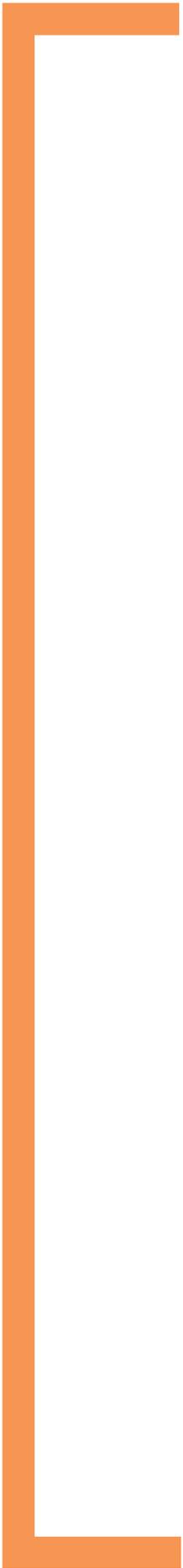




International Forum:
“**Mexico** City and
the **Condition**
of the **Creators**”

Universidad del Claustro de Sor Juana
José María Izazaga 92, Centro Histórico, Centro, CDMX



1. INTRODUCTION

Through the years the International Friendly Cultures Fair (FICA) has become one of the most important international events in Mexico City, in which visitors have the opportunity to learn about the traditions, customs, identity and culture of countries in different regions of the world, thanks to the enthusiastic participation of its Diplomatic Representations in this great multicultural celebration.

The fundamental objective of this traditional capital event is to promote respect for cultural diversity, as an indispensable value for dialogue, understanding and cooperation among peoples. Also, position Mexico City as a multicultural capital, inclusive and guarantor of cultural rights, considered a fundamental part of human rights.

Since 2017 the international vocation of the Fair was reinforced. Thus, it was planned to innovate the contents and program, turning it into a benchmark of public policy in cultural matters, social inclusion and public space. To reach this goal, the UNESCO Office in Mexico was invited to collaborate as the main ally in the development of the thematic axis of the 2017 FICA: Cultural Diversity.

In this context, the collaboration of UNESCO Mexico in the organization of the Academic Forum “Mexico City: Place where cultures dialogue” stands out, bringing together about 50 national and international specialists from May 29 to June 2, 2017, in the Palace of the School of Medicine of the UNAM, within the framework of activities of the 9th International Fair of Friendly Cultures.

Thus, with the participation of distinguished specialized institutions from the public, private, academic and social sectors of Mexico - and abroad - in the five thematic modules and fifteen conversations contemplated in the program, we created an open, critical and participatory space for dialogue and plural exchange of ideas, reflections, studies and good practices around the promotion of creativity and cultural diversity in different countries and cities of the world.

In order to continue this collaboration, and as part of the activities arising from the cooperation agreement between the Government of Mexico City and the UNESCO Office in Mexico, the Coordination of International Affairs of the government of Mexico City and the Office of UNESCO in Mexico will carry out the International Forum “Mexico City and the status of the artist”, to be held on August 16 and 17, 2018 in the Auditorium of the University of the Cloister of Sor Juana.

2. THE STATUS OF THE ARTIST

The 1980 Recommendation concerning the Status of the Artist calls upon Member States to improve the professional, social and economic status of artists through the implementation of policies and measures related to training, social security, employment, income and tax conditions, mobility and freedom of expression. It also recognizes the right of artists to be organized in trade unions or professional organizations that can represent and defend the interests of their members.

The Recommendation was adopted by the UNESCO General Conference at its twenty-first session in 1980. At the time, the need to understand and strengthen the role of the “creative worker” was already recognized by Member States as well as the need to improve the status of such workers considering both the particular conditions of their profession and their contribution to development. Decades later, the Recommendation remains as relevant today as in 1980 considering the remaining challenges worldwide in the area of social and economic rights and the impact of digital technology on the work of artists.

Considering that they play an important role in the life and evolution of society, artists should be given the opportunity to contribute to society’s development and, as any other citizen, to exercise their responsibilities therein, while preserving their creative inspiration and freedom of expression.

Therefore, and as any other citizen, artists have the right to enjoy the rest of the human rights included in the Universal Declaration of Human Rights. These rights include:

- The right to social security (art. 22)
- The right to work, including equal pay for equal work, a just and favourable remuneration and the right to form and to join trade unions for the protection of his interests (art. 23)
- The right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. (art. 24)
- The right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (art. 25)

The Recommendation addresses several problems and challenges faced by artists that are also comprised in the Convention for the Protection and Promotion of the Diversity of Cultural Expressions (2005). Together, both instru-

ments call upon the Members of the UNESCO to:

- Adopt the policies and measures to guarantee that the artists are rewarded for their creative work, including the one produced and circulated through digital media;
- Acknowledge that the artistic life and the practice of arts have an international dimension and take action toward the international free mobility of artists, especially in the developing countries where artists have to travel to the developed countries for professional reasons;
- Recognize that the majority of artists work independently, contractual or freelance, and they entail access to social security, health insurance, retirement benefits and other social programs existents for professionals in other categories
- Defend freedom of expression and communication as fundamental conditions for all artistic activities and take action to guarantee the unequivocal protection provided by national and international legislation pertaining human rights and fundamental liberties to stimulate the diversity of cultural expressions.

3. JUSTIFICATION

The Recommendation is very relevant to the contemporary problems faced by artists and deserves considerable attention. As a normative instrument of UNESCO, it is the Member States that are responsible for monitoring its implementation.

Much has been said lately about creative industries as a sector in constant growth and with an important participation in the generation of wealth. In Mexico alone, it is estimated that this sector contributes 7 percent of GDP and employs more than a million people. However, in these reflections, the conditions in which these professionals work and develop are seldom taken into account, who exercise their profession in conditions of uncertainty, informality and without having access to the established social and financial security systems.

At the same time, artists are now increasingly confronted with challenges and opportunities because they act in a globalized and digital era, marked by economic and / or social transitions, changes in communication, trade and consumer trends, and the rapid technological evolution.

Therefore, in 2015, UNESCO began a consultation process with Member States to analyze the status of the application of the Recommendation in their different countries. The results of this process are available in the document Full

Analytic Report (2015) on the implementation of the UNESCO 1980 Recommendation concerning the Status of the Artist, prepared by Prof. Garry Neil, and on which a large part of this Forum is based.

Currently, UNESCO, through its Director General, once again issued a call for Member States to provide information on the implementation of the Recommendation. The consultation process will conclude on November 23, 2018, after which the Director General will present what will be the fourth synthesis report on the application of the Recommendation on the Condition of the Artist (1980) to the 207th meeting of the Executive Board of the UNESCO. Once approved, it will be presented at the 40th session of the General Conference.

4. THE RECOMMENDATION IN THE WORLD

The Governing Bodies of UNESCO supervise the implementation of the Recommendation. In particular, the General Conference of UNESCO regularly requests a consolidated report. The last report was presented at the 197th session of the Executive Committee of UNESCO (Document 197 EX / 20 Part III), and then sent to the 38th session of the General Conference of UNESCO, in November 2015. For its preparation, the UNESCO distributed a questionnaire that was answered by 60 States, which are presented below:

Andorra	Colombia	Finland	Namibia	Sri Lanka
Argentina	Costa Rica	France	New Zealand	Surinam
Australia	Croatia	Guatemala	Nigeria	Sweden
Austria	Cuba	Hungary	Paraguay	Togo
Belguim	Cyprus	Japan	Peru	Turkey
Bolivia	Congo	Kuwait	Poland	Venezuela
Botswana	Denmark	Latvia	Portugal	Zimbabwe
Brazil	El Salvador	Lithuania	Central African Republic	
Bulgaria	Ethiopia	Luxemburg	Czech Republic	
Burkina Faso	Slovakia	Madagascar	Republic of Moldova	
Canada	Slovenia	Morocco	Russia	
Chile	Spain	Monaco	Serbia	

5. THE FORUM

Date: August 16 and 17

Venue: Auditorium of the University Claustro de Sor Juana

Objective: to promote dialogue among countries, institutions, academics, artists, officials, directors and project managers and programs for artistic and cultural promotion in order to exchange reflections and good practices, as well as to establish joint recommendations that strengthen the social status of the the artists and creators in Mexico City.

PANEL 1. ARTISTS: TRADE, EMPLOYMENT, PROFESSION, VOCATION, TALENT?

The UNESCO 1980 Recommendation does not explicitly call on Member States to adopt omnibus legislation to improve the situation of artists, but some Member States have adopted Status of the Artist laws. One common purpose of these laws is to define who is a professional artist, to recognize associations of artists or to provide a process to grant such recognition, and to outline basic rights and responsibilities of the associations. There are no universally agreed definitions of what constitutes a professional artist or what employment status that artist may hold. While some artists are employed in the traditional sense, most are not and many work on a temporary or irregular basis, and there is no common understanding of what constitutes being self-employed, a freelancer or an independent contractor. Additionally, some institutions report only for a narrow range of artists, such as visual artists.

Even within the same country, the situation can vary between different types of artists. In particular, creative artists (such as authors, composers and visual artists), who tend to work alone, may have different conditions from interpretive artists (such as musicians, singers, actors, dancers and directors), who tend to work in groups.

For all the above, and given that the lack of a consensual definition is, in many cases, the first obstacle to the design of laws, norms or regulations aimed at the safety of artists, this module will seek to define the principles basic to establish a description that encompasses the nature of the artistic and creative sector. All of these challenges highlight the need for governments to engage with the associations of artists in order to ensure they have the best possible information for making decisions.

It should be noted that a number of the NGOs believe that the common purpose of Status of the Artist laws to define who is a professional artist and to recognize and authorize their associations remains fundamental to improving the situation of artists. Several point out that where strong unions/guilds/associations exist, there are also stronger conditions for artists.

Déborah Holtz, General Director Trilce Ediciones

Marisol Gasé, General Director and Foundress of theater Company
“Las Reinas Chulas”

Silvio Margáin, Designer, General Director OPQRS

Isaac García Venegas, Faros System, Mexico City Ministry of Culture

Chair: Nuria Sanz, Director and Representative of the UNESCO
Office in México

PANEL 2: ARTIST SOCIAL RIGHTS

The 1980 Recommendation urges Member States to “endeavor to take the necessary steps to see that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.”

In the UNESCO 2015 survey to Member States, respondents were asked to look at a range of social programmes and to specify whether and how artists who are self-employed, independent contractors or freelancers (that is, not employed for purposes of their artistic work) are covered by the different social protection programmes:

- Basic medical care;
- Health insurance (e.g. for medication, non-covered medical services, etc.);
- Workers compensation (coverage for work place injuries);
- Income protection during periods in which they are not working;
- Insurance schemes for illness, parental leave or disability;
- Retirement benefits;
- Career transition.

The vast majority of artists are not employed for purposes of their artistic work. Most work on an independent, contractual or freelance basis. Consequently, there can be challenges in relation to social security, health insurance, retirement

benefits and other social programmes which are available to other workers. This is an area where some Member States have developed innovative measures and successful programmes, and associations of artists have developed significant complementary measures.

Some artists are employed for their work. This is particularly the case for interpretive artists in the performing arts and recorded media, such as opera, ballet, orchestras, choirs, television series, theatres and dance companies. Where artists are employed, they typically enjoy benefits the same as other employed workers for purposes of health care, insurance, income interruption and pensions. However, and because of the nature of their profession, artists may be unable to collect benefits for periods when they are not working even if they are otherwise qualified. This is the case because artists typically must continue to practice their profession to remain employable. The dancer, singer and musician must spend many hours practicing each day whether or not they are presently employed or contracted.

However, in most Member States, the number of employed artists is very low compared to the total population of artists. There are generally four approaches in this situation. These are not mutually exclusive and several may operate within the same State for different categories of artists.

The artist has no possibility for coverage, or it is left entirely to the individual to obtain appropriate private insurance.

The artist is subsumed into employment status and comes to benefit from analogous coverage to that available for employees.

The State has developed or sponsored a comprehensive programme that operates in parallel with the system covering employed workers, or has individual special provisions for artists.

There is a complementary or parallel non-State system usually implemented by the artists' associations or copyright collecting societies.

SPEAKERS

Garry Neil, UNESCO Expert of 2005 Cultural Diversity Convention, President of Neil Craig Associates and author of the Full Analytic Report (2015) on the implementation of the UNESCO 1980 Recommendation concerning the Status of the Artist

Alejandra Hernández, Coordinator of the Vice Ministry of Culture and Youth, Costa Rica.

Elena Román, Mexico City Autonomous University

Lucina Jiménez, General Director of ConArte, UNESCO Expert of 2005 Cultural Diversity Convention

Chair: Carmen López-Portillo, President of the University Claustro de Sor Juana

PANEL 3: ARTIST MOBILITY

Mobility of artists and other cultural professionals is crucial to maintaining a heterogeneous world of ideas, values and worldviews, as well as to the promotion of vibrant cultural and creative industries. While the global North still provides the main market destinations for artists and cultural practitioners from the global South, access to these destinations is becoming increasingly difficult in the current security climate. Visa regulations continue to jeopardize the efforts of cultural institutions and civil society to address the persistent inequalities in mobility between the global North and the global South. Restrictions on freedom of movement and mobility of artists are used as tools of repression and censorship. According to the 2018 Global Report of the UNESCO Convention of Cultural Diversity, the number of mobility opportunities provided through market access and transnational cultural collaboration has increased, with a renewed interest in South-South mobility. Despite inadequate institutional frameworks and funding structures, new regional networks, exchange platforms and creative hubs have emerged in the global South, thanks to a vibrant and resilient independent arts sector. Despite inadequate institutional frameworks and funding structures, new regional networks, exchange platforms and creative hubs have emerged in the global South, thanks to a vibrant and resilient independent arts sector.

Some successful artists are able to cross borders easily while others may be unable to obtain the necessary visa even if they are an established professional. When artists go on tour, they may be confronted with challenges such as ever changing visa requirements, double taxation, lack of benefits, substantially different requirements for different countries in the same tour, etc. Artists may also have considerable difficulty in finding reliable and accurate information.

Digital technologies have made it possible for more artists to reach markets outside their home region, including artists from developing countries. This can lead to opportunities for these artists to bring their works directly to audiences in other countries. However, there are significant impediments to the mobility of artists and other cultural professionals, and these problems became much worse since 2001.

According to the Full Analytic Report (2015) on the implementation of the UNESCO 1980 Recommendation concerning the Status of the Artist, the Member States reported issues relative to both the OUTWARD and INWARD mobility of artists.

OUTWARD MOVEMENT OF ARTISTS

- Public and/or private sector touring funds for artists who have been invited or wish to work abroad;
- Legal requirements for artists intending to work abroad;
- Double taxation on income earned abroad;
- Social security coverage for artists working abroad;
- Public perceptions concerning the outward movement of artists.

INWARD MOVEMENT OF ARTISTS

- Visas for foreign artists;
- Temporary entry of support personnel;
- Taxation of foreign artists;
- Tariffs or restrictions on the importation of equipment required by an artist;
- Public perceptions of foreign artists;
- Preferential treatment.

SPEAKERS

Marie Fol, Head of Movility, TransArtist

Romain Greco, Production Director of Festival del Centro Histórico

Moisés Rosas, Undersecretary of Culture and Tourism, Puebla

Government State

Mariana Arteaga, Performing artist

Rodrigo González Bermejo, Director of Animasivo

Chair: Lucina Jiménez, General Director of ConArte, UNESCO Expert of 2005 Cultural Diversity Convention

PANEL 4: CREATIVITY, DIGITAL TECHNOLOGIES AND INTERNET

The most significant development for artists and cultural industries since the 1980 Recommendation was adopted has been the development of digital production, storage and distribution technologies. These forces are changing fundamentally the relationship between artists and their audiences, as well as the economics and business models in the cultural industries. Digital technologies are ubiquitous and, in developed countries, the Internet is on the way to becoming the principal vehicle through which creative works of all kinds are distributed. Music, books, periodicals, movies, television and radio programmes, games, photographs and other creative works are already widely available. Internet distribution has grown exponentially in the past decade and the growth rates continue to soar. Aside from some forms of visual arts and crafts, all other creative works can be digitized easily and quickly, and can be transmitted over the Internet. In addition, even visual and craft artists now use the Internet to market their works.

Some artists have used the Internet to gain new audiences, both at home and around the world. But, the dominant voices on the Internet continue to be those which are dominant in other media. For example, the top 20 most viewed YouTube videos are all leading recording artists. Central to the digital revolution is the fact that, by reducing even complex artistic expressions to a binary code, effectively a string of ones and zeros, works can be easily copied and manipulated. Individuals in most countries now have access to sophisticated but low-cost technologies that can produce professional quality sound and images, and can be used to upload, download and share music, films and written works.

In the digital age, consumers, particularly those who have grown up in that age in the global North, have come to enjoy instant access to a wide range of artistic works, often free. The ease of copying and manipulating digital works also means that some artists experience difficulty protecting their work against unauthorized uses. The survey results from both Member States and civil society highlight that piracy is a significant problem.

Most artists want their works to be seen, heard, used and enjoyed, but they want also to be paid. It is common in most countries for well-established contractual arrangements to ensure there is some compensation paid to creators for the primary use of their work. Nevertheless, widespread and stable income flows do not yet exist in the digital world, and this will not change until the new business models are further developed and firmly established. These models may well de-

velop in the near term, particularly as the globally dominant firms secure their positions. According to the Full Analytic Report (2015) on the implementation of the UNESCO 1980 Recommendation concerning the Status of the Artist, the Member States reported or has been developing measures in one or more of the following aspects:

- Policies regulating the distribution of artistic works on the Internet
- Policies regulating Internet Service Providers (ISP)
- Comparative treatment of domestic and foreign artistic works distributed via the Internet
- Reducing Piracy and Improving the Impact of electronic distribution of artistic works on the income received by artists
- Supporting artists to create works digitally and to make them available on the Internet

SPEAKERS

Jorge Ringenbach, Creative Commons Mexico

Grace Quintanilla, General Director Digital Cultural Centre, Ministry of Culture

Carolina Gainza, Diego Portales University/Creative Literature Department

Adriana Casas, Director of Multimedia Center, CENART

Ricardo Dal Farra, Experimental and Research Centre for Electronic Arts

Chair: Carlos Tejada, UNESCO México

PANEL 5 INDIVIDUAL AND COLLECTIVE RIGHTS

Article 27 of the Universal Declaration of Human Rights clearly stipulates that every person has the right to the protection of the moral and material interests that correspond to him by reason of the scientific, literary or artistic productions of which he is the author. In the same sense, article 15 of the International Covenant on Economic, Social and Cultural Rights stipulates that every person has the right to benefit from the protection of the moral and material interests that correspond to him by reason of the scientific, literary or artistic productions of which he is an author. However, traditional practices and products derived from them, such as crafts, traditional medicine or gastronomy, to name a few, are in complete defenselessness, as intellectual protection systems often leave out groups or groups.

even though the jurisdiction of the Human Rights Committee affirms, in its General Comments 17 and 21, that “for every person” should be understood not only to individuals but also to groups and collectives.

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, in which UNESCO is one of its Members, is undertaking text-based negotiations with the objective of reaching agreement on a text(s) of an international legal instrument(s), which will ensure the effective protection of traditional knowledge, traditional cultural expressions and genetic resources.

Traditional knowledge and associated genetic resources form part of a single integrated heritage. Yet, because traditional knowledge raise some particular legal and policy questions in IP, they receive a distinct focus in many national and regional IP laws and in WIPO's work. Traditional knowledge can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin and trademarks. For example, contemporary adaptations of folklore are copyrightable, while performances of traditional songs and music may come under the WIPO Performances and Phonograms Treaty and Beijing Treaty on Audiovisual Performances.

Trademarks can be used to identify authentic indigenous arts, as the Maori Arts Board in New Zealand, Te Waka Toi, has done. Some countries also have special legislation for the protection of folklore.

SPEAKERS

José Manuel Hermosillo Vallarta, Lawyer and legal adviser in the field of culture.

Alicia Marván, Artist and textile designer

Carlos Mesén, Cultural Affairs, Costa Rica Embassy in Mexico

Jacinto Chacha, General Director of Popular and Urban Cultures, Ministry of Culture

Chair: Nuria Sanz, Director and Representative of the UNESCO Office in México

PANEL 6: COOPERATION FOR ARTISTIC FREEDOM

The 1980 Recommendation states “Since freedom of expression and communication is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights.” In March 2013, the Special Rapporteur in the field of cultural rights, Farida Shaheed, submitted a report entitled *The Right to Freedom of Artistic Expression and Creativity* to the United Nations Human Rights Council¹⁷. This Report recognised UNESCO related instruments including the 1980 Recommendation and the 2005 Convention. It observes that these instruments help to create and sustain a climate encouraging freedom of artistic expression and the material conditions facilitating the release of creative talents. It stresses that artists are to benefit from the rights and protection provided for in international and national legislation relating to human rights, in particular, fundamental freedoms of expression, information and communication.

Artistic freedom is germane not only to the being and creative practice of artists themselves but also to the rights of all cultural producers and audiences. But today, this freedom is increasingly under attack by a range of factors and forces, both governmental and nongovernmental. The UNESCO 2018 Global Report of the 2005 Cultural Diversity Convention reports that attacks on artistic freedom in 2016 perpetrated by both State and non-State actors, mostly against musicians, showed a significant rise compared with 2014 and 2015. Yet, progress has been made in understanding the importance of artistic freedom for the successful protection and promotion of artistic expression itself. Some States have made commitments and put in place legislative changes to respect this fundamental freedom. The Global Report finds that measures to support the economic and social rights of artists are appearing increasingly in national legislation; yet at the same time laws dealing with terrorism and state security, defamation, religion and ‘traditional values’ have been used to curb artistic and other forms of free expression. Monitoring and advocacy for arts freedom have grown, as has the number and capacity of organizations who are engaged, including within the United Nations. In this domain as well, cities are taking valuable initiatives by providing safe havens for artists at risk; in fact, the number of such facilities has grown to over 80 across the world.

- Yet, more must be done to ensure greater protection for artists:
- Recognize the status of artists in cultural policies;
- Increase access to legal knowledge and resources;

- Enhance collaboration between artists and human rights defenders;
- Improve monitoring and advocacy.

Regarding International Cooperation, there has been increased recognition of the role of culture in sustainable development, notably in the 2030 Sustainable Development Agenda. Yet, paradoxically, although several international sustainable development programmes include cultural affairs as a major area of intervention, the proportion of development aid spent on culture and recreation today is the lowest it has been for over ten years. Of the 111 Member Parties of the Cultural Diversity Convention that have adopted a national development plan or strategy, some 96 have included references to the cultural dimension. Over two-thirds of these are from the global South. Yet, these same countries acknowledge the cultural dimension primarily as an instrumentality, as a driver of economic or social outputs; only 40% of national development planning documents contain outcomes or actions specific to the goals of cultural diversity. Another issue is that across the board, the environmental impact of cultural production and artistic practice itself is not yet taken sufficiently into account. It is important to note, however, that municipal authorities are striking out in new directions in this regard: cities all around the world are exploring innovative ways of fostering sustainable development through the cultural and creative industries.

Increased investment in creativity is required to ensure positive outcomes in:

- Job creation;
- Reduced inequalities;
- Artistic innovation;
- Sustainable production and consumption.

SPEAKERS

Francisco José Guevara, Executive Director of Arquetopia

Marcela Jiménez, Asistant Director General of Small Cultural Enterprises, Mexico City Ministry of Culture

Santiago Schuster, LAC Regional Director, Confédération Internationale des Sociétés d'Auteurs et Compositeurs

Nelly César, General Director of Pandeo, Comunitary Cultural Centre

Jimena Lara, Director of International Affairs, Ministry of Culture

Todd Lanier Lester, Free Dimensional

Chair: Carlos Mesén, Cultural Affairs, Costa Rica Embassy in Mexico



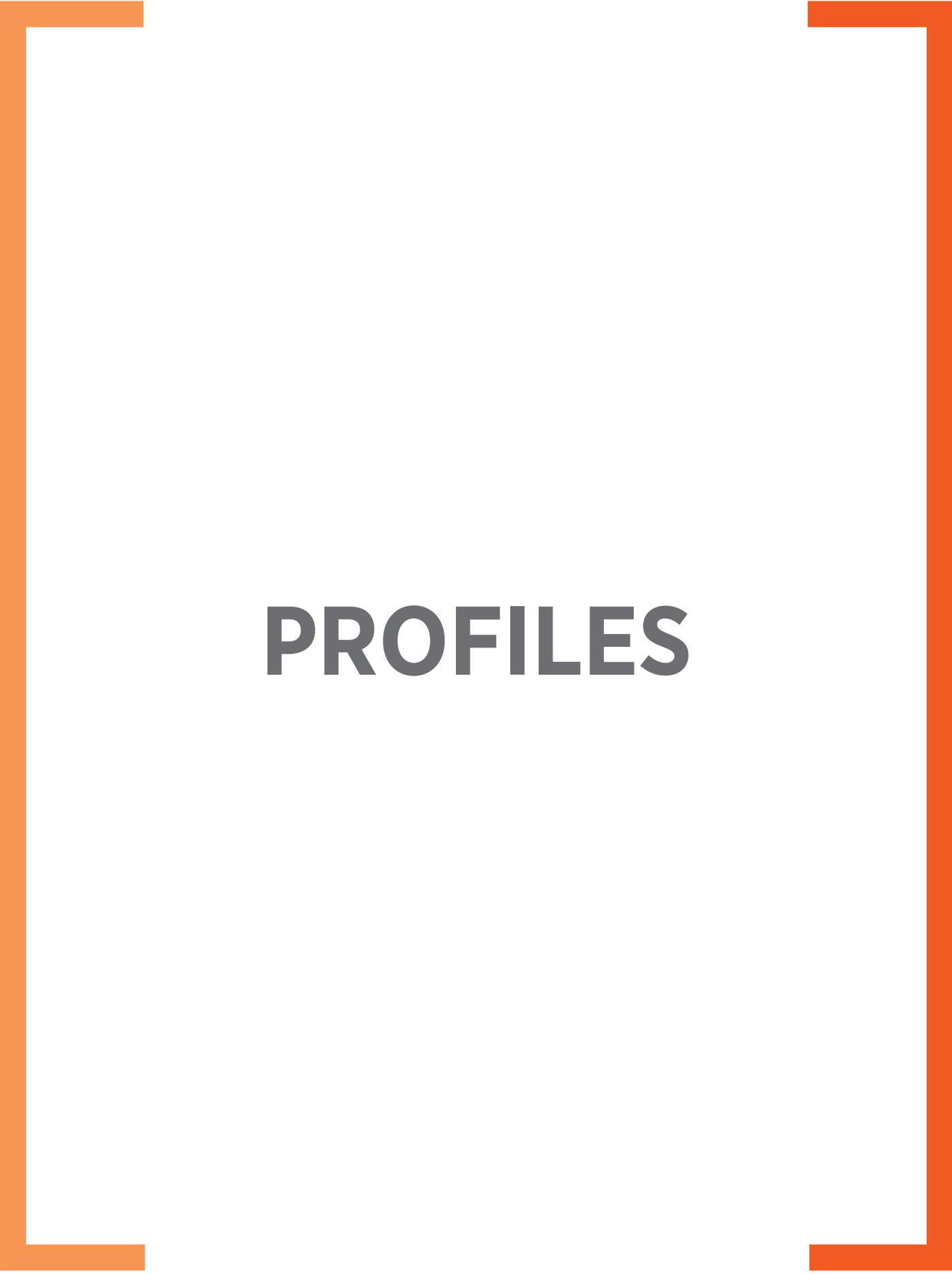
PROGRAMME

16 AUGUST

TIME	PANEL	PARTICIPAN	INSTITUTION/CHARGE
09:00 - 09:30	Inauguration		
09:30 - 10:20	Registration		
10:30 - 12:00	Artists: trade, employment, profession, vocation, talent?	Chair: Nuria Sanz Déborah Holtz Marisol Gasé Silvio Margain Isaac García Venegas	Head of UNESCO México General Director Trilce Ediciones General Director and Foundress of theater Company "Las Reinas Chulas" General Director OPQRS Faros System, Mexico City Ministry of Culture
12:30 - 14:00	Artist social security	Chair: Carmen López-Portillo Garry Neil Alejandra Hernández Elena Román Lucina Jiménez	President of the University Claustro de Sor Juana UNESCO Expert of 2005 Cultural Diversity Convention, President of Neil Craig Associates Coordinator of the Vice Ministry of Culture and Youth, Costa Rica. Mexico City Autonomous University General Director of ConArte, UNESCO Expert of 2005 Cultural Diversity Convention
16:00 - 17:30	Artist Mobility	Chair: Lucina Jiménez Marie Fol Romain Greco Moisés Rosas Mariana Arteaga Rodrigo González Bermejo	General Director of ConArte, UNESCO Expert of 2005 Cultural Diversity Convention Head of Movility TransArtist Production Director of Festival del Centro Histórico Undersecretary of Culture and Turism, Puebla Government State Performing artist Director of Animasivo
18:00 - 19:30	Creativity, digital technologies and internet	Chair: Carlos Tejada Jorge Ringenbach Grace Quintanilla Carolina Gainza Adriana Casas Ricardo Dal Farra	UNESCO México Creative Commons Mexico General Director Digital Cultural Centre, Ministry of Culture Diego Portales University/Creative Literature Department Director Multimedia Center, CENART Experimental and Research Centre for Electronic Arts

17 AUGUST

10:00 - 11:30	Individual and collective rights	Chair: Nuria Sanz	Head of UNESCO México
		José Manuel Hermosillo Vallarta	Lawyer and legal adviser in the field of culture.
		Alicia Marván	Artist and textile designer
		Carlos Mesén	Cultural Affairs, Costa Rica Embassy in Mexico
		Jacinto Chacha	General Director of Popular and Urban Cultures, Ministry of Culture
12:00 - 13:30	Cooperation for artistic freedom	Chair: Carlos Mesén	Cultural Affairs, Costa Rica Embassy in Mexico
		Fco. José Guevara	Executive Director of Arquetopia
		Marcela Jiménez	Asistant Director General of Small Cultural Enterprises, Mexico City Ministry of Culture
		Santiago Schuster	LAC Regional Director, Confédération Internationale des Sociétés d'Auteurs et Compositeurs
		Nelly César	General Director of Pandeo, Comunitary Cultural Centre
		Jimena Lara	Director of International Affairs, Ministry of Culture
Todd Lanier Lester	Free Dimensional		



PROFILES



Nuria Sanz

Nuria Sanz has worked in various positions within multilateral organizations, such as the European Commission, the Council of Europe and especially the United Nations Educational, Scientific and Cultural Organization (UNESCO). In 2002, she was appointed Chief of the Latin America and the Caribbean Unit of the UNESCO World Heritage Centre in Paris, where she coordinated the nomination of the Andean Highway System for inscription on the World Heritage List, a project that was subsequently elected by the Summit of Heads of States of Latin America and the Caribbean as an example of excellence for cultural integration of indigenous peoples. Having edited more than twenty publications on World Heritage, since 2013 Nuria has served as Head and Representative of the UNESCO Office in Mexico, where she has promoted the work of UNESCO in Mexico at the Federal, State and Municipal level, within the Organization's mandate in: Education, Science, Culture and Communication and Freedom of Expression. Since its inception in 2006, Nuria Sanz has been responsible for the development and implementation of the World Heritage Thematic Programme 'Human Evolution: Adaptations, Dispersals and Social Developments' (HEADS).

Notes



Déborah Holtz

Déborah Holtz has a degree in Communication from the Universidad Iberoamericana and a Master's degree in Political Sociology from the London School of Economics in London, England. She has completed several courses at Stanford, Yale and the University of New York. She obtained the Diploma of Senior Management of IPADE.

She is co-founder and director of Trilce Ediciones and Cultural Development Trilce A.C. Déborah has ventured into innovative projects in the field of art, popular culture and the environment. Trilce has generated original content for various platforms that include books, exhibitions, television series and the internet, which have been distributed internationally. She developed the Círculo Editorial project for the diffusion of contemporary Mexican letters. She has been a producer and host of various radio and television programs, and chaired the Alliance of Independent Mexican Publishers from 2011 to 2015. She has been part of organizations for the human, cultural and women's rights and is a member of the Board of Directors of the NGO Mexfam since 2015.

Notes



Marisol Gasé

She has participated in more than 60 stagings of Theater and Theater Cabaret in Mexico City and in more than 25 cities in the country and in cities such as New York, Chicago, Madrid, Buenos Aires, Sao Paulo, Bahia, Rosario, Bogota, Cali, Cartagena, Asunción, San José, Copenhagen and Berlin among others. She was a radio broadcaster, actress and screenwriter of the El Weso radio program. She made four radio soap operas with her company Las Reinas Chulas in conjunction with UN Women on W Radio Station and in 2017 with Radio UNAM. For more than two years she collaborated in the online newspaper sinembargo.mx and currently collaborates in the magazine La Capital. She has made television sketches and is a writer, actress and co-producer of the humor and science program Gregoria la cucaracha, as well as screenwriter and actress in La noche boca arriba, both broadcast on Channel 22. With almost 20 years of life, her company Teatro Cabaret “Las Reinas Chulas” manages and coordinates the Bar “el Vicio” theater for 12 years and has been performing the International Cabaret Festival for 15 years. Its civil association, Las Reinas Chulas Cabaret and Human Rights AC Hermila Galindo received the award, granted by the Human Rights Commission of the Federal District. Also, in 2014 she received the medal for artistic merit by the Legislature of Mexico City. In addition, she is a member of the Association for Women’s Rights in Development (AWID) and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), where they are part of the Council for Latin America and the Caribbean. This year she has been selected Cultural Adviser of the Organization of Ibero-American States) 2017-2020.

Notes



Silvio Margain

Industrial designer who began his career at the National University of Mexico (UNAM) from 2001 to 2003. Subsequently, he continued his studies at the Istituto Europeo di Design (IED), in Barcelona, from 2003 to 2006, making an exchange of a semester in the IED of Milan, Italy, and later a postgraduate course in Design and Production of Exhibition Spaces at the IED Barcelona, in 2006. During his stay at the IED of Barcelona and Milan, he worked on innovative projects that caught the attention of the managers of the different companies such as: TOSHIBA, SEDUS, INDO, STEEL CASE, GUZZINI, GAGGENAU, MORRIZ, among other brands.

As an industrial designer, he is interested in having his designs ecologically and socially responsible, so that they are in a circular economy. Among its concerns is the effect that humans have on nature, and how it abuses it by producing objects in an excessive way and without worrying in many cases about the life of the object after its useful life. For this reason, it focuses its efforts on projects that reuse objects that have already fulfilled their useful life to transform them into others and give it a second use, thus generating projects that help the ecology.

He has also made ephemeral projects for space intervention with recyclable materials, where the three-dimensionality of objects interacts with lighting, generating aesthetic shapes and spaces. He is the founder of opqrs, a studio dedicated to circular design in which creative solutions are given to different projects, seeking to innovate in an aesthetic way and giving each project a unique, attractive, responsible and functional personality. The projects carried out in the study start from understanding the interaction of people with objects and are enriched by the search for information, collaboration of different professionals, exploration of new materials and technologies or innovative applications of them, depending on the characteristics and needs of each project.

Notes



Isaac García Venegas

He holds a Master's degree in History by the UNAM. He is currently Coordinator of the Audiovisual Laboratory of the Center for Research and Higher Studies in Social Anthropology; professor of the Faculty of Philosophy and Letters and of the National School of Social Work, both of the UNAM, and member of the University Seminar "Modernity: Versions and Dimensions" (UNAM). He was editor of the magazine *Universidad de México* between 2002 and 2004, and between 2003 and 2005 he was co-director of the supplement *Al pie de la letra*, which was first part of the magazine *Universidad de México* and later of the newspaper *Milenio*. He has been a professor at the Center for Research and Teaching in Humanities of the State of Morelos (CIDHEM), the Center for Economic Research and Teaching (CIDE) and the Autonomous University of Campeche (UAC). Together with Ricardo Pérez Montfort he was founder of the Seminar "Social Sciences in the Audiovisual World" (CIESAS).

His interests are focused on modern political culture, modernity, and image as a source and discourse. With the team of the Audiovisual Laboratory of CIESAS he made the documentary "... A whirlpool on the social ..." *Faro de Oriente*. Ten years (2011) and the Word series of CIESAS (2014), which consists of 20 programs about outstanding researchers of that institution. He recently directed the documentary *Close Up. Memory of the Corregidora cinema* (2017). His most recent publications as author are *Pensar la libertad: Bolívar Echeverría and baroque ethos* (2012); as a compiler *Bolívar Echeverría: criticism and interpretation* (2012); as co-author *Body and transgression in modernity* (2015). His most recent essay published is "The parties, jobs and regional chores" in the book *La Fiesta Mexicana*, coordinated by Enrique Florescano and Bárbara Santa Rocha (2016).

Notes



Carmen López Portillo

Carmen López Portillo earned a law degree from the Autonomous Metropolitan University and a master's degree in Latin American History from the Sorbonne University. She is a member, among other associations, of the Consultative Council for the Rescue of Historical Downtown, of the Editorial Committee of Politics, Sociology and Law of the Fondo de Cultura Económica, and is a founding member of the Mexican Society of Bibliophiles. She is also part of the group of researchers convened by the University of California (UC-Mexicanistas) and the International Women's Forum (IWF). She is a member of the Advisory Council of the Federal Ministry of Tourism and in December 2016 she was voted unanimously to be part of the Social Commitment for the Quality of Education. In March 2009, she received the Institutional Merit Medal of the *Festival de México* in Historic Downtown, and in December of that same year the Government of Mexico City awarded him the Diploma of Honor in the Bicentennial. In October 2011, the Women's Institute distinguished her with the Omecíhuatl Medal for her work in favor of women. In October 2016, she was distinguished with the National Tourism Education Award, granted by the Mexican Association of Higher Education Centers in Tourism and Gastronomy (AMESTUR). In November of the same year, she was recognized by the International Association of Researchers A.C. Since 1991 she has been working at the University of the Cloister of Sor Juana, of which she is President since 1998.

Notes



Garry Neil

Graduate of the University of Toronto who has worked more than 30 years in arts and cultural policy, in Canada and internationally, as a consultant to governments, cultural industry firms and civil society organizations. He has extensive experience in policies for film, television, performing arts, visual arts, publishing, music, new media, Internet; business models for the digital era; trade and business development; broadcasting regulations; copyright; sustainable cultural development; cultural impact assessment; cultural human resources and capacity building. Mr. Neil is a global expert on cultural diversity and status of the artist issues. In 2010 and 2015, he completed major reports for UNESCO on the current state of implementation of the Recommendation concerning the status of the artist globally. As Executive Director of the International Network for Cultural Diversity from 2000, Mr. Neil was at the forefront of the global campaign which led to the adoption in 2005 of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Notes



Alejandra Hernández

Economist graduated from the National University and graduated from the Master's Program in Public Projects Management of the Central American Institute of Public Administration, she also has a Diploma in Public-Private Partnerships for the development of infrastructures and services of the Tecnológico de Monterrey México / IADB.

She has more than fifteen years of experience working in the formulation and execution of projects for social sectors managed with international organizations and public institutions. She currently serves as the Office Coordinator of the Vice Ministry of Culture and Youth (MCJ) where she is leading projects related to the Social Security of Artists, Orange Economy, Entrepreneurship and Cultural Infrastructure. Prior to joining the MCJ, she was part of the Education Division of the Inter-American Development Bank, also served as advisor to the Vice Minister of Investment and Public Credit, was a Senior Consultant at Ernst & Young on social projects and worked as a Consultant for the Culture Sector for UNESCO Office in San José.

In the culture sector she has worked on Economy and Culture issues, with main emphasis on the development of economic statistics systems of cultural activity. She has served as ad honorem Advisor to the Ministry of Culture and Youth of Costa Rica (2016-2017), was appointed by the Ministry of Culture and Youth as part of the GRAM (Multidisciplinary Support Group) to advise from the economic perspective on the process of consolidation of the National Culture Policy and the General Law of Culture.

She collaborated in publications for the State of the Nation, Lecture on Cultural Production in Costa Rica for the Eighteenth State of the Nation Report and Culture in Numbers: Towards a System of Cultural Indicators for Central America. UNESCO-San José: CECC.

Notes



Elena Román García

PhD in Sciences and Humanities for Interdisciplinary Development (UNAM-UA-deC). She is the coordinator and founder of the Observatory of Cultural Policies of the Autonomous University of Mexico City, where she is a Professor-Researcher. She has focused her research, teaching and practice areas in the performing arts, cultural policies related to artistic fields and cultural management as a professional field. Beneficiary of the Program for the Promotion of Projects and Cultural Coinversions (2015), Scenic Routes (2012), Enartes of the FONCA and support for research projects of the SECITI-UACM (2014).

Notes



Lucina Jiménez

Mexican anthropologist, PhD in Anthropological Sciences from the Autonomous Metropolitan University (UAM) -Iztapalapa. Member, since 2000, of the UNESCO Chair in Cultural Policies and Cooperation of the University of Girona, Spain. She has been an international consultant for the AECID, the OEI, the Andrés Bello Agreement, UNESCO and the OAS, as well as for various projects in Colombia, Cuba, the Dominican Republic, Peru, Brazil, South Africa, Honduras, Guatemala, Mexico, Spain and the United States. In 2011, she was appointed Expert in Governance for Culture and Development of UNESCO, from where she has advised various governments on new governance schemes for culture as a cultural right and as a component of sustainable human development. In 2015, she was ratified as a member of that group for the 2015-2017 period. She directed the National Arts Center in Mexico (May 2001 - August 2005), where she developed the creation of five centers of the arts in different states of Mexico. In 2015, she was appointed Expert of the Culture Commission of the World Council of United Cities and Local Governments (UCLG), based in Barcelona, to advise Mexico City and Mérida in the implementation of the new Agenda21Cultura, that focuses on cultural rights and sustainable development at the local level. She directs the Art and School International Consortium A.C., based in five cities in Mexico and Spain.

Notes



Marie Fol

Marie Fol works for DutchCulture, the Dutch strategic agency for professionals in the cultural and diplomatic sector with international cultural ambitions. At DutchCulture, Marie runs the team Mobility & Advice, which aims to provide artists, organisations and the diplomatic sector with knowledge and information on how to take part in international cultural activities. She is head of the Dutch Creative Europe Desk and as such advises the European Commission and the Dutch Ministry of Culture in the development and implementation of cultural policies. In the past, Marie was editor of TransArtists.org, “your artist-in-residence guide worldwide” (2012-2016). She also coordinated the European cooperation projects ON-AiR (2010-2012) and Green Art Lab Alliance (2013-2015). Marie works since 2010 with On the Move, the cultural mobility information network in Europe and beyond - and joined its board in 2017. Her areas of expertise lay in international mobility of artists and cultural professionals - including visa policies and administrative issues, as well as artist-in-residence programmes and policies.

Notes



Romain Greco

General Producer in Mexico of The Night of the Publivorous and independent cultural promoter. He has lived in Mexico since 1982. He was a professional dancer for more than 15 years with companies such as Ballet Teatro del Espacio and the famous Ballet Folklorico de Mexico by Amalia Hernandez, being the only foreign dancer of that group. Since 1990 he works as a freelancer organizing, coordinating or producing cultural events. His professionalism and long stay in the cultural field has allowed him to have privileged ties with institutions, artists, suppliers, promoters and media, which is why he is very active in the national artistic work. He has been Production Director of the Dance Festival of San Luis Potosí, producer of the French Film Festival for 3 years, as well as the first Buddhist Film Festival. He collaborated with the Afro-Caribbean Festival of Veracruz, the Palafoxiano Festival of Puebla, the Sonora Festival, the Instrumenta Festival of Oaxaca or the FIL de Guadalajara, as well as productions such as the Phantom of the Opera, the coronation of the queens at the Carnival of Mazatlan or the dual year Mexico-Germany, among others. It works with institutions such as the Secretaries of Culture (CDMX and federal), the National Institute of Fine Arts, the Goethe Institute, the National Auditorium, the CENART, the UNAM and the National Dance Coordination. As a tour manager, he has worked with Ute Lemper, Winton Marsalis, Shankai Juku, Cullberg Ballet.

He is currently Production Director of the Festival de México in the Historic Center (for 20 years), as well as Logistics Coordinator of the International Cervantino Festival. He is also the producer of the German Film Week, the monthly Jazz At Lincoln Center concert cycle, the Best of the Morelia Festival in Mexico City, and the Day of the Dead Parade. By 2019 prepares the presence of Mexico in a great event in the city of Lille (France).

Notes



Moises Rosas Silva

He holds a degree in Sociology from the National Autonomous University of Mexico (UNAM) and a PhD in Economic History from the Sorbonne University in Paris, France. He has held various positions in the Public Administration, such as Technical Secretary of the National Council for Culture and the Arts (now the Ministry of Culture), Deputy Director General of the National Institute of Fine Arts (INBA) and the National Institute of Anthropology and History (INAH), as well as General Director of CENART and the Estanquillo Museum and the Amparo Museum in Puebla. He was also General Director of the National Fund for Culture and the Arts. He currently works with the Undersecretary of Culture and Tourism in the state of Puebla.

Notes



Mariana Arteaga

Artistic director, choreographer, art curator and performer. She works independently in the development of artistic projects, with emphasis on Live Arts. Graduated with a degree on Social Communication of the Autonomous Metropolitan University Xochimilco, has worked creating, directing and producing projects, festivals, curatorship, choreographies and videos. As curator and international speaker she has participated in the Performing Arts Meeting in Yokohama, Japan, the Dinner Festival Contemporary in Brasilia at the Dinner Meetings and at the Tanzplattform in Germany. Mariana is the first Latin American to awarded with the Visiting Fellows Program Grant granted by the prestigious Saison Foundation in the Artistic-curatorial category, to promote the exchange, diffusion and collaboration in contemporary dance between Mexico and Japan. Recently, she has explored notions of collective choreography with citizenship; their forms of encounter, inclusion, tolerance and coexistence, in projects where ephemeral communities are created. In 2015, invited by the University Chopo Museum, she developed *Úmbal*, a nomadic choreography for choreographic exploration in public space, which has been selected by the prestigious magazine *La Tempestad*, as the best work in performing arts that year. In 2017.

Currently develops and collaborates with the Contemporary Dance Production Center (CEPRODAC) as curator-dramaturgist of the *Raisu* project, artistic residence of creation between choreographer Kaori Seki and CEPRODAC and continues to work independently as artistic director, performer, curator and consultant of national and international development projects regarding contemporary dance and live arts for various institutional and independent initiatives.

Notes



Rodrigo González Bermejo

Bachelor of Art History from the Complutense University of Madrid, Master in Management and Design of Exhibition Projects by the Pompeu i Fabra University of Barcelona and in Communication and Art from the Compl

utense University of Madrid. Specialist in animation, film and video art, he is a promoter and manager of spaces for reflection, exhibition and diffusion of audiovisual in Ibero-America.

He is currently Director of ANIMASIVO, Festival of Contemporary Animation of Mexico City, first space dedicated exclusively to the animated image in the country, as well as Animentary coordinator, research platform, dissemination and exhibition for animated documentaries.

Professor at the Mexican universities TEC de Monterrey, University of Communication and Claustro de Sor Juana University, he has worked as cultural manager in the Cultural Office of the Embassy of Spain in Mexico, at the Cultural Center of Spain in Mexico and in The Spanish Athenaeum of Mexico. He has been a programmer and coordinator of different festivals: Transonica (Guanajuato); Expanded Ecology (Cultural Center of Spain in Mexico); Tangled - Week of the Network of Cultural Centers of the AECID (Casa de América, Madrid); LagunaFest (Torreón, Mexico) or CROMA Fest (CDMX).

Notes



Carlos Tejada

Project Coordinator in the UNESCO Office in Mexico. Along with Nuria Sanz, he is co-author of the book *Mexico and UNESCO / UNESCO and Mexico: History of a relationship*, published during the commemoration of the 70th anniversary of the relationship between Mexico and UNESCO. He also develops culture and science initiatives, particularly in areas such as cultural diversity and cultural rights, as well as in the areas of innovation and the 2030 Agenda of the United Nations for Sustainable Development. As part of the UNESCO team in Mexico, he participated in the Editorial Board convened by the Commission of Culture and Cinematography of the Chamber of Deputies for the creation of a Guiding Document for the General Law of Culture and Cultural Rights. Previously, he worked in various institutions and publishers such as the Economic Culture Fund, the National Reading Rooms Program, the General Directorate for the Dissemination of Science of the UNAM, as well as the National Coordination of Child Cultural Development of Conaculta.

Notes



Jorge Ringenbach

He studied law at the Faculty of Law of the National Autonomous University of Mexico, where he graduated in April 2002, later studying in the Graduate Studies Unit of the same Faculty, the Specialty in Intellectual Property Law. He has practiced as a lawyer in various law firms and companies since 1997. Since January 2002 he is a lawyer in Fulton and Fulton, SC. He has collaborated in various projects related to the development of the Internet and its relationship with the law. He is currently Co-Leader of the Mexican Chapter of the Creative Commons Project.

Notes



Adriana Casas

Adriana majored in Human Sciences at the Universidad del Claustro de Sor Juana. She has worked in production and cultural management for public and private institutions, such as the National Fund for Culture and Arts (FONCA, in Spanish), Fundación Televisa, Fundación Centro Histórico, Fundación Carso, Instituto Mexicano de la Radio, Mexico City Ministry of Culture, among others. She is a founding member of Conej blanco Galería de Libros (Book Gallery). Since 2010 she has been Director of the Multimedia Center, CENART, and on two occasions she has been part of the jury for the Contest, “arte! ∞ clima”, organized by the Electronic Arts Experimentation and Research Center of Argentina and by the Climate Center of the International Red Cross.

Notes



Grace Quintanilla

She completed postgraduate studies in Television and Electronic Art at the Duncan of Jordanstone College of Art, University of Dundee, Scotland. Her artistic work has been exhibited at new media festivals in Europe, America and Asia. In 2002 she was credited to the new media fellowship of the Rockefeller and MacArthur Foundations; In 1997, she was the winner of the first broadcast of the National Prize for Cultural Television granted by Channel 22 and the National Network of Broadcasters and Cultural Televisors.

She has been a member of the National System of Art Creators of the FONCA in two issues. Her work as a curator includes the anthology of women video makers. Play! commissioned by the Museum of Mexican Women Artists and the „Familiar / Memorable“ anthology within „Ready Media: towards an archeology of media and invention in Mexico“ about emerging artists in electronic arts, commissioned by the Alameda Art Laboratory.

She served as artistic director of the Festival of Electronic Arts and Video-Transitiomx_02: Nomadic Frontiers. She was a member of the Council of Arts and Letters of the FONCA from 2004 to 2006. Honorary Member of the Evaluation and Planning Council of the Transitió Festival between 2008 and 2010 and is a member of the MUMA Advisory Board since 2008. She was the director and coordinator of special projects of the Pedro Meyer Foundation from 2010 to 2012. She is currently the director of the Digital Culture Center.

Notes



Carolina Gainza C.

Sociologist, Master in Latin American Studies from the University of Chile and Doctor in Hispanic Languages and Literatures from the University of Pittsburgh. She currently works as an academic at the School of Creative Literature of the Universidad Diego Portales. Her main research interests are linked to the digital humanities, digital culture and digital literature in Latin America. She has also researched and published on topics related to Latin American cultural studies, post-production, post-humanism, and forms of circulation and production of knowledge in the digital age. She currently participates as a co-researcher in projects related to Latin American digital culture (<https://www.redculturadigital.net/>) and directs a research project on Latin American digital literature, whose results are published in <http://culturadigitalchile.cl/>.

Notes



Ricardo Dal Farra

Professor and Director of the Music Department of Concordia University, in Canada; Founding Director of the Center for Experimentation and Research in Electronic Arts (CEIArtE) of the National University of Tres de Febrero, in Argentina; and Research Associate of the Music, Technology and Innovation Research Center, in De Montfort University, England. As Coordinator of the Multimedial Communication Area of the INET-Ministry of Education, Science and Technology of Argentina, he was responsible for the development of standards and educational plans at the national level in the field of multimedia.

In Canada, he has been Research / Creation Coordinator of the inter-university consortium Hexagram-Institute for Research / Creation in Media Arts and Technologies; Coordinator of the international alliance Documentation and Conservation of the Media Arts Heritage (DOCAM); and researcher in residence of La Fondation Daniel Langlois pour l'art, la science et la technologie, where he created the Latin American Archive of Electroacoustic Music.

He has been a UNESCO consultant and researcher for his Digi-Arts project; and Senior Consultant of the Andean Center of Art and New Media Amauta, in Cusco, Peru. He co-designed the Electronic Arts Degree from the National University of Tres de Febrero as well as the Musical Production program at the ORT Technical School, both in Argentina.

As a composer of electroacoustic music and multimedia artist, his works have been presented in more than 40 countries; and recordings of his music appear in 18 international editions. Dal Farra received his doctorate (PhD) in the Study and Practice of the Arts.

He is a member of the Consultative Editorial Board of the Journal of New Music Research of the Netherlands and the International Consultative Council of Leonardo - International Society for the Arts, Sciences and Technology.

Notes



José Manuel Hermosillo Vallarta

José Manuel Hermosillo Vallarta is a lawyer since 1997, as well as a researcher and consultant in cultural and administrative regulations. He has a Law Degree from the University of Guadalajara and a Master of Laws degree, with a Tax Law degree from the National Autonomous University of Mexico. He is currently studying the last semester of the Doctorate in Public Administration at the National Institute of Public Administration. The subject of his Thesis is the legal and administrative responsibility of the Mexican State in the preservation, promotion and development of culture. He has written several essays on culture and development, cultural policy and cultural legislation, topics that he has taught in various national institutions, seminars and international meetings in Ecuador and Chile where he participated in the implementation of the bilateral agreement to strengthen Popular Art and its activity.

From 2005 to 2011, he served as General Counsel and Legal Representative of the National Fund for the Promotion of Popular Art (FONART) whose activities include having served as Vocal Owner of the Specialized Technical Committee of Cultural Information, in the preparation of the current Culture Satellite Account.

From 2012 until July 2013, he served as Legal Director of trusts of the Ministry of Public Education. During 2013, until the beginning of 2014, he worked as Legal and Administrative Advisor of the Central Supply of Mexico City, considered the largest agrifood center in the world. He has been a parliamentary advisor to the Culture Commissions of the Chamber of Deputies and Senators of the Congress of the Union.

During the years from 1997 to the year 2000, he has held posts at the Higher Secondary Level; lawyer of the System of Tertiary Education of the University of Guadalajara and professor.

He is currently a member of the Creative Economy Reflection Group (GRE-CU) of the Autonomous Metropolitan University, Xochimilco campus.

Notes



Alicia Marván

Alicia Marván (Mexico / USA) is an artist and cultural promoter dedicated to contemporary work and experimental. Her interdisciplinary approach to art has led her to continuous research of diversity of media that explore color, space, form, movement, time and thought, developing professionally for the last twenty years in the fields of performance, sculpture, installation and fashion design. As a manager, she has developed, produced and directed innovative projects that incorporate art, culture, education, community development, ecology, and environmental design. She has made more than one hundred art projects, receiving support from numerous cultural organizations in Mexico, USA, Canada, Chile, Uruguay, Brazil, Portugal, Germany, Czech Republic, the Netherlands and South Africa, such as the Ontario Arts Council, Canada Council for the Arts, Goethe Institute, the Museum of Contemporary Art in San Diego, Movement Research in New York, the National Center for the Arts, the Michoacán Youth Institute, and the Governments of Michoacán and Veracruz, among others. She has been a teacher in art, art history, social sciences, sustainable development, cultural management, and interdisciplinary collaboration. She is the founder and director of the Art and Ecology Center in Guapamacátaro, Michoacán, Mexico (www.guapamacataro.org).

Notes



Carlos Mesén

Cultural Attaché of the Embassy of Costa Rica in Mexico. He is also a consultant in architecture, contemporary projects and restoration of monuments and cultural assets. Founder of Caña Dulce, Costa Rica's first cultural tourism agency. He has a Master's Degree in Restoration of Monuments and Historic Sites by La Salle University. As an architect, he was responsible for the project to enhance the Eloy Alfaro Carretera Workshop and Factory, a national heritage and the first property declared Heritage of the Country. He was also Director of the Revitalization Project for the Historic Center of Limón, Banco Mundial / ICOMOS, in Costa Rica. He is a Voting Member and Assistant to the Vice Presidency for America of the International Committee of Cultural Routes (CIIC), as well as the Subcommittee on Cities and Historical Populations of Ibero-America (CIHIB). He was President and Vice President of ICOMOS Costa Rica and Member of ICOM (International Council of Museums), where he was part of its Executive Committee of ICOMOS International, as well as being founder of the House of Culture Mexico - Costa Rica.

Notes



Jacinto Chacha Antele

He has a degree in Ethnology from the National School of Anthropology and History (INAH) and is currently General Director of Popular, Indigenous and Urban Cultures of the Ministry of Culture of Mexico. Among his various professional functions, he has served as Director of Regional Cultural Diffusion of the State Council for Culture and the Arts of Puebla (CECA), as Advisor in the National Institute of Anthropology and History (INAH), Director of Operation of Sites of INAH, and Director of INAH in the States of Veracruz and Hidalgo. He has also held the position of Director of Regional and Municipal Development of the General Directorate of Popular Cultures of the National Council for Culture and the Arts, and National Coordinator of the Program of Support for Municipal and Community Cultures (PACMYC). He has also been an advisor in different areas of CONACULTA within projects such as the National Program for the Safeguarding of Music and the Traditional Folk Dance of Mexico and adviser and curator on popular music in the first edition of the „Mexico Puerta de las Américas“ meeting. His career as a creator has allowed him to participate in events such as the Caribbean Festival, the New Song Festival, the Homage to Amparo Ochoa Festival, the Tribute Festival to Carlos Pellicer, among others. Likewise, he has performed concerts in 28 States of the Mexican Republic and has participated in radio and television programs.

Notes



Francisco Jose Guevara

Co-Founder and Co-Executive Director of Arquetopia. Mexican visual artist and curator descended from Jewish families from Puebla and Zacatecas. He is especially known for creating edible sculptures, installations and performances exploring the symbolic meaning of food, the rituals of eating, and human beings' ephemeral condition. Guevara's work and projects emphasize the role of contemporary art in economic development and as a tool for social change. His experience covers international projects including intangible heritage, public art, exhibitions and visual arts education. As an artist, he has researched, studied and worked exploring the connection between food, rituals of eating and collective identity.

Guevara studied painting at the Benemérita Universidad Autónoma de Puebla (BUAP) and continued at the Universidad del Claustro de Sor Juana in Mexico City. He began his curating/arts management career with a year of law studies at the Escuela Libre de Derecho (ELD) in Mexico City following with a semester of International Relations at the Instituto Tecnológico Autónomo de México (ITAM). He received a University Expert title in Management and Planning of Development Cooperation Projects in the Fields of Education, Science and Culture at the Universidad Nacional de Estudios a Distancia (UNED) at Madrid, Spain, in coordination with the Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura (OEI). He has promoted numerous international artistic exchange programs with Australia, Brazil, Ecuador, Hong Kong, Mexico, Paraguay, Spain, and the USA.

Notes



Marcela Jiménez López

She has a postgraduate degree in City Management and Creative Entrepreneurship from the National University of Córdoba, Argentina. She holds Master's in Administration from the Center for Advanced Studies in Administration; and a degree in Communication from the National Autonomous University of Mexico. With a trajectory of more than 15 years in both private and governmental, she is a specialist in the design of research instruments and coordination of studies on the profile of audiences and cultural consumption, among other topics.

Currently part of the Ministry of Culture of the Government of Mexico City, where she directs the program of cultural companies "Imagination in Motion", in which the artistic and cultural practice has professionalized creators, promoters, cultural managers and art students from Mexico City.

She is a teacher of the International Master's Degree in Cultural Management at the Universidad Andina Simón Bolívar, Sucre, Bolivia. She has been a professor, at the master's level, in different universities in Mexico. She has given several lectures and courses on cultural management, mainly addressing the topics of; elaboration of cultural projects, copyright, creation of entrepreneur networks, and creative economy, among others.

Notes



Santiago Schuster Vergara

Lawyer, graduated from the Faculty of Law of the University of Chile. He is Associate Professor of the Faculty of Law of the University of Chile in Copyright and New Technologies of the same Faculty. Visiting Professor at the University of Buenos Aires, Austral University and the Heidelberg Center Institute for Latin America. He is currently Regional Director of CISAC, for Latin America and the Caribbean, in Santiago de Chile (International Confederation of Societies of Authors and Composers) the global network of collective management societies, based in Paris, actively collaborating in the proposal of new legislation in the audiovisual field, dictated in 2016/2017 in Chile and Colombia. He was the promoter in Chile of the collective management projects in the area of musical, dramatic, audiovisual, fixed image, and written works, through six management companies. Since 1997, he coordinated collective management development projects in the area of dramatic, audiovisual, fixed image, and written works. In this way, he has participated in the foundation and organization of the society of the SCD, society of musical rights, of the society of Creators of Fixed Image (Creaimagen), the Society of National Authors of Theater, Cinema and Audiovisuals (ATN), the Society of Literary Rights (SADEL), the Society of Actors of Chile (Chileactores), and the Chilean Society of Interpreters (SCI). He has been an adviser to the official delegations of the Government of Chile in the Groups of Experts and the Diplomatic Conference of the New Treaties of WIPO and Audiovisual Works Interpretation and has participated as a guest professor in various conferences and congresses, organized by WIPO, UNESCO, Universities of Latin America and Spain. He is a member of the Inter-American Copyright Institute (IIDA).

Notes



Nelly César

Mexican artist with solid practice and research in contemporary art, specifically durational performance, installation and drawing on issues related to contemporary affective transactions, empathy and critical studies of sexuality and emotions. Her work has been exhibited in Mexico, the United States, France, Hungary, Canada and Argentina. It is part of the gallery of the Museum of Mexican Women Artists and appears in the publication *Archiva 100 masterpieces of Mexican feminist art* by Mónica Mayer. Her professional practice extends to the academy as a teacher of multiple courses at the university and high school levels in Canada and Mexico. Her work in artistic writing has been recognized in Canada, obtaining in 2012 the Andrew MacIntosh Memorial Book Prize in Fine Arts. During her career she has obtained support from the Fundación / Colección Júmex México, the State Fund for Culture and the Arts of the state of Puebla, Terra Foundation for American Art, among others. She has also dedicated herself to alternative cultural management as co-founder and director of Pandeo: The multi-social space for affective health, an independent space located in Mexico City active since 2014. She has been part of several collectives that explore other ways of approaching knowledge and art from the body, feminism and displacement: Las Sucias, AKA (Vancouver), Chiripiork and PRRAS!. Graduate of Lic. In Plastic Arts of the UDLAP and of the Master in Fine Arts in Visual Arts of The University of British Columbia.

Notes



Jimena Lara Estrada

Jimena has a degree in Communication from the Universidad Iberoamericana and a Master in Media, Culture and Communication from the University of New York (NYU). She has been a professor at the Universidad Iberoamericana, is a member of the Salzburg Global Seminar in the category of Cultural Administrators and member of the board of directors of the Anglo-Mexican Foundation. Throughout her career in the cultural public administration, she has held, among others, the positions of Director of International Affairs of the National Institute of Fine Arts; Deputy Director of Support for Artistic Development in the National Fund for Culture and the Arts (FONCA); Deputy Director of Broadcasting at the National Auditorium and Program Coordinator at the Cultural Institute of the Consulate of Mexico in New York. She currently serves as Director General of International Affairs of the Federal Ministry of Culture.

Notes



Todd Lanier Lester

Administrator, advocate-artist, and cultural producer. He is from Tennessee and lives in São Paulo, where he works with Lanchonete.org—a project focused on the right to the city—with a group of fellow city dwellers. Todd has worked in leadership, advocacy, and strategic planning roles at Global Arts Corps, Reporters Sans Frontières, Musagetes Foundation / ArtsEverywhere, ArtsRightsJustice Academy @ the University of Hildesheim, Astraea Lesbian Justice Foundation and the International Rescue Committee. He founded freeDimensional, a network that helps artists in danger by providing safe haven in participating artist residencies. Todd is a Senior Fellow at the World Policy Institute where he directs the Arts-Policy Nexus, and a member of the Artists-at-Risk Connection steering committee at the PEN American Center. He co-ordinates ArtistSafety.net, a hybrid consultancy and volunteer network that provides case management for artists at risk.

Notes



ANEX

RECOMMENDATION CONCERNING THE STATUS OF THE ARTIST 27 OCTOBER 1980

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Belgrade from 23 September to 28 October 1980 at its twenty-first session,

Recalling that, under the terms of Article I of its Constitution, the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or relation, by the Charter of the United Nations,

Recalling the terms of the Universal Declaration of Human Rights, and particularly Articles 22, 23, 24, 25, 27 and 28 thereof, quoted in the annex to this Recommendation,

Recalling the terms of the United Nations International Covenant on Economic, Social and Cultural Rights, particularly its Articles 6 and 15, quoted in the annex to this Recommendation, and the need to adopt the necessary measures for the preservation, development and dissemination of culture, with a view to ensuring the full exercise of these rights,

Recalling the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference of UNESCO at its fourteenth session, particularly its Articles III and IV, which are quoted in the annex to this Recommendation, as well as the Recommendation on Participation by the People at Large in Cultural Life and their Contribution to it, adopted by the General Conference of UNESCO at its nineteenth session,

Recognizing that the arts in their fullest and broadest definition are and should be an integral part of life and that it is necessary and appropriate for governments to help create and sustain not only a climate encouraging freedom of artistic expression but also the material conditions facilitating the release of this creative talent,

Recognizing that every artist is entitled to benefit effectively from the social security and insurance provisions contained in the basic texts, Declarations, Covenant and Recommendation mentioned above,

Considering that the artist plays an important role in the life and evolution of society and that he should be given the opportunity to contribute to society's development and, as any other citizen, to exercise his responsibilities therein, while preserving his creative inspiration and freedom of expression,

Further recognizing that the cultural, technological, economic, social and political development of society influences the status of the artist and that it is consequently necessary to review his status, taking account of social progress in the world,

Affirming the right of the artist to be considered, if he so wishes, as a person actively engaged in cultural work and consequently to benefit, taking account of the particular conditions of his artistic profession, from all the legal, social and economic advantages pertaining to the status of workers,

Affirming further the need to improve the social security, labour and tax conditions of the artist, whether employed or self-employed, taking into account the contribution to cultural development which the artist makes,

Recalling the importance, universally acknowledged both nationally and inter-nationally, of the preservation and promotion of cultural identity and of the role in this field of artists who perpetuate the practice of traditional arts and also interpret a nation's folklore,

Recognizing that the vigour and vitality of the arts depend, inter alia, on the well-being of artists both individually and collectively,

Recalling the conventions and recommendations of the International Labour Organization (ILO) which have recognized the rights of workers in general and, hence, the rights of artists and, in particular, the conventions and recommendations listed in the appendix to this Recommendation,

Taking note, however, that some of the International Labour Organization standards allow for derogations or even expressly exclude artists, or certain categories of them, owing to the special conditions in which artistic activity takes place, and that it is consequently necessary to extend their field of application and to supplement them by other standards,

Considering further that this recognition of their status as persons actively engaged in cultural work should in no way compromise their freedom of creativity, expression and communication but should, on the contrary, confirm their dignity and integrity,

Convinced that action by the public authorities is becoming necessary and urgent in order to remedy the disquieting situation of artists in a large number of Member States, particularly with regard to human rights, economic and social circumstances and their conditions of employment, with a view to providing artists with the conditions necessary for the development and flowering of their talents and appropriate to the role that they are able to play in the planning and implementation of cultural policies and cultural development activities of communities and countries and in the improvement of the quality of life,

Considering that art plays an important part in education and that artists, by their works, may influence the conception of the world held by all people, and particularly by youth,

Considering that artists must be able collectively to consider and, if necessary, defend their common interests, and therefore must have the right to be recognized as a professional category and to constitute trade union or professional organizations,

Considering that the development of the arts, the esteem in which they are held and the promotion of arts education depend in large measure on the creativity of artists, }

Aware of the complex nature of artistic activity and of the diverse forms it takes and, in particular, of the importance, for the living conditions and the development of the talents of artists, of the protection of their moral and material rights in their works, or performances, or the use made of them, and of the need to extend and reinforce such protection,

Considering the need to endeavour to take account as far as possible of the opinion both of artists and of the people at large in the formulation and implementation of cultural policies and for that purpose to provide them with the means for effective action,

Considering that contemporary artistic expression is presented in public places and that these should be laid out so as to take account of the opinions of the artists concerned, therefore that there should be close co-operation between architects, contractors and artists in order to lay down aesthetic guidelines for public places which will respond to the requirements of communication and make an effective contribution to the establishment of new and meaningful relationships between the public and its environment,

Taking into account the diversity of circumstances of artists in different countries and within the communities in which they are expected to develop their

talents, and the varying significance attributed to their works by the societies in which they are produced,

Convinced, nevertheless, that despite such differences, questions of similar concern arise in all countries with regard to the status of the artist, and that a common will and inspiration are called for if a solution is to be found and if the status of the artist is to be improved, which is the intention of this Recommendation,

Taking note of the provisions of the international conventions in force relating, more particularly, to literary and artistic property, and in particular of the Universal Convention and the Berne Convention for the Protection of Literary and Artistic Works, and of those relating to the protection of the rights of performers, of the resolutions of the General Conference, of the recommendations made by UNESCO's intergovernmental conferences on cultural policies, and of the conventions and recommendations adopted by the International Labour Organization, listed in the appendix to this Recommendation,

Having before it, as item 31 of the agenda of the session, proposals concerning the status of the artist,

Having decided, at its twentieth session, that this question should be the subject of a recommendation to Member States,

Adopts this Recommendation this twenty-seventh day of October 1980:

The General Conference recommends that Member States implement the following provisions, taking whatever legislative or other steps may be required -in conformity with the constitutional practice of each State and the nature of the questions under consideration to apply the principles and norms set forth in this Recommendation within their respective territories.

For those States which have a federal or non-unitary constitutional system, the General Conference recommends that, with regard to the provisions of this Recommendation the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces, cantons or any other territorial and political subdivisions that are not obliged by the constitutional system of the federation to take legislative measures, the federal government be invited to inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

The General Conference recommends that Member States bring this Recommendation to the attention of authorities, institutions and organizations in a position to contribute to improvement of the status of the artist and to foster the participation of artists in cultural life and development.

The General Conference recommends that Member States report to it, on dates and in a manner to be determined by it, on the action they have taken to give effect to this Recommendation.

I. DEFINITIONS

For the purposes of this Recommendation:

1. 'Artist' is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association.
2. The word 'status' signifies, on the one, hand, the regard accorded to artists, defined as above, in a society, on the basis of the importance attributed to the part they are called upon to play therein and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, with particular reference to income and social security, which artists should enjoy.

II. SCOPE OF APPLICATION

This Recommendation applies to all artists as defined in paragraph 1.1, irrespective of the discipline or form of art practiced by such artists. These include inter alia all creative artists and authors within the meaning of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works, as well as performers and interpreters within the meaning of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

III. GUIDING PRINCIPLES

1. Member States, recognizing that art reflects, preserves and enriches the cultural identity and spiritual heritage of the various societies, constitutes a universal form of expression and communication and, as a common denominator in ethnic, cultural or religious differences, brings home to everyone the sense of belonging to the human commu-

nity, should accordingly, and for these purposes, ensure that the population as a whole has access to art.

2. Member States should encourage all activities designed to highlight the action of artists for cultural development, including in particular 'activities carried out by the mass media and the educational system, and for the employment of leisure for cultural purposes.
3. Member States, recognizing the essential role of art in the life and development of the individual and of society, accordingly have a duty to protect, defend and assist artists and their freedom of creation. For this purpose, they should take all necessary steps to stimulate artistic creativity and the flowering of talent, in particular by adopting measures to secure greater freedom for artists, without which they cannot fulfill their mission, and to improve their status by acknowledging their right to enjoy the fruits of their work. Member States should endeavour by all appropriate means to secure increased participation by artists in decisions concerning the quality of life. By all means at their disposal, Member States should demonstrate and confirm that artistic activities have a part to play in the nations' global development effort to build a juster and more humane society and to live together in circumstances of peace and spiritual enrichment.
4. Member States should ensure, through appropriate legislative means when necessary, that artists have the freedom and the right to establish trade unions and professional organizations of their choosing and to become members of such organizations, if they so wish, and should make it possible for organizations representing artists to participate in the formulation of cultural policies and employment policies, including the professional training of artists, and in the determination of artists' conditions of work.
5. At all appropriate levels of national planning, in general, 'and of planning in the cultural field, in particular, Member States should make arrangements, by close co-ordination of their policies relating to culture, education and employment among other things, to define a policy for providing assistance and material and moral support for artists and should ensure that public opinion is informed of the justification and the need for such a policy. To that end, education should place due emphasis on the encouragement of artistic awareness, so as to create

a public capable of appreciating the work of the artist. Without prejudice to the rights that should be accorded to them under copyright legislation, including resale rights (*droit de suite*) when this is not part of copyright, and under neighboring rights legislation, artists should enjoy equitable conditions and their profession should be given the public consideration that it merits. Their conditions of work and of employment should be such as to provide opportunities for artists who so wish to devote themselves fully to their artistic activities.

6. Since freedom of expression and communication is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights.
7. In view of the role of artistic activity and creation in the cultural and overall development of nations, Member States should create conditions enabling artists fully to participate, either individually or through their associations or trade unions, in the life of the communities in which they practice their art. They should associate them in the formulation of local and national cultural policies, thus stressing their important contribution in their own society as well as towards world progress in general.
8. Member States should ensure that all individuals, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, have the same opportunities to acquire and develop the skills necessary for the complete development and exercise of their artistic talents, to obtain employment, and to exercise their profession without discrimination.

IV. THE VOCATION AND TRAINING OF THE ARTIST

1. Member States should encourage, at school and from an early age, all measures tending to strengthen respect for artistic creation and the discovery and development of artistic vocations, and should bear in mind that, if it is to be effective, the stimulation of artistic creativity calls for provision of the necessary professional training of talent to produce works of outstanding quality. For this purpose, Member States should:

- (a) take the necessary measures to provide an education designed to stimulate artistic talent and vocation;
- (b) take all appropriate measures, in association with artists, to ensure that education gives due prominence to the development of artistic sensitivity and so contributes to the training of a public receptive to the expression of art in all its forms;
- (c) take all appropriate measures, whenever possible, to institute or develop the teaching of particular artistic disciplines;
- (d) seek by means of incentives, such as the granting of fellowships or paid educational leave, to ensure that artists have the opportunity to bring their knowledge up to date in their own disciplines or in related specialities and fields, to improve their technical skills, to establish contacts which will stimulate creativity, and to undergo retraining so as to have access to and work in other branches of art; for these purposes, Member States should see that appropriate facilities are provided and that those already existing are, where necessary, improved and developed;
- (e) adopt and develop co-ordinated, comprehensive vocational guidance and training policies and programmes, taking into consideration the particular employment situation of artists and enabling them to enter other sectors of activity if necessary;
- (f) stimulate artists' participation in the restoration, conservation and use of the cultural heritage in the widest sense of the term, and provide artists with the means of transmitting to future generations the knowledge and artistic skills which they possess;
- (g) recognize the importance in arts and craft training of the traditional ways of transmitting knowledge and in particular of the initiation practices of various communities, and take all appropriate measures to protect and encourage them;
- (h) recognize that art education should not be separated from the practice of living art, and see that such education is reoriented in such a way that cultural establishments, theatres, art studios, radio and television broadcasting organizations, etc., play an important part in this type of training and apprenticeship;
- (i) 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;

(j) recognize that artistic life and the practice of the arts have an international dimension and accordingly provide those engaged in artistic activities with all the means and, in particular, travel and study grants, likely to enable them to establish lively and far-reaching contacts with other cultures;

(k) take all appropriate steps to promote the free international movement of artists, and not to hinder the freedom of artists to practice their art in the country of their choice, while ensuring that these do not prejudice the development of endogenous talents and the conditions of work and employment of national artists;

(1) give special attention to the needs of traditional artists, in particular by facilitating their travel inside and outside their own country to serve the development of local traditions.

2. As far as possible and without prejudice to the freedom and independence of both artists and educators, Member States should undertake and support initiatives to ensure that artists, during their training, are made aware of their community's cultural identity, including traditional and folk cultures, thereby contributing to the affirmation or revival of that identity and those cultures.

V. SOCIAL STATUS

Member States should promote and protect the status of artists by considering artistic activity, including innovation and research, as a service to the community. They should make it possible for them to enjoy the esteem necessary for the full development of their work and provide the economic safeguards to which artists are entitled as people actively engaged in cultural work. Member States should:

1. Grant artists public recognition in the form best suited to their respective cultural environments and establish a system, where it does not already exist or is inadequately designed, to give artists the prestige to which they are entitled.
2. See that the artist benefits from the rights and protection provided for in international and national legislation relating to human rights.
3. Endeavour to take the necessary steps to see that artists enjoy

the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.

4. Recognize the importance of international protection of the rights of artists under the terms of existing conventions and in particular of the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and take all necessary steps to extend the field of application, scope and effectiveness of those instruments, particularly in the case of Member States which have not already done so by considering the possibility of adhering to them.
5. Recognize the right of trade union and professional organizations of artists to represent and defend the interests of their members and give them the opportunity to advise the public authorities on suitable measures for stimulating artistic activity and ensuring its protection and development.

VI. EMPLOYMENT, WORKING AND LIVING CONDITIONS OF THE ARTIST; PROFESSIONAL AND TRADE UNION ORGANIZATIONS

1. Being aware of the need to improve the social recognition of artists by according them the moral and material support required to remedy their difficulties, Member States are invited to:
 - (a) consider measures for supporting artists at the beginning of their careers, in particular during the initial period when they are attempting to devote themselves completely to their art;
 - (b) promote the employment of artists in their own disciplines, particularly by devoting a proportion of public expenditure to artistic works;
 - (c) promote artistic activities within the context of development and stimulate public and private demand for the fruits of artistic activity in order to increase opportunities of paid work for artists, inter alia by means of subsidies to art ins-

tutions, commissions to individual artists, or the organization of artistic events at the local, regional or national levels, and by establishing art funds;

(d) identify remunerative posts which could be given to artists without prejudice to their creativity, vocation and freedom of expression and communication, and in particular:

(i) give artists opportunities in the relevant categories of the educational and social services systems at national and local levels and in libraries, museums, academies and other public institutions;

(ii) increase the participation of poets and writers in the overall effort towards the translation of foreign literature;

(e) encourage the development of the necessary facilities (museums, concert halls, theatres and other forums) conducive to fostering the dissemination of the arts and the meeting of artists with the public;

(f) study the possibility of establishing, within the framework of employment policies or public employment services, effective machinery to assist artists to find jobs and that of adhering to the Fee-Charging Employment Agencies Convention (revised) (No. 96) of the International Labour Organization, which is listed in the appendix to this Recommendation.

2. Within the context of a general policy to encourage artistic creativity, cultural development and the promotion and improvement of conditions of employment, Member States are invited, wherever possible, practical and in the interest of the artist, to :

(a) encourage and facilitate the application of the standards adopted for various groups of the active population to artists, and ensure that they enjoy all the rights accorded to the corresponding groups in respect of working conditions ;

(b) seek means of extending to artists the legal protection concerning conditions of work and employment defined by the standards of the International Labour Organization, in particular the standards relating to:

(i) hours of work, weekly rest and paid leave in all fields of

activities, more particularly, in the case of performers, taking into consideration the hours spent in travelling and rehearsal as well as those spent in public performance or appearances;

(ii) protection of life, health and the working environment;

(c) take into consideration the particular problems of artists, in respect of the premises where they work, while at the same time ensuring the preservation of the architectural heritage and the environment and upholding regulations pertaining to safety and health, when administering regulations relative to the alteration of artists' premises where this is in the interest of artistic activity;

(d) make provision when necessary for appropriate forms of compensation for artists, preferably in consultation with organizations representing artists and their employers, when, for reasons connected with the nature of the artistic activity undertaken or the artists' employment status, the standards relating to the matters referred to in paragraph 2(b)(i) of this section cannot be observed;

(e) recognize that profit-sharing systems, in the form of deferred salaries or shares in the profits of production, may prejudice artists' rights vis-a-vis their real incomes and social security entitlement and take appropriate measures in such cases to preserve these rights.

3. With the object of giving specific consideration to the child artist, Member States are invited to take account of the provisions of the United Nations Declaration of the Rights of the Child.

4. Recognizing the part played by professional and trade union organizations in the protection of employment and working conditions, Member States are invited to take appropriate steps to:

(a) observe and secure observance of the standards relating to freedom of association, to the right to organize and to collective bargaining, set forth in the international labour conventions listed in the appendix to this Recommendation and ensure that these standards and the general principles on which they are founded may apply to artists;

- (b) encourage the free establishment of such organizations in disciplines where they do not yet exist;
 - (c) provide opportunities for all such organizations, national or international, without prejudice to the right of freedom of association, to carry out their role to the full.
5. Member States are invited to endeavour within their respective cultural environments to provide the same social protection for employed and self-employed artists as that usually granted respectively to other employed and self-employed groups. Provision should likewise be made for measures to extend appropriate social protection to dependent members of the family. The social security system which Member States may find it well to adopt, improve or supplement should take into consideration the special features of artistic activity, characterized by the intermittent nature of employment and the sharp variations in the incomes of many artists without, however, this entailing a limitation of the artist's freedom to create, publish and disseminate his work. In this context, Member States are invited to consider the adoption of special means of financing social security for artists, for example by resorting to new forms of financial participation either by the public authorities or by the business undertakings which market or which use the services or works of artists.
6. Recognizing in general that national and international legislation concerning the status of artists is lagging behind the general advances in technology, the development of the media of mass communication, the means of mechanical reproduction of works of art and of performances, the education of the public, and the decisive part played by the cultural industries, Member States are invited to take, wherever necessary, appropriate measures to:
- (a) ensure that the artist is remunerated for the distribution and commercial exploitation of his work, and provide for the artist to maintain control of his work against unauthorized exploitation, modification or distribution;
 - (b) provide, to the extent possible, for a system guaranteeing the exclusive moral and material rights of artists in respect of any prejudice connected with the technical development

of new communication and reproduction media, and of cultural industries; this means, in particular, establishing rights for performers, including circus and variety artists, and puppeteers; in doing so, it would be appropriate to take account of the provisions of the Rome Convention and, with reference to problems arising from the introduction of cable diffusion and video grams, of the Recommendation adopted by the Intergovernmental Committee of the Rome Convention in 1979;

(c) compensate any prejudice artists might suffer in consequence of the technical development of new communication and reproduction media and of cultural industries by favouring, for example, publicity for and dissemination of their works, and the creation of posts ;

(d) ensure that cultural industries benefiting from technological changes, including radio and television organizations and mechanical reproduction undertakings, play their part in the effort to encourage and stimulate artistic creation, for instance by providing new employment opportunities, by publicity, by the dissemination of works, payment of royalties or by any other means judged equitable for artists;

(e) assist artists and organizations of artists to remedy, when they exist, the prejudicial effects on their employment or work opportunities of new technologies.

7. (a) Convinced of the uncertainty of artists' incomes and their sudden fluctuations, of the special features of artistic activity and of the fact that many artistic callings can be followed only for a relatively short period of life, Member States are invited to make provision for pension rights for certain categories of artists according to length of career and not the attainment of a certain age and to take into account in their taxation system the particular conditions of artists' work and activity;

(b) in order to preserve the health and prolong the professional activity of certain categories of artists (for example ballet dancers, dancers, vocalists) Member States are invited to provide them with adequate medical care not only in the

- event of incapacity for work but also for the purpose of preventing illness, and to consider the possibility of research into the health problems peculiar to artistic professions;
- (c) taking into account the fact that a work of art should be considered neither as a consumer good nor as an investment, Member States are invited to consider the possibility of alleviating indirect taxation on works of art and on artistic performances at the time of their creation, dissemination or first sale, and this in the interest of artists or of development of the arts.

8. In view of the growing importance of international exchanges of works of art, and contacts between artists, and the need to encourage, them, Member States separately or collectively, without prejudice to the development of national cultures, are invited to:

- (a) assist freer circulation of such work by, inter alia, flexible customs arrangements and concessions in relation to import duties, particularly as regards temporary importation;
- (b) take measures to encourage international travel and exchange by artists, giving due attention to visiting national artists.

VII. CULTURAL POLICIES AND PARTICIPATION

Member States should endeavour, in accordance with paragraphs 111.7 and V.5 of this Recommendation, to take appropriate measures to have the opinions of artists and the professional and trade union organizations representing them, as well as of the people at large, in the spirit of UNESCO's Recommendation on Participation by the People at Large in Cultural life and their Contribution to It, taken carefully into account in the formulation and execution of their cultural policies. To this end, they are invited to make the necessary arrangements for artists and their organizations to participate in discussions, decision-making processes and the subsequent implementation of measures aimed, inter alia, at:

- (a) the enhancement of the status of artists in society, for example measures relating to the employment and working and living conditions of the artist, to the provision of material and moral support for artistic activities by the public authorities, and to the professional training of the artist;
- (b) the promotion of culture and art within the community, for example

- measures relating to cultural development, to the protection and effective presentation of the cultural heritage, including folklore and the other activities of traditional artists, to cultural identity, to relevant aspects of environmental issues and the use of leisure, and to the place of culture and art in education;
- (c) the encouragement of international cultural co-operation, for example measures relating to the dissemination and translation of works, to the exchange of works and of persons, and to the organization of regional or international cultural events.

VIII. UTILIZATION AND IMPLEMENTATION OF THIS RECOMMENDATION

1. Member States should strive to extend and supplement their own action in respect of the status of the artist by co-operating with all the national or international organizations whose activities are related to the objectives of this Recommendation, in particular with National Commissions for UNESCO, national and international artists' organizations, the International Labour Office and the World Intellectual Property Organization.
2. Member States should, by the most appropriate means, support the work of the above-mentioned bodies representing artists and enlist their professional co-operation to enable artists to benefit from the provisions set forth in this Recommendation and to obtain recognition of the status described herein.

IX. EXISTING ADVANTAGES

Where artists enjoy, in certain respects, a status which is more favourable than that provided for in this Recommendation, its terms shall not in any case be invoked to diminish the advantages already acquired or directly or indirectly to affect them.

A. UNIVERSAL DECLARATION OF HUMAN RIGHTS

ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

B. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ARTICLE 6

(1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

(2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

ARTICLE 15

(1) The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

(2) The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

(3) The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

(4) The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

C. DECLARATION OF THE PRINCIPLES OF INTERNATIONAL CULTURAL CO-OPERATION

ARTICLE III

International cultural co-operation shall cover all aspects of intellectual and creative activities relating to education, science and culture.

ARTICLE IV

The aims of international cultural co-operation in its various forms, bilateral or multilateral, regional or universal, shall be:

1. To spread knowledge, to stimulate talent and to enrich cultures;
2. To develop peaceful relations and friendship among the peoples and bring about a better understanding of each other's way of life;
3. To contribute to the application of the principles set out in the United Nations Declarations that are recalled in the Preamble to this Declaration;
4. To enable everyone to have access to knowledge, to enjoy the arts and literature of all peoples, to share in advances made in science in all parts of the world and in the resulting benefits, and to contribute to the enrichment of cultural life;
5. To raise the level of the spiritual and material life of man in all parts of the world.

APPENDIX. INTERNATIONAL INSTRUMENTS AND OTHER TEXTS CONCERNING WORKERS IN GENERAL OR ARTISTS IN PARTICULAR

A. Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It, adopted by the General Conference at its nineteenth session (Nairobi, 26 November 1976)

B. United Nations International Covenant on Civil and Political Rights (United Nations, New York, 16 December 1966)

C. *United Nations Declaration of the Rights of the Child*(United Nations, New York, 20 November 1959)

D. *Conventions and Recommendations adopted by the International Labour Conference of the International Labour Organisation*

1. Instruments applicable to all workers, including artists:
Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948; Right to Organize and Collective Bargaining Convention (No. 98), 1949; Discrimination (Employment and Occupation) Convention (No. 111), 1958.
2. Instruments on social security with a general application but allowing States to limit their scope of application:
Social Security (Minimum Standards) Convention (No. 102), 1952; Maternity Protection Convention (Revised) (No. 103), 1952; Equality of Treatment (Social Security) Convention (No. 118), 1962; Employment Injury Benefits Convention (No. 121), 1964; Invalidity, Old-Age and Survivors' Benefits Convention (No. 128), 1967; Medical Care and Sickness Benefits Convention (No. 130), 1969.
3. Instruments applicable to employed workers in general, or to certain sectors or categories of workers, and applicable in principle to employed artists (subject in certain cases to a limitation of the scope of the Convention by a State at the time of ratification):
 - (a) Employment and human resources development:
Employment Service Convention (No. 88), 1948; Employment Service Recommendation (No. 83), 1948; Fee-Charging Employment Agencies Convention (Revised) (No. 96), 1949; Employment Policy Convention (No. 122), 1964; Employment Policy Recommendation (No. 122), 1964; Human Resources Development Convention (No. 142), 1975; Human Resources Development Recommendation (No. 150), 1975.
 - (b) Industrial relations:
Collective Agreements Recommendation (No. 91), 1951; Voluntary Conciliation and Arbitration Recommendation (No. 92), 1951; Co-operation at the Level of the Undertaking Recommendation (No. 94), 1952; Consultation (Industrial and National Levels) Recommendation (No. 113), 1960; Communications within the Undertaking Recommendation (No.

129), 1967; Examination of Grievances Recommendation (No. 130), 1967.

(c) Conditions of work:

Protection of Wages Convention (No. 95), 1949; Equal Remuneration Convention (No. 100), 1951; Equal Remuneration Recommendation (No. 90), 1951; Termination of Employment Recommendation (No. 119), 1963; Reduction of Hours of Work Recommendation (No. 116), 1962; Weekly Rest (Commerce and Offices) Convention (No. 106), 1957; Holidays with Pay Convention (Revised) (No. 132), 1970; Paid Educational Leave Convention (No. 140), 1974; Paid Educational Leave Recommendation (No. 148), 1974; Medical Examination of Young Persons (Non-Industrial Occupations) Convention (No. 78), 1946; Medical Examination of Young Persons Recommendation (No. 79), 1946; Night Work of Young Persons (Non-Industrial Occupations) Convention (No. 79), 1946; Night Work of Young Persons (Non-Industrial Occupations) Recommendation (No. 80), 1946; Labour Inspection Convention (No. 81), 1947; Labour Inspection Recommendation (No. 81), 1947; Protection of Workers' Health Recommendation (No. 97), 1953; Occupational Health Services Recommendation (No. 112), 1959; Hygiene (Commerce and Offices) Convention (No. 120), 1964; Occupational Cancer Convention (No. 139), 1974; Occupational Cancer Recommendation (No. 147), 1974; Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148), 1977; Working Environment (Air Pollution, Noise and Vibration) Recommendation (No. 156), 1977; Minimum Age Convention (No. 138), 1973.

(d) Migrant workers:

Migration for Employment Convention (Revised) (No. 97), 1949; Migration for Employment Recommendation (No. 86), 1949; Migrant Workers (Supplementary Provisions) Convention (No. 143), 1975; Migrant Workers Recommendation (No. 151), Organization 1975.

E. International Labour Organisation/United Nations Educational, Scientific and Cultural Organization/World Intellectual Property Organization

The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).

The Model Law on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1974).

Recommendation concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, adopted by the Intergovernmental Committee of the Rome Convention at its seventh session (1979)

F. Copyright Conventions administered by the United Nations Educational, Scientific and Cultural Organization and the World Property Organization

Universal Copyright Convention (United Nations Educational, Scientific and Cultural Organization) (1952, revised in 1971).

Berne Convention for the Protection of Literary and Artistic Works (World Intellectual Property Organization) (1971).

CULTURAL RIGHTS. FRIBOURG DECLARATION

- 1 **Recalling** the Universal Declaration of Human Rights, the two International Covenants on human rights of the United Nations, the UNESCO Universal Declaration on Cultural Diversity and other relevant universal and regional instruments;
- 2 **Reaffirming** that human rights are universal, indivisible and interdependent and that cultural rights, as much as other human rights, are an expression of and a prerequisite for human dignity;
- 3 **Convinced** that violations of cultural rights give rise to identity-related tensions and conflicts which are one of the principal cause of violence, wars and terrorism;
- 4 **Equally convinced** that cultural diversity cannot be truly protected without the effective implementation of cultural rights;
- 5 **Considering** the need to take into account the cultural dimension of all human rights as recognized today;
- 6 **Considering** that respect for diversity and cultural rights is a crucial factor in the legitimacy and consistency of sustainable development based upon the indivisibility of human rights;
- 7 **Observing** that cultural rights have been asserted primarily in the context of the rights of minorities and indigenous peoples and that it is essential to guarantee these rights in a universal manner, notably for the most destitute;
- 8 **Considering** that a clarification of the position of cultural rights within the human rights system, as well as a better understanding of their nature and the consequences of violations of these rights constitute the best means to prevent them from being used in support of cultural relativism and that they do not become a pretext for pitting communities or peoples against one another;
- 9 **Considering** that cultural rights, as expressed in the present Declaration, are currently recognized in a dispersed manner in a large number of human rights instruments and that it is important to assemble these rights together in order to ensure their visibility and coherence and to encourage their full realisation; We present this Declaration on cultural rights to actors in the three sectors: public (States and their institutions), civil society (Nongovernmental organisations and other non-profit associations and institutions) and private

(enterprises) with a view to encouraging the recognition and implementation of cultural rights at the local, national, regional and universal levels.

ARTICLE 1 (FUNDAMENTAL PRINCIPLES)

The rights enunciated in the present Declaration are essential to human dignity. For this reason they form an integral part of human rights and must be interpreted according to the principles of universality, indivisibility and interdependence. Therefore:

- a. These rights are guaranteed without discrimination of any kind such as colour, sex, age, language, religion, conviction, descent, national or ethnic origin, social origin or status, birth or any other situation on the basis of which a person constructs one's cultural identity;
- b. No one shall suffer or be discriminated against in any way as a consequence of the exercise or non-exercise of the rights set forth in the present Declaration;
- c. No one shall invoke these rights to impair another right recognized in the Universal Declaration or in other human rights instruments;
- d. The exercise of cultural rights shall only be subjected to those limitations provided for in international human rights instruments. Nothing in the present Declaration shall affect any provisions which are more conducive to the realisation of cultural rights and which may be contained in national legislation or practice or in international law;
- e. The effective realisation of a human right requires that its cultural dimensions are taken into account in light of the fundamental principles enumerated above.

ARTICLE 2 (DEFINITIONS)

For the purposes of the present Declaration,

- a. The term "culture" covers those values, beliefs, convictions, languages, knowledge and the arts, traditions, institutions and ways of life through which a person or a group expresses their humanity and the meanings that they give to their existence and to their development;
- b. The expression "cultural identity" is understood as the sum of all cultural references through which a person, alone or in community with others, defines or constitutes oneself, communicates and wishes to be recognised in one's dignity;
- c. "Cultural community" connotes a group of persons who share references that constitute a common cultural identity that they intend to preserve and develop.

ARTICLE 3 (IDENTITY AND CULTURAL HERITAGE)

Everyone, alone or in community with others, has the right:

- a. To choose and to have one's cultural identity respected, in the variety of its different means of expression. This right is exercised in the inter-connection with, in particular, the freedoms of thought, conscience, religion, opinion and expression;
- b. To know and to have one's own culture respected as well as those cultures that, in their diversity, make up the common heritage of humanity. This implies in particular the right to knowledge about human rights and fundamental freedoms, as these are values essential to this heritage;
 - c. To access, notably through the enjoyment of the rights to education and information, cultural heritages that constitute the expression of different cultures as well as resources for both present and future generations.

ARTICLE 4 (REFERENCE TO CULTURAL COMMUNITIES)

- a. Everyone is free to choose to identify or not to identify with one or several cultural communities, regardless of frontiers, and to modify such a choice;
- b. No one shall have a cultural identity imposed or be assimilated into a cultural community against one's will.

ARTICLE 5 (ACCESS TO AND PARTICIPATION IN CULTURAL LIFE)

- a. Everyone, alone or in community with others, has the right to access and participate freely in cultural life through the activities of one's choice, regardless of frontiers.
- b. This right includes in particular:

The freedom to express oneself, in public or in private in the language(s) of one's choice;

The freedom to exercise, in conformity with the rights recognized in the present Declaration, one's own cultural practices and to follow a way of life associated with the promotion of one's cultural resources, notably in the area of the use of and in the production of goods and services;

The freedom to develop and share knowledge and cultural expressions, to conduct research and to participate in different forms of creation as well as to benefit from these;

The right to the protection of the moral and material interests linked to the works that result from one's cultural activity.

ARTICLE 6 (EDUCATION AND TRAINING)

Within the general framework of the right to education, everyone has the right throughout one's lifespan, alone or in community with others, to education and training that, responding to fundamental educational needs, contribute to the free and full development of one's cultural identity while respecting the rights of others and cultural diversity. This right includes in particular:

- a. Human rights education and knowledge;
- b. The freedom to teach and to receive teaching of and in one's language and in other languages, as well as knowledge related to one's own culture and other cultures;
- c. The freedom of parents to ensure the religious and moral education of their children in conformity with their own convictions while respecting the freedom of thought, conscience and religion of the child on the basis of her/his capacities;
- d. The freedom to establish, to direct and to have access to educational institutions other than those run by the public authorities, on the condition that the internationally-recognised norms and principles in the area of education are respected and that these institutions conform to the minimum rules prescribed by the State.

ARTICLE 7 (COMMUNICATION AND INFORMATION)

Within the general framework of the rights to freedom of expression, including artistic freedom, as well as freedom of opinion and information, and with respect for cultural diversity, everyone, alone or in community with others, has the right to free and pluralistic information that contributes to the full development of one's cultural identity. This right, which may be exercised regardless of frontiers, comprises in particular:

- a. The freedom to seek, receive and impart information;
- b. The right to participate in pluralist information, in the language(s) of one's choice, to contribute to its production or its dissemination by way of all information and communication technologies;
- c. The right to respond to erroneous information concerning cultures, with full respect of the rights expressed in this Declaration.

ARTICLE 8 (CULTURAL COOPERATION)

Everyone, alone or in community with others, has the right to participate, according to democratic procedures:

- in the cultural development of the communities of which one is a member;
- in the elaboration, implementation and evaluation of decisions that concern oneself and which have an impact on the exercise of one's cultural rights;
- in the development of cultural cooperation at different levels.

ARTICLE 9 (PRINCIPLES OF DEMOCRATIC GOVERNANCE)

The respect, protection and fulfilment of the rights expressed in the present Declaration imply obligations for each person and community. Cultural actors in the three different sectors – public, private and civil – have a particular responsibility within the framework of democratic governance to interact and, if need be, to take initiatives for the purpose of:

- a. Ensuring respect for cultural rights and developing means of consultation and participation in order to guarantee their realisation, in particular for those who are most disadvantaged by virtue of their social status or the fact that they belong to a minority;
- b. Guaranteeing in particular the interactive exercise of the right to adequate information to ensure that cultural rights are taken into consideration by all actors in the social, economic and political spheres;
- c. Train their personnel and raise public awareness on the understanding and respect for all human rights and cultural rights in particular;
- d. Identifying and taking into account the cultural dimensions of all human rights in order to enhance universality through diversity and to encourage the appropriation of these rights by all persons, alone or in community with others.

ARTICLE 10 (INSERTION WITHIN THE ECONOMY)

Actors in the public, private and civil sectors must, within the framework of their specific mandates and responsibilities:

- a. Ensure that the cultural goods and services that carry value, identity and meaning, as well as all other goods to the extent that they have a significant influence on ways of life and other cultural expressions, are conceived, produced and used in a manner that does not impair the rights expressed in the present Declaration;
- b. Consider that the cultural compatibility of goods and services is often of crucial

importance for persons in disadvantaged situations as a result of poverty, isolation or one's belonging to a discriminated group.

ARTICLE 11 (RESPONSABILITY OF ACTORS IN THE PUBLIC SECTOR)

States and other actors in the public sector must, within the framework of their specific mandates and responsibilities:

- a. Integrate the rights recognised in the present Declaration into their national legislation and practice;
- b. Respect, protect and fulfil the rights enunciated in the present Declaration in conditions of equality and dedicate the maximum amount of their available resources to ensure their full exercise;
- c. Ensure to anyone who, alone or in community with others, claims that one's cultural rights have been violated, access to effective remedies, in particular, judicial remedies;
- d. Strengthen the means of international cooperation necessary for this implementation, in particular by intensifying their interaction within the relevant international organisations.

ARTICLE 12 (RESPONSABILITY OF INTERNATIONAL ORGANISATIONS)

International organisations must, within the framework of their specific mandates and responsibilities:

- a. Guarantee that cultural rights and the cultural dimension of other human rights are systematically taken into consideration in all of their activities;
- b. Ensure that cultural rights are consistently and progressively integrated into all relevant instruments and monitoring mechanisms;
- c. Contribute to the development of common transparent and effective mechanisms for evaluation and monitoring.



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