018 (Nesta, 2019).

COVID-19: TWO STEPS BACK

All of the above-mentioned points are important in the context of the COVID-19 pandemic, which has adversely impacted local and national economies across the globe – with particularly harsh consequences for the cultural sectors (UCLG Culture Committee, 2020; EY Consulting, 2021). Among those earning a living from an artistic profession, women have paid the highest price.

Culture and entertainment are among the sectors with the highest employment rate of women

To date, there has not been enough evidence from a range of sources to indicate the global impact of the COVID-19 pandemic on the female cultural workforce. Data on the general female workforce are also scarce. However, it seems fair to assume that the overall trend of women workers being significantly more affected by the pandemic would also apply to the cultural and creative industries. Some specific research is emerging, which indicates that the effects could be even greater, but not enough of the research exploring the cultural and creative industries includes demographics or questions on gender (thereby making it difficult to draw any conclusions at this stage).

By corroborating the limited data that are available, the picture looks grim. According to the ILO: 'Globally and across all regions and country income groups, women have been affected by employment loss to a greater extent than men. At the global level, the employment loss for women stands at 5.0% in 2020, versus 3.9% for men [...] Across all regions, women have been more likely than men to become economically inactive, that is to drop out of the labour force, during this crisis.' (ILO, 2021*c*)

Culture and entertainment are among the sectors with the highest employment rate of women – 48.1%[7] versus 48.8% for accommodation and food services, 65.4% in education and 75% in healthcare and social assistance. There was also a loss of 7.6% in the hours worked in 2020, as compared to 2019 (WEF, 2021*a*). The cultural industries have been among the worst affected sectors, and losses in post-support labour income (income after government income intervention schemes) were relatively larger for young workers, women, the self-employed and low- and medium-skilled workers. In the United Kingdom, for example, a survey on the film industry suggests a staggering 51% fall in the number of female freelancers by the end of 2020, compared to the start of the year (in contrast with a 5% decline for men) (Florisson et al., 2021).

The COVID-19 pandemic has exacerbated pre-existing inequalities and, like all working women, female creators were likely to see their personal and professional lives severely disrupted. Female workers in general are known to be responsible for the proverbial 'double shift': a formal shift in their paying job, and an informal shift in non-remunerated care work.

Women with children in the household were particularly affected by the pandemic, more than men in similar situations or women and men with no dependent children. A larger 'double shift' caused by the closure of schools and nurseries reduced their capacity for working hours and triggered higher rates of labour force drop-out for women with dependent children. Women with children in the household also experienced higher anxiety around job security, stress due to changes in work routines and organization, the strain of family pressures (such as childcare), challenges in finding a work-life balance, reduced productivity, difficulty getting work done at home due to inadequate home office set-up or equipment and unconventional work hours (such as early morning or late at night) (WEF, 2021*a*). Following months of lockdown due to the COVID-19 pandemic, the need for legislation that takes account of caring responsibilities was flagged up by freelance and self-employed female professionals across the cultural and creative fields (CCEBA and FLACSO Argentina, 2021).

The COVID-19 pandemic has exacerbated pre-existing inequalities and, like all working women, female creators were likely to see their personal and professional lives severely disrupted

The pandemic has also highlighted the extent to which cultural employment is precarious due to the informal working conditions in many private art spaces, cultural projects and freelance-based collaborations – especially for women. The proportion of self-employment in the cultural and creative sectors is notable. For example, in Latin America, more than half of cultural professionals (64%) work as freelancers, which resulted in over 80% income loss in 2020 (UNESCO et al., 2021). Across the EU, one third (33%) of the cultural workforce was self-employed in 2020, which is twice as high as the average for total employment (14%). Differences among countries are, however, significant (47% for the Netherlands versus 16% for Romania). Women also tend to work full time less than men do in the field of culture (68% versus 83%; Eurostat, 2021*a*), which means that their income is more seriously affected by market disruptions (like during the COVID-19 pandemic).

7. Data aggregated across 69 countries for which data are available (WEF, 2021*a*).

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A democratic society is dependent on gender equality in access to power and influence, as well as on the respect for freedom of expression. Global cultural development builds on a culture that is dynamic, challenging, and that operates as an independent force – which are main objectives of Swedish cultural policy.

Cultural diversity is essential to create and sustain strong and dynamic cultural and creative sectors. The Universal Declaration and the resulting human rights instruments articulate a social contract between all human beings, whereby everyone can live to their fullest potential and has the right to freely participate in the cultural life of the community and to enjoy the arts. Freedom of expression, including freedom of artistic expression, is a basic human right and a cornerstone of democracy.

Gender equality is a key dimension when promoting human rights and protecting fundamental freedoms. The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions emphasises the importance of Parties creating an environment that enables women to create, produce, disseminate, distribute, and have access to their own cultural expressions. The aim of ensuring an equal division of power and influence needs to be pursued in all parts of society, including culture and the media and the communication sectors. Equality creates creativity, and creativity is the foundation of a thriving culture.

Gender equality must thus be guaranteed in the exercise of artistic freedom. Promoting this fundamental aspect of cultural rights is vital for achieving a flourishing democratic society. Both gender equality and artistic freedom have been particularly affected by the COVID-19 pandemic, as restrictions and lockdowns have been exceptionally challenging for cultural and creative industries and enterprises. Recognizing the importance of the creative economy and its job opportunities – as well as respecting and promoting decent working conditions, fair renumeration and the global implementation of solid copyright systems – are essential for recovering from the pandemic. To achieve sustainable cultural development, it is necessary to establish cultural infrastructure and policies – particularly in times of crisis.

The Global Report series is not only essential to illustrate how the Convention is being implemented at the national level – it also provides vital knowledge about the development of general and specific cultural policies around the world. It will be an important part of my role as Minister for Culture to promote the uptake of this report's findings among relevant stakeholders.

Jeanette Gustafsdotter

Minister of Culture, Sweden

The pandemic has highlighted the extent to which cultural employment is precarious due to the informal working conditions in many private art spaces, cultural projects and freelance-based collaborations, especially for women

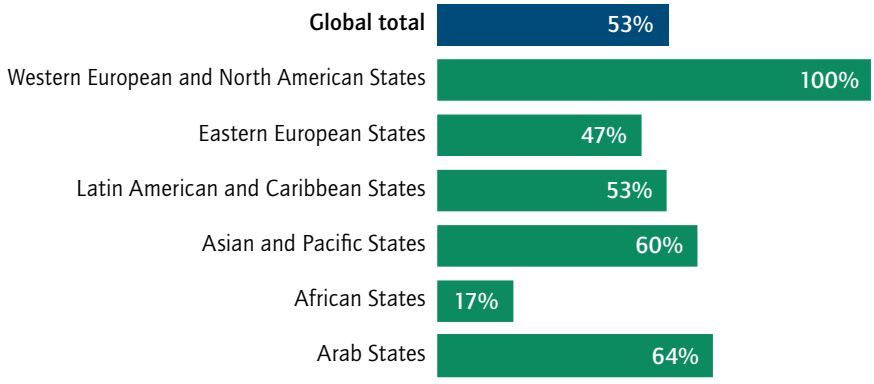
While the culture and creative sectors were negatively impacted by lockdown measures across the board, the gaming industry was the only one to have benefitted from the crisis (+9% revenues in the EU-28; EY Consulting, 2021). However, the female workforce in the gaming industry stands at only 30% worldwide[8], meaning that women benefit less from this growth overall.

'The coronavirus disease (COVID-19) pandemic is a cataclysm for cultural rights', warned the then UN Special Rapporteur in the field of Cultural Rights, Karima Bennoune (2021). Steep increases in violence against women have also aggravated their ability to take part in cultural life without discrimination (Bennoune, 2021). In 2020, Freemuse documented a growing trend of artists suffering online harassment, threats and attacks on social media for the same reasons as in real life, including artists' sex, gender identity, sexual orientation and race. In addition, 45% of artist prosecutions in 2020 related to artistic expressions with a link to the COVID-19 pandemic (although a distinction by gender was not reported) (Freemuse, 2021; for more, see Chapter 10 on artistic freedom). The pandemic has also exacerbated inequalities among audiences. The extensive use of online platforms during the pandemic has widened the digital gender divide.

8. Statista. Distribution of game developers worldwide from 2014 to 2021, by gender. *www.statista.com/statistics/453634/game-developer-gender-distribution-worldwide/* (Accessed 17 September 2021).

Figure 9.7

Regular data collection and dissemination to monitor gender equality in culture and media sectors or the participation of women in cultural life, by region



Source: BOP Consulting (2021).

Women's lower online access in comparison to men, compounded by women's disproportionate access to skills development and networks, has heightened the under-representation of women's creativity and online engagement with the arts. According to global estimates, 55% of the male population were using the Internet in 2019, compared with 48% of the female population. That translates into a gender parity score of 0.87, where total parity stands at 1. While this may sound positive, since 2013, the gender parity score has shown a slight decrease (ITU, 2020).

HOW LITTLE DO WE KNOW?

The paucity of sex-disaggregated data in the culture and media sectors is an ongoing concern highlighted by UNESCO in the first and second editions of the Global Report. Lack of data means lack of knowledge, and this can only translate into arbitrary actions or no actions at all. Informed cultural policies are important not just for the vitality of the creative economy and the livelihoods of the millions of women and men within this complex and dynamic ecosystem, but also for our societies and our democracies at large.

At the global level, 53% of countries report the regular collection and dissemination of data to monitor gender equality in the culture and media sectors, as well as the participation of women in cultural life. The difference between developing and developed countries is considerable, as only 43% of developing countries undertake such measurements. As shown in Figure 9.7, there are also visible disparities among regions. However, the data are often partial, industry specific (rather than relating to the entire cultural sector) and isolated in time.

The paucity of sex-disaggregated data in the culture and media sectors is an ongoing concern highlighted by UNESCO in the first and second editions of the Global Report

This makes it impossible to identify trends or projections. Without ongoing data-collection mechanisms, there is a limit to how much this research can inform policy decisions and thus contribute to achieving gender equality.

Good practices can be identified across the board. In Indonesia, since 2011 the Ministry of Education and Culture, together with the Ministry of Women and other public agencies, has implemented a set of technical measures to monitor women's participation in public, political and cultural life, as well as their contribution to the creative economy. In France, in 2021 the Ministry of Culture published the ninth edition of the *Observatory on Gender Equality in Culture and Communication*. Since 2016, Chile has been carrying out an institutional assessment to analyse gender inequalities, gaps and barriers in the cultural sector (see Box 9.4).

The fragmented nature of existing data adds another layer of challenge when it comes to identifying trends and making global assessments of the progress made towards attaining SDG 5 through inclusive creative sectors and diverse cultural expressions

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Box 9.4 • *Institutional assessments to identify priority areas – the case of Chile*

Since 2016, the Ministry of Cultures, Arts and Heritage in Chile has developed a series of studies on the participation of women in the artistic field. These studies have highlighted gender inequalities and have revealed the urgent need to improve the disadvantaged situation of women in order to develop their creative activity, and also for them to access these types of activities as members of the public.

One concrete resulting action was the 2020 signing of a collaboration agreement between the Regional Ministerial Secretariat for Women and Gender Equity and the Regional Ministerial Secretariat of Cultures, Arts and Heritage at the Libertador General Bernardo O'Higgins Region, one of Chile's 16 first-order administrative divisions. The agreement aims to: promote female participation in the application process, awarding and execution of available funds; strengthen the economic autonomy of women artists, cultural professionals and entrepreneurs through the generation of showcase spaces and marketing of their products and services; and establish coordinated support for cooperation networks and initiatives related to the development of women.

Source: Chile QPR.

However, even in the countries most experienced in cultural statistics and most advanced in terms of gender equality, data rarely provide information on the profile of the women working in the creative sectors (such as their social and economic background, their ethnicity or disability status). This intersectional approach[9] would provide a more nuanced understanding of who is excluded by cultural institutions, funding systems in the arts and creative ecosystems at large. Statistical information about the employment patterns of male and female cultural professionals, or the use of qualitative methods to gain insight into the experiences of female workers within creative sectors, is still a challenge across the world. Furthermore, the lack of systematically collected data is not the sole missing piece. The fragmented nature of existing data adds another layer of challenge when it comes to identifying trends and making global assessments of the progress made towards attaining SDG 5 through inclusive creative sectors and diverse cultural expressions. Member States of the EU explicitly addressed gender equality as a priority for action in the culture and creative sectors in the Work Plan for Culture 2019-2022. In March 2020, the European Commission presented the Gender Equality Strategy 2020-2025, where culture and media are recognized for their role in changing attitudes and challenging stereotypes. Under Germany's Presidency of the Council of the European Union, in November 2020 gender equality was included on the Council's cultural agenda for the first time.

9. Coined by the legal scholar Kimberlé Crenshaw, the term intersectionality is used to describe the ways in which multiple inequalities (gender, ethnicity, sexual orientation, age and so on) interact in peoples' lives, and especially in the lives of minorities.

According to one of the findings, the available 'gender-disaggregated data remains insufficient to fully understand the challenges to achieving gender equality in the cultural sector' (Council of the European Union, 2020*b*). The lack of systematic data on the gender gaps in the cultural and creative industries (as well as by cultural sector) was also flagged up in the report presented in 2021 by the Open Method of Coordination Working Group of EU Member States' experts on gender equality, which called for more gender-disaggregated data in cultural statistics and harmonized data collection among countries (European Union, 2021).

Box 9.5 • *Montenegro's LGBT Strategy in the Field of Culture*

Montenegro's National LGBT Strategy (2013-2018) was partly designed to improve the public perception and social acceptance of LGBT people. To nurture a culture of tolerance and openness towards gender diversity, the Ministry of Culture rolled out a series of measures addressing the ways in which the LGBT community is represented in public spaces. A cultural programme was developed and implemented in collaboration with civil society organizations such as the Anna Lindh Foundation, Juventas and Queer Montenegro, as well as public institutions like the Centre of Contemporary Art and the municipal Cultural Centre Budo Tomović in Podgorica. They included photo exhibitions showcasing LGBT artists, as well as public debates focused on the cultural expressions of minority identities. Opening the art scene to new creators and cultural professionals with non-binary gender identities was part of the approach to highlight new facets of gender diversity in Montenegro. The strategy highlighted the responsibility of public cultural institutions to ensure their regular programming includes creative content by, with and about gender minorities. It also stressed the importance of supporting new cultural platforms that celebrate LGBT creativity, which will lead not only to a more diverse culture and creative landscape, but to a more inclusive social context in general.

Source: Montenegro QPR.

EMERGING AREAS OF INTERVENTION

The last few years have seen the emergence of policy intervention areas with clear impacts on the diversity of cultural expressions.

One of these relates to intersectionality frameworks, which explore the interaction of gender with other forms of discrimination such as race, economic status, language, religion, age and disability. In line with cultural rights and the aim to leave no one behind, the use of intersectional lenses adds nuance to the policies and measures targeting women in the culture sector. Some Parties to the Convention have increasingly taken measures in this area. With support from the EU's European Social Fund, Slovenia has prioritized co-financing projects involving women belonging to minority communities, particularly in the field of culture and creative sectors. The results are visible in projects designed to include vulnerable social groups and women from minority ethnic groups, such as the Roma community and the German-speaking ethnic group in Slovenia, so that they may participate fully in cultural life. One such project was *Razkrite roke – Poslovni in humani uspehi* (Revealed Hands – human and business achievements) implemented by the OLOOP Ljubljana Institute (Institute for Contemporary Textile Art and Design), where female immigrants and asylum seekers worked with textiles and other art media to enhance their skills in design, pedagogy, humanitarian support and marketing. As a result, participants began to open up and come out from closed environments, integrate into groups and communities, become actively involved in society and engage in cultural activities. The projects also gave visibility to these groups, their culture and language, thereby helping to eliminate prejudice and overcome stigmatisation.

Another visible trend is the adoption of policies and measures that, beyond a focus on equality between women and men, address gender diversity more broadly – including the various ways in which people define their gender identities and preferences (Box 9.5).

For example, the National Exhibition of Visual Arts in Argentina has challenged the binary conception of gender by including the option 'other' in the gender field when registering for the Exhibition. The National Institute of Music has also established a non-binary official Register of musicians and bands.

In Ecuador, Crisalys – an association of families with transgender minors and *Ñuca Trans* (We Trans) – a group of transgender women – have addressed the lack of spaces for expressing non-binary gender identities and participating in the cultural life. Through artistic events and by participating in various governmental forums for the formulation of public policies, they have created new opportunities for female and LGBTIQ+ youth, artists and cultural professionals. In Iceland, *Stelpur rokka!* (Girls Rock!) is a volunteer organization that works to empower girls, trans, queer and intersex youth through music and equal rights education. In five years, over 400 girls and women have participated in its activities and have formed more than 70 bands[10]. Girls Rock! is a part of the Girls Rock Camp Alliance, an international network of youth-centred arts and social justice organizations with over 60 girl rock camps all over the world. With support from the Icelandic Ministry of Foreign Affairs, Girls Rock Camp has also been organized in Togo since 2016.

The cultural and creative industries therefore represent an opportunity to engage participants, audiences, governments, CSOs and activists with opportunities to explore and imagine many different ways of being and identifying in our societies and, in turn, contributing to greater gender equality and diversity.

10. *www.stelpurrokka.is.*

Another visible trend is the adoption of policies and measures that, beyond a focus on equality between women and men, address gender diversity more broadly

For 25 years, GLAAD, the world's largest LGBTQ[11] media advocacy organization, has tracked the presence of lesbian, gay, bisexual, transgender and queer characters on television. A study conducted in 2019 to measure the attitudes of non-LGBTQ citizens of the United States to exposure of LGBTQ people and images in the media, showed that people who had been exposed to LGBTQ images in media were more accepting of LGBTQ people and supportive of LGBTQ issues. GLAAD and Netflix also polled adults in Mexico and five South American countries in June 2020[12]. Most respondents (68%) said they had watched a show or film that gave them a better understanding of the LGBTQ community and, among LGBTQ respondents, 87% felt that film and TV more accurately reflect this community than two years earlier (Townsend and Deerwater, 2021). These results are reinforcing the transformational effects that the creative industries have on society, forging the way towards more diverse and inclusive cultural expressions, based on human rights and shared values.

11. Terminology aligned to the GLAAD study mentioned in this section.

12. *www.glaad.org/wherewareontv20.*

CONCLUSIONS AND RECOMMENDATIONS

According to the latest Global Gender Gap Report, the estimated percentage completion on the way to global gender parity is 68%, which is lower than in 2020 (-0.6 percentage points). On its current trajectory, it will take 135.6 years to close the gender gap worldwide (WEF, 2021*a*).

The United Nations declared 2021 'the International Year of Creative Economy for Sustainable Development', acknowledging that the creative economy (or the 'Orange Economy') contributes to the: 'three dimensions of sustainable development and the achievement of the 2030 Agenda, including by fostering economic growth and innovation, eradicating poverty, creating full and productive employment and decent work for all, improving the quality of life and empowerment of women and young people, and reduce inequality within and among countries'[13].

Strategically moving towards SDG 5 to 'achieve gender equality and empower all women and girls' by 2030, this cannot happen without the culture and media sectors. This is partly because women and young people aged 18-25 make up the majority of those employed in the creative economy[14] – making it one of the youngest and fastest growing economic sectors in the world (BOP Consulting, 2021). It is also because 'cultural activities, goods and services convey identities, values and meanings', and thus contribute to shaping gender norms and relations (as stated in the Convention). Culture and media sectors therefore have a fundamental role to play in advancing the economic and social rights of women, as well as in changing social perceptions preventing women and gender diverse artists from exercising their cultural rights and leading successful creative careers.

13. Resolution A/RES/74/198. *https://digitallibrary.un.org/record/3835223?ln=en* (Accessed 13 August 2021).

14. International Year of Creative Economy for Sustainable Development. *https://en.unesco.org/commemorations/international-years/creativeeconomy2021* (Accessed 13 August 2021.)

Gender equality is increasingly being recognized as a priority for the cultural and creative sectors. Countries have reported more policies and measures than ever to support female artists and cultural professionals, as well as women's participation in cultural life. The levels of women's representation in culture and media sectors are improving. This demonstrates that, particularly in developing countries, sustained effort can result in gender parity in leadership roles becoming a reality in the years to come.

At the global level, however, women in the creative industries are far from being granted the same rights, financial support, career opportunities and professional acknowledgement as their male counterparts. Progress achieved in recent years, such as the #MeToo movement, has undoubtedly given new impetus to efforts to promote gender equality in the cultural and creative industries (Corbat and González, 2019). Nevertheless, recent crises, such as the COVID-19 pandemic, have shown us that the gender divide possibly widened in the space of a few months – leaving women and gender diverse creatives once again more vulnerable and exposed to personal and professional loss. While not all regions or creative sectors have been affected to the same extent, the gender equality cause remains as pressing as ever.

The lack of data on women in the culture and media sectors remains a major obstacle in the way of progress on gender equality in creative professions. As shown in this chapter, accurate data and assessments are the prerequisites for a common understanding of the systemic, structural and cultural issues that need to be addressed (Vaccarone, 2019). Based on quantifiable estimates and empirical evidence from existing research, there is a clear need for actions to be stepped up immediately – not just so that gender equality can return to pre-pandemic levels, but so that it can improve to a greater extent.

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Gender diversity is an emerging area in protecting and promoting the diversity of cultural expressions, with full respect for human rights. Governments and CSOs are increasingly prioritizing the right of LGBTIQ+ artists to contribute and take part in cultural life, thereby creating the basis for a more tolerant and inclusive society. Interdisciplinarity and intersectionality are two other areas that are gaining attention, based on the proven impact they have on sustainable development (such as SDG 5 and 4, as well as SDG 8 and 10).

The audiovisual sector continues to feature heavily in the measures and policies highlighted by States in their reports on implementation of the Convention. There is therefore a need to encourage the adoption of measures and policies targeting other cultural sectors that also experience gender imbalances and challenges. In many cases, good practices and initiatives carried out in the audiovisual sector can be an inspiration for other sectors.

As the impact of COVID-19 will be felt for years to come, it is important for policies and measures like the ones described herein to be implemented effectively across the world. Governments, civil society and intergovernmental organizations need to step up their efforts and work hand in hand to make gender equality a reality, so that it forms the foundation on which to build sustainable, tangible progress on the challenges ahead (such as climate change).

Evidence shows that bringing explicit gender expertise and diverse stakeholder views into the decision-making process can effectively address underlying social structures, policies and common social norms that perpetuate gender inequalities (Hillenbrand et al., 2015). It is supremely important to ensure the participation of gender experts (such as gender advisors) and women in creative-driven professions through the process of developing, implementing, monitoring and evaluating policies and measures at the organizational, local, regional and national levels.

Gender transformative approaches require time to generate the changes needed in the cultural and creative sectors and industries. Therefore, the recommendations below include shorter-term recommendations that are also urgent measures, as well as longer-term, gender-transformative measures. The short-term measures are more quantitative in nature and are aimed at correcting women's stark under-representation in leadership positions within creative sectors where they are less present in general (such as the gaming industry). The shorter-term measures also address their access to funding. The long-term gender-transformative measures tackle the norms, attitudes and institutionalised rules that maintain the unequal power relationships that negatively affect women's careers in the creative sectors. They address the root causes of gender inequality, rather than just its symptoms.

For governments (ministries of culture, art councils, funding bodies and regional and local authorities):

- Undertake and/or provide funding for quantitative and qualitative research on the level of women's representation in the culture and media sectors, with a view to understanding and addressing the challenges preventing them from fully contributing to and participating in cultural life;
- Draw on research findings and other available data at the local, regional and national levels to develop evidence-based policies and measures to achieve parity in leadership positions, access to funding and representation in cultural programming, and to ensure the widest participation of women in cultural life irrespective of age, ethnicity, social and economic backgrounds and physical disabilities;
- Given that participatory cultural policies are still the exception rather than the norm, prioritize a multistakeholder approach to policy-making for promoting gender equality in the culture and creative industries in the years to come;
- Prioritize intersectional approaches by supporting female artists and cultural professionals with an ethnic minority background, migrant women, women of colour, women with disabilities, women from underserved communities and LGBTIQ+ individuals in all stages of their careers;
- Set targets for the proportion of women in decision-making positions and promote an organizational culture where women feel supported to thrive and excel;
- Repeal discriminatory laws that hamper gender equality and have a direct impact on women's and girls' rights to contribute and participate in cultural life, as well as that of gender diverse adults and youth.
- Promote the elimination of precarious labour practices in the cultural sector such as short-term contracts, long working hours (usually unpaid) that are incompatible with domestic care responsibilities, lack of opportunities and pay gaps.

For cultural institutions, media and CSOs (non-governmental organizations, academia and private companies):

- Use quantitative and qualitative research to permanently monitor gender equality progress within organizations and across cultural programming;
- Apply affirmative action measures in recruitment, promotion and awards until gender equality is achieved in organizations and throughout cultural programmes;
- Establish special programmes or services for women, such as mentoring programmes with dedicated funding lines, particularly in creative sectors in which women are severely under-represented (for instance, in the digital environment);
- Adapt cultural services and products so that they convey representations that do not feed into any gender stereotypes that hinder women's role and position in society;

For intergovernmental organizations:

- Make continuous efforts to monitor and contribute to the knowledge production and sharing about progress made towards gender equality in the cultural and creative sectors worldwide, including by assisting States in their data-collection and analysis efforts and contributing to their comparability;
- Engage in continuous advocacy and awareness-raising efforts in training and capacity-building, and by providing technical advice and support to States to implement gender mainstreaming in their cultural policies, as well as gender-transformative measures that address the inequalities specific to the cultural and creative sectors;
- Promote gender mainstreaming in the culture and media sectors as a stepping stone to achieving the 2030 Agenda, in particular SDG 5.

© Shilpa Gupta, *For, in your tongue, I cannot fit*, 2017-18. Photograph by Pat Verbruggen.
Sound Installation with 100 speakers, microphones, printed text and metal stands,
commissioned by YARAT Contemporary Art Space and Edinburgh Art Festival*

Chapter 10

Safeguarding the freedom to create

Sara Whyatt

KEY FINDINGS

- *While some States have amended or abolished laws affecting freedom of artistic expression, there remains a worrying disconnect between protective law and practice, with attacks on freedom of artistic expression continuing to rise in 2020. To be effective, protective laws must be supported by local monitoring systems and concrete implementation mechanisms.*
- *Cultural and human rights defenders, as well as civil society organizations, increasingly engage in monitoring and advocating for freedom of artistic expression, including through the provision of safe havens for artists at risk.*
- *There is a clear need for organizations with understanding and expertise of both human rights and culture in all regions to fill persistent gaps in monitoring and reporting on artistic freedom.*
- *In the last four years, 54% of Parties report having taken measures to improve the status of artists by adopting new or revising existing economic measures.*
- *States are putting in place measures to ensure fair pay, remuneration and access to social welfare benefits for artists, bringing them in line with the general workforce.*
- *Despite some progress, there remains a general lack of understanding of artistic freedom, signifying a need for more capacity-building on the subject.*
- *COVID-19 has exacerbated the pre-existing precariousness of working conditions among artists and cultural professionals. States have been trying to meet the challenge through emergency measures aimed at protecting the social and economic rights of artists and cultural professionals.*

Artistic freedom consists of:

1. Freedom of artistic expression
2. Social and economic rights of artists

PROGRESS

LEGISLATION

Harmful legislation, such as blasphemy and defamation laws, has been **removed in many countries**

LINK TO HUMAN RIGHTS

Artistic freedom is being **integrated in national human rights frameworks** and strategies

And **collaborations increase** between cultural and human rights organizations

STATUS OF ARTISTS

54% of States report **economic measures to improve the status of artists**

Improving the status of artists gives them similar rights and benefits to other workers

CHALLENGES

DATA AND INFORMATION GAPS

Despite progress, **the term *artistic freedom*** has not yet gained a common understanding among countries

Persistent information gaps undermine the development of more targeted policies

ATTACKS ON ARTISTS

2018	673
2019	771
2020	978

Attacks on freedom of artistic expression continue to rise globally – ranging from censorship to killings

Only **53%** of Parties have **independent bodies that receive and monitor violations**

COVID-19 PANDEMIC

Challenges to artistic freedom intensified: Artists were suddenly without income or social protection, and sometimes silenced for speaking up about COVID-19 measures

As digitalization accelerates, **artistic freedom in the digital sphere** becomes a growing concern

RECOMMENDATIONS

COLLABORATION

Foster **interministerial and multistakeholder collaboration**

CIVIL SOCIETY

Support civil society organizations, especially in the most challenged regions

LEGISLATION

Adopt and update status of artist laws and include artistic freedom in human rights legislation

FREEDOM ONLINE

Ensure **protection of artistic freedom online**

CORE INDICATORS

Policies and measures promote and protect freedoms of creation and expression and participation in cultural life

Policies and measures promote and protect the social and economic rights of artists and cultural professionals

INTRODUCTION

A musical duo in the United Kingdom was earning a precarious living through small live performances, travelling around the country and occasionally abroad. When the COVID-19 pandemic struck, suddenly and without warning they were unable to perform, and their main source of income disappeared overnight. Already earning very little, frequently performing for free simply to get exposure, they had no resources to fall back on. Faced with a health emergency, it took a few months before the government was able to give emergency aid to artists like them. Until then, they had to rely on food packages donated by friends, and, unable to pay rent, feared losing their home. This disaster was averted when they successfully applied for a grant from Help Musicians' coronavirus financial hardship funding. Since March 2020, this independent charity has supported over 19,000 musicians with over £11m (approximately US$14.6 million) in financial hardship funding across the United Kingdom[1].

As the duo had already started developing an online presence, they launched a series of live streamed performances from their room. Viewers paid a voluntary fee, which brought in some income, although unfortunately not all viewers contributed. As restrictions on performances eased, the duo had survived but with a large debt that will be difficult to repay – even if their touring and performing work returns to pre-pandemic levels. They are considering giving up working in the music industry, where work has always been precarious and undervalued. They hope that the experience has led to the public and governments realising the importance of the arts in times of crisis, and that the crisis will spur a transformation of the entire music value chain to make sure that artists are given a fair revenue.

The state of artistic freedom can tell us much about the state of human rights in a territory

The difficulties faced by these artists hint at the severity of the impact on the livelihoods of artists in most countries that have not been able to mobilize equivalent sums to support the cultural and creative sector. Moreover, as access to the Internet remains largely uneven, not all artists have had the same opportunity to even attempt to make a living online.

The world has seen dramatic changes since the publication of the 2018 Global Report, with the COVID-19 pandemic causing devastation across the globe and more than five million lives lost as of December 2021. The culture sector has been struck a particularly harsh blow in terms of economic losses (as outlined in Chapter 1), but also in terms of freedom of artistic expression. This is illustrated by the many reports of artists detained specifically for works that criticize governments' handling of the crisis (Freemuse, 2021). On the social and economic side, many artists found themselves without an income or any medical or employment insurance due to the informal nature of much cultural work, leaving them without support. This situation is ongoing at the time of writing.

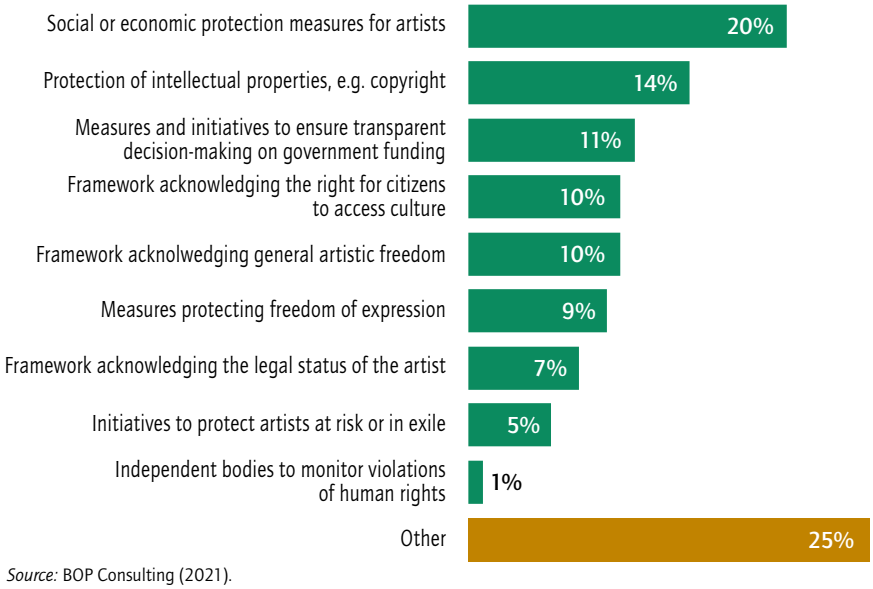
However, it is not all bad news. The sector's suffering paradoxically led to broader public acknowledgement of its pre-existing issues. As this chapter reveals, there is continuing engagement in the right to artistic freedom, and its challenges at the national and international levels. Since 2018, governments have enacted, or are preparing, Status of the Artist laws and mechanisms to address the special challenges that have always been faced by artists and cultural professionals. Artistic freedom is the freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-State actors as enshrined in the International Covenant on Civil and Political Rights. It also includes the right of everyone to take part in cultural life (Article 15, Paragraph 1 (a), of the International Covenant on Economic, Social and Cultural Rights). As such, it is a fundamental aspect of cultural rights, and the state of artistic freedom can tell us much about the state of human rights in a territory.

As mentioned in the other chapters, since the 2018 Global Report, the quadrennial periodic report framework was redesigned to match the monitoring framework of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In this framework, Parties' implementation of artistic freedom is measured according to two main indicators, covering the policies and measures that promote and protect freedom of creation and expression, and those that promote and protect the social and economic rights of artists and cultural professionals.

1. *www.helpmusicians.org.uk/*

Figure 10.1

Types of measures reported in relation to artistic freedom



Source: BOP Consulting (2021).

As such, the latest reporting period (2018-2020) marks the first time that Parties have been asked specific questions on the implementation of measures related to artistic freedom, providing new relevant data compared to previous global reports. Nonetheless, while this has brought about an improvement in collecting data on legislation and measures, monitoring artistic freedom continues to present several challenges, most notably that the term has not yet gained a common understanding among countries, including the 151 Parties to the Convention. While 20% of the 114 measures reported under artistic freedom relate to the social or economic protection of artists, followed by 14% of measures relating to the protection of intellectual property, 25% refer either to programmes that encourage cultural participation of disadvantaged groups or to arts training programmes in early schooling to awaken cultural sensitivity, which do not rightly fit under the notion of artistic freedom (Figure 10.1).

UNESCO has been working to increase understanding of the concept of artistic freedom through capacity-building workshops, studies and debates for governments, civil society organizations (CSOs) and artists. Among the latest of these activities was a national training on artistic freedom, held online and in Windhoek, Namibia, in April 2021, in the context of the World Press Freedom Day Global Conference. Through such workshops, UNESCO has made important advances in advocating for artistic freedom as comprising both the freedom of artistic expression and social and economic rights.

Efforts have also been made to reinforce synergies between the Convention and the UNESCO 1980 Recommendation concerning the Status of the Artist. The fact that the definition and social status of artists and cultural professionals are often unclear remains a major challenge for measuring and ensuring artistic freedom, as it is not always clear who should be covered by provisions made for artists. In this regard, the 1980 Recommendation is an important tool in helping States define who is an artist and recognizing them as having comparable legal, social and economic rights to other workers, as well as recognizing their freedom of artistic expression.

The Recommendation works in conjunction with Article 7 of the Convention, which defines measures to promote cultural expressions, including to create and disseminate work, and for artists to have their work supported. In turn, the Recommendation and Convention work in synergy with United Nations Sustainable Development Goals relating to employment and labour rights, secure working conditions and protecting access to information and fundamental freedoms. These instruments combine with international and regional human rights mechanisms to form a substantial body of international tools that promote and protect artistic freedom and that States can draw on in developing national measures (Box 10.1).

The advancement of artistic freedom is essential to protect and promote the diversity of cultural expressions. Without freedom or the social and economic conditions necessary to survive while creating, artists cannot produce meaningful works of art. The lack of appropriate support measures prevents artists from some social groups or regions from creating, which ultimately risks depriving the world of a diversity of artistic expressions. Drawing on measures reported by States, as well as academic and non-governmental sources, this chapter considers the developments and policy changes regarding freedom of artistic expression and social and economic rights since the 2018 Global Report. Furthermore, while it is too early to provide a comprehensive overview of measures implemented to deal with the effects of the COVID-19 pandemic, this chapter will conclude by investigating how States have responded to ensure the rights of artists and cultural professionals during the crisis.

> ***Restrictions on freedom of expression and artistic freedom affect the whole of society, bereaving it of its pluralism and the vitality of the democratic process. The ecosystem of artistic freedom affects education, cultural development, socio-economic standards, well-being, quality of life and social cohesion.***
>
> ***Council of Europe***
> *Manifesto on Freedom of Expression of the Arts and Culture in the Digital Era, launched in November 2020*

PROTECTING FREEDOM OF ARTISTIC EXPRESSION: A CONCERN FOR SOCIETY AT LARGE

A PERSISTENT AND WORRYING DISCONNECT BETWEEN LAW AND PRACTICE

Most Parties to the Convention include freedom of expression in their Constitutions and law, often applying this right to artistic freedom even if it is not made explicit in legal texts. However, there is a tendency to concentrate the debate about freedom of expression on challenges faced by the news media. While this is understandable given the many attacks on journalists, failure to reference it clearly in legal texts may lead to artistic freedom being overlooked or considered a lesser issue.

In the quadrennial periodic reports submitted to UNESCO, nearly all Parties to the Convention (including 150 countries and the European Union) refer to having constitutional or regulatory frameworks that protect the right of artists to be free from censorship, to be able to disseminate and perform their works and for the public to have unrestricted access to cultural life and to freely enjoy artistic works. However, as in previous global reports, there is evidence of a worrying disconnect between law and practice – as demonstrated by the persistently high levels of abuses of freedom of expression against artists.

This is illustrated through the work of Freemuse, for instance, which produces annual statistics on attacks against artists around the world and across creative sectors. Its records for the period 2018 to 2020, compared with 2017, show a 20% rise in censorship against artists and cultural professionals. The most serious attacks, namely killings, imprisonments, detentions and prosecutions, have all increased in recent years. Other forms of repression make up the bulk of abuses and include instances of physical and online attacks and threats, banning of works and halting of performances, denial of licences and restrictions on freedom of movement.

Box 10.1 • *United Nations instruments relevant to artistic freedom*

Universal Declaration on Human Rights (1948)
- *Freedom of expression (Article 19)*
- *Social security (Article 22)*
- *Work and fair remuneration (Article 23)*
- *Right to the protection of moral and material interests (Article 27)*

UN International Covenant on Economic, Social and Cultural Rights (1966)
- *Favourable conditions of work (Article 7)*
- *Form trades unions (Article 8), social security (Article 9) and participate in cultural life (Article 15)*
- *Benefit from the moral and material interest arising from the production of artistic works (Article 15)*

UN International Covenant on Civil and Political Rights (1966)
- *Freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. (Article 19)*

Mexico City Declaration on Cultural Policies (1982)
- *Freedom of opinion and expression is essential for the creative activities of artists (Article 27)*
- *Social and cultural conditions must be established to facilitate, stimulate and guarantee artistic and intellectual creation (Article 28)*

WIPO Copyright Treaty (1996)
- *Authors of literary and artistic works shall enjoy the exclusive right of authorizing the making available to the public of the original and copies of their works through sale or other transfer of ownership (Article 6)*

UNESCO Universal Declaration on Cultural Diversity (2001)
- *Due recognition of the rights of authors and artists (Article 8)*

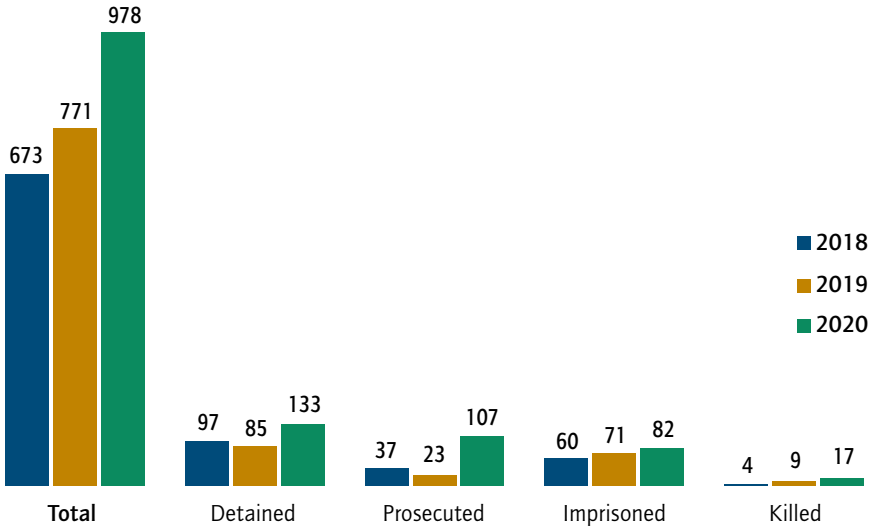
WIPO Beijing Treaty on Audiovisual Performances (2012)
- *Independently of a performer's economic rights, and even after the transfer of those rights, the performer shall, as regards his live performances or performances fixed in audiovisual fixations, have the right:*
  - *to claim to be identified as the performer of his performances, except where omission is dictated by the manner of the use of the performance; and*
  - *to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his reputation, taking due account of the nature of audiovisual fixations (Article 5)*

2030 Agenda for Sustainable Development (2015)
- *Target 8.5 – full and productive employment with equal pay*
- *Target 8.8 – labour rights and secure working conditions*
- *Target 16.10 – protecting access to information and fundamental freedoms*

ILO Violence and Harassment Convention and Recommendation (No. 206) (2019)
- *The right of everyone to a world of work free from violence and harassment (Article 4)*
- *The need to develop an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work (Article 4, Convention)*
- *Broad personal scope of protection (Article 2, Convention) and seeks to address violence and harassment that occurs 'in the course of, linked with or arising out of work', both in the formal and informal economy, and whether in the private or public sector (Article 3, Convention)*
- *Adoption of appropriate measures for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as [...] entertainment (Paragraph 9, Recommendation)*

Figure 10.2

Attacks on artistic freedom, 2018-2020



Source: Freemuse annual State of Artistic Freedom reports, 2019-2021.

It is important to note that the higher figures are partly attributable to increased capacity for Freemuse and monitors elsewhere. It is likely, however, that the number of attacks is genuinely high (and probably higher than the figures suggest).

Legal and administrative measures might be deployed against freedom of expression. In many countries, which may not have explicit legislation regulating freedom of artistic expression, censorship agencies can act as restricting agents. In Africa, for example, there have been cases of criminal prosecution and conviction of artists for releasing songs and videos without approval from a Censorship Board, which amounts to prior censorship (and runs contrary to regional and international law). Indeed, as the first United Nations Special Rapporteur in the field of Cultural Rights has specifically stated, prior censorship should be an exceptional measure, taken only to prevent the imminent threat of serious and irreparable harm to human life or property (Shaheed, 2013). As such, a crucial factor for changing the situation for artists is the need for political will to implement protective rather than restrictive measures to artistic freedom.

The degeneration of artistic freedom is also evidenced by a decline in the state of freedom of expression globally. The V-Dem (Varieties of Democracy) Institute based at the University of Gothenburg, Sweden, for example, notes a 30% deterioration in academic and cultural freedom between 2017 to 2020 among 176 monitored countries (Alizada et al., 2021). While the violation of artistic freedom has obvious consequences for the diversity of cultural expressions, the ability of artists to contribute and the ability of audiences to enjoy it, it can also have far-reaching consequences for society in general. The Ethiopian artist Hachalu Hundessa was shot dead in June 2020 by unknown assailants, probably because of his songs focusing on historical injustices (Ayana, 2020). His death resulted in violent uprisings that led to the death of more than 280 people. This case illustrates the importance of States protecting artists from violent groups, not only to protect artists' lives and their freedom of expression, but also because the killing of an influential and politically exposed artist may have terrible repercussions.

When reporting on measures taken to protect and promote the diversity of cultural expressions within and outside their territory, few States have provided details of new measures put in place concerning freedom of artistic expression, while others have referred to legislation passed some years ago. It is also disappointing to note that, in the latest reporting period, no States report extending legislation to make artistic freedom a fundamental right for protection. This is not to say that no improvements have been made. In Indonesia, for example, the Indonesian Human Rights Commission's (Komnas HAM) new guideline on Freedom of expression with a section on Artistic Freedom was endorsed by the House of Representatives in May 2021 (UNESCO, 2021*e*). Together with UNESCO, Komnas HAM is now exploring ways to raise awareness on artistic freedom among government offices. The lack of reporting on similarly commendable measures from other States could be due to limited interministerial cooperation and communication. For example, a ministry of justice may put de-criminalization of defamation high on its agenda, but this may not be considered a measure that protects artistic freedom.

Box 10.2 • *Tackling hate speech and threats against artists in Sweden*

The Swedish Arts Grants Committee's 2017 Work Environment Survey found that over a third of the artists who responded had been subject to threats, violence and harassment. As a result, the Swedish government has initiated more systematic dialogue against hate speech and threats. The threats have led to self-censorship, which affects not only the artists but also democratic dialogue, public participation and artistic development, as audiences are deprived of certain types of works and societal commentary. In response, Sweden has started several initiatives to tackle this issue, including greater knowledge of the impact of hate speech, support for those exposed to threats and greater international cooperation to protect journalists and artists.

Source: Sweden QPR.

Thus, States with robust measures to protect freedom of expression are not necessarily reflected within the data. Conversely, the fact that a State's constitution specifically protects artistic freedom, although an important measure, is unfortunately not a guarantee that this fundamental freedom will not be violated[2]. These factors complicate analysis, making it difficult to paint a clear picture of the state of freedom of artistic expression today.

LEGISLATIVE STEPS IN THE RIGHT DIRECTION

Despite the dire picture painted above, there have also been important improvements in legislation in the past four years, specifically in terms of removing legislation harmful to freedom of artistic expression.

Several countries amended or repealed their laws relating to blasphemy or insult to religion

Previous Global Reports have identified laws on criminal defamation, insult, terrorism and blasphemy as having a detrimental impact on artistic freedom and called for their revision or even abolition to remove the threat of misuse. The review of defamation laws was also explicitly recommended by the General comment No. 34 of the Human Rights Committee regarding Article 19 of the ICCPR, to ensure that such laws do not stifle freedom of expression (Human Rights Committee, 2011). This concern remains. An underlying problem is that the formulation of these laws can be unduly vague and subject to wide interpretation in their application. This can lead to them being applied, intentionally or not, to silence dissenting views.

2. A 2016 study by the French Senate identified 22 States having artistic freedom as a Constitutional right (Sénat Français, Direction de l'Initiative Parlementaire et des Délégations, 2016).

> ***The removal of references to blasphemy from the Statute Book is not an attack on belief nor is it intended to privilege one set of values over another. It is a simple acknowledgement that the meaning of the concept of blasphemy is unclear and that the concept is rooted in a past where fealty to the State was conflated with fealty to a particular religion.***
>
> ***David Stanton***
> *Minister of State at the Department of Justice and Equality, speaking to the Seanad Éireann (Senate of Ireland) in September 2019*

In the period covered by this report, there have been positive moves towards removing such legislation. For example, several countries amended or repealed their laws relating to blasphemy or insult to religion, notably in Canada, Denmark, Greece, Ireland and New Zealand (Cuny, 2020). In its 2020 report, Freemuse notes that religion was the third most frequent rationale (after politics and indecency) for silencing artists, with religious groups often filing complaints or requesting bans for work they saw as offending their sentiments (Freemuse, 2020*c*).

Similarly, criminal defamation and insult laws are commonly used to penalise criticism of governments and their leaders, often extending to insulting institutions and the State. In 2020, Freemuse reported that around half of all artists in prison or before the courts are charged with criticism of government (Freemuse, 2020*c*). During the COVID-19 pandemic, numerous artists have also been silenced for speaking out against government actions. According to Freemuse, 'at least 65 artists were detained, prosecuted or imprisoned for being vocal about the way the pandemic has been handled in their country' (Freemuse, 2021).

There have also been positive developments in recent years, with a growing number of States de-criminalising defamation, including the Gambia, Lesotho, Liberia and the Maldives. The Declaration of Principles on Freedom of Expression and Access to Information in Africa, which was published in 2019 by the African Commission on Human and Peoples' Rights (ACHPR), calls on African Union Member States to remove criminal defamation from their statute books in favour of civil remedies (ACHPR, 2019). The new Rwandan Penal Code, adopted in 2018, removed some articles that criminalized defamation (Office of the President, Rwanda, 2019). In Kazakhstan, amendments were adopted into law in June 2020 that led to the criminalization of defamation, including removing crimes of insult to the President and government officers, although fines can still be levied under civil law (Kumenov, 2020).

During its chairmanship of the Nordic Council of Ministers[3] between 2017 and 2020, Norway launched 'An Inclusive Cultural Sector in the Nordics' – an initiative to promote inclusive cultural policies where Nordic artists of all origins could equally express themselves on stage and be part of the decision-making processes. The project led to numerous recommendations being shared with the government, including that the right to artistic freedom should be protected in law and practice, and that specific efforts should be made to protect the rights of artists from vulnerable and marginalized groups (Arts Council Norway, 2020*b*). Norway also launched an international strategy for promoting freedom of expression in foreign and development policy in June 2021, in which artistic freedom plays a prominent role, exhibiting its strong commitment to artists' rights both within its territory and abroad.

MONITORING FREEDOM OF ARTISTIC EXPRESSION

A challenge to protecting artistic freedom is that there is a lack of knowledge on the subject, exacerbated by the lack of independent monitoring bodies dedicated to fundamental rights in many States.

3. The Nordic Council of Ministers consists of Denmark, Finland, Iceland, Norway, Sweden, the Faroe Islands, Greenland and Åland.

Currently, just over half of the Parties to the Convention (53%) report having independent bodies that receive complaints or monitor violations and restrictions to artistic freedom. This means that, for many artists, there is nowhere to report a violation to their freedom of artistic expression. As shown by Figure 10.3, percentages vary widely between regions, from 33% in Asia and the Pacific to 75% in Western Europe and North America.

For many artists, there is nowhere to report a violation to their freedom of artistic expression

National Commissions on Human Rights (NCHR) ensure the protection and promotion of human rights, beyond the simple presence of laws aimed to guarantee those rights. While few NCHRs single out artistic freedom as a right, many include breaches of the right within their broader remits of freedom of expression. One country that does so is The Gambia, where an independent Human Rights Commission was established in 2017 with a mandate that includes monitoring and investigating artistic freedom, as well as obtaining redress for victims (NHRC, 2020).

Data collection, monitoring and evaluation are key to a full understanding of the scale of repression of artistic expression. However, there are relatively few rights organizations monitoring and advocating on the issue internationally or nationally. The struggle is exacerbated by a lack of coordination between organizations. In this regard, there have been some calls for a coordination platform and a United Nations plan of action for the safety of artists (similar to the one established for the safety of journalists).

Those organizations dedicated entirely to promoting freedom of artistic expression (through research and advocacy, housing or relocation grants or providing places of safety for artists and cultural workers at risk or in exile) are mostly based in the Northern Hemisphere – notably the Germany, Scandinavia, the United Kingdom and the United States. These include Freemuse based in Denmark, Artists at Risk in Finland, International Cities of Refuge Network (ICORN) in Norway, Artists at Risk Connection in the United States, the Martin Roth Initiative in Germany and PEN International.

There are also notable organizations elsewhere such as Culture Resource (Al-Mawred Al-Thaqafy), a regional organization seeking to support artistic creativity in the Arab States.

Its 'Stand for Art' programme supports artists at risk in the Arab States by providing financial support for living and airfare expenses, legal support and medical fees, and by putting artists in contact with residencies in the Arab States or abroad.

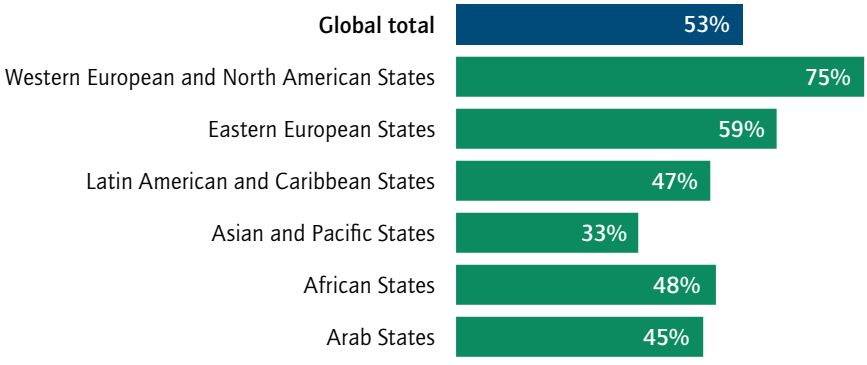
> ***In our international community of artists, we have an obligation to be sure that we don't just get caught up in our own rights and our own circumstances. We must not forget our colleagues around the world … We should mobilize to do what we can to reduce the risks that all our colleagues face.***
>
> ***Deeyah Khan***
> *UNESCO Goodwill Ambassador for artistic freedom and creativity, speaking at the online UNESCO ResiliArt debate 'Artists and Creativity beyond Crisis', 15 April 2020*

Limited resources, both in terms of finances and expertise, are a key factor in the inconsistent coverage of artistic freedom, notably in the developing countries. Where this work is part of a larger cultural programme, there is often little or no expertise on human rights. Conversely, where it sits within a human rights programme, even those with a focus on general freedom of expression, the bulk of expertise will be on media rights advocacy with less knowledge of the cultural sector.

Political crises and growing repression in certain countries have led to some organizations having to close or scale back activities, which is part of a general global pattern of shrinking civic space. As stated in the UN 2020 Call to Action for Human Rights, 'The Highest Aspiration', the space for civil society actors to play a meaningful role in political, economic and social life by contributing to the development of policies that affect their lives, including by accessing information, engaging in dialogue, expressing disagreement and coming together to express their views, that is the space to exercise the right to freedom of thought, conscience and religion, is shrinking (UN, 2020*b*).

Figure 10.3

Independent bodies to receive complaints and monitor violations and restrictions to artistic freedom



Source: BOP Consulting (2021).

Pressures have been placed on CSOs – ranging from restrictions of foreign funding, requirements to register as foreign agents, generalised threats from both State and non-State bodies, to attempts to connect rights organizations with terrorism (Buyse, 2018). Amidst these myriad challenges, organizations promoting human rights find their practice restricted or even curtailed. This shortage of organizations working on artistic freedom at the regional and national levels leave some of the most vulnerable artists under-represented.

In recognition of the need for increased capacity, in 2021 the Swedish Arts Council launched its 'Programme for Artistic Freedom', a three-year project funded by the Swedish International Development Agency (Sida). It will provide grants to organizations that are working on improving conditions for artists to create, display and distribute their work without threat or harassment, with a focus on developing countries. The programme will focus on projects that increase capacity and networking on an international level, developing a shared understanding and knowledge of how artists' working conditions can be improved, with a view to attaining the SDGs. As such, the collaboration is a step towards meeting SDG target 16.10 on the protection of fundamental freedoms, as it contributes to ensuring freedom of expression and public access to information (through the arts).

UNESCO has also taken steps to reaffirm its commitment to artistic freedom. Since its redesign in 2017, the UNESCO Aschberg Programme for Artists and Cultural Professionals has developed capacity-building materials on artistic freedom and conducted workshops in Ethiopia, Ghana, Indonesia and Namibia. In 2021, the programme was enriched with a new component of direct annual technical and financial support to governments and CSOs to establish appropriate frameworks for artistic freedom through capacity-building, design or revision of laws, research and monitoring, communication and awareness raising at national and regional levels.

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It is a well-known fact that those working in the arts and in culture in general are ill-protected when it comes to their economic and social rights. The rights associated with battles won many years ago in other sectors – such as those fought for social security, social benefits and State recognition of the right to remuneration for one's work – can, in the cultural sector, continue to be questioned by a society which objects to the notion that cultural activities, and artistic activities in particular, constitute a productive industry akin to that of any other kind of economic activity. The severe crisis brought on by the coronavirus disease (COVID-19) pandemic generated empathy, at first, for the most vulnerable sectors, whose needs were affected. Often, however, artists have been excluded; they have even been deemed not a priority. Paradoxically, the pandemic has given rise both to an extraordinary appreciation for cultural expressions and to contempt for musicians and for artists in general. In the middle of the pandemic, we at the Ministry of Culture of Ecuador proposed protocols which would allow musicians to work the weekend of Mother's Day, entertaining the day's honourees with serenades performed in the streets in order to avoid physical contact. Our proposal was met with the accusation of unnecessary endangerment of public health. There was not the slightest empathy for those desperate musicians who had been receiving no income for months.

Similarly, this inability to acknowledge that artists generate wealth with their work and that they have economic and social rights extends, for example, to the logic of the major communications and cable-television multinationals. Recently, one of these multinational corporations, which in the rest of the world obtains licences and pays what is required by law, decided to sue the collectives which in Ecuador represent the creators of musical and audiovisual content; it argued that charging for creative output of this kind constituted an abuse. The COVID-19 crisis must not make us forget that artists play a crucial role in the life and evolution of our societies. It must not make us forget that artists should be able to contribute to society's development and to carry out their duties on footing equal to that of all other citizens.

Juan Fernando Velasco

Singer-songwriter and former Minister of Culture of Ecuador

ARTISTS AS CULTURAL RIGHTS DEFENDERS

An obstacle to greater dialogue between the legal practitioners and artists is that they have different approaches and understandings of the issues at stake. This suggests that the world of arts needs to strengthen its access to rights and justice, and the world of law needs to strengthen its understanding of artistic practice.

Yamam Al-Zubaidi
Culture Action Europe (Al-Zubaidi, 2020)

In recent years, there have been steps in the right direction for including artistic freedom in a wider human rights framework. There has been a deepening engagement between non-governmental organizations (NGOs) working on artistic freedom and United Nations mechanisms, notably with the Special Rapporteurs on Freedom of Expression and in the field of Cultural Rights. For example, NGO input was central to the report published by the then Special Rapporteur on the Right to Freedom of Opinion and Expression, David Kaye, which explores the importance of artistic freedom within the broader international human rights framework (Kaye, 2020). The same year, a report by then Special Rapporteur in the Field of Cultural Rights, Karima Bennoune, identified cultural rights defenders (including artists) as playing the same role as human rights defenders in promoting and protecting human rights for all (Bennoune, 2020*b*). Furthermore, as shown in Box 10.3, artistic freedom is also represented in several regional human rights instruments.

It should be noted that not all artists are comfortable being defined as human rights defenders, maybe seeing their aesthetic freedom compromised by engaging in politics, or even fearing endangerment, so some care needs to be applied when making such connections. Furthermore, interlinking human rights defenders and artists can be complex, as the two engage with differing needs and support networks (Cuny, 2020), whether it is in the provision of safe havens or rights advocacy. However, there is a great deal that can be gained through knowledge sharing between these groups: namely, linking the expertise of working within the human rights protection framework and the greater understanding of the specific needs and challenges of arts and culture workers. Furthermore, framing artists and cultural professionals in the perspective of human rights also helps qualify artistic freedom as a human rights issue of equal importance.

Box 10.3 • *Artistic freedom in regional human rights instruments*

- *American Convention on Human Rights (1969), Article 13 (1)*
- *African Commission on Human and Peoples' Rights (ACHPR), Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019), Principle 10*
- *Arab Charter on Human Rights (2004), Article 42*
- *European Union Charter of Fundamental Rights (2000), Article 13*

There has been a deepening engagement between non-governmental organizations working on artistic freedom and United Nations mechanisms

There are already signs of positive repercussions arising from the closer ties between the arts and human rights worlds. CSOs working on general human rights protection, including freedom of expression, have a wealth of knowledge and experience that can be shared with organizations working on cultural policy. The benefit of such collaboration is illustrated by the work of the pan-African CSO the Nhimbe Trust, based in Zimbabwe, which in 2020 produced a policy paper exploring the scope of artistic freedom in the process of amending the country's Constitution that got under way in 2019. Its recommendations include that legislative changes should include the protection of artistic freedom and that further amendments must compel the government to undertake measures to promote the enjoyment of cultural rights.

Culture Action Europe network, based in Belgium, also advocates for access to the arts and participation in culture as a fundamental right, including artistic freedom. In March 2021, it co-organized a workshop during the 'Civil Society Days' held by the European Economic and Social Committee, which gave rise to recommendations for the European Commission in terms of commitments to protecting and promoting the right to artistic freedom, including a handbook on Member States' legal obligations under the European Union law (European Economic and Social Committee, 2019).

A GROWING NUMBER OF REGIONAL AND NATIONAL INITIATIVES FOR FREEDOM OF ARTISTIC EXPRESSION

The inclusion of artistic freedom in the work of human rights organizations can be seen in many regions, where human rights CSOs are working with cultural rights defenders by sharing their knowledge, experience and collaboration. For example, the Pan-African Human Rights Defenders Network is a coalition of subregional groups promoting the work of human rights defenders, including artists. In April 2021, it hosted a forum on the role of arts and culture in fostering human rights and democracy in Africa.

In December 2019, for the first time the Safe Havens Conference (a global network of cultural creators, journalists and academics) held its annual meeting outside Europe in Cape Town, South Africa. What emerged from this was Amani: Africa Creative Defense Network, made up of 10 organizations, 5 of them based in Africa.

Placements, even short-term ones, provide a breathing space for artists under threat, and allow them to recover from trauma

The network aims to provide monitoring, alerts and interventions (legal assistance, advocacy, internal relocations and even transnational relocations) (Cuny, 2020).

In Latin America, coalitions are also being built between organizations working on human rights, artistic freedom and cultural policy. One example is the collaboration between the Center for the Opening and Development of Latin America and Freemuse on a programme promoting artistic freedom in the Americas. This project and others, such as '¡El Arte no Calla!' (Art Is Not Silent), a PEN America/Artists at Risk Connection (ARC) series of Spanish-language podcasts exploring artistic freedom and freedom of expression in Latin America, are serving to develop work on artistic freedom in the region.

In late 2020, an online workshop co-hosted by the Mekong Cultural Hub, regional network Forum Asia and ARC explored artistic freedom in Asia. This resulted in a report and a series of recommendations to build networks and coalitions to promote artistic freedom in the region (ARC, 2021). The Indonesian organization Koalisi (Coalition) carries out policy advocacy for a healthier arts ecosystem. In 2020, it hosted a UNESCO-led training workshop on artistic freedom in relation to the Convention.

These initiatives run in parallel to those based in the developed countries, with the most prominent being the aforementioned Freemuse and PEN International, both of which have global remits. PEN International, the international writer's association that celebrated its centenary in 2021, has developed an extensive membership base in over 100 countries that has long engaged in defending freedom of expression. PEN America's 'ARC programme', established in 2017, has developed a network of organizations engaged in artistic freedom, with regional representatives in Asia, Africa and Latin America. In Austria, Arts Rights Justice Austria was founded in 2017 as a networking platform that is developing monitoring tools for the systematic documentation of violations of artistic freedom in the country. It is also setting up a hub to exchange ideas and raise awareness about artistic freedom nationally and internationally.

Networks and collaborative platforms within the regions and States most challenged by repressive practices are best placed to understand the complexities and specificities of the arts sector to monitor, provide solutions and work together to strengthen artistic freedom that reflects the diversity and actions needed. In this regard, while there is still a scarcity of organizations working on artistic freedom compared to, say, media freedom, the growth in initiatives engaging with the subject in almost all regions of the world is promising. In addition, capacity-building activities on international standards of freedom of expression, access to information and safety of journalists may also be relevant to building capacity for the defence of artistic freedom, such as the UNESCO Judges' Initiative which has already mobilized 23,000 judges, prosecutors and other judicial operators from 150 countries.

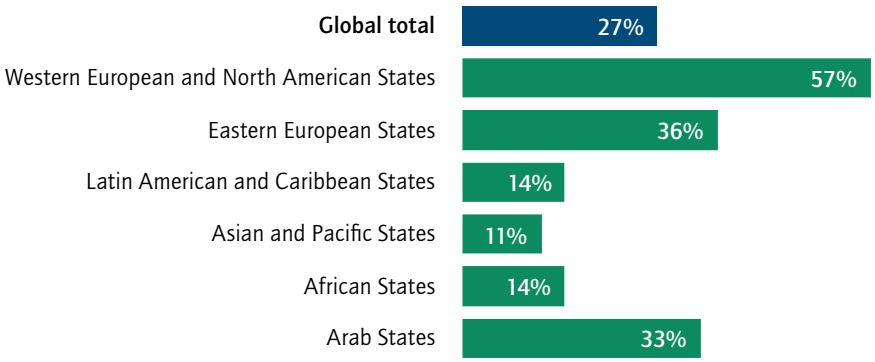
SAFE HAVENS AND SHELTER CITIES REMAIN VITAL FOR ARTISTS AT RISK

Helping artists at risk through the provision of safe spaces remains a vital tool to protect artistic freedom. Placements, even short-term ones, provide a breathing space for artists under threat, and allow them to recover from trauma. Currently, only 27% of Parties report developing or supporting such safe spaces for artists. Again, in some regions, like Western Europe and North America, the percentage is much higher than in others, as shown in Figure 10.4.

In the sphere of safe havens, there are also signs of growing cooperation between organizations providing shelter programmes for artists and those that provide support for human rights defenders. These include ProtectDefender.eu and Front Line Defenders, which are both organizations that campaign for human rights defenders in general and that have extended their support to artists and cultural rights activists. In February 2019, African Defenders launched the 'Ubuntu Hub Cities', an Africa-based relocation programme for human rights defenders including artists that provides placements within the African continent. The programme is currently providing placements in six cities: Abidjan, Cape Town, Johannesburg, Kampala, Pretoria and Tunis.

Figure 10.4

Initiatives to protect artists at risk or in exile have been developed or supported by public authorities during the last four years



Source: BOP Consulting (2021).

The initiative challenges the idea that African artists cannot find exile on their own continent. According to their website, 51 human rights defenders have been supported so far.

The ICORN network remains the largest provider of long-term but temporary placements for writers, journalists and artists at risk. Its network includes over 70 cities in Brazil, Europe, Mexico and the United States, with cities in Sweden and Norway providing more than half of the placements. The Helsinki-based Artists at Risk network also has residencies in 10 countries in Europe and North Africa, with a view to enabling artists who have fled their countries to continue practising by building networks and skills.

Since 2013, the 'Safe Havens' project in Malmö, Sweden, has been hosting meetings of artists, NGOs and government officials to enable artists in exile to share their experiences. This ensures that the voices of those who have experienced persecution are considered when it comes to advocacy on their behalf. Not only does the project provide exile for artists, but it also provides a safe place for the work of persecuted artists and thus serves to preserve human actions and knowledge for current and future generations (UNESCO, 2020*d*).

Where possible, artists at risk benefit from finding places of safety within their region to avoid the additional trauma of lengthy exile far away from home

Artists who are forced into exile due to conflict in their home countries are especially vulnerable. While some may be able to access social welfare available to all asylum seekers and refugees in the host country, they cannot afford the professional expenses vital to continuing their creative activities, such as paying for a rehearsal space, purchasing materials, hiring agents and other fees. Thus, projects that identify and provide for the special requirements of exiled artists are especially valuable in keeping creativity and culture alive. The Swedish Society of Songwriters, Composers and Authors, for example, gives them membership equal to Swedish artists during their stay.

Where possible, artists at risk benefit from finding places of safety within their region to avoid the additional trauma of lengthy exile far away from home. The Fanak Fund, backed by the French government, supports artists and cultural activists from conflict regions in the Arab-speaking world and Middle Eastern and North African artists who are in exile in their region. Through its 'Ana Houna' project, it works with partners in Dohuk (Iraq), Istanbul and Lebanon, to provide accommodation, workplaces and materials in placements of between three and six months.

Box 10.4 • *Germany – several initiatives supporting freedom of artistic expression*

The German government is advancing freedom of artistic expression through a number of symbolic and practical measures in and outside the country. A 2018 agreement of the governing coalition states that 'Policy on culture and science, the media and education is policy for an open society, for freedom of opinion and for scientific and artistic freedom. Given the danger to artists, intellectuals, journalists, scientists and scholars worldwide who dare to voice criticism, but also owing to our historical responsibility, we support an initiative to ensure artistic and scientific freedom, freedom of the press and freedom of opinion and expression, including with regard to exiles' experiences'.

This commitment has been carried out through a raft of practical actions such as the establishment of the Martin Roth Initiative in 2018, a joint project of the Institut für Auslandsbeziehungen (Institute for foreign relations) and the Goethe Institut. Its activities include advisory programmes and networking events for German and international actors in the field of promotion of artistic freedom. The Initiative has helped more than 40 artists from countries where they are experiencing persecution, with around 60% finding placements in Germany. The focus is on enabling artists to continue to practise outside their countries until they can return, or, if return is not possible, to assist them in establishing their practice in host countries.

Meanwhile, in 2019, the city of Berlin joined ICORN, and launched the initiative 'Weltoffenes Berlin' (Cosmopolitan Berlin), a fellowship granted to artists at risk of persecution. Working with cultural actors in Berlin, between 12 and 18 fellowships are awarded annually, alongside advisory projects aimed at providing access to professional life through networks.

Source: Germany QPR.

CHALLENGES SPECIFIC TO THE DIGITAL ENVIRONMENT

An increasingly important field of concern for artistic freedom is the digital sphere. Digital platforms are becoming essential tools for inspiration and artistic exchange, as well as for artists to showcase, disseminate and sell their work. However, this also brings the threat of censorship, both by governments and by companies, with activist art and works exploring women's and gender issues being particularly vulnerable. More broadly, however, there is a frequent lack of diversity in terms of genres and geographical regions in general. Amidst the rise of large digital platforms, artists may feel the need to self-censor their works, or adapt them to specific, more commercial formats in order to reach an audience. Private companies are also playing a more direct role in regulating cultural content. Led by the need to regulate harmful content online (sexual abuse, incitement to violence and hate speech), Internet companies seek to ensure that inappropriate material is not posted on their sites.

This is done through a combination of artificial intelligence (AI) algorithms and users flagging material that they consider problematic. However, the use of AI is complex, as robots are unable to grasp the subtleties of colloquial speech and humour (Kaye, 2020), especially when handling visual material. Moreover, reliance on user alerts can lead to censorship by popular opinion. Both forms of content removal tend to target art that is challenging norms, notably that produced by women, LGBTQ+ individuals and other minorities. In many cases, artists have found that company community guidelines aimed at clarifying what can be removed are vague, and artists can find that there is no explanation for the removal of their work, and no avenue for appeal. This can have a paralysing effect on artists who lose access to platforms to show their work and to raise revenue, and for audiences who are denied the opportunity to engage with art in its widest form.

There is growing recognition of the problems posed by digital censorship

There is growing recognition of the problems posed by digital censorship. In 2019, the African Commission on Human and Peoples' Rights amended its Principles on Freedom of Expression and Access to Information to encompass freedom online. Specifically, it called on States not to demand the removal of content unless clearly justified under international law, and where the material did not possess 'imminent danger or constitute real risk of death or serious harm' (ACHPR, 2019). According to a global survey of 901 journalists in 125 countries, part of a larger global study commissioned by UNESCO on online violence against women journalists, nearly three-quarters of respondents who identified themselves as women reported experiencing online violence (Posetti et al., 2021). There is very little reason to believe that the situation is fundamentally different for women artists. Artistic freedom NGOs are lobbying social media platforms to address the issues of content management and are providing guidance to artists on how to handle digital censorship. These include PEN America's *Online Harassment Field Manual* and Freemuse's *Digital Toolkit*. It is clear, however, that much more needs to be done to overcome the current issues with digital censorship.

In February 2018, the first Content Moderation at Scale conference was held in Santa Clara, United States. This took the form of a small private workshop of organizations, advocates and academic experts who support the right to free expression online. The conference led to the formulation of the Santa Clara Principles on Transparency and Accountability in Content Moderation[4]. According to these Principles, companies should publish the numbers of posts removed and accounts suspended due to violations of their content guidelines, inform users of the reasons for doing so and provide meaningful opportunities to appeal the decision. Organizations behind the initiative succeeded in convincing 12 companies to endorse the principles in 2019, with Reddit fully implementing the principles.

Another interesting initiative is 'Don't delete art'[5], a project led by six arts freedom organizations based in the United States and Europe to provide a virtual gallery showing works of art that have been censored on digital platforms. The project also produced a set of principles that social media platforms are encouraged to follow to ensure art freedom online.

Apart from direct censorship, the online sphere also brings an added threat of abuse and bullying. Women artists are especially vulnerable online, notably when expressing their opinions on sexuality or gender inequalities. Freemuse data show that it makes them 'acutely susceptible to misogynistic online abuse and threats.'

4. *www.santaclaraprinciples.org.*

5. *https://dontdelete.art.*

The anonymity of online platforms can leave the way open for artists to receive threats and intimidating messages online. Women are particularly affected by this harassment and censorship, with governments frequently outsourcing the decision-making around what is acceptable to the community usage policies – often driven by the views of the more radical, vocal sectors of society (Freemuse, 2019). Many governments themselves use regulation to limit the participation of women, through regulation around 'decency', for example.

Women artists are especially vulnerable online, notably when expressing their opinions on sexuality or gender inequalities

In the digital environment as in the physical realm, ensuring the right to freedom of expression remains a challenge. Governments find themselves in a difficult situation, as too much regulation may limit freedom of expression online, but the lack of regulation may in turn lead to the spread of disinformation and harmful content. The UNESCO issue brief, *Letting the Sun Shine In: Transparency and Accountability in the Digital Age* published on 3 May 2021, presents enhancing transparency as a third way between State overregulation of content, which has led to disproportionate restrictions on human rights, and a laissez-faire approach that has failed to effectively address problematic content such as hate speech and disinformation. (UNESCO, 2021*f*).

However, despite the difficult situation, the last four years also provide hope, as harmful legislation has been removed and the fight for artistic freedom has been taken up by human rights groups. New initiatives are appearing in all regions of the world, and the next report will assess how they are changing the artistic freedom landscape.

INCREASED AWARENESS OF THE NEED FOR EQUAL, NOT SPECIAL, RIGHTS

The public perception of art as 'play' or a labour of love, with negligible contribution to the economy, leads to the view that such work can be done for little or no remuneration. It is within this context that the arts and cultural sectors struggle to be accorded the full breadth of fundamental rights, from the freedom to create and distribute work to be enjoyed by the public, to being paid and having access to social welfare and protections that workers in other sectors take for granted. A study commissioned by UNESCO in 2019, *Culture and Working Conditions for Artists*, based on a survey of 52 Member States and over 30 NGOs, underlined that artists worldwide do not enjoy the same social security benefits as other workers, and that 'most artists live in insecurity about their future income and their ability to make a living from their work' (Neil, 2019).

Artists worldwide do not enjoy the same social security benefits as other workers

As explained below, however, there are positive signs that the situation is changing, with many States introducing measures to improve the social and economic rights of artists. In the period 2018-2020, more measures were reported concerning social or economic protection for artists than measures related to advancing freedom of artistic expression.

FREELANCING, IRREGULAR CONTRACTS AND LOW OR NO PAY

Freelance workers represent a higher proportion of the cultural workforce than in other sectors. The International Labour Organization (ILO) estimates that 30% to 50% of workers in Europe's creative sector are self-employed, rising to between 40% and 60% in developing countries, with women more likely to be freelancing than men (Galian, Licata, & Stern-Plaza, 2021). The predominance of freelancing, as well as irregular contracts, creates a constant lack of predictability and security. This is compounded by the prevalence of low pay, or even working for no pay.

The predominance of freelancing, as well as irregular contracts, creates a constant lack of predictability and security

The introduction of minimum pay rates by several States is a way of addressing wage disparities in the sector. For example, in 2020, the Arts Council of Ireland introduced a three-year plan to ensure minimum pay for artists working on projects funded by the Council by the end of 2022: 'We want artists to be confident, to know their worth, and to feel more empowered in negotiation and contracting stages of professional engagements. We intend this policy to play a part in encouraging artists to expect fair and equitable treatment' (Arts Council Ireland, 2020*b*). Similarly, in the United Kingdom, the Scottish government is implementing the Fair Work Action Plan that, by 2025, will ensure fair pay and conditions for all workers. The Plan extends to Scotland's culture and heritage public agencies, which will ensure fair working practices across the culture sector (Scottish Government, 2020). The Arts Council of Wales is committed to paying industry minimum pay rates and will not support projects that do not meet this standard, while Arts Council England is committed to fees being at least the national minimum wage (Redmund, 2019). Similarly, in Lithuania, a 2018 memorandum of agreement will see the phasing of salaries for municipally-hired cultural workers to eventually reach at least 90% of average wages.

Many freelancers and irregular workers also do not qualify for health, unemployment, retirement and other benefits due to incomes that fall below required thresholds applied to the workforce in general. Certain art forms, such as dance, see performers needing to retire early, or there may be occupational health hazards that are not recognized outside the sector, such as otherwise relatively minor hand injuries affecting musicians. Cultural workers do not exist in a vacuum, of course, and the social protection of artists reflects the status of social protection in a country. As such, measures to improve the situation will include both those that target artists specifically and those that do not.

IMPROVING THE STATUS OF THE ARTIST

Status of the artist laws provide a way of addressing these issues (Table 10.1). They refer to the UNESCO 1980 Recommendation concerning the Status of the Artist, which is based on the principle that artists have the right to be considered cultural workers and to benefit from the legal, social and economic advantages pertaining to the status of workers.

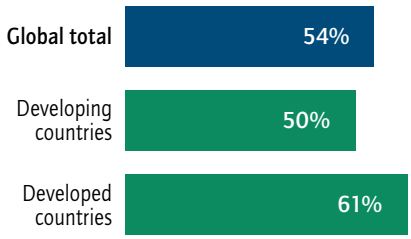
Out of 87 States, 54% have taken measures to improve the status of artists by adopting new or revised economic measures in the last four years. This is an encouraging, if gradual, trend, adding to similar measures already in place, and one that took on additional impetus with the arrival of the COVID-19 pandemic in 2020. The trend is visible across the world, although figures are slightly higher in developed countries (61%) than in developing countries (50%) (Figure 10.5).

One of these States is Spain, where in January 2019 the Royal Decree-Law of the package of measures that make up the Artist's Statute was approved, introducing 75 measures aimed at addressing the challenges posed by 'the working environment [that] is changing rapidly, and especially cultural work, in which sometimes the cultural vocation seems to be misunderstood' adding that 'cultural professionals deserve fair remuneration and to be protected to the same extent as other workers are'.

Among the measures are Value Added Tax reductions for creators, social security at times of inactivity and compatibility between retirement pensions and income received through copyright, which is an important source of earnings in the literary field, and one that was previously not considered under pension legislation (Rico, 2019).

Figure 10.5

Countries that have adopted or revised economic measures that take into account the status of artists between 2017 and 2020



Source: BOP Consulting (2021).

Several countries have also reported that new legislation is being implemented or considered, such as Cyprus, Oman, Poland and Senegal. In Poland, for example, a bill on the rights of professional artists was forwarded to a legislative procedure in the Parliament in 2021. However, legislative progress can be slow, and implementation can be impeded due to lack of funding or knowledge within the arts sector. It is therefore important that status of the artist legislation is followed up by relevant practical measures and funding.

A core component of status of the artist legislation is the process of defining what an artist is. This is important because formal professional status is required to have social and economic rights respected in many States. Efforts have been made in the past four years to better define artists. In Peru, for example, the Law of the Artist and Performer was recently extended to provide an exhaustive list of professions that qualify as 'artist', some of which had previously escaped categorization. This has clarified who is subsequently entitled to labour, moral and financial rights. Similarly, in Algeria in 2019, 180 professions in the creative sector were identified as eligible for social welfare.

Table 10.1

Status of the Artist laws globally*

Country	Legal framework
Austria	Federal Law on the establishment of a Fund for the Promotion of the Contributions of Independent Artists for the Legal Social Insurance
Belgium	Chapter on the social status of artists of the 2002 programme law
Benin	Status of the Artist decree
Bulgaria	Labour Code Ordinance on Social Security of Persons who Practice a Liberal Profession and of the Bulgarian Citizens Working Abroad
Burkina Faso	Status of the Artist decree
Canada	Status of the Artists Act
Croatia	Law on the Rights of Independent Artists and Promotion of Cultural and Artistic Creativity
Estonia	Creative Persons and Artistic Associations Act
France	Intermittence system
Germany	Artists' Social Security Act
Hungary	Simplified Public Burden Contribution (EKHO) law
Latvia	Law on the Status of Creative Persons and Professional Creative Organizations
Lithuania	The Law on the Status of Art Creators and their Organizations and the Law on Professional Performing Arts
Luxembourg	Amended law on social measures for the benefit of independent professional artists and intermittent performers, and the promotion of artistic creation
Madagascar	Status of the Artist decree
Mali	Status of the Artist decree
Morocco	Law concerning the Status of Artists
Niger	Status of the Artist decree
Peru	Amendment to Law on Performers
Rep. of Korea	Artist Welfare Act
Slovakia	Law of the National Council of the Slovak Republic on Art Funds
Slovenia	Decree on Self-Employed Persons in the Field of Culture
Spain	Royal Decree-Law approving emergency measures on artistic creation and cinematography
The Netherlands	Artist Work and Income Act
Uruguay	Status of the Artist and Related Trade Law

* Based on the information shared in the quadrennial periodic reports and the responses to the 2018 survey on the implementation of the 1980 Recommendation concerning the Status of the Artist, and supplemented with the European Expert Network on Culture and Audiovisual's 2020 report *The status and working conditions of artists and cultural and creative professionals.*

Source: BOP Consulting (2021).

In Burkina Faso, the Office for Copyright (BBDA) holds responsibility both for overseeing copyright and social welfare for its artist members. Working with the Ministry of Culture, Arts and Tourism and the Ministry of Economy, Finance and Development, which provide technical and financial support, respectively, the BBDA manages and oversees contributions towards medical expenses, assistance for health insurance and death benefits with a focus on help for the elderly. This is paid for through a statutory contribution from copyright payments. Similar practices exist in Algeria, where 10% of royalties paid to the National Office on Copyright and Neighbouring Rights are used to provide pension, health and death benefits.

Access to social welfare is dependent on membership of the Conseil National des Arts et des Lettres (National Council of Arts and Letters).

In some countries, professional bodies are used to identify and certify a person's status as an artist. In Croatia, freelancers must be registered by the Croatian Freelance Artists Association to be eligible for social welfare. Decisions are made by a panel comprised of a member of the Ministry of Culture and four other Association members, including a freelance artist working in the field of activity of the applicant.

ENSURING ACCESS TO SOCIAL WELFARE FOR ARTISTS

As mentioned earlier, the sporadic and often low-paid nature of cultural employment means that workers have insufficient or non-existent social welfare cover and do not receive benefits adequate to their needs. This can deter artists and cultural workers from continuing or even entering the field, which deprives the cultural sector of artistic expressions from people with no other financial means. This, in turn, affects the diversity of cultural expressions.

To change this, ILO points to the need to develop and maintain systems that include both contributory and non-contributory mechanisms to reflect the atypical nature of cultural work (Galian, Licata and Stern-Plaza, 2021). For example, more flexibility in the minimum thresholds on income required for eligibility to social protection schemes would be a practical way of taking account of the informal and irregular nature of cultural work. A good example is found in Uruguay, where an artist that contributes at least 150 working days or has held at least four contracts in the year, even if the total working days is under 150, accrues a full year of service.

Since 2018, 35 States have reported new or amended protection measures for artists and cultural professionals. In 2018, Austria carried out a review of the employment and income status of artists, leading to a fair pay strategy and development of social security, pension and unemployment benefits, as well as more generous emergency fund terms. In Senegal, more than 450 workers benefitted from the new health care provision for cultural actors in 2019. Similarly, India reports setting up a pension fund and a medical aid fund for established artists. Costa Rica, Oman, Poland, the Republic of Korea (Box 10.5) and Switzerland also report reviews of their social welfare provisions for artists. The need to improve the social and economic conditions of artists has also been included in the Council of the European Union's Workplan for Culture 2019-2022, which provides the European Commission and European States with a strategy and a vision for culture (Council of the European Union, 2018). Several elements of the Workplan have already been implemented, including a study in 2020 and a *Voices of Culture* civil society-led brainstorming report in March 2021, presenting recommendations to the European Commission on the status and working conditions of artists and cultural and creative professionals.

In 2018, UNESCO conducted a consultation with Member States on the implementation of the 1980 Recommendation concerning the Status of the Artist. Out of 42 responses from Parties to the Convention, 11 indicated having social security measures with special provisions for artists and cultural professionals, with most of these providing social insurance and retirement benefits.

Some States have put in place unemployment regimes designed to support artists during these periods of hidden working time

Fewer States report providing income protection and career transition schemes. However, creative work requires periods where projects are in development and during which there is no income, and often none guaranteed for the future, as when an artist takes part in a residency or other activities to develop and promote work. Some States have put in place unemployment regimes designed to support artists during these periods of hidden working time. France and Belgium, for example, enable artists to work on creating and developing without being required to take up other employment that would curtail their creative practice (EENCA, 2020). Many African governments are also showing interest in supporting artists and cultural practitioners, but the lack of data on the creative industries remains a major challenge to develop more targeted policy support for the sector.

Box 10.5 • *The Artist Welfare Law in the Republic of Korea*

In the Republic of Korea, the Artist Welfare Law came into effect in 2012 and has delivered over US$25 million in low-income subsidy grants of US$2,500 to 5,500 artists, with additional support granted to 240 elderly artists. Over 21,500 artists have benefited from the Law since its inception. A new initiative instigated in 2019 provided emergency loans for artists with health, tuition or housing needs of approximately US$4,000 with favourable interest rates of 2.2%. These loans were almost doubled, and the interest rates halved, in response to the COVID-19 pandemic. In the last six months of 2019 alone, 1,497 such loans were granted. In addition, artists' workplace accident compensation insurance subsided by between 50% and 90%, with 3,235 artists benefitting from this scheme in 2019. In May 2020, revisions to the Employment Insurance Act that could benefit around 75,000 artists were passed through parliament. In recognition of the precarious nature of their work, artists who have been contracted to work within the cultural sector will now be eligible for unemployment benefits of around 60% of Korean average monthly income.

Source: Republic of Korea QPR; Kim et al. (2020).

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Imagine what the world would miss if there were no artists, actors, musicians, or painters, no comedy, cartoons, or satire. How can we shape new narratives, explore new ideas and discover new perspectives if those who dare to express themselves differently are suppressed? Without the freedom to create, we cannot ensure that diverse expressions are heard, seen, enjoyed, and appreciated by all. Creativity nurtures diversity. It is the essence of freedom, not only of the individual but also of democratic, inclusive societies. Artistic freedom is protected under international law by a range of human rights, including the right to freedom of opinion and expression. All persons have the right to take part in cultural life and to enjoy the arts. Yet, artists are threatened, imprisoned and attacked around the world for sparking daring to be different. Artistic freedom is in dangerous decline in many parts of the world.

Women artists are especially vulnerable. The Report on Gender Justice and Freedom of Opinion and Expression *(A/76/258) was the first in the 27-years of this mandate to be exclusively dedicated to women's challenges in exercising their freedom of opinion and expression. As I wrote in that report, feminist artists and activists seek to spark conversations that disrupt and reshape norms and practices, challenge sociocultural narratives and power structures and empower individuals and communities across different contexts. In violation of international human rights law, religious interpretations, traditional values and patriarchal social constructs are used to restrict or stifle the artistic freedom of women and gender nonconforming people. Female artists and artwork on women's rights are also being disproportionately censored online – a censorship that is often facilitated by opaque algorithms and inconsistent content moderation policies of social media platforms. This trend, which then causes female and LGBTQI artists to self-censor, has only been made worse during COVID-19 when the digital spaces have become the main forum for cultural interaction.*

As the first woman to be appointed as Special Rapporteur for freedom of opinion and expression, I am deeply committed to promoting gender equality in all aspects of my mandate. Art is not optional but essential for the fulfilment of the potential of women and girls. The global commitment to gender equality and development cannot be met if female creativity is ignored. All stakeholders – governments, business, civil society, UNESCO and the UN human rights system – must work together to build a world where all artists, no matter their gender, can use their paintbrush, sing their song, create verse and prose, and publish or post their images without fear offline and online.

Irene Khan

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

Many professional sectors rely on collective bargaining to ensure better pay, benefits and working conditions. In some States, however, artists do not have the right to collective action, effectively limiting their ability to professionalize the sector. This is despite the fact that the 1980 Recommendation asks States to recognize the part played by professional and trade union organizations in the protection of employment and working conditions, and to grant artists the right to be members and to take collective action (Guiding Principle VI.4).

Several States are recognizing the importance of the right to collective bargaining and reflecting it in legislation

The importance of the role of trade unions in the defence of good work practices is particularly evident in Chile, where the actors' union, Sidarte, and the Performing Arts Platform have brought together trade unions and sector representatives to discuss issues around protection and compliance. Sidarte has played a key role in identifying a discrepancy in labour law, which meant that some artists were paying additional taxes, leading to an amendment to the law in 2020 to resolve the problem. In Indonesia, the Media and Creative Industries Workers Union, SINDIKASI, has played an important role in identifying challenges and solutions for cultural workers. It carried out a study on low pay, overwork and lack of contracts, publishing a handbook giving advice on issues including rights, dispute resolution and sexual harassment.

Several States are recognizing the importance of the right to collective bargaining and reflecting it in legislation. In 2019, for example, Colombia amended the social security law to guarantee the right of actors to collective bargaining, and to better regulate access to social security benefits (Cuny, 2020). In Morocco in 2016, consultation with the music and performing arts sectors led to the introduction of revisions to the Labour Code, which covers a broad range of workers, including technicians, directors and mediators. The right of workers and employers to form and join organizations; the effective recognition of the right to collective bargaining and the right to social security are now encompassed in labour law.

ENSURING FAIR PAY AND WELFARE IN THE DIGITAL SPHERE

Artists' working conditions are also precarious in the digital sphere. There is no doubt that digital transformation and innovation have brought huge benefits to the cultural sector, enabling greater creativity and access to the public and audiences. However, the shift to online and free streaming services often brings little or no remuneration to creators.

There is no doubt that digital transformation and innovation have brought huge benefits to the cultural sector, enabling greater creativity and access to the public and audiences

In response to this particular challenge faced by the music and film industries, Cuba extended legal recognition to independent audiovisual and cinematographic companies in 2019 and extended social welfare rights to workers in this largely private sector. Italy similarly extended rights to cultural workers in the digital field when it renewed its National Collective Labour Agreement in early 2020.

An increasing number of countries are acknowledging the urgency of amending existing copyright and intellectual property laws, which are often not suited to the digital environment. Millions of copyright infringements happen daily in the online sphere, including through file sharing or use of illegal streaming services (Geiger, 2014). Australia, Germany, Kenya and Norway all report having amended copyright legislation to take account of the specificities of the digital environment.

Copyright legislation is an important tool to protect the value of a creation by giving creators the opportunity to protect it from unlicensed use, by recognizing their economic and moral rights

Copyright legislation is an important tool to protect the value of a creation by giving creators the opportunity to protect it from unlicensed use, by recognizing their economic and moral rights. Too often, however, policies are not effectively put into practice, which has severe repercussions on the fair remuneration of creators and the ultimate sustainability of diverse cultural and creative sectors.

States are reporting on various measures aimed at strengthening new or existing copyright legislation in their countries. Barbados, Colombia, Gabon, Mexico and Tanzania, for instance, all report on the implementation of training programmes or workshops to teach the public and government officials about copyright, having realised that legislation is worth little if creators and officials alike do not understand how it works.

Several States also report on the improvement in the organization of copyright-related matters. In Ethiopia and Djibouti, for example, new collective management organizations have been created.

A crucial problem for many collective management organizations is the lack of capacity to enforce copyright policies when users refuse to pay what they owe.

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Doing theatre in Beirut – between two wars (one not really over and the other having already begun) and wearing two different masks (one laughing, the other crying) – is an act of defiance against war. War destroys people's life process by destroying the tools for memory. So artists stand up to war. They take what is doomed to perish, people and stories, and in the space of a performance they undo what has been done by weapons and armies, creating a context in which men and women can see that war does not have to decide their future.

As an actor, once you realize that you resemble the audience members, you share their dreams and their suffering, that their fear is your fear, and that their future is also your own, you can no longer be satisfied with only putting on plays which are literary or entertaining. Immersion in real life becomes the vital source of your art, that which provides the material necessary to your creative energy. In communion with poets, visual artists, musicians, video makers and other artists who share with you this inherent (intellectual and artistic) energy, you then find the means for reinventing a culture and for communicating your people's hardships and hopes.

From this point of view, supporting creativity is not about subsidizing it, but rather about providing artists with the tools they need (spaces, equipment, logistics) and making available to them the facilities necessary for their training, for the dissemination of their work, and for the exchange of their ideas and experiences. If patronage can pollute creativity at the root, it can serve to increase effectiveness further down the line. The objectives are thus clear: to protect and encourage diversity, to whet cultural appetites, and to foster the social recognition of culture and the arts.

Roger Assaf
Actor and theatre director

In this regard, Colombia, Comoros and Uganda all report on measures aimed at improving enforcement of copyright legislation. In Uganda, for example, an inspiring collaboration between the national police and the Uganda Federation of Movie Industry has led to the establishment of the Intellectual Property Enforcement Unit under the Ugandan police force.

In Kenya, copyright legislation was amended in 2019 to include Internet Service Providers (ISPs) as being liable for copyright infringement. The revision of the act also includes the reorganization of collective management organizations and includes provisions for an artist's resale royalty right, which, together with the provisions for copyright online, has led to copyright holders benefiting from royalties more than previously.

The measure echoes the European Directive on Copyright, which requests ISPs to ensure that creators are compensated for work accessed through their sites, and to block unauthorized access, which makes for a fairer partnership between artists and big tech companies. Article 17 of the Directive stipulates that online content-sharing service providers must obtain an authorization from right holders when uploading content and must simultaneously take steps to avoid unauthorized uploads. The new rules also increase transparency in creators' relationships with online platforms and aim at guaranteeing the full protection of EU citizens' freedom of expression online.

These initiatives, as well as improvements in status of the artist legislation and access to social welfare for artists, are promising signs that artists' and cultural professionals' social and economic rights are starting to be taken seriously, including in the digital environment. Such improvements have been shown to be of particular importance in light of the COVID-19 pandemic, which has accelerated the already rapid digital transition of the cultural sector.

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The culture and creative sector is a growing area of employment that can offer people exciting opportunities for flexible and independent work. Some workers in the sector, especially freelancers and the self-employed, may nevertheless face challenges in accessing social protection, occupational health and safety or stable remuneration, as well as in social dialogue participation. Countries have made strides in extending social protection to the sector. However, the global pandemic and its socioeconomic consequences have revealed significant gaps in social protection coverage and financing. More efforts are needed to ensure comprehensive, adequate and sustainable social protection for all cultural and creative workers by anchoring their rights to a strong legal framework, adapting systems to their specific characteristics and ensuring adequate financing through innovative solutions and improving portability. As in other sectors, particular attention should be paid to women and young people, as well as to those in vulnerable situations such as people with disabilities, migrant workers, people in precarious employment, people in low-paid jobs and people working in the informal economy who are often disproportionately affected by lack of coverage and/or inadequate levels of protection.

The fast pace of technological change in the sector also calls for social protection systems that respond to the underlying changes in working conditions. In this context, social protection needs to go hand in hand with measures to strengthen decent work, including through respect for fundamental principles and rights at work. Social dialogue between governments, employers' and workers' organizations can help to address the diverse needs of cultural and creative workers. Cooperatives and the wider social and solidarity economy can also be vehicles for improving the quality of jobs, ensuring access to social protection and fostering local economic development in the sector.

Guy Ryder

Director-General of the International Labour Organization

COVID-19: URGENT ACTION AND SHARING OF EXPERIENCES

With the emergence of the COVID-19 pandemic, the development and revision of measures to address the precarious situations of cultural workers and artists took on an added urgency. The COVID-19 pandemic damaged the industry with the sudden closure of galleries, workshops, residencies and live performances (often for well over a year). The full impact on jobs, mental health and other social, economic and welfare costs will not become apparent until after the pandemic has receded. According to the Organisation for Economic Co-operation and Development estimates, over 110 million jobs were lost worldwide (Walker, 2021), with the arts and culture sector being among the hardest hit.

Online creation and distribution have not been enough to replace income from in-person events, as payment for works distributed on digital platforms is far lower than that generated through physical platforms

The pandemic has also spurred on the growing digital shift, which has enabled the continued production of works and made them accessible to a public under lockdown. However, online creation and distribution have not been enough to replace income from in-person events, as payment for works distributed on digital platforms is far lower than that generated through physical platforms. The opportunity to create and showcase works under lockdown has been invaluable, but very few artists have been able to earn a living – either because of the extremely low royalties paid by the ISPs or difficulties in encouraging the public to contribute for the product. This was true prior to the pandemic and has become even more relevant as COVID-19 struck the world.

Access to information and challenges to government policies on handling the pandemic have been severely curtailed in a number of countries, adding to the confusion and disinformation about the virus. The Committee to Protect Journalists, for example, is monitoring arrests and actions for reasons of fake news ostensibly to tackle disinformation but too often used against critics of governments' pandemic policy. Others have put in place emergency legislation that far over-reaches reasonable restraints at times of crisis, leading to accusations that some States are using the pandemic as an opportunity to crack down on long-standing critics. Restrictions on public space and gatherings have also limited opportunities for the public to voice their opinions on what is going on around them (Jacobsen, 2020). This has impacted freedom of artistic expression as well. Freemuse reported 65 cases of violations against artists speaking out on COVID-19 in 2020 (Freemuse, 2020*c*). In the years following COVID-19, governments and courts will have to take stock of the decisions made to deal with the pandemic and their potential repercussions on human rights. To this end, UNESCO published guidelines for judicial operators to uphold freedom of expression in the context of COVID-19 and to ensure that any deviances to upholding these fundamental human rights have not come to stay (Barata, 2020).

In the years following COVID-19, governments and courts will have to take stock of the decisions made to deal with the pandemic and their potential repercussions on human rights

Faced with this unprecedented crisis, many governments quickly swung into action to support their cultural workers and artists: through direct support in the form of grants or loans, tax exemptions, postponement of fiscal obligations (such as social security payments) and postponement of rent payments, among other measures. Generally speaking, most States have taken some kind of action to support the social and economic conditions of artists, while there are far fewer examples of support for artists' freedom of expression.

In the first wave of the pandemic, many States and CSOs carried out research to understand the effects of the pandemic on the culture sector. Such research has been crucial to determine the differing needs of artists during the crisis. In the United Arab Emirates, for instance, a comprehensive study was carried out in April 2020 to understand the challenges faced by artists and small cultural enterprises under the pandemic to enable informed decision-making. There were over 1,450 responses, from which the biggest challenge identified was the need to meet fixed expenses, particularly rent, staff salaries and bills. The study's findings formed the basis of the creation of the National Creative Relief Programme in May 2020, which provides financial assistance to individual and small enterprises to help them survive the effects of the pandemic.

In April 2020, UNESCO launched the 'COVID-19 Response Platform'[6], a webpage that keeps track of initiatives addressing the pandemic, complementing the data on policies and measures provided by Parties to the Convention.

6. *https://en.unesco.org/creativity/covid-19*

> ***It is high time for each African nation to help artists and creative workers continue to engage in the process of creativity without having to take on other jobs to support their living. New legislations are necessary to recognize their positive contribution to their country's economy and society.***
>
> ***H. E. Mr. Avinash Teeluck***
> *Minister of Arts and Cultural Heritage of Mauritius, speaking at the UNESCO Resiliart 'Status of the artist in the Africa Region' online event, 28 July 2020*

Among the measures tracked by the Platform are those that provide direct support for individual artists and cultural professionals, including emergency grants, extension of social security benefits and State commissions to support artists during the crisis. Several regional and international networks collected and disseminated information on sectoral needs, policies and measures adopted, as well as relevant research and policy documents.

Emergency grants can provide lifelines to ensure income at times of crisis. In New Zealand, for example, emergency funding was provided to 89 arts organizations that received up to US$30,000 for creating new works or reframing an existing project in light of the COVID-19 pandemic, encouraging new ways of working. There are also Emergency Relief Grants of up to US$6,000 for individuals experiencing devasting loss of income as a direct result of the pandemic. Thirdly, anyone working in events, entertainment, tourism or hospitality was offered a 12 week wage subsidy.

Emergency grants can provide lifelines to ensure income at times of crisis

The sudden loss of income means that artists also lose out on welfare and on emergency benefits offered to other parts of the workforce. In Argentina, the National Institute of Cinema and Audio-visual Arts signed an agreement with the Argentine Film Industry Union to help support the film sector. The agreement pays around US$64.000 in three consecutive equal monthly instalments to support workers in paying for medical care, medicines and other direct aid (Télam Digital, 2020). Similarly, in Iceland, the Artists' Salary Fund, which annually assigns stipends to self-employed artists in their field, allocated a total of 2,200 months to artists in various fields, a 37% increase from the 1,603 months allocated the year prior, in response to the pandemic.

These initiatives are just some examples of the innovative ways in which States responded to the urgency of the pandemic's effects on the sector.

As the COVID-19 pandemic progresses, the impact on mental health globally is being revealed, with early studies carried out in several countries showing exponential increases in reported cases of depression, which in some cases are up fourfold compared with 2019 (Abbott, 2021). The effect on the cultural sector has been particularly acute. According to Muzik-Sen, the Turkish Musicians and Performers Union, over 100 musicians in Turkey are believed to have died by suicide because of being unable to continue to practise (Tokyay, 2020). Similarly, in Australia, there has been an increase of people in the music industry taking their own lives during the pandemic (Marrozzi, 2021) – a sad pattern no doubt echoed in other countries and cultural sectors.

Some States are already taking actions to deal with the growing mental health crisis in the arts sector. For example, in Canada, US$261,705 has been granted to the Fondation des artistes (Artists' Foundation) of Québec to provide access to psychosocial counselling for artists, artisans and professional workers in the cultural sector. Similarly, in South Africa, the SILAPHA Wellness programme is providing assistance with mental health management.

As the COVID-19 pandemic progresses, the impact on mental health globally is being revealed

Sharing experiences and ideas to address this unprecedented crisis is essential. UNESCO's contribution was the April 2020 launch of its ResiliArt global movement of virtual debates to shed light on the far-reaching impact of COVID-19 on the cultural sector. This has enabled over 1,000 cultural professionals in more than 115 countries to share information and advocacy efforts. At the time of writing, 275 debates have been hosted – 41.7% organized or co-organized by CSOs – on issues ranging from the role of creativity in raising awareness of the health crisis and combatting disinformation, to the aim of building a better future after the pandemic.

Lessons from this crisis show that the creative sector's fragile ecosystem needs to be strengthened if it is to withstand any future shocks

Lessons from this crisis show that the creative sector's fragile ecosystem needs to be strengthened if it is to withstand any future shocks. At times of crisis, access to pre-existing data on the sector, such as numbers of freelancers, allows for speedy support packages that in turn enable the sector's survival. As one of the sectors hit hardest by sudden closures of public spaces, venues, theatres and galleries, it is imperative that support packages are provided, and that these are applied as a priority.

> ***As we contemplate all of this about the artists we've lost to COVID-19 in all regions of the world, … it's really essential that the international community and all of us work together to honour their memories by memorialising their work, by supporting those who continue the artistic work, and by promoting and nourishing cultural life for everyone.***
>
> ***Karima Bennoune***
> *Former UN Special Rapporteur in the field of cultural rights, speaking at the (online) Safe Havens Global Live Stream, 2020*

CONCLUSIONS AND RECOMMENDATIONS

This chapter has studied developments in the field of artistic freedom in the past four years.

Challenges remain, both in terms of freedom of artistic expression (where acts of violations are still rising), and in terms of social and economic rights (as artists around the world still find themselves without safety nets and fair pay – a situation exacerbated by the COVID-19 pandemic).

However, the last four years have also seen policy improvements in both aspects of artistic freedom. Importantly, a few States have removed blasphemy laws and decriminalized defamation. Furthermore, there has been a rise in collaboration between arts groups and human rights organizations, with the latter increasingly taking up the fight for artistic freedom. In terms of the social and economic rights of artists, States seem to have more awareness about the issue, and have reported more new measures related to this than to artistic expression. Several States have also created or amended Status of the Artist laws.

It is difficult to reach more definitive conclusions, given the lack of consistent reporting on policies and measures related to artistic freedom. This makes it impossible to have a full overview of progress. Such a knowledge gap must be addressed to better grasp the current state of artistic freedom, and to ensure that artists' human rights are better protected in the future.

Some key points to address this are:

- States should adopt Status of the Artist laws, where they do not exist yet, to define who is an artist, recognize the atypical nature of their employment and ensure that these are consistent with international and regional standards in this field.
- States should ensure that freedom of artistic expression is included in new and amended legislation on fundamental rights.
- States, international and regional organizations and other relevant stakeholders should provide capacity-building to cultural and human rights organizations to enable monitoring and advocacy on artistic freedom on the ground.
- States and other relevant stakeholders should develop and extend programmes to protect artists and cultural professionals at risk, including shelter schemes.
- States should improve documentation and mappings of how many workers operate in the cultural sector, who they represent and what their specific needs are.
- States should ensure that the right to be a member of a professional association and to take collective action extends to all cultural workers, whether formally employed or freelance.
- States should ensure that cultural workers can have access to social security, pension, health, unemployment and other benefits, as provided to the general workforce, while recognizing their atypical work patterns.
- States should ensure that copyright and related protections be extended to ensure fair remuneration for work disseminated online.
- Across the board, there is a need to advocate for a greater understanding of the rights afforded to artists, both in their freedom to create and access to economic and social rights, and to support capacity-building and related measures in this area.
- States are encouraged to improve collaboration between ministries of culture and other ministries, such as those relating to justice, employment, labour and social welfare to ensure that artistic freedom is included in policy-making.
- On an international level, there is a need for enhanced collaboration in the field of artistic freedom between ministries of culture, artists and cultural sector workers, journalists, professional bodies, including national human rights commissions, human rights defenders and other CSOs engaged in promoting fundamental rights.
- If not already covered by one of the items above: States should adopt inclusive cultural policies where artists from all parts of society can express themselves and be part of the decision-making processes, putting into practice cultural diversity and cultural rights.

Annexes

Author biographies
Methodology
The Convention
Abbreviations
Bibliography

Author biographies

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Chapter 2 • Ensuring a diversity of voices in the media

As a professor in the Communications and Media Studies Department of the Carlos III University of Madrid (UC3M), Spain, Luis A. Albornoz teaches on the Audiovisual Geopolitics course. He is Deputy Head of the Doctoral Programme in Media Research and the Master's Degree in Music Industry and Sound Studies. Luis A. Albornoz is an elected member of the International Council of the International Association for Media and Communication Research (IAMCR), holds a degree in Communication Sciences from the University of Buenos Aires, Argentina, and a PhD from the Department of Audiovisual Communication and Advertising at the Complutense University of Madrid. His latest published works include *Power, Media and Culture* (Palgrave/IAMCR, 2015), *Diversity and the Film Industry* (UIS, 2016), *Diversidad e industria audiovisual: el desafío cultural del siglo XXI* (FCE, 2017), *Audiovisual Industries and Diversity: Economics and Policies in the Digital Era* (Routledge, 2019) and *Grupo Prisa* (Routledge, 2020).

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Jordi Baltà Portolés works as a consultant, researcher and trainer in cultural policy and international affairs at Trànsit Projectes – a cultural management company based in L'Hospitalet de Llobregat, Barcelona, Spain. He has a particular interest in the role of culture in sustainable development, cultural diversity, cultural rights and international cultural cooperation. Jordi Baltà Portolés is an expert on the Culture Committee of United Cities and Local Governments (UCLG), and has provided consultancy for a wide range of organizations in Europe, Africa, Latin America and Asia. He teaches on the Degree in International Relations at Blanquerna – Universitat Ramon Llull (URL) in Barcelona, as well as on several postgraduate courses. He holds a Bachelor of Arts (BA) degree in Political Science (Autonomous University of Barcelona), a Master of Arts (MA) in European Cultural Policy (University of Warwick, United Kingdom) and is a PhD candidate at the University of Girona, Spain, and the University of Melbourne, Australia.

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Chapter 4 • Opening up cultural governance through civil society participation

Mauricio Delfín is a cultural manager and social researcher specializing in civil society, digital technologies and cultural governance. He has extensive experience in arts management and information system design for cultural projects. Mauricio Delfín is interested in the evolving notion of cultural democracy, and in the relationship between civic engagement and open cultural governance. He holds a Joint Honours degree in Anthropology and International Development Studies from McGill University, Canada, and a Master of Arts (MA) in Media, Culture and Communication from New York University, United States. He co-founded and directed Realidad Visual (2001-2010), the Peruvian National Summit of Culture (2011-2014) and Culturaperu.org (2009-2015) – a cultural information system designed and maintained by civil society. Mauricio Delfín has worked as a research associate for Tándem (a cultural policy think tank) and a research and development strategist for La Factura (a civic software company). He was a Vanier Scholar (2014-2017), Open Government Fellow of the Organization of American States (OAS) (2015) and a Next Generation Fellow for the Latin American Initiative for Open Data (ILDA) (2020). He served as technical secretary of the Peruvian Alliance of Cultural Organizations (APOC) from 2017 to 2019. He is also founder and director of Asociación Civil Solar, a non-profit organization that promotes open government principles and practices in cultural sectors. He is a member of the EU/UNESCO Expert Facility for the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and a doctoral candidate in Communication Studies at McGill University, Canada.

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Independent cultural policy researcher and advisor, essayist and literary translator

Chapter 8 • Culture and sustainable development: a still untapped potential

Yarri Kamara is an independent cultural policy researcher and advisor based in Burkina Faso. She worked on a wide range of development interventions before specializing in cultural policy and its links to sustainable development. She has undertaken work for the United Nations Development Programme (UNDP), the Food and Agriculture Organization of the United Nations (FAO), the World Bank, the United Kingdom Department for International Development, the French Development Agency (AFD), as well as multiple African government agencies. She was a former fellow at the International Institute for Environment and Development. In the field of culture, she has regularly collaborated with UNESCO since 2004. Recent collaborations include serving on the panel of experts for the International Fund for Cultural Diversity, and supporting the internal creation of a culture and sustainable development knowledge platform. Yarri Kamara is an experienced interdisciplinarian who is also a research associate at Institut Free Afrik, an essayist and a literary translator. Her working languages are English, French and Italian.

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Chapter 1 • Building resilient and sustainable cultural and creative sectors

Magdalena Moreno Mujica is the Executive Director of the International Federation of Arts Councils and Culture Agencies (IFACCA), with its Secretariat serving ministries of culture and government cultural agencies in over 70 countries. She is the former Head of International Affairs at the National Council for Culture and the Arts in Chile (CNCA – now the Ministry of Cultures, Arts and Heritage) and was ministerial advisor on international affairs. In this role, she oversaw Chile's international arts and cultural strategy; served as Programme Director of the 6th World Summit on Arts and Culture (Santiago, 2014); delivered Chile's participation in three Venice Biennales; served on the Board of Fundación Imagen de Chile and represented CNCA on the IFACCA Board (2012-2014). Before this, Magdalena Moreno Mujica worked in Australia, where she was CEO of Kultour, the national 'peak' body supporting cultural diversity in the arts. She was also a member of the National Cultural Policy Taskforce for Creative Australia and led an international initiative to strengthen South-South dialogue (the 'South Project', 2004-2008). She holds a Bachelor of Arts from the University of Melbourne, Australia, is an alumna of the Asialink Leaders Program (2008) and the Australia Council for the Arts' Emerging Leaders Program (2010) and has served on several boards including Diversity Arts Australia (2016-2018). She is a current member of the EU/UNESCO Expert Facility for the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Ojoma Ochai

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Chapter 3 • New opportunities and challenges for inclusive cultural and creative industries in the digital environment

Ojoma Ochai is a creative economy expert with over 15 years' experience supporting the development of the global creative economy through contributions to various initiatives including capacity-building, technical assistance to the public and private sector and leading international cooperation projects in the cultural and creative industries. She has worked on various international arts, creative and digital sector development efforts, including World Bank support for Nigeria's music and film sector and alongside the Swedish Arts Council. Ojoma Ochai worked at the British Council for many years, and her most recent posting in the organization was as its Regional Director for Arts and Creative Economy Programmes in sub-Saharan Africa until October 2021. She was nominated as Young Person of the Year by the Future Awards in 2010; is a Fellow of the DEVOS Institute of Arts Management, University of Maryland, United States; an Associate Fellow of the Nigerian Leadership Institute; and sits on the board of the African Technology and Creative Group. Ojoma Ochai is a member of the EU/UNESCO Expert Facility for the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Anupama Sekhar

Expert in transnational cultural cooperation and former Director of the Culture Department at the Asia-Europe Foundation

Chapter 5 • Re-imagining mobility for artists and cultural professionals

Anupama Sekhar is an expert in North-South and South-South transnational cultural cooperation. As a member of the EU/UNESCO Expert Facility since 2015, she has undertaken technical assistance missions to support governments in implementing the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. From 2015 to 2021, Anupama Sekhar was Director of the Culture Department at the Asia-Europe Foundation (ASEF), which promotes collaborations among cultural professionals, arts organizations, museums and public agencies in 51 countries in Asia and Europe. She is currently a Board Member of ArtsEquator, which promotes critical writing about arts practice in South-East Asia. Anupama Sekhar holds degrees in English Literature and International Studies. She is a trained dancer in the Indian classical Bharatanatyam style. She is a citizen of India and is currently based in Dubai.

Anna Villarroya Planas

Professor at the Department of Economics at the University of Barcelona, Spain, and President of the European Association of Cultural Researchers

Chapter 9 • Gender equality: one step forward, two steps back

Anna Villarroya Planas is Associate Professor in the Department of Economics as well as Academic Coordinator of the Doctoral Programme in Gender Studies: Culture, Society and Policy, at the University of Barcelona, Spain. She regularly teaches courses on the economics of culture and cultural policies. Her areas of expertise include cultural work and participation, gender inequalities in cultural employment and the social value of culture. She is President of the European Association of Cultural Researchers (ERICarts Network) and Director of the Centre of Research in Information, Communication and Culture (CRICC) at the University of Barcelona. She is the Co-Principal Investigator of the 'Gender Perspective in Information and Media Studies' (GENDIMS) project at the University of Barcelona and co-author of Spain's profile within the Compendium of Cultural Policies and Trends published by ERICarts and the Council of Europe. She is the author of numerous articles and book chapters on various topics related to cultural policies and the economics of culture.

Sara Whyatt

Researcher and former Deputy-Director of PEN International

Chapter 10 • Safeguarding the freedom to create

Sara Whyatt is a campaigner and researcher on freedom of artistic expression and human rights, notably as director of PEN International's freedom of expression programme for over 20 years and previously as a coordinator in Amnesty International's Asia Research Department. At PEN, she worked with its global membership on mobilizing its campaigns for writers at risk, as well as on thematic issues. In 2013, she took up freelance consultancy, working on projects for, *inter alia*, Freemuse, Culture Action Europe, PEN, the Swedish Arts Council and the Council of Europe. She was the author of the chapter on freedom of artistic expression for UNESCO's 2018 Global Report *Re|Shaping Cultural Policies: Advancing Creativity for Development* monitoring the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Methodology

This edition of the Global Report series draws its analysis from 96 quadrennial periodic reports (QPRs)[1] submitted by 94[2] Parties to the 2005 Convention on the Protection and the Promotion of the Diversity of Cultural Expressions between July 2017 and November 2020. The analysis in this edition is further enriched by a wide range of primary and secondary data, including the results of the 2018 UNESCO Global Survey on the implementation of the 1980 Recommendation concerning the Status of the Artist[3], a civil society survey specially designed and implemented for this report (see below) and a number of new and updated bespoke global datasets.

ANALYSING THE QUADRENNIAL PERIODIC REPORTS

The QPRs analysed for this edition represent 63% of 149 Parties to the Convention as of 1 November 2020. Of these Parties, the signatories within Latin American and Caribbean States are the least represented in terms of how many of this region's Parties are present within the sample of submitted QPRs (53%). This is followed by Parties in African States (59%); Western European and North American States, Asian and Pacific States (67% each); Eastern European States (71%); and Arab States (79%) (Figure 11.1). In-text references to Parties surveyed therefore specifically apply to this sample, and not to all Parties to the Convention.

The sample contains QPRs in various formats, according to the templates in use by UNESCO at the time of submission. The analysis strategy was based on the information available in the most recent reporting format, namely the one approved by the Conference of Parties at its seventh session in June 2019. This was specifically improved to align with the Convention's Monitoring Framework. Eighty-two percent of the QPRs covered in this edition are in this format. The remaining reports that were submitted in an earlier reporting format underwent a content analysis to enable the information they contained to be incorporated into the overall analysis.

The findings of this edition were based on an analysis of responses to a set of closed questions included in the 2020 QPR form: a simple count of the responses to specific answer choices which were usually binary (yes/no) or based on cultural domains[4]. Unless otherwise indicated, the sample used for each figure therefore corresponds to the total number of responses provided to the QPR relevant key question. The 21 remaining QPRs submitted in formats not including closed questions were subject to a content analysis of the information reported.

1. In accordance with Article 9 of the Convention on 'Information Sharing and Transparency', 'Parties shall provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level'. The process for preparing and submitting the quadrennial periodic reports is described in the Operational Guidelines on Article 9, approved by the Conference of Parties at its third session (2011) and revised at its seventh session (2019). The guidelines also include the Framework for Quadrennial Periodic Reports.

2. Two Parties submitted two reports during the reporting period due to a late submission of the first one.

3. The 2018 UNESCO Global Survey on the implementation of the 1980 Recommendation was sent to all UNESCO Member States as well as relevant non-governmental organizations (NGOs) and international non-governmental organizations (INGOs). A total of 52 Member States, 39 NGOs and 2 INGOs responded.

4. The Framework for Quadrennial Periodic Reports on Measures to Protect and Promote the Diversity of Cultural Expressions identifies the following cultural domains: cinema and audiovisual arts; design; media arts; music; performing arts; publishing and visual arts.

Figure 11.1

Overview of the quadrennial periodic reports considered for the third edition of the Global Report

Source: UNESCO (2021).

Where the content analysis identified the same categorical data as the closed questions, it was considered as an affirmative answer to that specific category. An analysis of the qualitative information on relevant policies and measures reported in QPRs was also undertaken. It consisted of identifying common characteristics, developing typologies, quantifying frequencies and identifying trends and examples. Finally, the quality of statistics provided within the QPRs submitted in the current format was assessed. Whenever possible, data was harmonized and compiled with other external data sets.

Throughout this report, in instances where no source is specified, this means that the information is taken from a QPR.

This edition of the Global Report series presents these findings as graphs, case studies, country examples and statistical figures. Quantitative data are usually presented as a global total, a regional breakdown[5] and as a developed/developing countries breakdown[6].

ANALYSING THE 2018 GLOBAL SURVEY ON THE IMPLEMENTATION OF THE 1980 RECOMMENDATION CONCERNING THE STATUS OF THE ARTIST

The analysis of QPRs was supplemented with data from the Global Survey on the implementation of the 1980 Recommendation concerning the Status of the Artist undertaken in 2018. Out of the 53 UNESCO Member States that responded to the survey, 42 are Parties to the Convention. Their responses were analysed for several chapters of the Global Report. Moreover, a total of 32 countries submitted a QPR and a response to the survey, which allowed for triangulation of the information.

5. The regional classification in this edition follows the UNESCO electoral groups, namely: Western European and North American States (Group I), Eastern European States (Group II), Latin American and Caribbean States (Group III), Asian and Pacific States (Group IV), African States (Group Va) and Arab States (Group Vb).

6. According to the United Nations M49 statistical classification system.

EXPLOITING OTHER THEMATIC DATA SETS

In addition to the two main data sets, namely the QPRs and Global Survey on the implementation of the 1980 Recommendation concerning the Status of the Artist, several other thematic data sets have been developed for this edition of the Global Report. Several analyses conducted for previous editions of the Global Report were also repeated to explore trends and corroborate findings.

ANALYSIS OF INFORMATION GATHERED FROM CIVIL SOCIETY

The Framework for Quadrennial Periodic Reports on Measures to Protect and Promote the Diversity of Cultural Expressions, which has been in force since 2019 and is used by most of the QPRs covered in this edition, includes a section for Parties to share contributions from civil society organizations. Of the reports submitted under this framework, 79% included measures or initiatives undertaken by civil society organizations (representing 65% of those country reports considered for this edition). The information from these forms was used quantitatively and qualitatively to inform all chapters in this edition.

A civil society survey was designed, disseminated and analysed to inform Chapter 4 of this edition, 'Opening up Cultural Governance through Civil Society Participation'. From 25 September to 28 October 2020, 1,319 civil society organizations that interact with the Convention were directly invited to provide information on their activities and perceptions in terms of the protection and promotion of the diversity of cultural expressions. Out of this sample, responses were received from 158 civil society organizations based in 62 countries, which corresponds to a response rate of 12%.

MAJOR EVENT ANALYSIS

This edition of the Global Report analyses the gender representation and mobility of artists and filmmakers participating in 20 art biennales[7] and 60 accredited film festivals[8].

The desk research on art biennales is a repeated exercise from the 2018 Global Report, which covered 14 art biennales. The same art biennales were kept in the new sample – except for the Marrakech Biennale (which has not been held again since then). Seven biennales from African, Arab, Asian and Pacific and Eastern European States were added to the sample for greater global balance.

7. Bangkok Art Biennale, Bienal de La Habana, Bienal de São Paulo, BIENALSUR, DAK'ART, Documenta, Gwangju Biennale, International Biennial of Casablanca, Istanbul Biennial, Kampala Art Biennale, Kochi-Muziris Biennale, La Biennale de Lyon, Manifesta, Riga International Biennial of Contemporary Art, Shanghai Biennale, Sharjah Biennial, Singapore Biennale, Biennale of Sydney, Venice Biennale and the Whitney Biennale.

8. Berlin International Film Festival*, Black Nights Film Festival, Busan International Film Festival*, Cairo International Film Festival*, Cartagena International Film Festival*, Carthage Film Festival, Cinedays (Skopje)*, CPH:DOX, Docaviv International Documentary Film Festival, Durban International Film Festival, El Gouna Film Festival, Eurasia International Film Festival (Astana)*, Festival de Cannes*, Festival de Cine Global Dominicano*, Festival del film Locarno*, FilmFestival Kitzbühel*, Gijon International Film Festival*, Guadalajara International Film Festival, Guanajuato International Film Festival, Hong Kong International Film Festival, Hot Docs Canadian International Documentary Festival, International Antalya Film Festival*, International Film Festival of India (Goa)*, International Film Festival of Kerala (Trivandrum)*, International Film Festival Rotterdam, Istanbul Film Festival, Jerusalem Film Festival, Karlovy Vary International Film Festival*, Kolkata International Film Festival*, Kyiv International Film Festival Molodist*, Listapad Minsk International Film Festival*, Mar del Plata International Film Festival*, Melbourne International Film Festival, Morelia International Film Festival, Moscow International Film Festival*, Motelx – Lisbon International Horror Film Festival*, Mumbai Film Festival*, Namur International Film Festival*, Noir in Festival (Como, Milan)*, San Sebastian International Film Festival*, Sarajevo Film Festival, Shanghai International Film Festival*, Singapore International Film Festival, Sitges International Fantastic Film Festival of Catalunya*, Sofia International Film Festival*, South by Southwest, Stockholm International Film Festival*, Sundance Film Festival, Sydney Film Festival*, Taipei Golden Horse Film Festival, Tirana International Film Festival, Tokyo International Film Festival*, Torino Film Festival*, Toronto International Film Festival*, Transilvania International Film Festival*, Tribeca Film Festival, Valencia International Film Festival, Cinema Jove*, Venice International Film Festival*, Warsaw Film Festival* and the Yamagata International Documentary Film Festival (* denotes festivals accredited by the International Federation of Film Producers Associations [FIAPF]).

In addition to the art biennales, desk research was also conducted on the award winners and main prize jurors from 60 international film festivals to explore whether the same findings were replicated in a different subsector. This analysis informed Chapter 5 'Re-imagining mobility for artists and cultural professionals' and Chapter 9 'Gender equality: one step forward, two steps back' within this edition of the Global Report.

MEDIA REGULATORS AND CONTENT QUOTA ANALYSIS

Media regulatory analysis was already featured in the 2018 Global Report when it covered 106 countries, and has been updated and expanded to include an additional 59 countries. It involved checking for any change in terms of content quota legislation since 2018, and also broadening the analysis to include legislation related to the governance and purposes of countries' media regulators. This analysis informed Chapter 2 of this edition on 'Ensuring a diversity of voices in the media'.

ANALYSIS OF NATIONAL DEVELOPMENT PLANS AND SUSTAINABLE DEVELOPMENT STRATEGIES

In order to corroborate findings from the analysis of QPRs, updates were produced on the global trends of incorporating culture in national sustainable development plans (NDP) and sustainable development strategies (NSDS) included in the 2018 Global Report.

Where plans and strategies had expired, they were replaced with the more recent ones that supersede them, alongside the inclusion of new planning documents for countries that had previously not had an NDP or NSDS. The updated analysis involved desk research and analysis of 127 Parties' NDP and NSDS, of which 65 were published since the research was last undertaken for the 2018 Global Report. Out of this sample of 127, there were 92 planning documents (72%) from developing countries and 35 documents (28%) from developed countries.

The analysis, which formed the basis of Chapter 8 of this edition of the Global Report 'Culture and Sustainable Development: a still untapped potential', made it possible to identify:

- whether culture[9] was mentioned in the NDP/NSDS;
- whether the NDP/NSDS outlined a specific goal and plan of action around culture; and
- whether culture was used to achieve social/economic/cultural/environmental outcomes where culture or cultural programmes were mentioned.

9. Culture was understood in the sense of one or more of the domains identified in the Framework for Quadrennial Periodic Reports on Measures to Protect and Promote the Diversity of Cultural Expressions.

The Convention

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,

Affirming that cultural diversity is a defining characteristic of humanity,

Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

Being aware that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

Celebrating the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

Emphasizing the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

Taking into account that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

Recognizing the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

Recognizing the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

Emphasizing the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,

Being aware that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

Reaffirming that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

Recognizing that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,

Recalling that linguistic diversity is a fundamental element of cultural diversity, and reaffirming the fundamental role that education plays in the protection and promotion of cultural expressions,

Taking into account the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,

Emphasizing the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,

Recognizing the importance of intellectual property rights in sustaining those involved in cultural creativity,

Being convinced that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,

Noting that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

Being aware of UNESCO's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

Referring to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

Adopts this Convention on 20 October 2005.

I. OBJECTIVES AND GUIDING PRINCIPLES

Article 1 – Objectives

The objectives of this Convention are:

(a) to protect and promote the diversity of cultural expressions;

(b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;

(c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;

(d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;

(e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;

(f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;

(g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;

(h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;

(i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

Article 2 – Guiding principles

1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

II. SCOPE OF APPLICATION

Article 3 – Scope of application

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

III. DEFINITIONS

Article 4 – Definitions

For the purposes of this Convention, it is understood that:

1. Cultural diversity

"Cultural diversity" refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.

Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

2. Cultural content

"Cultural content" refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

3. Cultural expressions

"Cultural expressions" are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

4. Cultural activities, goods and services

"Cultural activities, goods and services" refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

5. Cultural industries

"Cultural industries" refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

6. Cultural policies and measures

"Cultural policies and measures" refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

7. Protection

"Protection" means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.
"Protect" means to adopt such measures.

8. Interculturality

"Interculturality" refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

IV. RIGHTS AND OBLIGATIONS OF PARTIES

Article 5 – General rule regarding rights and obligations

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

Article 6 – Rights of parties at the national level

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

(c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(d) measures aimed at providing public financial assistance;

(e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(f) measures aimed at establishing and supporting public institutions, as appropriate;

(g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;

(h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

Article 7 – Measures to promote cultural expressions

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

Article 8 – Measures to protect cultural expressions

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.

2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.

3. Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

Article 9 – Information sharing and transparency

Parties shall:

(a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;

(b) designate a point of contact responsible for information sharing in relation to this Convention;

(c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

Article 10 – Education and public awareness

Parties shall:

(a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, *inter alia*, through educational and greater public awareness programmes;

(b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;

(c) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries.

These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

Article 11 – Participation of civil society

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

Article 12 – Promotion of international cooperation

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

(a) facilitate dialogue among Parties on cultural policy;

(b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;

(c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;

(d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;

(e) encourage the conclusion of co-production and co-distribution agreements.

Article 13 – Integration of culture in sustainable development

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

Article 14 – Cooperation for development

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

(a) the strengthening of the cultural industries in developing countries through:

(i) creating and strengthening cultural production and distribution capacities in developing countries;

(ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;

(iii) enabling the emergence of viable local and regional markets;

(iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;

(v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;

(vi) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;

(b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;

(c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;

(d) financial support through:

(i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;

(ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;

(iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

Article 15 – Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

Article 16 – Preferential treatment for developing countries

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

Article 17 – International cooperation in situations of serious threat to cultural expressions

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

Article 18 – International Fund for Cultural Diversity

1. An International Fund for Cultural Diversity, hereinafter referred to as "the Fund", is hereby established.

2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.

3. The resources of the Fund shall consist of:

(a) voluntary contributions made by Parties;

(b) funds appropriated for this purpose by the General Conference of UNESCO;

(c) contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;

(d) any interest due on resources of the Fund;

(e) funds raised through collections and receipts from events organized for the benefit of the Fund;

(f) any other resources authorized by the Fund's regulations.

4. The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties referred to in Article 22.

5. The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by it.

6. No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

7. Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.

Article 19 – Exchange, analysis and dissemination of information

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.

2. UNESCO shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.

3. UNESCO shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.

4. To facilitate the collection of data, UNESCO shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.

5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

V. RELATIONSHIP TO OTHER INSTRUMENTS

Article 20 – Relationship to other treaties: mutual supportiveness, complementarity and non-subordination

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,

(a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and

(b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.

2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

Article 21 – International consultation and coordination

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

VI. ORGANS OF THE CONVENTION

Article 22 – Conference of Parties

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.

2. The Conference of Parties shall meet in ordinary session every two years, as far as possible, in conjunction with the General Conference of UNESCO. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one-third of the Parties.

3. The Conference of Parties shall adopt its own rules of procedure.

4. The functions of the Conference of Parties shall be, *inter alia*:

(a) to elect the Members of the Intergovernmental Committee;

(b) to receive and examine reports of the Parties to this Convention transmitted by the Intergovernmental Committee;

(c) to approve the operational guidelines prepared upon its request by the Intergovernmental Committee;

(d) to take whatever other measures it may consider necessary to further the objectives of this Convention.

Article 23 – Intergovernmental Committee

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as "the Intergovernmental Committee", shall be established within UNESCO. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.

2. The Intergovernmental Committee shall meet annually.

3. The Intergovernmental Committee shall function under the authority and guidance of and be accountable to the Conference of Parties.

4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.

5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.

6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:

(a) to promote the objectives of this Convention and to encourage and monitor the implementation thereof;

(b) to prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;

(c) to transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;

(d) to make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;

(e) to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;

(f) to perform any other tasks as may be requested by the Conference of Parties.

7. The Intergovernmental Committee, in accordance with its Rules of Procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.

8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own Rules of Procedure.

Article 24 – UNESCO Secretariat

1. The organs of the Convention shall be assisted by the UNESCO Secretariat.

2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

VII. FINAL CLAUSES

Article 25 – Settlement of disputes

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the Convention, the Parties shall seek a solution by negotiation.

2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.

4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO.

Article 26 – Ratification, acceptance, approval or accession by Member States

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

Article 27 – Accession

1. This Convention shall be open to accession by all States not Members of UNESCO but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of UNESCO to accede to it.

2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The following provisions apply to regional economic integration organizations:

(a) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;

(b) In the event that one or more Member States of such an organization is also Party to this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;

(c) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:

(i) in their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;

(ii) in the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;

(d) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;

(e) "Regional economic integration organization" means an organization constituted by sovereign States, members of the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.

4. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 28 – Point of contact

Upon becoming Parties to this Convention, each Party shall designate a point of contact as referred to in Article 9.

Article 29 – Entry into force

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the organization.

Article 30 – Federal or non-unitary constitutional systems

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those Parties which are not federal States;

(b) with regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 31 – Denunciation

1. Any Party to this Convention may denounce this Convention.

2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.

3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

Article 32 – Depositary functions

The Director-General of UNESCO, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

Article 33 – Amendments

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the Conference of Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.

4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.

6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:

(a) Party to this Convention as so amended; and

(b) a Party to the unamended Convention in relation to any Party not bound by the amendments.

Article 34 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

Article 35 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

ANNEX
CONCILIATION PROCEDURE

Article 1 – Conciliation Commission

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2 – Members of the Commission

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3 – Appointments

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of UNESCO shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

Article 4 – President of the Commission

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of UNESCO shall, if asked to do so by a Party, designate a President within a further two-month period.

Article 5 – Decisions

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

Article 6 – Disagreement

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.

Abbreviations

ACP	African Caribbean and Pacific Group of States
ACHPR	African Commission on Human and Peoples' Rights
ACTED	Agency for Technical Cooperation and Development
AEdiM	Association des Editeurs de Madagascar (Publishers Association of Madagascar)
AFAC	Arab Fund for Arts and Culture
AfCFTA	Agreement Establishing the African Continental Free Trade Area
AFD	Agence française de développement (French Development Agency)
AI	Artificial Intelligence
APF	Assemblée parlementaire de la Francophonie (Parliamentary Assembly of the French-Speaking World)
ARC	Artists at Risk Connection
ASEAN	Association of Southeast Asian Nations
ASEF	Asia-Europe Foundation
ATI	Access to Information
ATIGA	ASEAN Trade in Goods Agreement
AU	African Union
BBC	British Broadcasting Corporation
BBDA	Bureau Burkinabé du Droit d'Auteur
Berlinale	Berlin International Film Festival
BITs	Bilateral investment treaties
BOP	Burns Owens Partnership
CARICOM	Caribbean Community and Common Market
CBF	Community Broadcasting Foundation (Australia)
CCEBA	Centro Cultural de España en Buenos Aires (Cultural Centre of Spain in Buenos Aires)
CISAC	International Confederation of Societies of Authors and Composers
COMTRADE	United Nations International Trade Statistics Database
Convention	The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions
CPTPP	Comprehensive and Progressive Agreement for TransPacific Partnership
CSA	Conseil supérieur de l'audiovisuel (Higher Audiovisual Council, France)
CSO	Civil Society Organization
CUSMA	Canada–United States–Mexico Agreement
DEPA	Digital Economy Partnership Agreement between Chile, New Zealand and Singapore
DESA	United Nations Department of Economic and Social Affairs
DG INTPA	Directorate-General for International Partnerships of the European Commission
EAO	European Audiovisual Observatory
EBOPS	Extended Balance of Payments Services
EBU	European Broadcasting Union
EC	European Commission
ECOSOC	United Nations Economic and Social Council
EENCA	European Expert Network on Culture and Audiovisual
ENACOM	Ente Nacional de Comunicaciones (National Communications Authority, Argentina)
ENCC	European Network of Cultural Centres
EPA	Economic partnership agreement
EU	European Union
Eurostat	European Statistical Office
FATS	Foreign Affiliate Trade in Services
FCS	2009 UNESCO Framework for Cultural Statistics
FDI	Foreign direct investment
FICCD	International Federation of Coalitions for Cultural Diversity
FLACSO	Facultad Latinoamericana de Ciencias Sociales
Fondart	National Fund for Cultural Development and the Arts (Chile)
FTA	Free Trade Agreement
G20	Group of Twenty

G7	Group of Seven
GAIFF	Golden Apricot International Film Festival
GAN	Generative Adversarial Network
GDP	Gross Domestic Product
GiZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Cooperation)
GMMP	Global Media Monitoring Project
GWI	GlobalWebIndex
HRC	Human Rights Council
IADB	Inter-American Development Bank
IAP2	International Association for Public Participation
IAWRT	International Association of Women in Radio and Television
ICEC	International Creative Exchange Caribbean
ICOM	International Council of Museums
ICOMOS	International Council on Monuments and Sites
ICORN	International Cities of Refuge Network
ICT	Information and Communication Technologies
IETM	International network for contemporary performing arts
IFACCA	International Federation of Arts Councils and Culture Agencies
IFCD	International Fund for Cultural Diversity
IFPI	International Federation of the Phonographic Industry
ILO	International Labour Organization
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
ISIC	International Standard Industry Classification of all Economic Activities
ISP	Internet Service Providers
ITC	International Trade Centre
ITU	International Telecommunication Union
LDCs	Least-developed countries
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
MCM	Meeting of Cultural Ministers (Australia)
MENA	Middle East and North Africa
MERCOSUR	Southern Common Market
MFN	Most Favoured Nation
MOM	Media Ownership Monitor
MoMEx	Export Office of Moroccan Music
MONDIACULT	UNESCO World Conference on Cultural Policies and Sustainable Development
MSMEs	Micro-, Small, and Medium-sized Enterprises
NCHR	National Commissions on Human Rights
NDP	National development plan
NFB	National Film Board (Canada)
NFT	Non-fungible tokens
NGO	Non-governmental organization
NSDP	National sustainable development plan and strategy
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OEI	Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura (Organization of Ibero-American States)
Ofcom	Office of Communications (United Kingdom)
OGP	Open Government Partnership
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIF	Organisation internationale de la Francophonie (International Organization of La Francophonie)
OLOOP	Ljubljana Institute for Contemporary Textile Art and Design
OSCE	Organization for Security and Cooperation in Europe
PACE	Pan-African Creative Exchange
PACER Plus	Pacific Agreement on Closer Economic Relations
PASOC	Programme d'Appui à la Société Civile (Civil Society Support Programme)
PMA	Public Media Alliance
PRAI	Plataforma de Reguladores del Sector Audiovisual de Iberoamerica (Ibero-American Platform for Regulators of the Audiovisual Sector)
PSM	Public Media Service
QPR	Quadrennial Periodic Report
RCEP	Regional Comprehensive Economic Partnership
RSF	Reporters Without Borders
SAMRO	Southern African Music Rights Organization
SASFED	South African Screen Federation
SDG	Sustainable Development Goal

Sida	Swedish International Development Cooperation Agency
SIIC	Sistema Integral de Información Cultural (Cultural Comprehensive Culture Information System)
SINDIKASI	Media and Creative Industry Workers Union for Democracy (Indonesia)
SMEs	Small and medium-sized enterprises
SVOD	Subscription Video on Demand
TFEU	Treaty on the Functioning of the European Union
UBS	Union Bank of Switzerland
UCC	Uganda Communications Commission
UCL	University College London (United Kingdom)
UCLG	United Cities and Local Governments
UIS	UNESCO Institute for Statistics
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNSD	United Nations Statistics Division
UNWTO	World Tourism Organization
VAT	Value Added Tax
V-Dem	Varieties of Democracy Institute (Sweden)
VLR	Voluntary local review
VNR	Voluntary national review
VOD	Video on Demand
VR	Virtual Reality
WACC	World Association for Christian Communication
WAVE	Women Audio Visual Education
WCT	WIPO Copyright Treaty
WEF	World Economic Forum
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
XR	Extended Reality

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