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Empowering Creativity

Implementing the UNESCO 1980 Recommendation
Concerning the Status of the Artist

5th Global Consultation



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Diversity of
Cultural Expressions



2 FLOWS AND
MOBILITY



4 HUMAN
RIGHTS

UNESCO-Aschberg Programme
for Artists and Cultural Professionals

Protection of artists: a vital step in shaping diverse and inclusive creativity

Artists are the driving force behind creativity, fostering a sense of belonging and economic values. The UNESCO 1980 Recommendation concerning the Status of the Artist has contributed to better responding to their specific needs. The fifth global consultation on the implementation of the Recommendation, conducted between July 2022 and January 2023, demonstrates the ongoing actions of UNESCO to protect the status of artists.

The report, highlighting both positive trends and remaining challenges gathered through the consultation, features practices worldwide which testify to the enormous efforts made by Member States to support effective policies such as intellectual property laws, pension regulations and tax incentives, in line with the 1980 Recommendation. Yet, the findings also reveal the lack of comprehensive data, persisting censorship and attacks on artists, emphasizing the imperative necessity for more encompassing and 'omnibus' laws and enhanced enforcement of the existing legal frameworks.

This publication calls for wider employment and social security access, broader reflection on the ambivalence of digital transformation, as well as improved opportunities for artists from all backgrounds.

68%
of UNESCO
Member States

that participated in
the survey reported having
a law or regulation dedicated
to the status of the artist



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

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This report was authored by Tom Fleming Creative Consultancy (TFCC), particularly by its Executive Director, Dr Tom Fleming, and Senior Consultant Dr Kathrin Schmidt.

The report is primarily based on an analysis of submissions to the fifth global consultation on the implementation of the 1980 Recommendation concerning the Status of the Artist by UNESCO Member States, non-governmental organizations (NGO) and international non-governmental organizations (INGO), while it also draws from complementary sources.

The editorial team was led by Toussaint Tiendrebeogo, Chief of the Diversity of Cultural Expressions Entity, and included Karalyn Monteil, Rosario Soraide, Lucie Schneider, Anaïs Chagankerian and Caroline Bordoni, while Doyun Lee, Gabrielle Thiboutot, Patricia Huang and Jorge Navarro de Julian led the fifth global consultation on the implementation of the 1980 Recommendation with Member States, international NGOs and NGOs. Elena Polivtseva also contributed to the conception and elaboration of the survey. The editorial team would also like to thank intern Aakanksha Pragyan for her support.

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Empowering Creativity

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Foreword

The cultural and creative economy fuels growth and innovation around the world. It is at the heart of our societies and represents 3.1 per cent of global GDP.¹ But we often forget the very people who make this possible – the artists who bring cultural diversity to life and inspire our societies.

With the exception of a fortunate minority, artists and cultural professionals often live precariously and face significant obstacles to the full enjoyment of their social and economic rights. The sector is highly informal, and many workers do not have access to decent working conditions, are paid unfairly, or lack adequate social protection.

The COVID-19 pandemic brought these issues to a crisis point. Many venues shut down, resulting in significant financial losses across the cultural industries. The first people to suffer were the artists. While the sector is slowly recovering from the health crisis, enormous challenges are emerging.

For example, the digital age gives artists new connections to the world, access to broader markets and new tools for creativity. But it also exposes them to the increased risk of plagiarism, intellectual property rights infringement, income, and employment loss. The uncharted waters of artificial intelligence (AI) and its impact on the creative process and artists' livelihoods represent a source of growing concern – which are addressed in this report and are expected to be featured even more prominently in the next edition of the global consultation and corresponding results.

UNESCO launched its fifth global consultation on the implementation of the 1980 Recommendation to understand these challenges better and to highlight

good practices and policies by Member States. The survey was also widely shared among NGOs and INGOs to document their involvement as significant stakeholders in the sector.

The research was conducted around eight areas that structure this report: legal and regulatory frameworks; fair remuneration and access to financing; social and economic rights; digital environment; preferential treatment; artistic freedom; equality, inclusion and diversity; and finally, responses to COVID-19.

The findings show us that the objectives set by the 1980 Recommendation four decades ago are still relevant today. Although the status of artists and cultural professionals are increasingly recognized by laws and legal frameworks in UNESCO Member States, there need to be more concrete measures to enforce the related policies.

In a highly competitive sector, artists often lack the leverage needed to influence policy compared to corporate players, while women and minorities often face serious challenges breaking into the cultural and creative industries. The rising restrictions on artistic freedom around the world – including censorship, legal prosecution, violence and even death as the ultimate way of silencing dissent – are also deeply alarming.

The following chapters examine the main current challenges and priorities related to the status of artists and cultural professionals. They also propose a path forward for better protection to ensure their rights are upheld in a fast-changing global landscape. Artists and cultural professionals play a fundamental role in our societies. We must make sure their work is supported, protected, and promoted.

Ernesto Ottone R.

Assistant Director-General for Culture
UNESCO

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Introduction

ABOUT THIS REPORT

The Recommendation concerning the Status of the Artist, adopted by the UNESCO General Conference in 1980,² calls upon all UNESCO 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 represent and defend the interests of their members.

Under Article VIII of UNESCO's Constitution, UNESCO Member States have an obligation to report on the actions taken to implement UNESCO's recommendations every four years. From July 2022 to January 2023, UNESCO conducted the fifth global consultation on the implementation of the 1980 Recommendation, which took the form of a bilingual online survey (English and French) that was disseminated among all UNESCO Member States, as well as among relevant international and national non-governmental organizations. The overall goals of the fifth global consultation were to:

- Map and monitor the policies, initiatives and measures developed by Member States, NGOs and INGOs to support the implementation of the 1980 Recommendation;
- Identify challenges and opportunities faced by Member States and non-governmental organizations in the implementation of the 1980 Recommendation, and their specific needs to revise existing laws and policies;
- Collect and share good practices that illustrate how the provisions of 1980 Recommendation can be translated into effective policies and measures to inspire future change.

The global consultation tackled eight thematic areas: (1) legal and regulatory frameworks, (2) fair remuneration and access to financing, (3) social and economic rights, (4) the digital environment, (5) preferential treatment, (6) artistic freedom, (7) equality, inclusion, and diversity, (8) responses to COVID-19. The consultation also offered a space to address other themes that may be deemed relevant in relation to the 1980 Recommendation.

This report presents an analysis of key elements emerging from the consultation responses submitted by UNESCO Member States, NGOs and INGOs, in the context of a wider evidence base on the status and working conditions of artists around the world. The report highlights the main findings on the above eight thematic areas, alongside an analysis of the professional and socio-economic situation of artists and the implementation of the 1980 Recommendation around the world, which also draws from complementary sources. It also addresses cross-cutting topics that are crucial for sustainable development, underpinned by the MONDIACULT 2022 Declaration³ that affirms culture as a global public good. These transversal themes include cultural rights, the digital transformation, the impact of climate change, culture and artists at risk, gender equality and youth.

The report reveals a diverse range of situations that were shared through the answers submitted in the framework of the consultation, which vary depending on the specific region and thematic areas that were addressed, but also according to the perspectives of INGOs, NGOs and governments. The analysis highlights the ongoing and, in some instances, deepening fragility of diverse cultural expression and artistic practice. In turn, it also shows, in other cases, real progress in the adoption of regulation, support and investment that recognize and promote the status of the artist.





The situation among individual artists differs significantly according, for example, on whether an artist is employed as such on a regular basis, or is self-employed, or is a freelancer that is not registered to have a business status as an artist nor has a labour law that protects her/him, yet who engages in art for the sake of exercising her/his freedom of artistic creation. The differences between these positions translate into distinct challenges and have a significant bearing on the support measures that are relevant to each. Moreover, there are countries with strong cultural institutions where it is more common than others for artists to enjoy the status of regular employees, which affects the status of artists in general. Although this report takes dimensions such as the above into account and shares different experiences from around the world, it does not aim to present a detailed, exhaustive analysis of all possible approaches that can be implemented to tackle the specific needs of artists in different situations nor to advocate for a one-size-fits all model.

Approaches should be tailored to each specific context, based on an assessment of the status and working conditions of artists and cultural professionals in the country in question.

To accompany governments in the process of developing, in a participatory manner, status of the artist legislation, UNESCO is also publishing a complementary resource, produced in collaboration with the International Labour Organization (ILO), entitled *Methodological Guide for the Participatory Development of a Law on the Status of the Artist: Creation of an appropriate legal environment for artists and cultural professionals*. This tool, which can be accessed online,⁴ aims to provide some potential approaches for reflection, as well as a roadmap for the process of participatory development of a law of this kind. It proposes the implementation of preliminary work to identify concrete needs and challenges, to feed into the development of effective and relevant legal solutions which—through a dialogue inclusive of all concerned stakeholders and based on objective information—are provided in a coherent and coordinated manner. The guide also proposes awareness-raising and training actions for artists and cultural professionals to understand the legal solutions available to them, as well as the assessment on how these solutions address the challenges affecting the sector.

The contribution of arts and culture to sustainable development is becoming more widely acknowledged. There is undoubtedly a growing appreciation of their positive impacts on social cohesion, health and well-being, and economic vitality.

However, challenges remain very acute concerning the uneven existing support for artists and the threats faced by the diversity of cultural expressions. These include the lack or poor enforcement of protective normative frameworks, obstacles to artistic freedom, low levels of pay and poor working conditions, the lack of entry points and professional development opportunities for young and diverse talent, and limited incentives and funding sources that actively support the status of the artist.

The culture sector experienced significant decline during the COVID-19 pandemic, with approximately 10 million jobs lost in 2020 alone and estimated revenue losses amounting to 20 to 40 per cent.⁵ While numerous governments, INGOs and NGOs reacted quickly to mitigate the negative impacts caused by reduced earning power and limited social security, many artists effectively lost their capacity to work. This was disproportionately the case for women and minority artists, who were often in a weaker position before the pandemic and, because of it, were forced out of the cultural labour market.

The culture sector is, therefore, at a critical turning point. The results of the global consultation show that diverse cultural expressions are at risk globally and that artists are still recovering from the pandemic's impact. Additionally, they encounter other obstacles to their work, such as rising costs, forced displacement, barriers to mobility, and a widening digital divide.

Yet, at the same time, many governments, INGOs and NGOs are working to reframe the role and value of culture, highlighting it as a key driver for sustainable development. However, for culture to reach its full potential in this regard, more attention must be given to the status of the artist.

Based on the survey results, a key conclusion of this report is that all stakeholders should work more extensively and collaboratively, through participatory dialogue, to develop laws and support systems that uphold the status of the artist to create a diverse, resilient, and thriving future.



SURVEY DISTRIBUTION AND SAMPLE SIZE

UNESCO extensively disseminated the survey, including among its (at the time), 193 UNESCO Member States⁶, as well as among relevant INGOs and NGOs. The survey and supporting materials were made available in French and English.

Out of all 193 UNESCO Member States, 68 participated in the consultation,⁷ corresponding to a reporting rate of 35%. This represents an important improvement compared to the 26% response rate registered in the previous global consultation, the results of which were published in 2019. Responses from Member States were distributed as follows: 17 from Western Europe and North America (68%), 12 from Eastern Europe (48%), 12 from Latin America and Caribbean (36%), 7 from Asian and Pacific States (16%), 17 from African States (36%) and 3 from Arab States (16%).

Variations in response rates could be linked to several factors, including the propensity to speak English or French, the capacity of ministries and other concerned institutions to complete the survey (which also influenced the level of detail provided), and levels of policy awareness regarding the status of the artist. However, it is difficult to determine the exact reason behind the cases in which no answer was received, given the dearth of sufficient feedback provided in those instances.

In addition to the survey responses by Member States, 17 surveys were completed by INGOs and 55 by NGOs. These encompassed a wide range of organization types. There was also, as with the Member State survey, geographical variation, with a larger sample size drawn from the Global North.

The key quantitative results highlighted in different sections of this report are mainly focused on the responses submitted by Member States, given their obligation to report on the implementation of the 1980 Recommendation. In addition, these quantitative findings are complemented by qualitative data obtained from replies provided by Member States, NGOs and INGOs. This information helped the identification of important trends and provided a deeper analysis that goes beyond the numbers registered through survey responses.

The overall sample size for the survey is still modest, although it is larger than in previous consultations, thanks to substantial efforts by the UNESCO Secretariat to raise awareness and encourage participation in it. It is important to keep this in mind when interpreting and analysing the data presented in this report. Taking this into account, where possible, quantitative and qualitative data from other complementary sources is also referred to (including, *inter alia*, the Quadrennial Periodic Reports to the 2005 Convention), to provide further context and complete the information gathered

through the consultation — by making reference to relevant figures, examples of priorities and actions implemented by diverse stakeholders. Thus, although the highlighted case studies and good practices are for the most part based on responses gathered through the global consultation, in some cases the report also draws from other resources with the aim of presenting a comprehensive overview of the status of the artist worldwide.

REPORT STRUCTURE

The report provides an overview of the legal and policy landscape that affects the status of the artist. It introduces key findings from the global consultation, including survey results and case studies. It also references relevant documents that address the status of the artist, particularly artists' contribution to achieving the Sustainable Development Goals (SDGs) and their role and status in light of major global challenges, including the COVID-19 pandemic and other crises, linked for instance to armed conflict, climate emergency, forced displacement and the digital divide.

Section 1 focuses on **the legal and regulatory frameworks** in place or under development to support the status of the artist. It examines overarching or omnibus laws that encompass a portfolio of legal and regulatory aspects dedicated to supporting the status of the artist; specific laws and regulations that cover one or more aspect; and generic laws (e.g., on employment, social security, and freedom of expression) that impact on the status of the artist.

Section 2 focuses on approaches to **fair remuneration and access to financing for artists**, including specific laws and programmes. This is in a context where many artists are freelance and operate in the informal economy, outside of the provision of labour laws or investment programmes.

Section 3 shines a light on the **social and economic rights of artists**, how they are under threat and how Member States, and often INGOs and NGOs, are working to uphold them. It considers how major global crises, such as the COVID-19 pandemic, plunged many artists into unemployment or under-employment, with little or no access to compensation or support.



Section 4 provides an overview of how Member States respond to **digital transformation** through their support for artists. It highlights the growing digital divide and the still limited response to next-generation digital shift, such as the impact of artificial intelligence on artistic expression.

Section 5 explores approaches developed for the implementation of **preferential treatment** measures, in relation to artists' mobility and the trade and exchange of artistic goods and services. This is in line with Article 16 of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.⁸ The Chapter also more broadly considers efforts that, although not strictly falling under the understanding of preferential treatment according to the 2005 Convention, serve to present an overview of challenges pertaining to mobility and trade in the arts and cultural sector, as well as of initiatives aimed at addressing these.

Section 6 looks at **artistic freedom** as a crucial underpinning of the status of the artist, and **Section 7** affirms the **importance of equality, diversity and inclusion** in artistic practice and development.

Section 8 reflects on **how all the above has changed in light of the COVID-19 pandemic**, which has exposed structural fragilities across the cultural sector and catalysed innovation in practice, policy and investment.

These systemic and profound changes are influencing the very **role of artists in society, including in connection to sustainable development** – a topic discussed in **Section 9**. This section summarises common challenges faced by artists around the world and identifies priorities moving forward. This includes a reflection on how Member States can reaffirm their commitment to the status of the artist.

Finally, the report presents **conclusions and recommendations** for supporting the status of the artist as a key element to support sustainable development.

IN BRIEF...

The MONDIACULT 2022 Declaration raises concern about the continued vulnerability of the cultural sector, particularly in the wake of the global COVID-19 crisis. It notes that the pandemic has exacerbated structural fragilities and inequalities. These include social and gender gaps and unequal access to culture, as well as restrictions on fundamental freedoms, notably artistic freedom, the status and livelihoods of artists, cultural professionals, practitioners, and communities, in all areas of the cultural value chain. It calls for further reaffirming the imperative of protecting and promoting human rights and cultural diversity, in the face of increasing threats such as, among others, the violation of human and cultural rights (including through discrimination), the disruption of living cultural practices, and the exacerbated vulnerability of cultural actors, institutions, sites, and markets. This significantly undermines the intrinsic value of culture as a bond between peoples and as a source of income, while also eroding cultural diversity on a global scale.

All these concerns revolve around the status of the artist and the critical role of cultural professionals in promoting and safeguarding culture in all its forms. UNESCO, in undertaking this survey among Member States, INGOs and NGOs, is committed to enhancing the status of the artist and supporting policy and actions that facilitate the protection and promotion of a diversity of cultural expressions. However, this commitment comes with increasing complexity and challenges – especially in the face of rampant digital transformation.

Member States, INGOs and NGOs will need to be agile and innovative to reframe policy, unlock investment and achieve a balance of regulation and support that puts culture as a foundation for sustainable development and the status of the artist at its core. This will involve creating models that address global and local inequalities and provide coordinated solutions that benefit artists of all backgrounds.





Key Findings from the Fifth Global Consultation Concerning the Status of the Artist

As mentioned earlier, the fifth global consultation on the 1980 Recommendation concerning the Status of the Artist was structured along eight thematic areas: (1) legal and regulatory frameworks, (2) fair remuneration and access to financing, (3) social and economic rights, (4) the digital environment, (5) preferential treatment, (6) artistic freedom, (7) equality, inclusion, and diversity, (8) responses to COVID-19. Each of these is addressed in a separate section of this report, to provide an overview of the consultation's main findings.

In addition to presenting key quantitative results emerging from survey submissions by Member States, qualitative data retrieved through said responses, as well as from those by INGOs and NGOs, is utilised to provide illustrative evidence of diverse approaches to protecting and promoting the status of the artist. Complementary sources are also referred to when relevant, to enrich the analysis and illustrate the main trends identified.

The consultation also allowed for addressing other themes that are relevant in relation to the 1980 Recommendation. These are introduced and summarised throughout the report as relevant.

1. LEGAL AND REGULATORY FRAMEWORKS

Status of the artist laws, targeted branch legislation and relevant wider legal and regulatory frameworks

A key underpinning to secure the status of the artist is the existence of supportive legal mechanisms and specific laws and/or regulations. These can be divided into a) “omnibus” laws entirely dedicated to the status of the artist, providing comprehensive commitment to the diverse dimensions of relevance in this regard, such as remuneration, employment, social protection and freedom of expression, among others; and b) laws that correspond to a specific branch of legislation, which target artists, but that tackle particular issues/areas rather than encompassing every aspect concerning their status.⁹

Additionally, in some countries, provisions of key significance to the status of the artist are subsumed into wider laws and regulations that are relevant to a variety of sectors and professions, but which contribute

to the enabling environment for the professional, economic, and social status of artists– e.g., employment law, disability law and minority rights law.

Artists worldwide do not enjoy the same social security benefits as other occupational groups. They are disproportionately likely to be freelancers or micro-enterprises, with many still operating in the informal economy, without access to the same social support as workers in sectors that are more formalised and proportionately built through larger firms made up of employees.

For example, artists may not have the same access to paid leave — such as maternity, sick, compassionate or vacations leave — to a minimum wage and fair remuneration as workers in other areas. Furthermore, their workplace rights vary greatly, and it appears that artists overall tend to work in a less secure and equitable environment than that prevailing in other sectors. In addition, issues of copyright infringement, unethical contracting, and still vague notions of what constitutes “artistic work”, all add to insecurity and limit professional development for artists across the world.

Status of the artist laws provide a way of addressing these issues. The UNESCO 1980 Recommendation is based on the principle that artists have the right to be considered cultural workers and to benefit from the legal, social and economic advantages pertaining to the status of workers.

Of survey respondents in the fifth global consultation:

Forty-six (46) Member States, that is **68%** of those participating in the survey, responded that they have a mechanism in place to define the status of the artist, and the same number stated that they have specific laws and regulations entirely dedicated to the status of the artist.

However, among the NGOs that took part of the survey, only **36%** think there is a status of the artist law or regulation in place in their countries, **55%** replied that this is not the case and **9%** stated that they are unsure or did not respond.. This disparity between figures could possibly suggest a gap in knowledge about the laws in place, or a disconnection between the existence of a law and its effective execution, or a difference in the understanding, among both groups, of what counts as status of the artist law or about extent to which they consider that existing laws are adequate.

In turn, **63** Member States that participated in the consultation (**93%**) declared to have introduced specific laws and regulations to support the professional, economic, and social rights of artists and cultural professionals. Examples were provided of labour laws, intellectual property laws, pension laws and regulatory aspects such as tax incentives. This is encouraging, inferring that the status of the artist is supported in many countries, even in those that lack overarching or branch mechanisms.

Globally, since the previous global consultation concerning the 1980 Recommendation in 2018 and the publication of the related report in 2019, several UNESCO Member States have adopted new laws on the status of the artist and/or revised broader laws on employment, intellectual property (IP) and other dimensions with a bearing on the status of the artist as part of the wider workforce.

In **Portugal**, a *Decree law on the Statute of Professionals in the Area of Culture* was adopted in November 2021 and is in force since January 2022 (with amendments introduced in September 2022). The new legislation sits alongside a range of omnibus laws that include a minimum wage and extensive social security provisions. It applies to professionals in the performing arts, audiovisual, visual arts and literary creation, who exercise an authorial, artistic, technical-artistic or cultural mediation activity. It establishes the National Register of Cultural Professionals, regulates employment contracts and service provision arrangements and creates a special social security scheme created for cultural professionals. It comprises mechanisms to guarantee their rights, whereby the employer must respect the technical autonomy of the direction, supervision, and performance of cultural and artistic activities, in connection to their creative aspects. The revised legislation also provides greater protection for workers in the field of culture by including a new allowance in cases of discontinuation of cultural activity.

In **Romania**, an *Ordinance on the status of the cultural worker* was adopted in April 2023. It aims towards “maximizing the creative potential of cultural workers and keeping them active on the labour market, as well as developing the cultural



and creative sectors and increasing their economic contribution”. The ordinance regulates the legal and fiscal regime applicable to professional cultural workers, the measures to support and develop their professional career and the forms of their collective organization. It is aimed at artists and workers who are not employed on the basis of a permanent contract at a given institution. It designates as a “professional cultural worker” one who obtains this fiscal status, meaning “the artist and/or worker who exercises a profession, practices a cultural craft or carries out an activity in support of, or ancillary to cultural production”. To register, a cultural worker must have made, in the preceding tax year, at least 50% of her/his income from intellectual property contracts or from fixed-term employment contracts in the cultural field that are no longer in force at the time of application.

In **Senegal**, there has been considerable policy development, including a new *law on the Status of the Artist and Cultural Professionals* (adopted in December 2020 and promulgated in March 2021). Overseen by the Ministry of Culture, this legislation covers all art forms and builds on previously existing law relating to copyright and related rights. The new law includes a provision focused on the right to collective bargaining by associations of artists and cultural professionals, which also recognizes the rights of artists to freely take part of cultural life and to benefit from the protection of the economic, moral, social and material interests derived from any production they are the authors of. The law is part of other positive developments in the cultural labour market in the country. For example, Senegal's Ministry of Labour has sought to formalise the employment relationship between music performers and their employers, stating that such relations must come under an employment contract. This opens the way for reducing informality and insecurity in the sector by attaching performers to the national social security scheme.

In this sense, Article 6 of the new law stipulates that artists and cultural professionals, including those exercising their activity intermittently and/or independently, are entitled to social protection. As employees, they have the right to social security, including family benefits, coverage in case of work accidents and illness, health care and benefits in the event of maternity, old age, disability and death.

At the level of the **European Union**, efforts have been made to boost the status of the artist in legal and regulatory frameworks. In October 2021, the European Parliament adopted a resolution on the Status of the Artist. This is a key priority area of the Council of the European Union's Work Plan for Culture 2023-2026.¹⁰

In September 2021, the European Commission set up an EU expert group of representatives of Member States ministries of culture and employment, who regularly meet under the "*Open Method of Coordination*" to reflect on artists' and creative professionals' working conditions and

exchange good practices, including on artistic freedom.¹¹ This led to the publication of a report, in June 2023, on *The Status of and working conditions of artists and cultural and creative professionals*,¹² which provides an overview of the different types of legal status of artists adopted within the European Union:

The report finds that, in the case of most States, they have opted for "measures linked to the self-employed/freelance regime, such as specific unemployment insurance schemes for freelance artists, access to pension, disability and health insurance, dedicated taxation systems, specific contribution systems and collective representation, etc." Examples include Germany, Croatia, Poland and Slovenia.

In turn, some countries, like Belgium and France have systems connected with the "employee regime, such as assimilation to employees, protection of intermittent work and unemployment benefits for employed artists".¹³

In addition, the report identifies what it refers to *sui generis* systems dedicated to artists that are implemented by other EU Member States, which are applicable irrespective of their labour regime or that cover both employees and self-employed/freelance professionals. These approaches include, for example, social and financial assistance schemes, particular work relations and conditions, or fiscal benefits. In this regard, the report refers to Spain, Latvia, Lithuania, Luxembourg, Poland and Portugal.

In the case of some States where no dedicated system is adopted for artists, they may receive assistance provided under general frameworks that may be in place, receiving subsidies, grants and indirectly benefit from artistic residencies, infrastructure, subsidies to cultural bodies, etc. The report cites Sweden as an example.

The report explains that other EU Member States are in the process of developing new legal approaches and provisions regarding the status of artists¹⁴, and working on other measures to specifically assist artists.¹⁵

In **Spain**, the status of the artist is governed by a series of labour, social protection, fiscal and education measures. This resulted from the adoption of a report by the Congress of Deputies in 2018, which included 75 recommendations. Following this report, in January 2019, a Royal decree-law approved the package of measures that make up the Artist's Status.

In September 2021, a commission that included eight ministries was created to facilitate the discussion of the measures to be adopted, and four technical level working groups were set up (on taxes, labour, social security, and education), in which the culture sector actively participates.

Two Royal decree-laws adopted in 2022 and 2023 approved two sets of significant measures, including the creation of a model fixed-term contract designed for artists, the expansion and adaptation of the definition of artists to encompass technical and auxiliary personnel, a decrease in withholding tax for artists, the broadening of the regulation on the compatibility of retirement pensions with artistic activity and the profits derived from intellectual property rights, and the set up of an unemployment benefit for artists (see more about this last aspect in section 3). Further issues are still being discussed.¹⁶

While the results from the fifth global consultation on the 1980 Recommendation reflect high levels of legal and regulatory commitment to supporting the status of the artist among Member States that completed the survey, one important consideration is that that 65% of UNESCO Member States did not participate in the consultation. The extent to which laws relevant to artists' working conditions exist, their comprehensiveness and enforcement, vary significantly across the world, with many countries still to develop even branch legislation.

Even where laws and regulations are in place, the data collected through the consultation – and particularly through Member States' responses – reveals less about how effectively such laws and regulations are implemented. It is also not clear how impactful such laws and regulations are regarding the specific development needs of artists, especially in countries with substantial informal economies, where significant amounts of artistic practice occur outside the regulated

sphere. Furthermore, in some Member States these laws focus on artists in employment relations and do not extend to freelancers.

In connection to the above, many artists and cultural practitioners (especially those who work independently and are self-employed), tend to find it hard to fully understand the legal framework or the regulations pertaining to their rights if there is no overarching/ omnibus law dedicated to the status of the artist. In such contexts, the concerned government bodies, trade unions or professional associations can play a critical role in systemizing information regarding all relevant legal provisions, regulations or branch legislation, in order to raise awareness, knowledge and legal literacy among artists and cultural professionals.

The adoption of a status of the artist law calls for strong inter-ministerial coordination, which frequently entails significant complexity. The status of the artist encompasses professional, social and economic dimensions that generally fall under the jurisdiction of ministries beyond the one that has a specific mandate on arts and culture. Ministries of labour, finance and social affairs, for example, are the main responsible entities for legislation pertaining to employment, social protection and taxes, among other issues that are at the core of the status and working conditions of artists and cultural professionals. Such critical laws are also generally overseen by special inspection services. This can have key practical implications. Even if the ministry responsible for arts and culture spearheads the adoption of a status of the artist law or related measures, their effective implementation may be affected if these are not supported by solid, dedicated enforcement mechanisms.

Participatory policy and dialogue

Key to supporting the status of the artist is not just the existence of laws and regulations, but also the active contribution of artists and their intermediaries in shaping these and influencing how they are interpreted and activated. The global survey asked if any formal mechanisms exist in the given country to involve artists in policymaking processes related to their professional, economic, and social status. This type of mechanism can include regular or *ad hoc* consultation processes, roundtables, surveys, and dialogues with membership-based organizations.

Encouragingly, **83%** of respondent Member States (**57**) referred to having such mechanisms in place, such as cultural networks, Collective Management Organizations and trade bodies with some influence on policy – ranging from the Council for Granting the Status of an Artist and the Status of an Organization of Artists in Lithuania; to a Community Mobilisation, Culture and Empowerment Working Group in Uganda, by way of example.

The make-up and structure of these groups vary. Some are initiated by ministries as an overture toward more participatory policymaking; others are sector-led or NGO-driven, with differing leverage and influence with governments.

In **Zimbabwe**, a process is underway to introduce new regulatory frameworks that strengthen the cultural and creative industries (CCIs) and reinforce participatory policy making, in the framework of the project “Reshaping Cultural Policies for the Promotion of Fundamental Freedoms and the Diversity of Cultural Expressions” (2018-2022), supported by UNESCO with funding from the Swedish International Development Cooperation Agency. This project has supported Zimbabwe in sustaining and consolidating the policy dialogue mechanisms created to elaborate the country’s quadrennial periodic report to the 2005 Convention. It also reinforced policy monitoring and implementation in areas such as gender equality, artistic freedom, media diversity and partnerships with civil society.

The National Arts Council of Zimbabwe, under the Ministry of Youth, Sport, Arts and Recreation, has led the revival of the National Arts and Culture Indaba, a gathering of all stakeholders in the arts and culture sectors.

However, the role and influence of artists vary across the world, as does the type of artist or NGO that is given the status of advisor, collaborator, or partner. While many countries have a level of informal cultural advocacy, often driven by sector networks, trade bodies and cultural institutions, formal and long-term strategic partnerships of artists and their intermediaries working with governments are rare.

In **Uruguay**, the National Dance Plan of August 2022 was the result of a process of dialogue and coordination between state institutions and civil society organizations. The initial concept for the plan was based on a collective proposal by the organized dance sector itself. The Plan was elaborated through a participatory process involving more than 1,000 dance professionals. The National Institute of Performing Arts within the National Directorate of Culture worked together to co-design the Plan.

Furthermore, while many countries have spaces for dialogue and consultation with artists – such as hubs, networks, and development programmes; opportunities for artists and their intermediaries to directly input to the policy process and influence decision-making are still limited.

In **Central America**, a programme is underway to support the design of a Regional Policy for the Protection and Promotion of the Status of Artists and Cultural Professionals. Supported under the UNESCO-Aschberg Programme for Artists and Cultural Professionals,¹⁷ this effort is being led by the Cultural Coordination of the Intergovernmental Organization for Central America (CECC-SICA).¹⁸ Based on capacity building, dialogue and co-design, it presents an opportunity to strengthen the regulatory framework for the recognition, protection and promotion of the artist. Throughout the process, the participation of civil society will be an indispensable pillar. An advisory council of artists and cultural professionals will be established to take part in all the activities under the project and to provide inputs for the design of the policy proposal.

Respondents to the global survey noted a set of challenges to participatory policymaking, including limited access to diverse and inclusive mechanisms for artists to contribute to cultural policy, as well as a lack of political and social capital among artists to influence decisions. This is particularly the case where the sector lacks formality, with few trade bodies and unions in place and where informal networks can be viewed by governments as much as a threat as an ally.

The 2022 UNESCO report *Reshaping policies for creativity* shows that developed countries are more likely to have a trade union representing each art form than developing countries. For example, 81% of developed countries have a trade union or equivalent in the performing arts, compared to 68% of developing countries.¹⁹

In **Mongolia**, the membership-based organization, the National Council of Culture and Arts ²⁰ carries out a large number of initiatives and activities in the culture and the arts sector. The Council operates under the Prime Minister. Since the establishment of the Ministry of Culture in 2020, the Council has been actively engaged in policy dialogue, including by contributing to the country's first White Paper and Road Map for the Creative Economy, which includes an Action Plan as part of the country's 2030 Vision. The Council consists of 140 members representing 14 art forms, working across 16 provinces. It has also played a role in the development of the "National Creativity Month", held each November to celebrate the nation's cultural and creative industries.²¹

In turn, the Ministry of Culture of Mongolia and the "Mongolian Workers' Union" signed the 2021-2022 industry agreement on 1 May 2022, and are working together to ensure its implementation. The agreement calls for the combined implementation of 23 initiatives in social partnership, labour relations development, and legal environment enhancement. Artists have recently joined forces to uphold their rights, address issues they face, promote equal professional access, and create appropriate employment.

As noted by an NGO respondent, even where a status of the artist law exists and provides for participatory policy-making that is backed by a strong and professionalised cultural sector, there is a risk of backsliding, for example, if a new administration repeals the mechanism in place to facilitate such participation. Changes in government can modify the definition of the terms, value, and influence of any consultation mechanism.

In 2019, **The European Writer's Council** surveyed its member organizations about their involvement in the legal decision-making process with regard to the implementation of the European Union Directive 2019/790 on copyright in the Digital Single Market.²² Among survey respondents, 46% of organizations answered that they had been invited to participate in round tables, stakeholder dialogues, consultations, surveys or hearings, while 23% said that they were not involved at all, and 31% stated that they were only partially involved. This reflects an active level of engagement and dialogue for authors and their representative bodies. However, it also shows that there still remain significant levels of non-engagement.

Also in Europe, the **Society of Audiovisual Authors** (SAA)²³ brought together 33 Collective Management Organizations from 25 European countries to participate in policymaking processes on an EU-level. This has increased the connection between policy and creative practice, giving authors a voice. However, the SAA is only one of the various stakeholders within the CCIs. Non-profit organizations representing individual artists must work alongside major corporate industry players, which have a different set of policy priorities.

Commonly, artists' rights are up against the often-competing interests of major commercial operators, which function with much bigger financial and personnel resources to influence public policymaking. Therefore, artists are in competition with better-funded and strategically well-positioned influences from high-growth parts of the CCIs. Moreover, artists' needs and social and economic rights are not often the priority for major commercial operators seeking to maximize the monetisation of content, nor for consumers of cultural goods and services who may not always consider the challenges faced by artists.



There is also some perception that cultural policy and relevant laws are orientated to consumer protection, missing the part of the value chain occupied by artists. For example, the Regional Centre for the Promotion of Books in Latin America and the Caribbean (CERLALC)²⁴ has found that there is a certain degree of participation among authors of literary and other types of texts at the base of the book value chain in the region. However, according to CERLALC, the role of creators in most national policies on books and reading is secondary. Such policies tend to focus on readers, on guaranteeing access to reading (libraries), and on the agents who make possible the production and circulation of books (publishers and bookstores).

The COVID-19 pandemic has further weakened the capacity of artists to contribute to policymaking, while also exacerbating their vulnerabilities. The findings of the fifth global survey revealed a pressing need to address the amplified structural inequalities and precarity.

When putting in place mechanisms enabling artists' engagement in policy-making that is relevant to their professional, social and economic status, it is important to ensure the meaningful and fair participation of artists of all genders or who belong to other minority or vulnerable groups. They should be included in the processes pertaining to the elaboration, implementation and monitoring of normative and regulatory instruments. The inclusion of gender analysis and assessments in these processes is key.

The global survey's responses showed that numerous challenges remain with respect to establishing strong legal and regulatory frameworks, particularly in a sector characterized by informality and fragmentation into multiple sub-sectors. Available data is still limited, which hinders the ability to lead effective advocacy and develop evidence-based policies. Where legal measures are established, legislation regarding the social and economic rights of freelancers and self-employed workers tends to remain insufficient. Infringement of IP laws and limited human resource capacity and funding mechanisms are also challenges that require tailored responses to ensure better protection of the status of the artist.

Key Takeaways

► Challenges

- Still limited number of Member States with omnibus laws comprehensively covering fundamental aspects that support the status of the artist.
- Piecemeal approaches to laws and regulations, where gaps in provision contribute to the precarity of artistic practice.
- Informality and the freelance nature of artistic practice limits access to universal employment and social security rights.
- Lack of enforcement of the laws and measures adopted.
- Artists have limited legal literacy and capacity to influence policymaking processes.
- Policy dialogue remains insufficient, especially in the Global South, where COVID-19 has particularly reduced artists' capacity to influence policy.

► Opportunities

- Strengthening regional cooperation among countries implementing legal measures in support of artists' status – which allows for knowledge exchange and shared approaches.
- Proof of concept – the expanding number of countries that are developing dedicated laws on the status of the artist clears the path for other Member States to follow.
- The post-COVID-19 re-build context opens possibilities for responding to the erosion of artists' rights with positive and proactive laws and regulations.

2. FAIR REMUNERATION AND ACCESS TO FINANCING

Fair remuneration and access to appropriate and impactful financing are key elements for a functioning, ethical and inclusive economy. However, the cultural and creative industries have been found to be structurally unequal, resulting in disparities concerning the pay and working conditions of artists. This often leaves them in a precarious situation, with inconsistent income, low-paying or unpaid work, and limited financing options to support their practice. Some countries have labour laws in place that provide a minimum wage for all sectors, including artists, while others lack such wage security.

Fair remuneration

Nearly 60% of Member States that completed the survey responded that they have in place laws defining a minimum wage for workers and which they deem as being relevant to artists. Yet a gap appears to exist between their responses in this regard and NGOs' appreciation of such legislation. Only **22%** of the NGOs who responded to the consultation believe that there is a minimum wage for artists in their country, while **67%** replied that there was no such provision, and **11%** said they were unsure or had no answer.

Even where labour laws that are of relevance to artists are in place, they rarely apply to the informal (non-registered) enterprises, which is often a common situation in the cultural sector globally. This lack of formality can leave artists vulnerable to exploitation and weaken any bargaining power for improved remuneration. Moreover, self-employed and freelance artists – a status that is also highly prevalent across the cultural and creative industries – are often not covered by existing minimum wage legislation either. This also exacerbates the precarity of artistic and cultural work.

The International Labour Organization (ILO) estimates that 30% to 50% of workers in Europe's creative sector are self-employed, this figure rising to between 40% and 60% in developing countries, with women more likely to be freelancing than men.²⁵

In **India**, NGOs such as Contact Base Society have helped in bridging capacity gaps among rural cultural practitioners to foster their fair remuneration, allowing them to properly value their products, including raw materials, labour, and distribution. The aim of this support is to promote cultural entrepreneurship and develop a more inclusive market participation.

For artists to make a sustainable living, it is crucial to protect their intellectual property. It is also important to provide artists and their intermediaries with legal knowledge and management skills to effectively monetize their work. The global consultation revealed the following results regarding international instruments protecting intellectual property:

- **77%** of Member States that completed the survey have ratified and implemented the World Intellectual Property Organization (WIPO) Copyright Treaty (WCT). This is a special agreement under the Berne Convention that deals with the protection of works and the rights of their authors in the digital environment. In addition to the rights recognized by the Berne Convention, the WCT grants certain economic rights.²⁶
- **72%** of Member States that participated in the consultation have ratified and implemented the WIPO Performances and Phonograms Treaty (WPPT). This instrument deals with the rights of two kinds of beneficiaries, particularly in the digital environment: (i) performers (actors, singers, musicians, etc); and (ii) producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds).²⁷
- Only **41%** of respondent Member States have ratified and implemented the WIPO Audiovisual Performances Treaty (Beijing Treaty). This agreement addresses the longstanding need to expand the economic and moral rights of actors and performers in audiovisual performances, including films, videos, and television programmes. It only came to force in 2020, which explains the relatively low level of ratification to date.²⁸

These survey responses indicate significant legal commitment to intellectual property rights across Member States, albeit with room for progress, specifically regarding the recent Beijing Treaty.

WIPO has undertaken activities to support countries in collecting evidence on the economic performance of the copyright industries and in establishing the impact of copyright on them. This is vital in making the connection between copyright law, the ratification of relevant treaties, and the capacity of artists to earn a living. WIPO presented the results of their survey on copyright law (adoption and impact) in a 2021 Report,²⁹ indicating that countries with a stronger copyright regime are better placed to build cultural employment and achieve enhanced productivity. The report also shows that as the share of copyright industries in the economy increases, so does the capacity to innovate, thus positioning artists as catalysts for innovation.

In addition to the data focused on WIPO treaties, the global consultation revealed that **96%** of respondent Member States have a law regulating intellectual property, with **94%** also replying that there are relevant measures, policies or initiatives related to intellectual property in place in their country.

A range of examples include copyright acts and laws in Austria, Bangladesh, Iceland, Ireland, Japan, Latvia, Lesotho, Lithuania, Romania and Zambia. There is a Law of the Artist, Interpreter and Performer in Peru, and laws on author's rights in the Dominican Republic and Senegal.

However, substantial difficulties remain when it comes to effectively implementing and monetizing copyright and intellectual property laws, especially in the digital sphere. The nature of the internet and the ease with which content can be shared has created challenges for copyright owners to protect their works and receive fair compensation for their use.

Burkina Faso provides an example of good practice that navigates the intersection between copyright and social security. The Office for Copyright (BBDA) both oversees copyright and social welfare for its artist members. Working with the Ministry of Culture, Arts and Tourism and the Ministry of Economy, Finance and Development (which provide technical and financial support, respectively), the BBDA manages contributions towards medical expenses, assistance for health insurance and death benefits, with a focus on help for the elderly. This is paid for through a statutory contribution from copyright payments.



Similar practices exist in **Algeria**, where 10% of royalties paid to the National Office on Copyright and Neighbouring Rights are used to provide pension, health, and death benefits.

The consumption of cultural goods and services is evolving, especially in the increasingly important digital environment. In many countries, these ongoing changes have prompted the development of a maturing regulatory and support context to help artists secure fair remuneration for their work. Civil society organizations are also playing an important role in ensuring that creative work is equitably monetized.

It is relevant, when referring to intellectual property, to consider the dominant position both of large competitive companies in the global market for copyright-protected technological content, and of countries with large domestic markets who have become major exporters of cultural creative products. For industries located outside big markets, reaching the level of production and exports of industrialized and emerging countries is a big challenge. Most developing countries are recipients of cultural goods and services produced by these economies, which complicates their access to international markets even further. Critics also note that copyright and related rights tend to disproportionately benefit major corporate players and the most renowned creators, rather than the majority among them.

Other concerns raised regarding intellectual property regimes have to do with the cumbersome processes that an organization that is a user or payer of copyright must face for obtaining clearance to be allowed to produce a performance or put it on stage. Given that copyright needs to be cleared on the national level, the process for doing so might have to be restarted for each country where an artistic company travels throughout a tour, as licenses are often limited to a specific territory. Critics also point out that the difficulties in clearing all affected rights also entail challenges in connection to digitalization and preservation projects. Some also express concerns about the impact on freedom of expression and information derived from the disconnection from the Internet for copyright infringement.

Considering the local situation should be decisive when adopting a national intellectual property regime, based on statistical data on the impact of intellectual property measures on the protection and promotion of cultural diversity, to properly inform the legislative, executive and judicial bodies in designing, implementing and enforcing these.

In the **European Union**, 18 out of 27 EU Member States have implemented the 2019 EU Directive on Copyright in the Digital Single Market (DSM).³⁰ Belgium, France, Italy, Lithuania, Poland, Slovenia, and Spain are examples of countries that have transposed the directive, which provides audiovisual authors with rights to remuneration (Article 18) with mandatory collective management. This can stimulate a virtuous circle of production and exploitation of high-quality audiovisual works. However, some EU countries have neglected Article 18, with authors yet to access clear legal rights to fair remuneration.

The Directive gives EU countries the opportunity to engage with industry partners and policy makers on the issues around unfair payment terms.

Some EU Member States have implemented schemes that seek to enhance pathways to fair remuneration. For example, in Belgium, this process has led to the introduction of a remuneration right for streaming. In Spain, it has resulted in an extension of the scope of contract law in relation to reviewing contracts in cases of unfair payment.

In **Norway**, an exception to the Competition Act allows authors and publishers' organizations to adopt model book contracts. The contract is compulsory for members of the organizations and defines the scope of the licence, the rights granted and the royalties' rates, among others. This system aims to enable authors and publishers to create fair contractual agreements.

According to **the Regional Center for the Promotion of Books in Latin America and Caribbean**, CERALC, mechanisms for promoting copyright have been put in place across the region, with varying degrees of operating capacities. However, there are significant challenges regarding the implementation of existing regulations, especially those that enable artists to have a better financial situation. Generally, more appropriate and effective strategies and actions need to be developed in the region to permit the use of copyright as a main tool to boost creative industries' economic reach.

In view of the above, CERALC outlines a regional agenda on these matters. It presents basic cooperation components to establish an agenda in the medium term, which identifies strategies for the competitiveness of the regional creative sector. It has also established a road map encompassing efforts both from the public and private sectors, with the intent of strengthening the ecosystem of industries protected by copyright and neighbouring rights.³¹



In 2020, the **Arts Council of Ireland** introduced a three-year plan to ensure minimum pay for artists working on projects funded by the Council by the end of 2022.

“We want artists to be confident, to know their worth, and to feel more empowered in negotiation and contracting stages of professional engagements. We intend this policy to play a part in encouraging artists to expect fair and equitable treatment.”³²

Moreover, in 2022, **Ireland’s Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media** launched the Basic Income for the Arts pilot scheme, which aims to support the arts and creative practice by giving a payment of €325 a week to artists and creative arts workers.³³ This pilot is underpinned by a research dimension that will provide valuable insight on its impact and wider considerations regarding the status of the artist.³⁴

In the **United Kingdom of Great Britain and Northern Ireland**, the Scottish government is implementing the Fair Work Action Plan³⁵ that will ensure fair pay and conditions for all workers by 2025. The Plan extends to Scotland’s culture and heritage public agencies, which will ensure fair working practices across the culture sector. In turn, the Arts Council of Wales is committed to paying industry minimum pay rates and will not support projects that do not meet this standard, while Arts Council England is committed to fees being at least the national minimum wage.³⁶

The challenges relating to minimum work and fair remuneration are often also linked to issues regarding national competition laws, as well as to appropriate intellectual property and copyright legislation and implementation, especially in the context of increasing digitization and new technologies, including artificial intelligence.

In November 2022, the European Commission published recommendations³⁷ requiring national competition authorities to no longer consider agreements concluded (under certain conditions) as being in breach of competition law. This initiative removes a major legal obstacle (raised by the Irish authorities in the 2000s and the Dutch in the 2010s) to the conclusion of



collective agreements for self-employed artists. This opens the way for collectives of self-employed artists to operate without being in breach of competition law.

Copyright infringement through the digital sphere is a particular issue for artists across the world, leading to loss of income on content which would otherwise be monetised.

In **India**, on 30 March 2021, the Copyright (Amendment) Rules went into effect, with the primary objective of bringing the existing ones in parity with other relevant legislations, as well as ensuring accountability and transparency. Moreover, the amendment aimed at facilitating smoother functioning by adopting electronic means as primary mode of communication and working in the Copyright Office. The amendment rules have incorporated a new provision of publication of a copyrights journal, which is available at the official website of the Copyright Office.

The Department of Promotion of Industry and Internal Trade (DPIIT) of the Ministry of Commerce and Industry is the nodal department in the country for the administration of various laws related to intellectual property (IP) rights. The department has set up the Rajiv Gandhi National Institute of Intellectual Property Management at Nagpur, as a National centre of excellence for training, management, research, education in the field of IP rights. This public endeavour has facilitated better research, awareness and approaches to addressing issues pertaining to IP rights. NGOs like Human Welfare Association³⁸, which works towards promotion and protection of IP rights of artists' communities, have benefited from access to the knowledge and guidance of this new Centre of Excellence.

In **France**, a recent law (Article L132-25-2 of the Intellectual Property Code) introduced an obligation for professional negotiations between producers of audiovisual and cinematographic works and authors, represented by their professional organizations and their Collective Management Organizations. These negotiations, supervised by the public authorities, should make it possible to define a new framework for contractual practices, to specify the terms of payment of the authors' proportional remuneration, and to provide for the conditions of implementation of additional remuneration after the amortisation of the cost of the work. If within 12 months the professional organizations have not managed to reach an agreement, the State may adopt, through a regulation, the minimum rules that will be binding for all.

The revenue-sharing systems prevalent in streaming, which are often dominated by international companies, have a complex nature that also creates new obstacles for fair remuneration. Many artists receive relatively low royalty rates from streaming platforms, and face challenges in tracking their earnings and understanding how their royalties are calculated and distributed. These revenue-sharing models also tend to favour famous artists, leaving the less popular ones with a smaller share of the revenue.

Additionally, some NGOs have also identified gaps in the enforcement of intellectual property rights for artists, particularly with regards to ethnicity and gender. It has been noted that there may be an inequality of rights depending on these factors as well as on social background.

Moreover, the lack of statutory enforcement is a significant challenge to effective and consistent remuneration for artists. Furthermore, the ways in which contracts are structured can weaken the hand of artists when it comes to negotiating remuneration and maximizing the value of their intellectual property.

For example, in Europe, the Society of Audiovisual Authors³⁹ points out that the main income of audiovisual authors (screenwriters, directors) derives from production contracts that commission them the writing of a script or the filming of a film, TV series or another audiovisual programme. The challenge is that audiovisual authors' production contracts provide a license of their exclusive intellectual property rights to allow the exploitation of the work by the producer. Yet, in too many countries and situations, this type of contract buys out all the authors' rights for a lump-sum payment and deprives the authors of their fundamental right to receive fair remuneration on the subsequent exploitation of the work on different media.

The issue of buy-out contracts has been successfully tackled in some countries through protective legislation that forbids such contracts and/or provides for an unwaivable and untransferable right to remuneration, to be paid by the users of the works and collectively managed. This is the case for example in Spain, Italy, France, Belgium, Switzerland and Poland.

A corollary issue to the exploitation of work produced by an artist or a creative worker is the progress made by artificial intelligence, which is capable of reproducing not only visual media, but also voices, performances and emotions. This is a central issue for artists, as reflected in the 2023 strikes in the United States of America and the United Kingdom of Great Britain and Northern Ireland – actors and writers campaigned for better working conditions overall and for limitations on the replacement of original artists with AI.⁴⁰

Access to Financing

Access to funding is central in the creativity field. However, the cultural and creative industries (CCIs) face numerous barriers to accessing finance. This is due to a combination of factors, including the high proportion of small-size firms and freelancers, high levels of informality and complex business models (e.g., with a prevalence of portfolio working). Further, as IP-based enterprises, CCIs face challenges in identifying how to monetise creative content, products, and services. Also contributing to the obstacles to their access to financing is a range of informational asymmetries with funders – such as banks, state-led programmes and equity investors. The sector is not as well understood as other parts of the economy, and negative perceptions are common concerning levels of business, management skills and overall investment readiness in connection to it.

Cultural and creative firms face further barriers in obtaining suitable finance given that the available options may not align with their specific business models. For example, these funding options may require repayment or returns on investment within unrealistic time frames, or may favour larger firms that can absorb the administrative costs of managing the finance.

For artists, barriers as the abovementioned ones are particularly high. They are also compounded by additional challenges, including in connection to intellectual property, as many artists aim to maintain control over their creations. Further, some of them lack the necessary business or management skills to attract investors or secure certain types of funding. But the major issue concerning the status of the artist is the unavailability of dedicated financial support for sustainable and inclusive practices, along with the limited incentives (such as tax benefits) in place to encourage investment in artists. While some parts of the CCIs benefit from generous tax incentives (e.g., film and games), independent artists do not directly make gains through such mechanism.

As notes the UNESCO Global Report *Re/Shaping policies for creativity*, existing evidence suggests that women in the CCIs have less access to public funding, and to financial support more in general, than their male peers.⁴¹

In **Uruguay** a range of relevant financial instruments have been introduced. The Competitive Fund for Culture, managed by the National Directorate of Culture within the Ministry of Education and Culture, invests in artistic/cultural creation projects by professional and emerging artists across seven categories. The Fund for the Encouragement of Artistic Training and Creation provides an annual allocation of ten million Uruguayan pesos to encourage training and artistic creation. The Regional Fund for Culture holds an annual call for artistic projects outside the capital city. The Fund of Cinematographic and Audiovisual Promotion, managed by the National Institute of Cinema and Audiovisual, supports the financing of cinematographic and audiovisual projects in their production and development phases. The Fund for the Development of Cultural Infrastructures in the interior of the country has the objective of improving the conditions of cultural spaces for cultural production and consumption.

The global survey did not reveal extensive new practices in providing access to finance for artists, except those focused on COVID-19 response (see Section 8). Most available programmes target specific activities (e.g., artists' mobility, training and capacity building), or projects (e.g., exhibitions, research, residencies).

Based in **Kenya** and working across **East Africa**, the HEVA Fund is the first dedicated finance programme for the CCIs in Africa. With international partners/co-investors such as the European Commission, the French Development Agency and the British Council, HEVAS has developed, since 2013, a portfolio of investment programmes that target creative firms, including individual artists and practitioners. For example, the Young Women in Creative Industries Fund⁴² offers loans and technical assistance to women creatives, in partnership with JENGA CCI and Goethe-Institut Kenya.



A further example is Ignite Culture,⁴³ which provides grants of up to 180,000 euros for the support of CCIs in 14 countries in Eastern Africa. Implemented by HEVA in partnership with the British Council Kenya, with the financial contribution of the European Union and further support from the Organisation of African, Caribbean and Pacific Group of States, Ignite Culture invests in organizations that work to:

- increase the quality and/or quantity of creative and cultural goods and/or services.
- improve visual literacy of audiences, visibility of makers and access to new markets for CCI goods and services from Eastern Africa.
- Build appropriate, industry-ready skills and capacity for young people entering the CCIs.
- Enhance the capacity and knowledge of creative practitioners on policy, legal and financing frameworks impacting the sector and increasing their ability to advocate for more supportive policy and legal structures.

Access to finance for artists to start-up their practice, to provide core-funding for their development, or to enhance infrastructure for their work, is most common in Member States with dedicated development agencies and programmes for the arts – e.g., those with national Arts Councils or equivalent investment and support bodies.⁴⁴ Yet such entities and mechanisms tend to be clustered in developed countries. Many Member States in developing countries lack dedicated financial instruments for artists and, where they do exist, they are often facilitated by INGOs, independent of co-investment from government.

Key Takeaways

► Challenges

- The high levels of informality and freelance activity in the CCIs generate uncertainty regarding the classification of paid work and increase precarity in terms of access to fair pay and wider social security. These aspects also deter financing from mainstream sources such as debt and equity, leaving the sector disproportionately dependent on grants.
- While there is growing commitment to supporting intellectual property and related capacity-building and literacy development, there is still room for expanding the ratification of intellectual property treaties and their enforcement is lacking or inconsistent.
- Variable levels of intellectual property literacy among artists and their intermediaries.
- The growing importance of digitization and the quick development of technologies based on artificial intelligence add new challenges to the monetization of creative work.
- Still emergent policy commitment to a minimum or living wage for artists.
- Lack of leverage among artists to influence policy and law that enhances earning potential, with corporate players having greater lobbying power and influence.
- In addition to the challenge of fair remuneration, artists enjoy limited access to social security mechanisms such as income protection and career transition support. This means that they lack access to finance and basic cash flow in ‘hidden working times’ – e.g., when developing a show or undertaking research.
- Artists face significant barriers to finance due to limited supply of appropriate funding and investment readiness.

► Opportunities

- Evidence of some progress to build from in terms of policy innovation and targeted support for artists, recognizing their distinctive operational and business model(s).
- Increased ratification of WIPO treaties and associated capacity-building and knowledge exchange activities.
- Development of regional approaches for knowledge exchange and sharing of good practice – e.g., on intellectual property; and co-design of interventions with artists and NGOs – e.g., on pathways for fair remuneration.
- New tailored finance for artists and creative firms, with innovative models being co-designed by Member States and NGOs, inclusive of investment readiness training and capacity-building and targeted funding for artists from marginalized groups.

3. SOCIAL AND ECONOMIC RIGHTS

Provision of social protection to artists

“There are nearly 30 million culture and media workers globally, and their work makes a significant contribution to their respective countries’ social and economic development. The creative and collaborative nature of their work – compounded by continuous technological developments – has resulted in a proliferation of diverse working arrangements for culture and media workers, including freelance, self-employment, and part-time work. Such arrangements can offer independence, flexibility, and employment opportunities, but can also affect their working conditions, their ability to participate in collective bargaining or fully enjoy freedom of association, as well as their access basic social protection.”
Gruber, M.⁴⁵

Just like in the case of other professions, the protection of artists’ social and economic rights is key for them to sustain their practices.

In this regard, the global consultation showed that **77%** of Member States that responded to the survey (**52**) have programmes, policies or regulatory frameworks that provide social protection to artists – including those that are universally applicable to all workers. Examples include a Law on State Social Insurance in Latvia, a Pension Law in Chile, an Unemployment Insurance Act in Iceland, a Law on Social Security for Artists in Austria, the Uganda National Social Protection Policy, the Integrated Retirement and Pension System in Argentina, National Health Insurance in the Republic of Korea, and Social Medical Insurance in Costa Rica.

However, this data needs to be put into perspective by considering the specificities of cultural employment. The diversity of working arrangements and the combination of multiple contracts, the low-paid and sporadic nature of many cultural occupations, and the weight of informal activities all pose significant challenges. This means that the reach of many social protection policies and frameworks may be limited, especially for artists working in the informal sector or as micro-enterprises. Social protection is not a universal right for artists.

Artists often have insufficient or non-existent social welfare cover and do not receive benefits that are adequate to their needs. This can deter artists and cultural workers from continuing in or even entering the field, which deprives the cultural sector of artistic expressions from people with no access to other financial means. This, in turn, affects the diversity of cultural expressions.⁴⁶

In **The Kingdom of the Netherlands**, The Fair Practice Code,⁴⁷ provides helpful guidance and advocacy support in shaping a more equitable and inclusive labour market for the arts. Drawn up by a broad representation of cultural and creative professionals, it complements the Cultural Governance Code⁴⁸ and the Cultural Diversity Code.⁴⁹ The Fair Practice Code exists for all workers within the creative and cultural sector, as well as for everyone who supports the sector and anyone who is a consumer of art and culture. The Fair Practice Code applies to both subsidised and non-subsidised individuals and organizations.

Based on a principle of solidarity for artists, the Fair Practice Code also targets consumers of culture – to build a greater appreciation for the role of the cultural sector in the economy and society. In addition, it provides the public with insight into the professional practice and ethics of various parties and working professionals in the culture sector.

Many artists work within intricate value chains encompassing various processes, such as ideation, rehearsal, refinement, presentation and so on. This makes the notion of what constitutes work both complex to define and agree upon. In today's digital age, processes of artistic development are even more intricate and harder to map and measure. As a result, even countries with strong regulatory frameworks that provide social protection for artists may not be able to ensure protection that covers them all.

Social security mechanisms do not always account for the specificities of artists' jobs, which makes it difficult for them to claim social benefits. Artists often work on various types of contracts throughout their careers, which can lead to them contributing to multiple funds and social security schemes. Such situations raise challenges concerning the recognition of their contributions and the transferability of their entitlements. In addition, many workers in the cultural and creative industries experience irregular income, which can affect their capacity to pay consistent social security contributions. Artists who work freelance or on contract-basis jobs are sometimes not eligible for traditional forms of social security. Very few countries have pension, health, unemployment or crisis protection systems for self-employed authors and artists.



There are also challenges involved in ensuring that artists' transition from the informal to the formal economy – as part of a professionalization process toward enabling artists to make a living from their artwork – does effectively improve their social and economic situation.

In **Romania**, thanks to the *Ordinance on the status of the cultural worker* (referred to in section 1), independent cultural workers (defined as people who have earned at least 50% of their income from cultural activities in the previous year) can now get socio-economic protection such as access to a pension and health care.

When it comes to social and economic rights, gender dimensions must be considered to guarantee equal opportunities for women artists. Factors such as access to childcare, paid maternity leave and health insurance can impact on women artists' enjoyment of equal opportunities compared to their male peers. Additionally, artists with disabilities may also face challenges to enter the labour market and produce artistic work, while those belonging to ethnic minorities may encounter language, cultural and social barriers that limit their abilities to access opportunities and benefit from their rights.

The need to improve the social and economic conditions of artists was included in the Council of the **European Union's Workplan for Culture** 2019–2022⁵⁰ and more recently in the one for 2023–2026.⁵¹ The latter points to the ongoing structural fragility of the CCIs, which was exacerbated by the COVID-19 pandemic. It also highlights the importance of a robust, well-resourced sector where artists can make a living and, in turn, contribute to a range of positive outcomes, including health and wellbeing, inclusive economic development, democracy and human rights and climate action. Put simply, the Workplan addresses the issue of artists being unable to realise their full potential due to inadequate guaranteeing of their social and economic rights.

An important ongoing issue highlighted in responses to the fifth global consultation on the status of the artist pertains to the transition between various contractual arrangements, such as employment, self-employment and short-term contracts, especially for artists operating across different countries. This situation frequently results in artists failing to meet the necessary conditions to benefit from social protection.

The COVID-19 crisis highlighted these gaps in social provision for artists and led to an accelerated uptake of relevant initiatives. For example, in some countries, steps have been taken to enable artists to access unemployment schemes when being between two contracts (see Section 8).

The Artist Welfare Law in the **Republic of Korea**⁵² came into effect in 2012 and by 2022 it had delivered over US\$25 million in low-income subsidy grants of US\$2,500 to 5,500 artists, with additional support granted to 240 elderly artists. It has become a model of best practice regarding support for artists' welfare. Over 21,500 artists have benefited from the law since its inception. A new related initiative launched in 2019 also provided emergency loans for artists, to cover health, tuition, or housing needs up to approximately US\$4,000, with favourable interest rates of 2.2%. These loans were almost doubled, and the interest rates halved, in response to the COVID-19 pandemic. In May 2020, revisions to the Employment Insurance Act that could benefit around 75,000 artists were also adopted by parliament. Thanks to these amendments, which recognize the precarious nature of their work, artists who have been contracted to work within the cultural sector will now be eligible for unemployment benefits of around 60% of Korean average monthly income.

In **Spain**, the recent approval of the Royal Decree-Law 1/2023⁵³ is an example of good practice towards the improvement of artists' working conditions. The decree's objectives are to:

- Guarantee access to unemployment benefits for artists, adjusting to the intermittent nature of work in the sector
- Ensure compatibility between the state pension and artistic activity (both for employees and the self-employed)

- Reduce the monthly self-employed contribution base for low-income artists
- Promote the development of the Artist's Statute through the creation of a working group
- The decree introduces a special unemployment benefit for those workers in the cultural and artistic sector who, under the general regime, would not be entitled to the contributory unemployment subsidy.

This special unemployment regime will be compatible with the perception of intellectual property revenues. Further, the decree recognizes the compatibility of the retirement pension with the revenues derived from the artistic activity carried out on their own account or for hire.

With this long-awaited measure, the Spanish Government addresses the urgent need to improve the working conditions in the creative sector, while recognizing that atypical employment is commonplace in the media and the culture sector, often leading to precarious working situations for artists and cultural professionals.

Solidarity and unions

Most Member States participating in the survey (**93%**) responded that artists have the right to organize themselves into professional associations and trade unions. There is also some evidence of increased participation in collective organization and action since the last consultation, with **43%** of Member State respondents indicating that the membership of employer organizations and trade unions in the cultural sector has increased over the previous four years, while **31%** reported it has remained stable.

However, some Member States and NGOs point that unions and trade bodies in the cultural and creative sectors may face challenges due to their fragmented nature across different art forms, limited capacity and funding, smaller scale of membership and lack of established partnerships with governments as compared to those existing in other sectors.

As part of the **African Union** (AU) 2021 theme *Arts, Culture and Heritage: Levers for Building the Africa We Want*, the AU called for action to improve working conditions for professionals in the cultural and creative sector. The International Labour Organization (ILO) and UNESCO responded to this invitation by joining forces in an ambitious initiative. In this framework, in 2021-2022 the ILO Regional Office for Africa conducted a preliminary study of challenges and opportunities regarding decent work in Africa's culture and creative sectors, in collaboration with UNESCO.

The findings of the study⁵⁴ will allow the two organizations to develop a 5- to 10-year programme that will contribute to creating better employment conditions and to tackling the main challenges in the sector, such as: poor social protection coverage, lack of labour protection, status gaps for artists and insufficient protection of intellectual rights, the digital divide and lack of skills to distribute and monetise cultural contents online. A systemic approach has been developed, based on 4 dimensions of decent work: promoting jobs and enterprise, guaranteeing rights at work and extending social dialogue.⁵⁵

While social and economic rights vary greatly from country to country, key challenges related to these rights are linked to the high percentage of self-employed and freelance artists, particularly those belonging to minority groups, who often lack access to the political capital of trade unions and professional associations.

Artists also lack bargaining power on their social and economic rights. Competition rules most often mean trade unions cannot bargain collectively on behalf of self-employed workers. In turn, this makes it difficult for unions to attract artists as members.

Although not official unions, groups such as W.A.G.E.⁵⁶ in the **United States of America**, are collectively fighting for fair compensation. Through their solidarity union, WAGENCY (and their W.A.G.E. certification program), artists, and institutions work collectively to establish self-regulating support mechanisms and ensure a minimum standard for fees and services. This plays an important advocacy role in face of limited social security protection for artists.

For context in connection to the example above, it is relevant to refer to the *Artists and Other Cultural Workers* (2019) statistical portrait by the National Endowment for the Arts (NEA),⁵⁷ which reports that, from 2012-2016, 9.4% of the US workforce were self-employed and that, among artists, 34.1% were self-employed. The portrait also notes that artists are more likely to be covered by health insurance as compared to the total workforce (88% versus 85%), yet it also points out that self-employment affects the ability of artists working under this modality to receive insurance, parental leave, medical care, and retirement benefits. Moreover, statistics published by NEA reflect that whereas for certain disciplines such as architects, producers and directors, and writers and authors, health insurance coverage stands at over 90%, only 60-75% of dancers/choreographers, entertainers and announcers report having health insurance plans. In turn, certain groups, such as photographers and fine artists, have a higher self-employment rate. These distinctions can serve as a way of understanding gaps in the system that could compromise the social and economic rights of certain artists.

Looking forward and considering strategic solutions to support the social and economic status of artists, based on the Technical meeting on the future of work in the arts and entertainment sector, (Geneva, 13-17 February 2023), the International Labour Organization (ILO) set out to identify a range of opportunities and challenges. One key assertion emerging from the meeting is that:

“While the arts and entertainment sector creates a great deal of decent jobs, some decent work, deficits exist, especially where informality prevails. Inadequate remuneration systems, limited or, in some cases, non-existent access to social protection, all forms of discrimination, and inappropriate use of varying forms of contracts also represent a challenge to the advancement of decent work. Challenges may also exist in ensuring a safe and healthy working environment and adequate hours of work, as well as in providing adequate regulation and enforcement, and organization of labour.” International Labour Organization.⁵⁸



As a result of the meeting, the ILO issued a series of sound and progressive recommendations for governments to implement in collaboration with employers' and workers associations. These focus on, among other issues, social dialogue and collective bargaining, safe working conditions, adequate minimum wages, an enabling business environment, the transition to formality and the prevention of informalisation. They also refer to promoting artistic freedom, the green and digital transition, and a human-centred approach to the use of AI and technologies for the benefit of all. Moreover, recommendations highlight the importance of tackling challenges related to workers' cross-border mobility, copyright protection, skill gaps, universal access to social protection and addressing all forms of inequality and discrimination in the sector.⁵⁹

Key Takeaways

► Challenges

- Widespread limitations on access to social and economic support, including health and welfare – often due to the freelance and informal nature of creative work.
- Women and minorities face particular challenges in accessing key social and economic support and in developing sustainable professional practice.
- Persistently low levels of appreciation (from governments and the market) of the distinctive working models of artists, and associated precarity of creative practice. With notable exceptions, the status of the artist is not a political priority among other structural challenges. This is despite the role and impact of artists in sustainable development and the importance of the protection and promotion of the diversity of cultural expressions.

► Opportunities

- Build increased regional cooperation to problem-solve and share good practice.
- Leverage insight from breakthrough legal instruments – such as those adopted in Spain, Romania and the Republic of Korea – to deliver impact and demonstrate options for other Member States.
- Build increased solidarity with artists and recognition of their precarity – as brought to the fore by the COVID-19 pandemic.
- Generate knowledge on and develop further related good practice in supporting artists as part of wider employment and welfare interventions prompted by the COVID-19 pandemic.
- Encourage self-organization and mobilisation: supporting artists and their intermediaries in campaigning for change.

4. THE DIGITAL ENVIRONMENT

The impact of digital transformation on artists' livelihoods and working conditions

Although digital transformation was well under way in the culture sector before the COVID-19 pandemic, this crisis has exponentially accelerated the process, especially in those domains that had been dependent on in-person audiences and visitors. For some artists, this acceleration helped offset some of the worst economic impacts of the pandemic.

In their response to the fifth global consultation on the status of the artist, the International Confederation of Societies of Authors and Composers (CISAC) noted that the 10% decline in worldwide royalty collections for creators in 2020 (about US\$1 billion less than 2019) was mitigated by a significant switch to digital in some markets. Revenue from digital collections increased by 16.6%, mainly through the rise of subscription video on demand.⁶⁰ The CISAC Global Collections Report on authors' societies global collections on behalf of creators,⁶¹ evidences some positive trends, with the acceleration of digital licensing by many members offset the decline in other areas cited as “a real success story”.

In **Türkiye**, the increase in access to content by means of digital devices/platforms has allowed local and global service providers to gain income through new sources. In addition to music services, the shift of radio and TV broadcasts to digital platforms has created new users and generated additional ways of generating royalty revenues. The increase in royalties through licensed digital platforms has also expanded royalties perceived by Collective Management Organizations (CMOs) members and individual artists.

However, there are significant differences in how diverse digital technologies are applicable to various art forms, as well as substantial disparities in levels of digital literacy, capacity, and access. Furthermore, it can be difficult to identify challenges in a constantly changing digital environment. Technological advances are evolving at a fast pace and can create new obstacles for the full recognition of the status of the artist.

This rapid digital transformation has amplified existing inequalities and created significant challenges in protecting and promoting the diversity of cultural expressions. Despite a global connectivity boost prompted by the COVID-19 pandemic, almost 3 billion people, accounting for 37% of the world's population, have never used the internet, according to the International Telecommunications Union (ITU).⁶²

Moreover, within the digital economy, major distributors of cultural content are directly funding productions, which gives them the power to influence what cultural content is available to users online. They also leverage algorithms to recommend content, which can hinder the discoverability of diverse cultural expressions and limit exposure and opportunities for emergent artists or those coming from underrepresented communities. These major platforms are often based in Western countries and are more likely to promote content that is produced in these, which can contribute to a lack of representation and diversity. Additionally, national regulatory frameworks are often inadequate in subjecting these multinational companies to national legal frameworks and to measures that promote and protect the diversity of cultural expressions, such as local language quotas.

According to **Latvia's** response to the global survey the digital distribution of works of art has (thus far) been most impactful and disruptive for the music and film industries. This Member State's response makes reference to a mix of positive and more challenging outcomes. For example, on the one hand, it is easier to reach audiences via digital platforms, but on the other hand, it is harder to generate revenues of scale, especially with the post-COVID restructuring of live music and cinema.

In **Mexico's** response, the impact of digital transformation is described in terms of reach and engagement through culture – such as hybrid physical and digital museums, the growth of digitally-driven cultural enterprises, the introduction of platforms dedicated to the commercialisation of works of art, and the new revenue streams and distribution channels enabled by digital technology.

“Although it is difficult to quantify the effect of the creation and distribution of art through digital media, there are indicators that reveal it, such as the increase in cultural companies that use these means, the increase in commercial operations of the artistic industry by electronic means; the increase in the advertising of services and cultural works through the internet; the expansion of visits by users of internet to portals dedicated to the commercialization of works of art, the increase in virtual visits to museums and cultural sites, as well as the transmission of scenic works, among others”.

In the music sector, nearly all major streaming services use some version of the “big pool” model for compensating artists. Under this modality, artists get a portion of a service’s monthly revenue (or at least the revenue that the service discloses) based on a ratio of their plays to all the plays.⁶³ This particular model tends to benefit major-label superstars who generate the bulk of their revenue from streaming platforms. However, it may have a profound effect on niche artists and local repertoire, especially in countries with smaller local markets.

In **Zimbabwe**, the Government has partnered with the National Arts Council and the music sector to establish a National Music Strategy for 2022-2027⁶⁴, as well as a National Culture and Creative Industries Strategy for 2022-2030.⁶⁵ These support artists to leverage opportunities and mitigate challenges raised by the digital environment – with a focus on establishing viable business models for artists in Zimbabwe. The National Culture and Creative Industries Strategy has ten pillars that are important to the enhancement of the sector and the achievement of the 2030 Sustainable Development Goals. These include a focus on cultural markets and business development, and media, information and communication technologies.

When considering widening inequalities in connection to digital transformation, the existing gender divide in terms of participation in the digital arts sector is another important dimension. In this regard, initiatives to tackle the gender gap in the digital creative industries

can be critical, for instance by building of the necessary creative, technical and business skills, providing access to finance, equipment and opportunities.⁶⁶

There are also genuine challenges to freedom of expression via digital platforms. This online environment has made it easier for artists to be censored or tracked, and for their activity to be monitored. This can lead to self-censorship, censorship and punitive action taken against artists. Moreover, artists are often targeted by online disinformation, misinformation and hate speech, to which women artists and those who belong to minority groups are disproportionately vulnerable to. These challenges will be further analysed in Section 6.

Streaming platforms have made it easier for people to access legal content, but the unauthorized reproduction and distribution of copyrighted cultural content continue to have real impact on artists’ incomes. Digital piracy is a constant threat to artists’ rights and livelihoods. Such issues are becoming more complex and pervasive as technology continues to outpace regulation.

The lack of formalisation, wide-reaching intellectual property infringement, and limited models to generate revenue, mean many artists remain to the margins and lack the structured support needed to maximize the power of digital technology. There is also a risk of exploitation where artists in developing countries can provide services online that allow them to access global value chains – such as in film, animation, and music – yet without enjoying the same rights, protections or remuneration opportunities as their peers in other regions.

The advancement of technology, particularly in the areas of extended and immersive reality and artificial intelligence, presents both opportunities and challenges for artists. While some may benefit from these advancements, many others may struggle to fully use and navigate the digital environment. Today, these technologies are evolving at fast pace, and AI has the potential to significantly impact the work of artists in many ways, particularly as AI-generated art becomes increasingly difficult to differentiate from human-made works.

There are growing concerns about intellectual property protection for artists, with blurred lines between professional artists who develop new creative content and users who can generate creative work through AI. There are also questions about ownership and authorship being raised. AI algorithms are trained on datasets of existing art, which means that they may be able to generate creations that are very similar to existing work.

Concerns also exist regarding the impact of AI on cultural diversity. If AI sources dominant trends and styles, it is more likely to generate art that is in line with dominant cultural norms.

“ Measures should be developed to bridge the digital divide between regions and harness the fullest potential of technological progress (including AI and digitalization), and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensures dignity, self-fulfilment and a just sharing of the benefits for all ” International Labour Organization ⁶⁷

Among Member State respondents to the fifth global consultation concerning the status of the artist, **62% (42)** reported having in place support programmes and schemes for artists that enable them to create their works digitally and make them available on the internet – including in regard to access, marketing, and promotion. In turn, **50** Member States, (that is **74%** among those responding to the survey) reported that there are training and/or educational programmes in their country that enable artists to deepen their knowledge and skills in the field of new digital technologies.

Further, **43** Member States (**63%**) responded that they have measures, policies, programmes, or schemes in place that provide access to equipment and spaces for experimentation and collaboration in the digital environment (e.g., incubators and laboratories).

However, many such interventions are urban based, limited in scale and scope, and are often more responsive to digital transformation rather than proactive in allowing artists to play a role in shaping such change. They are also disproportionately clustered in the Global North.

Indeed, results of the fifth global consultation on the implementation of the 1980 Recommendation signal that governments can do more to support artists working in the digital environment. Although **46%** of Member States that took part of the consultation declared to have policies, programmes or funding schemes that contribute to fair and equitable remuneration of artists working in the digital environment, the latter seems to be changing too quickly and radically for governments to keep pace.

In **Japan**, a number of public art institutions, such as the Yamaguchi Center for Arts and Media,⁶⁸ have digital creation laboratories where specialised staff support artists in their digital creation. Some of these expert personnel members also participate in overseas training programmes offered by the Agency for Cultural Affairs to enhance their skills and language abilities, as well as to bridge digital skills gaps.

There are also significant shortcomings in digital capacities and infrastructure in every region, especially regarding new or increasingly pervasive technologies. For example, just **25** Member States participating in the global consultation (**37%**) reported having measures, policies, programmes, or schemes that address the needs of artists working with AI. There is a real danger that many artists will not be adequately equipped to leverage the opportunities arising from digital transformation and that the influence of AI could not only limit their earning power, but also displace their work.



Some Member States are taking a proactive role in this era of digital transformation. For example:

Following the outbreak of COVID-19 in 2020, the **Digital Spain Agenda**⁶⁹ was launched. This is a roadmap for the digital transformation of the country, to take advantage of new technologies and achieve stronger economic growth with higher productivity. This project has been updated and is now called **Digital Spain 2026**. Its framework for action is developed in three key dimensions: infrastructure and technology, economy, and people. The agenda maintains the ten strategic axes of its initial version, established in the Recovery Plan for Spain, while also adding two new transversal axes to promote strategic projects of great impact through public-private collaboration and the co-governance of the State and the regions.

In the **United Arab Emirates**, the Ministry of Culture and Youth has commissioned a study on global technology trends and their impact on creative practice, including considerations on the status of the artist. This initiative is part of the National Strategy for the Cultural and Creative Industries, which envisions to “strengthen the UAE’s position on the global cultural and creativity map”.⁷⁰ The Strategy includes a focus on the role, impact and issues raised by AI, as well as wider considerations on immersive technologies and crypto currencies.

An extensive range of digital development programmes and investments is being implemented in the **Republic of Korea**. This includes the work of **Arts Council Korea** to support artistic activities in online media and metaverse. The Council has advanced a programme of skills and capacity building activities for artists in the digital sphere, such as an education platform for artists and cultural practitioners: “Culture and Arts for Tomorrow”.⁷¹ Arts Council Korea is also planning to offer a technology voucher that helps artists purchase technology services or educational content.

The **Korea Creative Content Development Agency** – KOCCA – supports production, planning, creation, distribution, overseas expansion, business growth,

training, R&D, and financing across different genres –including broadcasting, video games music, fashion, animation, character, comics, IP, and new technology convergence. For example, KOCCA runs project-based, collaborative education programmes under the theme of the synergy between cutting-edge technology (big data, media art, emotional engineering, stage technology, VR, AR and MR) and content creation⁷².

With funding from the Republic of Korea, and as part of a process of building digital capacity and supporting the status of the artist, in 2021, UNESCO launched a project entitled “**Digital Creativity Lab**” to address the digital skills gap in the cultural and creative industries and to strengthen policy frameworks in developing countries.⁷³

Governments are therefore becoming more alert to both the opportunities and the need to tackle the challenges posed by the continuing and accelerating digital transformation. Yet considering for example that only **24** among Member State respondents to the global consultation (**35%**) consider the electronic distribution of artistic works (particularly movies, music and books) to have positively impacted artists’ incomes, there is still much work to be done to create a lasting positive effect, especially where the digital divide is more significant. This provides for a set of policy and regulatory design challenges across the cultural sector.

Responses to the fifth global consultation on the status of the artist particularly highlight the divide characterising these digital times and the double-edged sword of the fast-growing digital environment. They make reference to key issues relating to the diversity of cultural expressions, content moderation, censorship, fair remuneration, access to digital knowledge and skills and artificial intelligence.

The growing digitization provides easier and wider access to information and thus increases exchange and exposure to cultural content. However, this access is not equal and can be shaped and limited by external factors, such as socio-economic status, education or the availability and affordability of the internet. Increased digitization and artificial intelligence also offer new models of creative content generation, production and distribution, which in turn, however, may lead to increased unpaid labour.

The increasing digital offer also challenges artists' intellectual property rights and fair remuneration, while also putting them at the heart of innovation ecosystems where art and technology converge.

In the **United Kingdom of Great Britain and Northern Ireland**, the Serpentine Gallery launched the 2021 Report *Legal Lab 1: Art + Tech/Science Collaborations*.⁷⁴ Based on consultations with artists and technology collaborators, the report introduces best practice in regard to the protection of artists' rights for transdisciplinary collaboration between artists and technologists. It focuses particularly on navigating cultural differences between the art world and the tech world, explores implications for intellectual property, and calls for new ways of investment on artistic projects that facilitate longer-term collaborative practice. This is with a view to enhancing the status of artists by putting them at the foreground of innovation ecosystems, especially considering new extended reality technologies and AI.

Issues of internet safety, fair dealing with copyright protected work and legal practice are preoccupying regulators across the world, especially with the rise of AI, cryptocurrency and other major disruptors. In the European Union, the Digital Services Act and Digital Markets Act⁷⁵ aims to ensure that what is illegal offline is illegal online and that any progress achieved under the Copyright Directive 2019/790 is not jeopardized by a lack of consistency. Underlying these instruments is the principle that to ensure a safe and fair digital environment, it is paramount that online service players are being regulated and subject to a specific liability regime.

Additionally, the spread of unauthorized copyrighted content on the internet is mainly facilitated by online platforms, some of which often contest their active role in providing a hosting space for infringements. Therefore, it is crucial to enhance legal literacy among artists and to facilitate safe, inclusive, and regulated spaces for exchange, distribution and sales.

In **India**, the government's scheme, Digital India,⁷⁶ has been a flagship public initiative to facilitate social inclusion through digital inclusion. E-governance schemes in different countries broadly aim to include citizens in decision-making



processes, and e-awareness and digital literacy programmes familiarize non-users with the digital medium to enable them to optimally use it. This includes initiating digital payment gateways allowing citizens to conduct financial transactions virtually. The Digital India scheme is working to tackle digital literacy issues and onshore digital consumption of Indian content, products, and services.

Benefiting from the Digital India programme, the Ministry of Textiles has developed e-commerce portals such as India Handmade Bazar,⁷⁷ dedicated to building the marketplace for handcrafted products, including those developed in rural contexts.

Digital transformation is being played out in different ways, at disparate speeds, in diverse global regions. For example, in Sub-Saharan Africa, a straight to mobile digital transformation⁷⁸ is opening-up opportunities for a huge, diverse, and youthful generation of digital content creators, many of whom are artists. This is in many ways democratising creative expression, while at the same time most creators lack access to basic economic and social rights and are banking on gaining exposure to the extent that it generates significant revenue. This model is powering large parts of the regional creative economy – from Afrobeats in Nigeria to fashion brands from Kenya, to gamers in South Africa to graphic artists in Ghana.

Digital transformation, the pace and depth of which was amplified and accelerated by the COVID-19 pandemic, requires a more strategic approach that includes the development of appropriate governance models. These should involve a broad range of stakeholders such as ministries of culture, communication (or those with a portfolio on media and broadcasting), trade and industry (or those responsible for copyright regulation), private actors, civil society, and other relevant actors.

Key Takeaways

► Challenges

- The digital divide is contributing to inequality of opportunities in regard to building sustainable artistic practice; thus impacting on audiences' access to a diversity of cultural expressions.
- Inequality of revenue generation opportunities – with individual artists lacking the scale, capacity and collective management needed to gain parity in digital market access.
- Intellectual property infringement – such as illegal downloads, theft, and plagiarism – with patchy global enforcement of the related protective legal, regulatory and policy frameworks.
- Censorship, self-censorship, and on-line surveillance, as well as disinformation, misinformation and hate speech that target artists, are weakening the protection and promotion of the diversity of cultural expressions.
- Lag between digital transformation and reform/regulation – e.g., the rapid rise of AI and its implications for online security and the validation of authentic works of art generated by human (rather than machine) artists.
- Limited capacity and skills to embrace digital innovation – e.g., for artists to work with technologists at the frontier of extended reality.

► Opportunities

- Democratisation of creative production and expression – millions more artists can now develop, distribute, and sell work to markets across the world.
- The increased reach and depth of the ongoing changes are providing expanded opportunities for artists to collaborate internationally, with a kind of “digital mobility” that goes beyond the existing restrictions on physical movement.

- New technologies allow new types of art to be produced – such as in immersive or extended reality.
- New business models – from the growth of on-line streaming to the monetisation of online audience participation (e.g., for music and performance artists) and associated “add-ons” such as via firewalls for creative content. Moreover, the rise of e-commerce and its mainstreaming is enabling visual artists, crafts practitioners and writers to be “born digital”.
- Innovation – putting artists at the foreground in research and development for creative technologies, opening-up new ways of creating art and of engaging with audiences.

5. PREFERENTIAL TREATMENT

Preferential treatment is enshrined in Article 16 of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. It is one of its most binding provisions, which states that:

“Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as to cultural goods and services from developing countries”

Preferential treatment measures refer to two dimensions: trade and culture. They are provisions that might be derived both from a trade agreement or other cooperation initiatives, such as a cultural cooperation agreement. Article 16 aims at achieving a more balanced flow of cultural goods and services and at facilitating the mobility of artists.

As understood under Article 16, preferential treatment measures should fulfil the following conditions: 1) be granted by a developed country; 2) benefit developing countries; 3) facilitate cultural exchanges; 4) relate to cultural goods, services and/or artists and cultural professionals from developing countries; 5) not require reciprocity.⁷⁹

The implementation of measures in this regard is reflected in the Monitoring Framework of the 2005 Convention, which focuses on three areas: (1) the mobility of artists and cultural professionals; (2) the flow of cultural goods and services; and (3) treaties and agreements.

A report by the UNESCO Secretariat of the 2005 Convention that assessed the implementation of Article 16 by Parties to the Convention⁸⁰ found that of the 30 quadrennial periodic reports submitted by developed States Parties between 2020 and 2022, only five⁸¹ (16.6%) reported measures that qualified as preferential treatment. Furthermore, the report notes that only two⁸² Parties had provided information that was specific enough to demonstrate that the measures reported were indeed preferential treatment measures within the purview of Article 16.⁸³

These findings show that the implementation of preferential treatment measures remains significantly limited. Despite the increase in global exchanges of cultural goods and services, developing countries are still facing difficulties in accessing global markets.

It is worth noting that although measures to facilitate exchanges of goods and services and mobility of artists between developing countries do not fall under preferential treatment as defined in Article 16, they are still important efforts, as highlighted by Member States in this global consultation and in this report.

This chapter examines the implementation of preferential treatment measures, but also, more broadly, issues pertaining to the mobility of artists and cultural professionals and the global flow of cultural goods and services. To provide an overview in this regard, it draws from the global consultation's results and from other complementary sources.

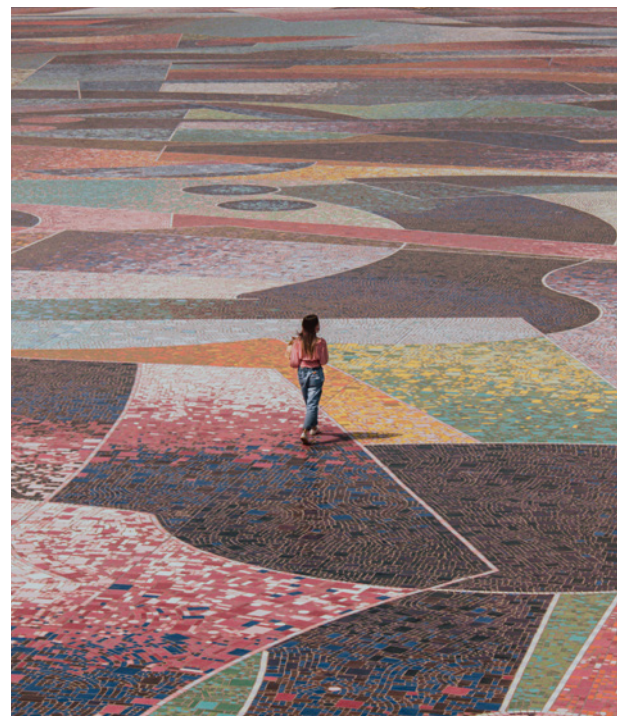
Mobility of Artists

Today, many artists are “born global” and are actively searching for ways to travel for their work. Mobility programmes for artists and cultural professionals have become more frequent on all continents. They provide valuable opportunities for artists to gather, network, enhance their visibility, promote their work, or build their skills and capacities. Yet many artists lack the socio-economic capital to afford to participate in these programmes, and face visa restrictions, as well as other barriers, which renders mobility a relatively privileged

activity without preferential treatment and support. Flows of artistic exchange are unequal, with relative freedom of movement dependent on the country of citizenship, access to finance and access to projects and programmes that broker artistic mobility.

These deep-set imbalances in mobility and exchange are caused by, for example:⁸⁴

- Visa restrictions on the mobility of artists from developing to developed countries.
- The cost of mobility, with the on average greater spending power in the Global North resulting in an imbalance of who gets to travel.
- Cultural barriers, with multiple complex sensitivities for minority groups (e.g., ethnic minority artists and LGBTQI+ artists) to reach out and engage with different societies, especially without facilitation and support.
- Physical barriers – e.g., for artists with disabilities to travel and participate in exchange activities as equals (due to obstacles both related to access and cost).
- Demographic barriers, where – for example – it is disproportionately difficult for women to travel (e.g., when pregnant and/or with childcare responsibilities); as well for young artists, who may lack the needed financial resources and networks.



- Structural barriers – such as tariffs and other frictions that make the movement of goods and equipment too expensive and/or complicated for many.
- Environmental barriers – with some artists being reluctant to travel long distances given the climate emergency, mobility is being re-imagined, such as via slower less environmentally damaging travel and through digital mobility.

Among Member States that responded to the fifth global consultation on the status of the artist, **45 (66%)** reported having put in place measures, policies, programmes, and schemes that support inward artists' mobility. Fewer among them, **24 (35%)** of survey respondents) have a special visa regime for foreign artists (e.g., simplified procedures, lower fees, etc.). In turn, **25** respondent Member States (**37%**) offer direct public support to foreign artists through measures such as subsidies, grants, tax incentives, loan, and guarantee schemes, etc. However, the survey results are less clear in terms of the extent to which these measures – which are particularly relevant to assessing the granting of preferential treatment by developed countries – are promoted and well known. Without effective facilitation by developed countries with partners in developing countries, opportunities for mobility of artists from the Global South are often missed.

In regard to artists' outward mobility, **57 (84%)** Member States reported that they offer public grants and subsidies that support it, while **46 (68%)** offer information sources or training services for artists to travel abroad. Yet only **29 (43%)** declared to offer social protection measures that artists from their country who work abroad can access, which increases the risk and cost of mobility for artists, especially those without working capital. Moreover, according to responses to the survey, the majority of artists benefiting from outward mobility support come from developed countries.

When interpreting these results, it is important to take into account that a notable proportion of Member State respondents to the global survey were Western European and North American countries, a group that is especially concerned with offering preferential treatment for cultural goods, services and artists from the Global South. Although extensive programmes are in place within this regional group to support artists' mobility (e.g., via the Creative Europe programme⁸⁵ and the work of trusts, foundations and INGOs such

as EUNIC⁸⁶) many of these tend to more strongly focus on the mobility of artists from the Global North. There exists an overall imbalance in the diversity of artists receiving support.

The disparity in the geographic range of mobility supported by governments is reflected in figures cited in UNESCO's 2022 *Re/Shaping Policies for Creativity* report. The report highlights that while 83% of Parties to the 2005 Convention reported providing support for external mobility (enabling their national artists and cultural professionals to travel abroad), only 57% reported that they supported internal mobility (inviting artists from abroad or facilitating their visit to the country).⁸⁷ According to the report, only 53% percent of developed countries provide support for the internal mobility of foreign artists, while this figure stands at 59% in the case of developing countries.⁸⁸ The report also notes that 79% of international artists' residencies are based in Europe and North America.⁸⁹

Article 16 of the UNESCO 2005 Convention opens the way for developed countries to implement measures that can have a significant impact on the mobility of artists, particularly those from the Global South, such as:

- developing or creating simplified and rapid derogation mechanisms for the granting of visas to artists, relying, where appropriate, on professional organizations that could certify the applicant's status as an artist;
- making visa application processes more transparent;
- developing a "cultural passport" for cultural operators and artists from developing countries, which could allow them to travel, for instance to EU countries, for reasons related to their cultural activities and work;
- granting more long-term visas, thereby making mobility "normal" and not "exceptional."

It is important that, as part of efforts to open-up access for artistic mobility, priority is given to the situation of refugee artists and artists at risk.

It would be incorrect to categorize all the mobility initiatives reported by survey respondents as preferential treatment measures, as not all of them are necessarily implemented by developed countries with the intention of benefiting to developing countries. Yet, based on a qualitative analysis of Member State responses, some examples that can be considered preferential treatment measures are presented below:

Austria offers the Dance Web Scholarship, which allows artists to complete a 5-week training programme that takes place every year in Vienna in July-August, in the framework of the IMPULSTANZ – Vienna International Dance Festival. The programme offers young professional dancers and choreographers from mainly European but also non-European countries the possibility to take part in a multinational training programme that focuses on the exchange of ideas and knowledge. They are accompanied by artistic mentors selected among dance personalities that have played a decisive part on an international level. The 2018, 2019 and 2020 editions of this programme supported artists from Algeria, Colombia, Egypt, Iran, Mexico, Syria and Uganda, among others.

Austria also offers diverse scholarships allowing beneficiaries to cover their stay during artistic residences in the country. For example, since 2020, the Ministry for Arts and Culture in cooperation with the Salzburg *Kunstverein* has provided residency fellowships in Austria with a focus on African artists.

Germany hosts an artistic residency programme, which is a collaboration between *Künstlerhaus Bethanien* Berlin and *KfW Stiftung*. The initiative offers a studio for young artists from Latin America, Africa, the Middle-East and Asia, so that they can stay in Berlin for one year.

Further, through the Artists' Contacts programme, the *Institut für Auslandsbeziehungen* (ifa) supports international cooperation among cultural actors. Artists and cultural practitioners from Germany and from developing countries or countries in transition receive support for projects in contemporary visual arts, architecture, photography, media art and design. They thereby have the chance to network internationally and to advance the intercultural dialogue between Germany and the Global South. Within the last four years, more than 170 projects have been supported through the programme.

In turn, the ifa supports touring exhibitions that are shown around the world over a period of 5-20 years, also covering the costs of the artists that travel within this framework. The ifa galleries also support temporary residencies in Germany.

The **Australia Council** financially supports festivals, exhibitions and other cultural events that invite international artists to the country. Since 2018, the Australia Council's International Leadership Program has supported more than 40 participants from China, Fiji, India, Indonesia, Malaysia, Papua New Guinea, Philippines, Samoa and Viet Nam to strengthen their leadership capabilities, grow their networks and explore creative intercultural exchange through a 12-month professional development programme that allows them to engage with Australian artists, organizations and cultural workers.

France delivers a Talent passport (*Passeport talent*), which is a residency permit for a maximum duration of four years that can be dedicated to ten categories of people, including artists-interpreters or the foreigners whose international reputation is well-established and who come to France to carry out an activity in a scientific, literary, artistic, intellectual, educational or sport field. The benefits of the Talent passport can be extended to the beneficiary's family members. The concerned person must present documentation justifying sufficient financial resources, mainly derived from her/his activities, for the envisioned period of her/his stay. Although this initiative does not specifically target artists from developing countries, it can effectively benefit them if they meet the required conditions.

Moreover, foreigners who come to France are exempted from a work authorization to exercise a remunerated activity for less than three months in specific domains such as cultural events and "cinematographic, audiovisual, entertainment and phonographic publishing production and distribution".

The **EU-CARIFORUM Economic Partnership Agreement** and its Protocol on Cultural Cooperation, signed in 2008, was intended to allow greater freedom of movement in Europe for Caribbean artists, through mechanisms such as artist or touring visas.⁹⁰ However, by 2023, only visa-free travel to the Schengen area has been made possible for cultural professionals from CARIFORUM countries, without the possibility for them to undertake paid work.

Promoting a South-South approach is gaining increased importance as a way of attending to the imbalance both in terms of Global North artists working on the Global South, and the North-North mobility that prevails internationally. Although these efforts are not examples of preferential treatment in the strict sense of Article 16 of the 2005 Convention, they are also very relevant in view of the obstacles existing for South-South mobility, including for reasons related to poor regional connectivity.⁹¹

Art Moves Africa (AMA)⁹² is an international not-for-profit organization that aims to facilitate cultural and artistic exchanges within the African continent. AMA offers travel funds for artists, arts professionals and cultural operators living and working in Africa to travel within the African continent to engage in the exchange of information, the enhancement of skills, the development of informal networks, and the pursuit of cooperation. AMA works to facilitate regional and transregional cultural exchanges in Africa for individual artists/cultural operators and cultural organizations, encouraging the mobility of artists and cultural professionals so that they can share experiences, information, and ideas.

The **Indian Ocean Commission** has set up a mobility fund for artists and operators in the Indian Ocean. Under the name of *AléVini*, the fund was created within the framework of a regional project for the development of cultural and creative industries in the Indian Ocean (financed by the French Development Agency and implemented by the Indian Ocean Commission), which aims to support trade and facilitate access to markets. To respond to the limitations and costs for cultural exchanges caused by the insular nature of the countries in the sub-region, the fund was set up, in collaboration with the CSO On the Move, to support professional mobility for cultural actors (across the Indian Ocean but also on a global scale). It is also expected to support the structuring of a system to assist the development of the initiatives of cultural actors. The fund will benefit individuals (artists and cultural professionals) originating from or legally residing in Comoros, Madagascar, Mauritius, Seychelles and Mozambique; as well as entities (festivals, associations, collectives, groups of artists, places of residence etc.) legally registered in one of the target countries.⁹³

There is a need for a much more systematic approach to mapping and modelling mobility in the Global South – to achieve a parity of knowledge with the Global North and to identify opportunities for innovation.

Culture Funding Watch is undertaking a mapping study to understand patterns of artistic mobility in **Africa**,⁹⁴ as well as the needs and aspirations of artists and their intermediaries for mobility activities. This is part of the project “Deconfining arts, culture, and policies in Europe and Africa”, which aims to establish new equitable cultural connections between Europe and Africa. Through enhanced collaboration between the two continents, the project brings together cultural practitioners, policymakers, stage artists, media/visual artists, on-the ground universities, and audiences from both continents.

In many States, especially in the Global South, national government support for outward mobility remains minimal, especially without the assistance of INGOs. Yet some countries in the Global South are implementing efforts in this area, as illustrated by the examples below:⁹⁵



The **Chile en el Mundo** (Chile in the World) programme of the Chilean Ministry of Cultures, Arts and Heritage supports mobility as part of the country's internationalization strategy in the creative industries. It works closely with ProChile, the export promotion entity within the Ministry of Foreign Relations.

Mozambique's national cultural policy legislation mandates the Ministry of Culture and Tourism to support the participation of cultural professionals at major events abroad, to boost the export of cultural products and the internationalization of Mozambican arts.

Timor-Leste's support for outward mobility is incorporated in the National Policy for Culture's Internationalization Strategy. It is implemented by the State Secretary for Art and Culture at the Ministry of Higher Education, Science and Culture, in collaboration with the Ministry of Tourism, Trade and Industry and the Ministry of Foreign Affairs and Cooperation.

In **Ecuador**, the previous funding mechanism for outward mobility was replaced in 2019 by a specific funding scheme implemented through an open call by the Promotion of Arts, Innovation and Creativity Institute. The new scheme has clearer, more strategic criteria and more transparent procedures. Furthermore, the Organic Law of Human Mobility of 2017 has harmonised and integrated different relevant regulations and instruments (including the Migration Law, Law on Foreigners, Naturalisation Law and Law on Travel Documents) into a single legal document, thereby making it easier for artists to access passports when representing Ecuador abroad.

Even where support for artists' mobility is in place, other mainstream factors increase friction and cost. For example, in OECD countries, artists on tour are subject to double taxation due to the strict application by States of Article 17 of the OECD Tax Convention.

One of the main pillars of the **European Union**, is the free movement of people and of workers. This is a fundamental right enshrined in the European



Treaty. However, even within the EU, frictions on mobility and exchange remain complex. For example, in practice, artists and cultural professionals are confronted with legal and administrative obstacles related to social security, taxation, VAT, labour law conditions and more.

Thanks to bilateral agreements between Collective Management Organizations in different countries, CMOs collect and transfer royalties between societies to make sure that the authors receive remuneration regardless of their country or residence. However, the scope of the collectively-managed rights varies per country, which means different levels of revenue in each State. Because the market is fragmented, audiovisual authors do not receive royalties on all media and from all European countries. This depends on the country in which their work is exploited. Consequently, this can lead to authors moving to countries where their rights are more protected, draining the State of origin from its talents.

For Member States across the world, an increasing focus area to aid is the development of more accessible and clear guidance and wrap-around support to help artists in the "journey" to and through mobility. In addition, some Member States are prioritizing skills and capacity development to improve artists' competencies for mobility. This is playing an important role in opening-up access for artists from different backgrounds and shining a light on the merits and challenges of mobility.

In **Luxembourg**, efforts have been made to ensure a more coordinated approach to mobility. As such, Kultur: LX⁹⁶ was set up in July 2020, as the new export office for all cultural sectors in the country, with a remit to support exchange programmes, tours, and exhibitions abroad, as well as to strengthen Luxembourg's participation in major international cultural events.

The study on the **Status and Working Conditions of Artists and Cultural and Creative Professionals – OMC Report** (2023),⁹⁷ developed by experts from all 27 EU Member States, urges, among its recommendations, to “Reinforce the capacity of the existing mobility information points (MIPs) and establish new MIPs in all other EU Member States”, in order to build access and literacy on mobility opportunities – both within the EU and between the EU and other global regions”.

The COVID-19 pandemic reduced international mobility for artists and accelerated the development of digital exchange and collaboration. As societies begin to re-open, there has been a push to reconsider how artists' mobility and cultural exchanges can be maximized for impact, while also supporting better access and limiting environmental damage. Despite this increasing shift to the digital environment, international mobility support, especially through preferential treatment measures, remains a vital aspect of intercultural dialogue, exchange, innovation, and trade.

The 2022 *Cultural Mobility Yearbook* of the NGO On the Move⁹⁸ features this increasingly important focus on digital mobility, which is transforming practices of exchange and collaboration, allowing artists to participate in projects and develop new work for overseas audiences without the need for physical travels. The Yearbook shows how, accelerated by the COVID-19 pandemic, digital mobility is growing. It highlights that, among the open calls for funded mobility opportunities listed on On the Move's platform in 2021, 29.4% of were for digital/remote activities or for a mix of online and in-person work (as compared to 26.1% in 2020):

“If ‘online’ was a country, it would have been the largest mobility destination in 2021”. On the Move 2022 Cultural Mobility Yearbook. ⁹⁹



Digital technologies can widen access and facilitate relationship-building, enhancing the overall process of cultural dialogue and exchange. However, digital mobility does not replace the qualities and benefits of physical mobility. The 2022 *Cultural Mobility Yearbook* of On the Move observes that some activities are not well suited to take place online, such as those that involve work with community groups. The Yearbook also highlights that digital mobility takes place within existing structures, with most “new” initiatives or formats that arose in 2021 being adaptations of ongoing programmes or reallocations of existing funding.¹⁰⁰

“For participants, the openness of digital mobility can be deceptive. Digital calls might be open to the world yet inaccessible for many individuals, due to language barriers or a lack of ICT skills or equipment”. On the Move 2022 Cultural Mobility Yearbook. ¹⁰¹

For many artists, it is through physical mobility that relationships can be most powerfully developed, based on which genuinely inclusive spaces for dialogue and co-creation can be formed.

Flows of Cultural Goods and Services

Barriers to trade and exchange of cultural goods and services are particularly pronounced for countries that sit outside of multilateral trade and mobility agreements, including those that have recently exited such blocs, such as the United Kingdom of Great Britain and Northern Ireland post-Brexit. Issues of double taxation, tariff restrictions and limitations on eligible activities to grant visas, all present challenges to the international status of the artist. Barriers to the flow of cultural goods, such as the cost of travelling with musical instruments and theatre sets and tariffs on their movement, can also add to the friction of international artistic mobility.

The recent report by UNESCO's Secretariat of the 2005 Convention on the implementation of Article 16 on "Preferential treatment for developing countries"¹⁰² notes that 84% of trade agreements concluded between 2017 and 2020 contain clauses that recognize the specific nature of cultural goods and services. However, only one of these agreements¹⁰³ contains an explicit reference to the Convention, and no trade agreement signed during this period by developed countries that are Parties to the Convention includes a preferential treatment clause.

This situation has not improved in recent years, with no Party having reported a bilateral trade agreement with provisions falling within the scope of Article 16 of the Convention. Conversely, it appears that developing countries are not fully taking advantage of their trade agreement negotiations to obtain from developed countries preferential treatment measures for their cultural and creative sectors.¹⁰⁴

Modest progress has been made in terms of co-production agreements or funds set up to finance joint productions between two or more countries. According to the abovementioned report, this appears to be the preferred approach to implementing Article 16 by Parties to the 2005 Convention. This type of measure can both facilitate market access and contribute to the mobility of artists and cultural professionals involved in co-productions. However, although encouraging progress has been made focused on this approach, the number of developing countries benefiting from co-production treaties remains limited.

It is also important to note that South-South co-production agreements are on the rise, stimulating more intense and balanced cultural exchanges and building a critical mass of cultural exchange and trade at a regional level.

Canada has helped launch the *Fonds pour la jeune création francophone* (Francophone Youth Creation Fund), which aims to encourage the emergence of new talent in the film and audiovisual industry, and which benefits 22 developing countries.¹⁰⁵

Through its quadrennial reporting to the 2005 Convention, **Switzerland** referred to a film co-production agreement with Mexico. The co-produced films will benefit from financing and better distribution terms in Mexico and Switzerland. The entry into force of this agreement was followed by a spotlight on Mexican cinema during the 54th Solothurn Film Festival and during the French-speaking co-production meetings, which received a visit from a delegation of producers from Mexico.

In addition, Switzerland's Directorate for Development and Cooperation facilitates access to the Swiss cultural market by artists from Latin America, Africa, Asia and Eastern Europe (with the exception of Member States of the EU). In addition to cinema, several other sectors are targeted, including music, publishing, visual arts and performing arts. In the film sector, support is deployed on several levels, including production, post-production, the screening of films at festivals and the distribution of films in Swiss cinemas.

As indicated in **Germany's** quadrennial periodic reporting to the 2005 Convention, the Berlinale World Cinema Fund aims to strengthen the film industry and film culture in certain regions of the world, particularly in Africa. It offers support to the development, production and distribution of feature films from countries and regions with rudimentary film industries or affected by crises.

Germany has also signed a film co-production agreement with Chile in 2018. It seeks to increase access to financing for co-produced works, which will be assimilated to national films in the territory of both Parties.



Moreover, through its “Fair Culture” initiative, the German Commission for UNESCO¹⁰⁶ promotes fair and sustainable exchange and trade relations in the cultural sector worldwide. This initiative seeks to address inequalities in the CCI, particularly between countries of the Global South and the Global North. The project mobilises national and international experts, decision-makers involved in fair trade in policy development, businesses and representatives of civil society from the cultural sector, as well as artists and cultural professionals from around the world, in particular from countries in the Global South. In this context, public consultation has been undertaken on a “Fair Culture Charter”.

Considering the challenges that still need to be overcome to achieve a more balanced trade of cultural goods and services and to increase the mobility of artists and cultural professionals, UNESCO’s 2022 *Reshaping policies for creativity* recommends¹⁰⁷:

- Re-imagining mobility in more sustainable, inclusive, and digitally accessible ways, and correcting mobility imbalances through preferential treatment mechanisms.
- Investment in Aid for Trade and support for Direct Investment in developing countries.
- Developed countries granting of preferential treatment to developing countries and close attention to be paid to data flow commitments in trade agreements.

Developed countries still dominate the cultural services market, accounting for 95 percent of total exports.¹⁰⁸ Preferential treatment measures can be critical in rebalancing this situation, to advance equality across global trade.

Key Takeaways

► Challenges

- Imbalance in the availability of mobility opportunities for artists, with those from developed countries being the main beneficiaries of existing ones.
- Persistent administrative barriers to mobility – including visas, tariffs, double-taxation, travel costs, limited access to social security or health, and under-investment (lack of funds).
- Persistent social and cultural barriers to mobility – which are most profound for women artists, as well as for those belonging to minorities and coming from fragile contexts.
- Digital inequality – as mobility becomes more hybrid and complex.
- Lack of regulatory and strategic action in support of Article 16 of the 2005 Convention.

► Opportunities

- Build on growing South-North and South-South artistic mobility.
- Encourage, facilitate, and invest in minority artists, women and LGBTQI+ artists – to address the prevailing imbalance regarding their mobility.
- Enhance access to artists’ mobility through structured, accessible, and transparent information, as well as through guidance to reduce friction on mobility.
- Build on growing digital capacity to enhance hybrid mobility.
- Reduce friction – e.g., address visa and tariff barriers, including long-term visas – delivering, when it comes to developed countries vis-à-vis developing ones, on Article 16 of the 2005 Convention.
- Support environmentally responsible mobility – to include slow mobility (involving longer stays and use of train and other ‘cleaner’ transport).

6. ARTISTIC FREEDOM

Approaches to protecting artistic freedom in the face of persisting threats and attacks

Freedom of artistic expression is fundamental to the status of the artist, and strengthening this right was among the key commitments reflected in the MONDIACULT 2022 Declaration.

Among Member States participating in the global consultation, **78% (53)** responded that they have in place specific policies, legal and regulatory frameworks, measures, and initiatives to promote artistic freedom. However, in an increasingly fragile global context and with the acceleration of digital technological developments, this fundamental right is in peril and is actively denied in many countries.

The range of threats and challenges to artistic freedom identified in responses by Member States and NGOs that took part of the survey include, among others, censorship, as well as prior censorship via national classification boards – both of which also contribute to self-censorship. Direct attacks on artists are also a persisting problem. In several countries, artists and cultural organizations are observing an increase of state-sanctioned bans.

Along with direct intervention to suppress certain types of creative practices, there are also more subtle ways to circumscribe artistic freedom. These include, for example, control of the press through funding and the concentration of ownership in media, broadcasting, and streaming services, as well as reduced public sponsorship to artists who are critical of governments and disproportionate financing and credit to those who support them.

“National legislation in dozens of countries worldwide requires film approval prior to its release in cinemas or the approval of the script to obtain the licence for shooting” Fifth Global consultation respondent.

Other indirect ways of curbing artistic freedom include control over the provision of broadcasting licenses or licenses for venues to hold cultural events, as well as denial of access to spaces to exhibit, perform or

sell artistic work. The consolidation of corporate monopolies that undermine artists' critical activities is also problematic. In connection to this type of limitations of artistic freedom, reports published by the Council of Europe and Freemuse use the expression of “under the radar” threats to artistic freedom, referring also to the inclusion of critical artists in no-hire lists and the withdrawal of financial support, for example.¹⁰⁹

Among responses to the fifth global consultation on the status of the artist, there were also references to structural racism and other prejudices (e.g., homophobia, sexism, religious bigotry) that contribute to vilify, marginalize, or suppress certain types of artistic expression.

Another challenge mentioned is the pressure sometimes exerted on artists to operate as activists in the face of both local and global challenges, which can in turn expose them to infringements or even punishment. Freedom of expression includes being able to make a set of artistic decisions beyond those expected by funders, audiences, or other stakeholders.

In 2021, more than 1,200 violations of artistic freedom were documented by the NGO Freemuse worldwide, including the killing of 39 artists, a record number.¹¹⁰

Legal prosecution based on charges such as criminal defamation, terrorism, blasphemy, public order or values, national security and the dissemination of hate speech and disinformation is often used to silence critical artists.¹¹¹ Freedom of artistic expression is particularly at risk and suppressed in countries with draconian laws on minority expression. In such cases, artistic freedom may be accessible to the majority, while members of marginalized groups (e.g., the LGBTQI+ community, among others) might lack this and other basic rights. In addition, in countries with strict censorship laws and where democratic values are not endorsed, artists are at risk of punishment, even if their expressions would in other contexts be uncontroversial. This has a material effect on artists' wellbeing and in many cases leads to artists ceasing to work, changing their work, or even fleeing the country in search of safety and artistic freedom. An increasingly worrisome trend is the arbitrary deprivation of nationality.

“Concerns about the propensity of states to initiate informal practices and formal policies which condone the expulsion of their citizens who dissent, is also causing increasing concern, obligating us into thinking of advocacy beyond territorial boundaries” Fifth Global consultation respondent.

References to indecency, blasphemy, public order or morality are often used to justify restrictions imposed on the expression of women artists, who often become the target of defamation campaigns for their artistic work, opinions, activism or physical appearance. They also face intimidation, online and physical attacks, censorship, arrest, prosecution and imprisonment. Yet beyond being mere victims, women artists and cultural professionals have shown to contribute to economic growth, social resilience, reconciliation and healing within societies divided by conflict.¹¹²

According to an analysis of Quadrennial Periodic Reports submitted by Parties to the 2005 Convention, just over half of them (53%) have independent bodies that receive complaints or monitor violations and restrictions to artistic freedom.¹¹³

Some examples of policy responses that encourage artistic freedom or seek to address its infringement include:

In **Namibia**, with support of the UNESCO-Aschberg Programme,¹¹⁴ a process is underway to strengthen the monitoring of artistic freedom through a national report which will support the nation to comply with its statutory obligations on artistic freedom. The June 2022 report looks at two key components of artistic freedom: the state of freedom of artistic expression in Namibia, and the socio-economic rights of artists in the country. Regarding freedom of artistic expression, the report highlighted the various regulations and bodies that govern this right in Namibia, while also providing recommendations to further improve the position of Namibia as a leading country in Africa in relation to freedom of expression. The report also suggested additional issues of relevance – namely gender equality and preferential treatment – that could be further addressed to improve Namibia’s compliance with Goals 2 and 4 of the UNESCO 2005 Convention.

In **Indonesia**, also through the support of the UNESCO-Aschberg Programme (and the International Fund for Cultural Diversity), the CSO *Koalisi Seni* (the Arts Coalition), launched a monitoring system for artistic freedom in May 2023.¹¹⁵ The aim is for the new website to become a strong tool in upholding artistic rights in Indonesia. The launch is the result of a series of advocacy efforts undertaken by *Koalisi Seni* to foster greater understanding of artistic freedom and to improve local communities’ capacities to monitor and report violations of this right across the country.

As summarised in Section 4, digital transformation can also threaten artistic freedom. This includes the surveillance of expressions, for instance through social media, which makes artists vulnerable to suppression of their expressions and/or oppression. Artists are also targeted by online violence, sexist hate speech and disinformation which, as notes UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, aim to intimidate and silence the voices of female and non-binary artists, among those of other actors – which undermines diversity and democratic debate.¹¹⁶



There has also been an increase in online copyright infringement, which reduces both economic rights and the capacity of artists to express themselves openly and without fearing piracy. Additionally, the algorithm-based streaming services may squeeze out the voices of minority artists. Finally, the replacement of original artist voices with digital alternatives – such as through AI – also raises concerns.

Despite these issues, the fifth global consultation revealed that while measures are being put in place by several Member States to uphold artistic freedom, the majority of them do not explicitly tackle the challenges within the digital environment.

The **NGO Don't Delete Art (DDA)**¹¹⁷ is working to inform artists about the risks they face and how to leverage the digital environment to their advantage.

In a context of increasing global insecurity, accelerated by climate emergency, the COVID-19 pandemic, armed conflict and forced displacement of people, freedom of expression is particularly under threat for vulnerable and displaced artists, including those who had to flee their homelands. Most often, artists that are escaping oppression and seeking refuge in other countries do not have access to dedicated support – e.g., through the provision of safe spaces for expression or assistance for their professional development in a context of such fragility and upheaval.

There is little available data provided by responses to the global survey on policy-led action to support artists from marginalized communities to build a voice and participate in civil society as equals, and on artists supported through public initiatives to protect those at risk or on exile. Yet some examples were shared, such as the ones below:

For several years the **Swedish Arts Council** has been supporting the International Cities of Refuge Network (ICORN), of which around 25 cities and regions in Sweden are members. At the time of responding to the survey, Sweden explained that there were 15 artists in the country within the ICORN system. The Swedish Arts Council has funded “SWAN-Swedish Artist Residency network”, which supports cultural workers at risk from Ukraine together with the Finnish CSO Artists at Risk, by giving them the opportunity

to apply for emergency residencies. At the time of responding to the global survey, there were about 40 residencies all over Sweden. Moreover, within the framework of an ongoing programme for artistic freedom implemented in collaboration with Sida (2020–2023), the Arts Council has built up partnerships with six organizations that work in different ways with international refugee systems for artists at risk: ICORN, Artists at Risk, DefendDefenders, *El Mawred Al Taqafy* and *Ettijahat*.

Particularly after the successive emergencies in Syria, Afghanistan and Ukraine in the past years, the **French Ministry of Culture** has implemented efforts to urgently welcome artists, among other particularly vulnerable occupational groups impacted by crises. This includes support for structures guiding them, helping them with administrative procedures, offering them artistic residency opportunities or the possibility of benefitting from host programmes. Examples include the Agency of Artists in Exile¹¹⁸ the *Cité Internationale des Arts de Paris*, the PAUSE programme operated by the *Collège de France*,¹¹⁹ the *Maison des journalistes*¹²⁰ and the *Association des Centres culturels de rencontre*.¹²¹



In **Germany**, the Fellowship Programme *Weltoffenes Berlin* of the Berlin Senate Department for Culture and Europe (created in 2018) benefits cultural workers who see themselves personally threatened and are unable to continue their work in their countries of residence. The programme supports between 12 and 18 artists each year. Aid A – Aid for Artists in Exile e.V helps artists who are persecuted in their home countries because of their personal commitment to freedom of expression, human rights and democracy. The Hilde Domin Prize for Literature in Exile is awarded by the City of Heidelberg. Further, the *Institut für Auslandsbeziehungen* (ifa) in cooperation with the Ministry of Science, Research and Arts Baden-Württemberg, created a contact point and first support for artists fleeing Ukraine. In turn, INTRO – Hamburg Residence for Artists at Risk supports Hamburg’s cultural institutions, district cultural institutions, associations and collectives in creating residencies for artistic cooperation with artists seeking protection.

In **Slovakia**, there were no mechanisms in place for refugee artists before 2022. In response to the war in Ukraine, the Ministry of Culture provided accommodation for 90 children that were students from Kharkiv and Kyiv dance conservatories, accompanied by their teachers and parents, and helped some of them enrol in the Dance Conservatory in Bratislava. The Ministry has also accommodated other young musical and artistic talents to attend Slovak primary and secondary schools and elementary arts/music schools. The Ministry provided assistance to more than 200 persons, including accommodation, meals, financial support, health care and support in search for jobs and schools. Nearly 50 children from three Ukrainian conservatories continued their dance training in Slovakia. State-run cultural institutions participated in this effort, for example, by organizing tours for Ukrainian artists.

Austria has established, in April 2022, the “Office Ukraine – Shelter for Ukrainian Artists”, through a special funding budget by the Ministry for Arts and Culture and in cooperation with civil society. The initiative is intended to provide quick and targeted support to Ukrainian artists who have fled war, through financial support both in the form of



work stipends and project funding, thus ensuring that they can work and live safely in Austria. The initiative also aims to create a framework for networking and exchange with the art and cultural scene in Austria, also on a long-term basis. The Office serves as a platform for the coordination of diverse civil society and institutional initiatives and acts as a liaison between institutions in Austria and cultural workers from Ukraine.

Lithuania also provided support for Ukrainian artists. The Ministry of Culture introduced individual 3-month grants for artists and cultural professionals (114 by the Lithuanian Council for Culture and 8 by the Lithuanian Film Centre). The Lithuanian Council for Culture provides project-based funding to Lithuanian culture and arts organizations supporting Ukrainian initiatives or projects that include the participation of Ukrainian artists and culture professionals. At the time of responding to the survey, 8 projects had been supported. Moreover, 125 Lithuanian cultural and art institutions had offered jobs and cooperation opportunities to Ukrainian artists and culture professionals.

The number of Member States that lead actions in support of artists at risk or in exile, and the placements available, still remains limited, especially when considering the numbers of artists who are in urgent need of such support. This was already highlighted in the 2022 UNESCO Global report *Reshaping policies for creativity*, which showed that only 27% of the Parties to the 2005 Convention on the Diversity of Cultural Expressions has developed or supported safe spaces for artists at risk. There is a need for greater attention and collective action in this area, which severely affects the status of many artists worldwide.¹²²

At the **EU-level**, the resolution on the Status of the Artist adopted by the European Parliament in October 2021 (which was mentioned earlier in this report) urges all EU Member States to foster and defend artistic freedom. In line with the priority given to this right within the Council of the European Union's Work Plan for Culture 2023-2026 and, accordingly, of its Presidency during the first half of 2023, the Swedish government organized the event "Free to Create – European Union Conference on Artistic Freedom and Cultural and Creative Industries."¹²³ Following, in May 2023, the Council of the European Union¹²⁴ adopted a series of conclusions on at-risk and displaced artists that affirmed: "the importance of creative and cultural rights, as enshrined in global as well as regional, human rights instruments, for maintaining human dignity, cultural diversity, pluralism, democracy and culture's intrinsic value"¹²⁵

The document expressed solidarity with Ukrainian artists and welcomed measures taken by the EU and its Member States to provide a safe haven for artists, including arts students, and independent journalists fleeing the war in the country. Further, it called for the protection of artistic freedom globally and invited Member States to take additional measures to support at-risk or displaced artists from around the world by offering them refuge, facilitating their networking and their integration into local community and cultural life.

Most of the schemes facilitating the relocation of at-risk artists provide them with safe havens in Europe and North America. A positive yet still incipient trend is represented by programmes that are supporting relocation to other regions. These include, for example,

Ubuntu Hub Cities¹²⁶ in Africa and Forum-Asia.¹²⁷ There are positive implications in this approach in terms of reduced obstacles to integration in a host community within an artist's same region of origin, and decreased language barriers, prejudices faced, power asymmetries, and costs.¹²⁸

An important challenge regarding artistic freedom is that many infringements of this right go unreported, making it difficult for Member States to access accurate information about these violations. This includes information that might reflect on their own actions and policies. Moreover, there is often insufficient understanding, among governments, about the notion of artistic freedom.

This makes the work of NGOs essential. They play a vital role in gathering information about artistic freedom, raising public awareness about this right, and providing artists with safe spaces and platforms to express themselves and engage in dialogue.

Safe Havens Freedom Talks (SH|FT)¹²⁹ is a non-profit organization dedicated to the protection and promotion of artists at risk and artistic freedom. It provides open platforms for human rights defenders in the arts globally, and develops meeting places for various organizations, groups, institutions (non-governmental and state), individuals and artists who defend the rights of persecuted creatives and academics. This includes a focus on enhancing the understanding of the conditions of women, indigenous and LGBTQI+ groups, learn about and exploring means of safe communication.

In view of the dearth of available support mechanisms for writers at risk – whose right to not only freedom of expression but also to life, is hindered by the lack of public and institutional understanding of their role in enabling critical, vibrant dialogue – **PEN International** is promoting the notion of "equity in expression". It is doing so through a proactive approach to research, campaigning, and programmatic work that mainstreams marginalized discourses as part of the CSO's Civil Society Programme.¹³⁰

PEN America's Artists at Risk Connection (ARC)¹³¹

facilitates information-sharing, networking, and coordination to support artists and cultural workers in peril, matching them with available opportunities for assistance. ARC has also created **“on the ground” regional hubs**, with team members that engage with regional protective networks on monitoring cases, and who coordinate support related to them. ARC has also developed a toolkit to build digital safety skills among artists, which it has also translated and contextualized in collaboration with local partners to reach at-risk artists around the world. ARC has implemented several trainings based on it – including a regional one in the framework of UNESCO's World Press Freedom Day celebration in Uruguay.

Freemuse¹³² is an independent INGO that advocates for freedom of artistic expression and cultural diversity. It produces an annual “State of Artistic Freedom” report. Freemuse is working with a network of partners in **Asia, MENA, Africa and Europe** to deepen and extend its analysis on threats to artistic freedom and to improve and develop joint documentation, monitoring and advocacy. From 2024 onwards, the reports will incorporate new inputs and perspectives from a greater diversity of partners. The reports serve to grow understanding of the importance of artistic freedom and the restraints against it among the wider community of artists and cultural workers, human and cultural rights defenders, media, academics, and others engaged in promoting and protecting freedom of expression.

Although there has been increased engagement, in recent years, of cultural and human rights defenders, as well as NGOs, in monitoring and advocating for freedom of artistic expression,¹³³ capacities to monitor and report infringements still tend to be concentrated in the Global North, with organizations like Freemuse and PEN International carrying out systematic documentation of artistic freedom violations. In the Global South, professionals often lack specific expertise on artistic freedom and generally face heightened contextual restrictions. Also significantly, NGOs specialised in artistic freedom tend to be under-resourced in comparison to others that focus on media freedom or on the protection of human rights defenders. Further,



there tends to be a lack of awareness, among artists themselves, about their rights and the stakeholders working to defend these.¹³⁴ Self-censorship and the subtle methods that are sometimes used to curtail this right also challenge monitoring efforts. Moreover, in the digital realm, artistic freedom restrictions are harder to both identify and measure.

Reasons as the above, along with artists' lack of trust about the possibility of ensuring accountability by those responsible of these violations, contribute to shortcomings in reporting and monitoring on this right.

Amani: Africa Creative Defence Network¹³⁵ and **PAR (Protección de Artistas en Riesgo) – Latin America and the Caribbean**¹³⁶ are two examples of regional protective networks that have been jointly established by diverse partners to coordinate and provide emergency support to artists and cultural professionals, including through safe havens in their respective focus regions

The **Center for the Opening and Development of Latin America (CADAL)**¹³⁷ promotes initiatives aimed at supporting artists at risk and informing about the state of artistic freedom in Latin America. It is an important example of artistic freedom monitoring in the Global South.

Artwatch Africa¹³⁸ has led capacity-building and networking among lawyers and judicial actors to build capacity and awareness regarding artistic freedom.

Significant advances have been made to enhance the protection of journalists, especially following the UNESCO-led adoption of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity¹³⁹ and its endorsement by the UN Chief Executives Board in 2012. Yet while an important corpus of resolutions, decisions and declarations at international and regional level have consolidated the protective regime existing for them, no similar progress has been made for the rights of artists, who tend to lack access to assistance opportunities and safety nets. And though they are often being targeted as a collective for the mere fact of being artists or cultural professionals, they are currently not considered an especially vulnerable group to be prioritized in protection programmes implemented during emergencies, nor in humanitarian evacuations.¹⁴⁰

Further, although there are several targets of particular relevance to artistic freedom in connection to the Sustainable Development Goals (SDGs), there is no specific SDG indicator or target focused on this right or the safety of artists (unlike the case of journalists). This contributes to making the monitoring and reporting of infringements on artistic freedom less prevalent than if there was a specific indicator. More generally, beyond some exceptions, the interaction of artists and CSOs specialised on artistic freedom with UN and regional human rights mechanisms remains limited.¹⁴¹

In 2022, the historic MONDIACULT Declaration recognized culture as a public good with an intrinsic value to enabling and driving sustainable development. This will, it is hoped, facilitate greater attention to artistic freedom in responses gathered through future iterations of the global consultation on the status of the artist.

Key Takeaways

► *Challenges*

- Continued and widespread restrictions on artistic freedom, including censorship, prosecution and even violence and death.
- Limited monitoring of the real scale and impact of such infringements and limited capacity (especially in the Global South) to research and present findings.
- Increasing fragility and acuteness of challenges – linked to climate crisis, war and the rise of populism and authoritarianism.
- Digital transformation, which generates new challenges to artistic freedom and makes regulation and enforcement of infringements and threats more difficult.

► *Opportunities*

- Increased global awareness linked to the high-profile threats to artistic freedom and the plight of those displaced due to conflict, persecution and the climate crisis.
- Improved capacity to monitor the situation and to safeguard the freedom of artists and intermediaries, such as legal professionals.
- A growth in collaboration and sector solidarity, which had been on the rise in recent years and was further boosted by the COVID-19 pandemic and by digitization, bringing artists closer together in articulating their rights.
- Innovation in artistic mobility practice to support inclusive and intercultural exchange that give artists a safe space for expression.

7. EQUALITY, INCLUSION, AND DIVERSITY

Equality, diversity and inclusion (EDI) are core components of the status of the artist. Talent is the sustainable resource of the cultural and creative industries, and embracing a diversity of expressions is fundamental to maximizing the role, value, and impact of creativity. This implies boosting opportunities for talents from all backgrounds to flourish, as well as tackling obstacles related to access, participation and advancement throughout the cultural and creative value chains.

However, the cultural and creative industries still lack inclusivity. Member States can take further steps in enacting policies that guarantee equality, diversity and inclusion, to ensure that all artists can access the same opportunities and rights.

Equality of opportunity, inclusion of all voices, and diversity as the norm are key to fulfilling the goals of the 2005 Convention and the 1980 Recommendation concerning the Status of the Artist.

Many Member States have already established proactive policies and measures with EDI as a foundational principle. However, several among them also acknowledge the necessity to intensify efforts, adopt more targeted strategies, and to put in place robust monitoring mechanisms. Additionally, there appears to be a consensus, mainly articulated by INGOs and NGOs that took part in the global survey, regarding the need to better understand the concept of equality within cultural policies and support to artists. This involves moving beyond straightforward policy frameworks and developing flexible and sensitive approaches that consistently assess the degree to which activities promote EDI. By doing so, they can ensure that the cultural sector is as inclusive and diverse as possible.

Moreover, it is crucial to consider the rapidly changing landscape, where the implications of digital technologies call for constant review of EDI considerations. Understandings of diversity and inclusion are also evolving due to societal transformations and how they are impacted upon by global developments, such as displacement caused by climate emergency and armed conflict that force people to flee their home countries.



In this context, by way of example, due consideration needs to be given to issues pertaining to the status of refugee and migrant artists in their host communities

Promoting gender equality and women's empowerment in the cultural and creative industries

“Gender equality is increasingly being recognized as a priority for the cultural and creative industries, as evidenced by the high percentage of Parties reporting measures to ensure gender equality in the sector. However, acting for gender equality remains one of the main challenges in the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions” Anna Villarroya Planas.¹⁴²

In the framework of the global survey, **71%** of Member States respondents (**48**) reported having measures and policies aimed at ensuring gender equality. These encompass both targeted interventions focusing on the cultural sector and/or broader initiatives.

However, there still exists a deficit of data and knowledge regarding gender equality across the culture sector. Most Member States do not have or did not report gender disaggregated data on artists' employment during the last four years, in general or per sub-sector. Among the few countries that did report gender disaggregated data, the percentage of female artists they referred to was below 50%, except Serbia, with a percentage of 55.7%. In the case of most Member States, there is also very limited data on the difference between the income levels of female and male artists. Where available, data illustrates inequality of earning power. For example, in Lithuania, an economic analysis of the situation of female and male creators shows that, on average, male artists earn 40% more than female artists in lower income artistic fields, and 110% more in higher value cultural activities.¹⁴³

As highlighted in UNESCO's 2022 *Reshaping policies for creativity* report, women are under-represented across most of the cultural and creative industries, especially in management positions and in terms of their recognition and remuneration. Only about a third (33%) of the awards for the main film categories of 60 major film festivals worldwide were given to female artists and producers in 2019. Under a quarter (24%) of the prizes for best director and best screenplay were awarded to women. The female workforce in the gaming industry stands at just 30% worldwide, and women are disproportionately under-represented in high growth technology-intensive sectors.

In **Uganda**, a mapping of the culture and creative sector in 2022¹⁴⁴ indicates that there are less women than men generally in 14 sub sectors of the cultural and creative industries, except in the culinary and gastronomy (Female 58.5%: Men 41.5%) and fashion and design (Female 66.3% Male 33.7%) subsectors.¹⁴⁵

There is also growing evidence that women artists were disproportionately affected by the COVID-19 pandemic and are in danger of being left behind by the related recovery plans. The pandemic exposed the precarity of women artists' situations and resulted in many women artists leaving the profession. Assumed progress in gender equality proved to be very fragile and under threat.¹⁴⁶

Yet there is also a more positive trend: according to recent figures of Eurostat, the gender gap is closing at least in the EU. Since 2011, the share of women in cultural employment has been increasing. In 2011 there were 3.63 million men and 3 million women working in the cultural sector (55% compared with 45%); in 2021, there were 3.76 million men and 3.60 million women (51% compared with 49%), with the lowest gender employment gap ever recorded in the sector.¹⁴⁷ While this does not necessarily translate into income parity, it does suggest that, in the EU, the barriers to access are being lowered and thus the status of female artists is improving in this regard.

However, on a global scale, the lack of consistent data makes it difficult to adequately assess progress in gender inclusion across the cultural and creative industries. Where the data does exist, it continues to point to deep-set gender inequality and the ongoing fragility of women's role in the cultural workforce.

The **European Project – Gender Equality on and off the Stage: A Mapping Project of the European Live Performance Sector**¹⁴⁸ – is an example of a dedicated programme to build accessible qualitative data on the gender profile in the cultural sector. Running from February 2020 to January 2022, it was a joint undertaking of European social partners in the live performance sector, represented by Pearle* – Live Performance Europe¹⁴⁹ on the employers' side, and EAEA-European Arts and Entertainment Alliance – including FIA (International Federation of Actors), FIM (International Federation of Musicians) and UNI-MEI (media and entertainment division of UNI Global Union) – representing workers in the sector. The project was financed by the European Commission. Its main aim was to map the situation regarding gender equality in the live performance sector across the EU, in order to identify and highlight good practice examples.

The fifth global consultation on the status of the artist has provided insights into the efforts of some Member States and NGOs to build a more gender inclusive cultural sector.

In **Togo**, *La Politique Nationale d'Équité et d'Égalité de Genre et son Plan d'Action National*¹⁵⁰ (The National Policy for Equity and Gender Equality and its National Action Plan) provides essential benchmarks for measuring the efforts to uplift women's status. It also identifies the sociological and cultural constraints that undermine such efforts. Further, it outlines the needed institutional step-up and strategies to enhance the national policy for the promotion of gender equity and equality.

In **Chile**, the Ministry of Culture, Arts and Heritage¹⁵¹ has carried out measures to increase the participation of women across its multiple programmes. Actions include the creation of a ministerial roundtable, the diagnosis of barriers in terms of gender equality, and the implementation of a permanent training system and interventions to eliminate violence against women.

“We conducted an analysis of cultural policies, national and regional, to deliver recommendations in the following design of future sector policies that incorporate a gender approach. This is essential to improve the participation of citizens in general, considering this approach, and thus to facilitate the participation of women in various spaces, whether they are artists or women who use and enjoy cultural services.”¹⁵²

Chile has also developed a dedicated approach to data collection on gender in the cultural sector. A gender variable has been added to official cultural statistics and the analysis of information from culture funds, among others. Chile is also working toward affirmative measures to boost gender equality.

“We have made a prioritization of work with the executive secretaries of Music and Audiovisual, being able to open specific lines in music for women artists and workers in this field, as well as a gender quota in the constitution of the jury/evaluators of the funds. In the audiovisual area, work is being carried out on the bases of the competitions to address the barriers.”¹⁵³

In Mongolia, the Law on Ensuring Gender Equality covers all areas of the workforce. In Zimbabwe, a quota system is in place to encourage greater women representation in the arts.¹⁵⁴ In Peru, Law No. 28983 provides for equal opportunities between women and men,¹⁵⁵ as does the National Gender Policy in Uganda.¹⁵⁶ In Burkina Faso, *50-50 pour les femmes, #WeAreYennenga* is an affirmative action programme to support women in filmmaking, developed at the occasion of the *Festival panafricain du cinéma et de la télévision de Ouagadougou (FESPACO)*. In Colombia, the programme *Mujeres narran su territorio* (Women narrate their territory), backed by the Ministry of Culture, has supported the circulation of the work of women writers from across the country.

In **The Gambia**, UNESCO supported partners to improve the status of artists and cultural professionals with a specific focus on women creatives. In the framework of the UNESCO-Aschberg Programme and led by the National Centre for Arts and Culture (NCAC) of The Gambia, the country has received expert assistance to operationalise a National Endowment Fund to

enhance the financing of artistic and cultural programmes. The project also facilitated data collection on women artists and cultural professionals, to guide policymaking aimed at improving their social and economic status, while also raising awareness about incorporating women creatives, specifically their challenges and potential, in existing policy frameworks.¹⁵⁷

“All around the world, women in the cultural and creative industries still face numerous challenges: they are more likely to experience precarious labour practices, remuneration gaps, harassment, and underrepresentation. This project is an important initiative to tackle these challenges”.
Mr Dimitri Sanga, Director of the UNESCO Regional Office for West Africa based in Dakar

In addition to tackling gender inequality, some INGOs and NGOs are working to address deep-set issues related to sexism and violence against women – which both contribute to gender inequality and stem from it. While many Member States have laws with a direct focus on violence against women, these legislations do not prevent the impact of such crimes on women artists. The ongoing physical and psychological persecution of women continues to pose a significant threat to the status of women artists.

The project, **#MeToo in the Arts: From callouts to structural change**, campaigns to eliminate sexual harassment and power abuse in the cultural sector. In light of developments since 2017, when the #MeToo movement rose to global prominence, the **SHIFT – Shared Initiatives for Training** partners (nine European cultural networks and platforms) made a common decision to focus on this aspect of EDI. A key resource is the SHIFT publication,¹⁵⁸ which starts by nuancing some preconceptions about the status quo of gender and power relations in the arts while taking into consideration the diversity of contexts in Europe. It puts forward recommendations and solution-oriented strategies for the arts sector in general – and European cultural networks in particular – for combating sexual harassment and power abuse and creating equitable and safe professional environments for art workers.

Targeted measures for advancing equality, diversity and inclusion

Survey responses demonstrate a growing awareness of and commitment to EDI as a foundation for a vibrant cultural sector and creative economy. Different initiatives implemented by Member States and NGOs in various countries and regions are developing a common language that speaks of diversity as an asset and focuses on EDI as a condition for cultural funding.

Beyond support centred on women artists, **47** Member States that participated in the global survey (**69%**) replied that they have measures and policies in place to support artists from other specific groups (young people, cultural, linguistic and sexual minorities, indigenous people, artists based in rural areas, artists with disabilities, refugee and migrant artists, etc.) Examples given include, among others, the Young Painter Award in Lithuania¹⁵⁹ (championing young artists), and Law 045 in the Plurinational State of Bolivia on the elimination racism and all forms of discrimination.

In **the Kingdom of the Netherlands**, Government funding of culture and art demands applying organizations to work with the Fair Practice Code, which pays strong attention to inclusion and diversity and requires applicants to demonstrate their commitment to and track record in EDI.¹⁶⁰

The 2003 Arts Act in **Ireland**,¹⁶¹ foregrounds inclusion and participation in all cultural investment and practice.

In **Finland**, intellectual property law is designed taking into account Indigenous Peoples' needs, including the collective nature of their cultural expressions. The Ministry of Education and Culture has supported the Sámi Education Institute for the development of educational materials for indigenous artists and entrepreneurs, focused on their right to intellectual property linked to traditional knowledge and expressions.¹⁶² The educational materials also serve to equip experts on intellectual property to better understand various key aspects related to the application of legal norms in instances where Indigenous Peoples' interests are concerned. The development

of these educational materials also complement measures taken by Finland under the UNESCO 2003 Convention on Safeguarding of Intangible Cultural Heritage.¹⁶³

In **Armenia**, the *Law on the Fundamentals of Cultural Legislation*, aligns with the 2005 Convention and has a specific clause on treatment of ethnic minorities:

"The Republic of Armenia promotes the preservation and development of cultural identity of the ethnic minorities living in its territory, promotes creation of conditions for the preservation, distribution and development of their religion, traditions, language, cultural heritage and culture through the implementation of state programs".¹⁶⁴

Among the Member States that participated in the global consultation, **42 (62%)** also responded that they have measures and policies in place to foster audience engagement among specific groups, which in turn stimulates demand for a diversity of cultural expressions and contributes to inclusive talent development. However, in most countries, cultural audiences are far from being representative of the diversity of the overall population. This, in turn, impacts on the profiles of artists entering the sector, which continues to be under-representative of minorities.

Research by the **Australia Council** shows that culturally and linguistically diverse Australians are highly engaged with the arts, both in terms of attendance and participation, including through significant cross-cultural arts engagement. There is a growing appreciation of the role of the arts in creating social cohesion among Australians overall. In 2019, 7.4 million Australians engaged with their cultural background, language group or community by attending arts events or creatively participating in the arts. This represents 36% of the population aged 15 years and over, including 62% of culturally and linguistically diverse respondents.

However, there is low representation of culturally and linguistically diverse Australians in cultural leadership roles and among grant recipients, and Australians from non-English speaking backgrounds are underrepresented among Australian artists. In focus groups, culturally and linguistically diverse artists across Australia indicated feeling excluded from cultural venues and organizations, educational institutions, government, and funding bodies. This can hinder career development, prevent stories from being told and create barriers between artists and audiences.¹⁶⁵

The precarity of cultural work, the importance of social networks and capital to access opportunities, and a range of cost and cultural barriers, make the development of artistic practice for young artists and especially young women and minority artists, particularly challenging.

In **Costa Rica**, the National University of Costa Rica, supported by the UNESCO-Aschberg Programme, has staged 9 roundtables with young artists in different regions of the country. The aim was to collect inputs for the elaboration of a definition of the concept of “decent work” from the perspective of young artists. This has been followed by a survey in which 300 young people have participated. The results of this work were transmitted to the Ministry of Culture to feed into the revision of the National Policy on Cultural Rights.¹⁶⁶

Member States are also increasingly engaging with and providing support for artists with disabilities. However, efforts in this regard often remain fragmented, tend to be led by NGOs, and to be short-term in nature. Significant structural barriers to inclusive participation for artists with disabilities persist, and the COVID-19 pandemic had a particularly detrimental impact on their capacity to develop their practice. This is particularly prominent in developing countries, where poverty is often a further barrier for creatives with disabilities, as is the lack of social protection, security, and support. Both disabilities and mental health issues are often accompanied by stigma. It is paramount to raise awareness and demonstrate the vital contribution of artists with disabilities and those facing health challenges to the global cultural sector.

Led by the British Council, **Europe Beyond Access**¹⁶⁷ is a four-year cooperation project supporting artists with disabilities to break the glass ceilings of the contemporary theatre and dance sectors. It aims to support them as they internationalise their artistic work and careers, while also building knowledge among cultural managers and programmers. The project includes the production of two reports aimed at identifying barriers to the international mobility of artists with disabilities.

Structural inequalities continue to exist throughout the global culture sector, especially in contexts where cultural funding is scarce, informal practices are prevalent, and national identity is actively shaped through cultural policies that tend to promote cultural homogeneity over diversity. Tackling racism and all forms of prejudice is central to the 2005 Convention and critical to upholding the status of the artist. This means moving beyond raising awareness and building EDI literacy to implementing focused actions that bring tangible changes.

“In a few book markets – England, Germany, the Netherlands – inclusion is a topic that is implemented in the book sector. Accordingly, publications of marginalised voices as well as e.g., the transgender or queer community, become more frequent. However, this often seems like purely cosmetic measures, so-called ‘tokens’. The sector is still far from being fully inclusive – from employment to decision-making” Fifth Global consultation respondent.

“Although there are initiatives promoting the participation of traditionally excluded groups, in the (Latin American and Caribbean) region there persists a certain cultural hegemony of privileged groups whose literary production usually gets published and circulates more” Fifth Global consultation respondent.

Piecemeal approaches are not sufficient to tackle deep-set structural issues, and Member States working with NGOs can do more to “join the dots” between projects and programmes that seek to address EDI issues concerning artists. This includes dedicated approaches to improving monitoring and data collection, and recognizing that the barriers

to inclusive and equitable participation in the arts (as audiences and artists), are multiple, constantly changing, and geographically variable.

“There is a very big gap among African countries in relation to diversity and inclusion, because there is no collaboration between countries in creating public debates about diversity and inclusion”.
Fifth Global consultation respondent.

This is where the 1980 Recommendation concerning the Status of the Artist is central to a wider drive for equality diversity and inclusion across society. This, given its ambition to ensure that basic human rights are upheld, and that people can freely express their culture, however different this culture may be from a perceived “mainstream”.

“Ensuring everyone’s right to take part in cultural life represents a basic requirement and a fundamental freedom to contribute to the sustainable development of societies. The promotion and protection of the diversity of cultural expressions is thus a common goal on which our welfare, and indeed survival, as a human race depend”. António Guterres, UN Secretary-General.¹⁶⁸

Addressing racism and discrimination against minority artists requires tailored strategies that consider context-specific sensitivities and modalities. A combination of factors can simultaneously impact an artist’s status, such as gender, ethnicity, sexual orientation, religion, and disability. This raises the concern that multiple biases might converge to have a direct negative impact on the status of an artist. Therefore, adopting an intersectional approach is essential, allowing to tackle challenges specific to artists confronted with multiple vulnerabilities. This approach requires a nuanced understanding of how diverse factors simultaneously affect artists of various backgrounds.

Key Takeaways

► Challenges

- Pervasive and deep-set inequalities that are not adequately tackled through policy or practice.
- Variations in Member States’ capacity and competency to tackle EDI issues, as well as differences in the political will to do so.
- A gap between raising awareness and direct action to attend to EDI issues regarding the status of the artist.
- Limited data and monitoring across multiple indicators concerning EDI.
- Rise of policies and laws that contradict the 2005 Convention by curbing the rights of minorities, including their freedom of expression.

► Opportunities

- Build on the emergence of new laws and regulations that secure EDI for artists as a vector for sustainable development.
- Support enhanced systematic monitoring and data collection – to advance evidence-based policy and action.
- Positive targeting of EDI outcomes across cultural policy, including goals for gender parity, disability rights and minority rights.
- New types of partnership that facilitate the enabling conditions for diverse cultural expressions to flourish.
- Cultural and creative education, capacity-building, and training to increase access and opportunity for young artists and, in particular, young minority artists.

8. COVID-19 AND THE STATUS OF THE ARTIST

Responses in support of the culture sector and their impact on artists

The fifth global consultation concerning the status of the artist provided an opportunity for Member States and NGOs to describe how they responded to the COVID-19 pandemic in terms of policy and action that sought to rescue and recover the culture sector, as well as re-imagine its future. In addition to its tragic impact on health and mortality, the COVID-19 pandemic presented monumental challenges to every element of the culture sector – from eliminating core revenue sources overnight when live events were cancelled and artists were prevented from entering their workplace, to accelerating digital transformation as cultural practice and business moved online.

The effect of the COVID-19 pandemic has been devastating by any measure. It has had a significant impact on the revenues of cultural professionals and institutions, with governments estimating losses in the range of 20 to 40 per cent. It resulted in 10 million job cuts in 2020 alone, with individuals on short-term contracts and project-based work being the hardest hit.¹⁶⁹ The closure of cultural venues and physical distancing restrictions put in place to curb the spread of the disease resulted in the cancellation, postponement or transformation of a great number of physical productions and performances, transmissions of living heritage and cultural practices, celebrations and festivals, and residencies and exchange activities.

However, in their responses to the global consultation, few Member States were able to provide data on the impact of the COVID-19 pandemic on artists and its ongoing repercussions as the sector recovers.

Where data is available, the scale of the negative impact of the pandemic on artists is very clear, as reflected for example in the responses to the global consultation submitted by the following Member States:

- In Sweden, turnover in the cultural sector decreased by about 33% during the period 2019-2020. The decline has continued in the first half of 2021 – sales were about 11% lower in the first half of 2021 compared to the same period in 2020.

- In Ecuador, it is estimated that USD 70 million in artists' income was lost during March, April, and May 2020.
- In Austria, the Austrian Institute of Economic Research estimated financial losses in the range of between EUR 1.5 billion and EUR 2 billion in relation to the entire calendar year 2020. This corresponds to a relative change of -21% to -28%. It is therefore feared that the entire arts and culture sector lost around a quarter of the added value it has generated in recent years, as a result of the COVID-19 crisis.

The process of re-opening was slow, uneven across countries and creative sectors, and expensive. Many artists left the profession, and the cultural sector has struggled to regroup and bounce back, especially with the curtailment of rescue and recovery funding.

Broader shifts are also evident across the cultural value chain, spanning from production to consumption, and distribution to accessibility. Notably, as previously mentioned, the culture sector has seen its digitization accelerated by the COVID-19 pandemic, especially in the Global North, where digital disparities are less prevalent.

In its 2022 report, *Culture in Times of Covid-19: Resilience, Recovery and Revival*, UNESCO charts the impact of the pandemic across every global region and art form. This includes examples of policy responses, and the ways COVID-19 challenged the entire cultural ecosystem:

*“Structural flaws and fragilities that plagued the sector prior to the crisis have been amplified and the extent of their impacts increased exponentially by the pandemic. Many artists and cultural professionals have lost their livelihoods, pre-existing inequities have been deepened – including for women and girls – further amplifying social and economic insecurities. These impacts have brought leading decision-makers and cultural professionals to further rely on the social and economic role of culture as a road to recovery”*¹⁷⁰

Now, as the world moves to a new “living with COVID” or “post-COVID” reality, pre-existing global challenges have risen again to the fore. The impact of the pandemic compounded such challenges, making the poor poorer, forcing women and minorities out of the cultural labour market, and privileging opportunities to those with existing power, resources, visibility, and voice.

As they focus on re-building, it is vital for Member States and their partners to re-imagine and re-frame approaches to culture that position the status of the artist as fundamental to sustainable development and as axiomatic for the fulfilment of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

The fifth global consultation on the status of the artist was more strongly focused on the policy response to the pandemic (e.g., how artists were supported), than on its impact on artists and how it differed across nations, regions, art forms, and specific groups – such as women and minorities.

Most Member States participating in the consultation (94% of them) initiated COVID-19 containment measures, such as enforced closure of venues, cancellations, and sanitary restrictions. A similar proportion of Member States replied that they offered compensatory support to the cultural sector (e.g., grants, VAT relief, furlough schemes, digital mobility support) to offset disruption and loss of earning. Examples include a reduced VAT rate for cultural events (e.g., in Lithuania), relief and support funds compensating artists for loss of earning (e.g., in Australia, Botswana, Burkina Faso, Croatia, Oman, Romania, Senegal, Togo, United Arab Emirates and Viet Nam).

Garantir Cultura (Guaranteeing Culture) in **Portugal**,¹⁷¹ provided grants of up to €40,000 for non-profit entities, and €50,000 for creative enterprises. This was in addition to sector-neutral interventions to furlough staff and attend to loss of earnings, with a focus on supporting artistic expression.

The **Government of Canada** provided support to self-employed artists with the introduction of the Canada Emergency Response Benefit¹⁷² and the Canada Recovery Benefit. This support was a lifeline for many cultural workers who could not access schemes designed for employed workers.

However, there is very limited data available on the impact of such policies and interventions for artists, and especially for artists working in the informal economy and/or unable to demonstrate loss of income, especially in the Global South.

Additionally, in many countries, there was very limited State support for artists, especially for freelance and informal practitioners.

A considerable number found themselves devoid of support or recovery funding, which forced them to give up their career or, at least, compromise their commitment to artistic practice in order to secure income from other employment.

Yet in some Member States, there are positive signs of sector recovery. The Swedish Agency for Cultural Policy Analysis¹⁷³ has undertaken research revealing that cultural sector unemployment is on the road to recovery: surpassing the increase observed in the broader labour market. However, although unemployment has fallen in the field of culture in the latter part of 2020 and the first half of 2021, there is still a long way to go to restore cultural employment levels to their pre-pandemic state. Research led by the Swedish Arts Grants Committee indicates that the pandemic had the hardest impact on Swedish artists with small financial margins. Many of them lacked contracts that could be used as evidence for loss of earning to receive compensation from support programmes.

This type of data – on lost earnings and cultural sector unemployment – is not available in most countries. Moreover, few data sources disaggregate at the level of freelance artists, instead focusing on employed cultural workers.

NGOs played a critical role in providing support and guidance to artists during the pandemic. For example, amid the crisis, **IMPALA (the Independent Music Companies Association)** published a website to map the responses to COVID-19 by **EU Member States** in support of the cultural/music sector. This website was frequently updated until late November 2021, and included a (non-exhaustive) list of best practice. This list was based on IMPALA's scan of the country information submitted by its members in response to a survey.¹⁷⁴

Many artists who left the profession due to the pandemic will not benefit from ongoing or future recovery programmes. In this regard, global survey respondents did not provide detailed information on how cultural policies, support programmes and incentives for artists have been revised since the peak of the pandemic, toward a strategic re-framing that was much talked about during the crisis.

While for some, the COVID-19 pandemic is viewed as left in the past, many artists are still feeling its effects and are struggling to regain lost ground. For numerous emergent and young artists, three years of professional development were lost, with limitations on mobility particularly detrimental at a critical time in terms of nurturing networks and audiences. For many artists working in health and wellbeing settings, opportunities to build their practice have arisen, with policymakers beginning to recognize the links between the status of the artist and sustainable development. For artists working in hybrid digital/face-to-face contexts, new markets have opened, for which dedicated support would be most welcome.

Research by the European Expert Network on Culture – entitled *Thematic Analysis of the Inclusion of Culture in the National Recovery and Resilience Plans of Italy, France, Czechia and Germany*¹⁷⁵ – calls for a wider “ecosystem approach” to supporting the needs of artists, cultural professionals, and arts institutions in the wake of the pandemic. This is based on an understanding of the ways in which income is one factor affecting the status of the artist, alongside wider working conditions, artistic freedom, mobility, and cross-border cooperation. All these aspects have been disrupted and negatively impacted upon pandemic.

The context of genuine flux and transformation that the pandemic leaves behind it poses a policy and investment challenge, which requires review, re-framing and innovation across the cultural policy landscape. This includes new and better laws that protect artists and encourage their creative professional and sustained development. It should also entail actions that build capacity and skills, bridging existing gaps, such as in digital access and literacy. And it also calls for new models in mobility, exchange, facilitating inclusive participation and fuelling a new generation of artistic talent.

There is much to be done if artists are to play a foundational role in sustainable development and if Member States are to fully recognize the value that artists bring to society. The COVID-19 crisis prompted many governments to take immediate rescue measures, followed by shifts toward recovery measures. However, only a limited number of governments have moved beyond that stage to actively re-think and re-shape approaches to cultural policy and artist support.

The fifth global consultation on the status of the artist indicates that while there are examples of new and innovative policies, including a revision of legal and regulatory instruments in support of artists, few Member States have yet demonstrated a readiness to deliver the step-change in artist support needed for talent to flourish in the long-term.



Key Takeaways

► Challenges

- Loss of employment and earnings, resulting in an exodus of artists from the cultural sector, disproportionately affecting women and minorities.
- Slow and patchy recovery, with some sectors struggling to re-boot, especially in the face of digital transformation, dwindling audiences and the cessation of recovery funds and support.
- A health and welfare crisis across the cultural sector, with long-COVID, mental and physical health challenges, and uneven opportunities for artists with disabilities to participate as equals while the virus continues to circulate.
- Rise in global challenges, with climate emergencies, forced displacement, socio-economic crises and conflict all generating pressure on the status of the artist.
- Digital transformation re-framing the entire cultural value chain.

► Opportunities

- The policy and partnership moment: an opportunity to review support for artists and develop a more robust and resilient cultural ecosystem.
- Innovation: exploiting the new types of practice enabled and/or accelerated by the pandemic, including new models for mobility, the role of artists with creative technologies, and the rise of AI and extended reality as vectors for new types of art.
- Collaboration and rebalancing: with burgeoning networks and exchange platforms catalysing stronger mutuality between artists in the Global North and Global South, as well as activating dynamic South-South collaboration.
- Strategic renewal: building from the MONDIACULT 2022 Declaration, position culture as a global public good and artists as foundational for sustainable development.



9. THE STATUS OF THE ARTIST AND SUSTAINABLE DEVELOPMENT: KEY CHALLENGES AND THE WAY FORWARD

“To support the positioning of culture as a global public good... and inform future cultural and public policies and strategies, as well UNESCO’s programmatic action, we underline the need to coordinate, strengthen and develop instruments and mechanisms for the integrated analysis, monitoring and measurement of culture and its impact on sustainable development” MONDIACULT 2022 Declaration, para. 20.

There is a pressing need to better understand the role and impact of cultural policies in achieving the sustainable development goals, but also how to improve support for artists and cultural professionals, who nurture the culture sector. To assist artists effectively, stakeholders need to thoroughly comprehend the measures in place and any gaps or challenges that need to be addressed. The fifth global consultation on the status of the artist plays an essential role in building this knowledge.

The consultation was conducted after many areas of our societies faced an unprecedented crisis with the COVID-19 pandemic, which had significant implications for artists, and affected cultural policies and investment. The pandemic greatly exposed structural fragilities across the cultural sector and brought deep-set challenges into the foreground, regarding EDI, freedom of expression, social and economic rights, mobility and trade, and fair remuneration and access to financing. The rapid development of digital technology, in both uneven and unpredictable ways, also impacted the results of this global consultation.

This global survey focused on the status of the artist as a crucial element of cultural policy. Artists are the ones who use their creativity and imagination to produce work that reflects our shared values, identities, and culture. By considering the professional, social, and economic status of artists, cultural policies can provide support that enables talent to thrive and generate social and economic impacts. Such policies have positive spill-over effects, related to innovation, wellbeing, tackling climate emergency and forging civil society.

Since the fourth global consultation on the implementation of the 1980 Recommendation was launched in 2018, the impact of culture on sustainable development has been increasingly recognized and highlighted. However, the importance of the individuals who shape this sector remains undervalued around the world. Despite progress being made, this fifth global consultation has shown that artists, who are at the core of creativity, still face numerous challenges in order to maintain their practice, thrive and develop art under good working conditions. In many Member States, the capacity of artists to carry-out their work and deliver impact is genuinely in peril.

“Concerned by the impact of contemporary challenges associated with the global landscape, as well as multiple, protracted and multidimensional crises – linked in particular to the dramatic consequences of climate change and biodiversity loss, armed conflicts, natural hazards, pandemics, uncontrolled urbanisation and unsustainable development patterns – which lead notably to increased poverty, setbacks in fundamental rights, accelerated migrations and mobility, as well as exacerbated inequalities, including as regards the digital divide” MONDIACULT 2022 Declaration, para. 2.

The above-mentioned multi-dimensional crises have a huge bearing on the status of the artist. This is through **direct impact** – e.g., in the case of artists displaced by climate crisis or war, artists who lack freedom of expression and in many cases are marginalized or persecuted because of their art, or artists who lose the capacity to develop their creative work, are forced into other sectors in search of a living wage or cut from communities of practice due to a growing digital divide. Contemporary challenges also have a more **indirect impact** on the status of the artist, for instance when considering the gaps in intellectual property and labour laws that see artists’ copyright infringed and working conditions worsened; the financial and legal barriers of visas, which feed into imbalances in global cultural exchange and mobility; or the limited voice or agency of artists due to a lack of trade bodies or intermediaries capable of influencing policy and investment. Moreover, genuinely inclusive policy dialogue that provides a platform and voice for artists is rare.

The nature of creative work

The very specific nature of creative work brings with it numerous challenges that have been exacerbated by the COVID-19 crisis. Artistic work cannot be compared to that taking place in other socioeconomic sectors. It is marked by a diverse range of employment relationships, often characterized by non-standard or self-employed conditions and high levels of portfolio working. Often, artists have to move from project to project and undertake significant development work, which may not be classified as formal work by clients or employers.

Therefore, artists and cultural workers frequently face challenging working conditions, often without eligibility for social or economic benefits, such as social protection, freedom of association, or collective bargaining. This impact is even more pronounced for women artists, affecting their access to rights, such as maternity pay or childcare support. Minorities have less protection regarding fair labour practices, social security and freedom of expression, as compared to artists from dominant cultures and those in more privileged socio-economic circumstances.

Step change for the status of the artist?

As governments and public authorities increasingly recognize and celebrate cultural and creative industries for their role in promoting shared values and identities, driving economic growth and sustainable development, it is also crucial for them to provide better protection for artists. This requires prioritizing the issue on the political agenda, allocating adequate resources, and establishing effective laws and legal measures to safeguard and promote the status of artists.

To maximize culture's contribution to the achievement of sustainable development, a perspective shift focused on providing artists with the support they need is crucial. Actively promoting their social and economic rights, strengthening the investment in the sector and supporting gender equality, inclusion, and the rights of marginalized groups, can lead to significant strides towards a better recognition of the status of the artist.

It is also important to pay greater attention to the high imbalance in opportunities available for artists from different backgrounds, such as those who face greater

difficulties and barriers to being heard; like indigenous artists who too often lack visibility, voice and pathways for professional development; and, more broadly, for artists in the Global South who do not have access to the same levels of mobility, investment, and socio-economic rights as their peers in the Global North.

Critical challenges identified through the global consultation include:

- **Lack or poor enforcement of laws and regulations.** Despite some genuine progress, legal measures to support the status of the artist, as well as their appropriate enforcement, still need to be strengthened. These include omnibus laws which provide a full package of protection, shoring up social and economic rights, guaranteeing freedom of expression, and incentivising investment in culture.
- **Under-payment and non-payment.** Fair pay remains unavailable to many artists, and widespread incidences of under-payment and non-payment are a serious challenge. This is an outcome of the distinctive modalities of creative work, including high degrees of freelance activity and significant stages of the related processes that are not costed or remunerated. Access to finance beyond one-off project grants remains limited to a minority, and it remains difficult for many artists to secure a steady stream of income. Artists also face widespread infringement of intellectual property rights and lack of enforcement of relevant laws in this area (where they exist), resulting in lost revenues. It is also important to note that these issues are also linked to the insufficient understanding of the nature of artistic work and thus limited respect for the economic rights of the artist.
- **Uneven access to social and economic protection.** Artistic occupation is still characterized by a high level of precarity in terms of social protection and benefits, especially for artists working as freelancers or in the informal economy, for women, young people, and minorities. The COVID-19 pandemic has widened inequalities and for many artists it has made their creative practice unsustainable. This and other crises have disproportionately increased the precarity of artistic work in developing countries – such as in the case of artists displaced by climate emergency or conflict.

- **Global imbalance of opportunity for artists' mobility and the trade of artistic goods and services.** The global exchange of cultural goods and services is also characterized by disparity between developed countries and developing countries. Efforts are being made to readjust this trade. However, the existing cooperation and preferential treatment mechanisms in place are not sufficiently impactful to create a balanced, inclusive global community and marketplace for artists and their work. To address the challenges at hand, it is also important to pay attention to new forms of innovative mobility that better connect artists in and from the Global South, balance digital and physical interactions and foreground environmental and ethical concerns.
- **Widespread infringements on freedom of artistic expression.** This includes direct censorship, persecution and forced displacement of artists; and indirect censorship – such as through funding mechanisms, licences, and the selective validation of artists. Disinformation, misinformation and hate speech directed at artists also increasingly impinge upon their free expression. Further, global challenges are heightening the vulnerability of artists, on the one hand, and placing a burden of representation on them, on the other, exerting pressure on their free expression.
- **Structural barriers to achieving equality, diversity, and inclusivity.** Across the globe, the cultural and creative industries are not as equal, diverse, or inclusive as they should be to support the status of artists from all backgrounds. There is a growing awareness of equality, diversity and inclusion as key considerations for the status of the artist, with a fast-growing global movement of inclusive, ethical cultural projects and programmes, many of which are led by NGOs and targeted toward global challenges such as climate emergency and forced displacement. However, with increasing precarity for artists from minority backgrounds due to socio-economic factors, coupled with increased incidences of discrimination such as those influenced by nationalistic agendas, artists face barriers to development based on their gender, sexuality, ethnicity, disability and more.

Digital transformation

The fifth global consultation on the status of the artist has also revealed the accelerating impact and influence of digital transformation. The challenges linked to the digital sphere are diverse and keep multiplying to contribute to a global digital divide. However, the increasingly pervasive, immersive, and interactive digital environment also brings numerous opportunities for artists, from access to collaborators and markets, to new domains of creativity and innovation.

The rise of digital tools and platforms disrupt existing ways of creating, producing, distributing, and consuming cultural goods and services; opening-up new professional and commercial prospects for some artists, while also restricting these for others. Digital transformation can still be considered as being in its early stages, with major disrupting technologies such as AI, Blockchain and the deepening of extended reality still to fundamentally reshape mainstream practice. But it is clear that rapid change will continue, and its impact on the global creative economy will be radical and profound.

This introduces a set of urgent fields to be considered by policymakers working to support the status of the artist. These include:

- **Attending to a growing digital divide:** the gap is widening between those with access to increasingly innovative, high-performance tools and those who struggle to obtain a stable internet connection or basic equipment.



- **Unlocking the power of algorithms to support artists:** artists, especially those working independently with limited resources and narrow entry-points to new technologies, do not have equal access to machine-learning/AI tools. They also face discoverability challenges in terms of accessing data to inform their practice and being visible and thus “open for businesses” on major streaming services or big data-driven platforms and communities. In 2021, UNESCO produced the first-ever global standard on AI ethics – *Recommendation on the Ethics of Artificial Intelligence*.¹⁷⁶ This was adopted by all Member States and provides a source of guidance for future practice.
- **Facilitating opportunities for fair remuneration and robust intellectual property protection in the digital market:** recent years have seen great changes in the ways creative work is presented, distributed, and sold, with consumers massively relocating to digital marketplaces such as e-commerce and streaming platforms, and increasingly positioning themselves as “co-creators” while in many cases infringing copyright and appropriating artists’ original work. Much greater regulatory dexterity and sector-led innovation and organization is required to build a digital environment in favour of the status of the artist (e.g., via collective management systems and tools that encourage fair remuneration).
- **Supporting artists to thrive at the heart of digital innovation:** as creative people, artists are already playing a formative role in exploring new and emergent digital technologies, collaborating with informaticians and engineers, and working across sector boundaries to generate content and experiences that are driving innovation. This includes a new generation of extended reality technologies inclusive of virtual reality, augmented reality, and ever-more interactive and immersive platforms. However, access to fair remuneration, the protection of artists’ intellectual property in collaborative settings, and the risk of creating a “digital elite” of artists, all require attention.

UNESCO has prepared a range of guidance tools to support a fair and equitable digital transition for artists and the wider cultural sector. This includes:

- A Roadmap for the Protection and Promotion of the Diversity of Cultural Expressions in the digital environment (2019)¹⁷⁷



- A policy guidance note on *Revenue sharing and transformation in the music streaming value chain* (2022)¹⁷⁸.

Further, UNESCO has launched preparatory work toward the establishment of a Reflection Group on the Diversity of Cultural Expressions in the Digital Environment (2024/2025).¹⁷⁹ UNESCO has also supported the development of guidelines for the regulation of digital platforms.¹⁸⁰

Looking ahead: priorities concerning the status of the artist

The fifth global consultation on the status of the artist reveals significant progress in the recognition of the role and value of artists as the creative force of the cultural sector, which thus makes them central to establishing culture as a cornerstone of sustainable development. New laws have been passed, new programmes launched, and many artists will have directly benefitted as a consequence.

However, due to multidimensional crises that have affected every global region, and still limited action, there has not been yet a step change in the recognition and protection of the status of the artist.

Today there is a momentum for change, and it is imperative to build on it to implement policies that put the status of the artist first.

Key priorities for Member States, working with UNESCO, INGOs and NGOs, will be:

Boosting policy, partnerships, and evidence

There is a paramount need to fundamentally **strengthen policies** dedicated to the status of the artist. While new measures are important to fully enable artists to play a central role in driving sustainable development, it is critical to build policy frameworks in a participatory manner with the workers in the CCIs and their representatives, who are the first to be affected by the future policies.

Artists and the specificities of their working conditions need a **wider recognition in domestic laws** in relation to labour, social security, intellectual property and more. Artists also require **dedicated investment** to build their capacity, assist in their transition to a more formalised economy, and explore the potential of digital technology.

Moreover, the disparities registered among the responses by Member States and NGOs in regard to the existence of status of the artist laws and the extent to which existing minimum wage legislation benefits them, for example, could be signalling **gaps in terms of awareness of legal instruments or support mechanisms in place, or in their effective implementation or in their adequacy to meeting artists' needs**. These differences in responses among the two groups also underscore the **need to facilitate dialogue** on the status of the artist among them in many countries.

Partners committed with advancing this agenda will also need to **address the lack of comprehensive data** on the role, impact and changing development needs of artists, with a stronger and more systematic approach to monitoring, especially concerning the impact of digital technologies and shifts in mobility – in light of global crises and new types of hybrid mobility that balance physical movement and digital exchange. There is also an opportunity to better understand the role of artists in contributing to societal health and wellbeing, as well as a need to better understand the wellbeing (including physical and mental health) of artists themselves, especially those working in crisis contexts.

Enabling artists to thrive

The policy and legal context is of course fundamental for the status of the artist. But it is the activation of policy and enforcement of laws that directly impact on artists. In addition, it is through dedicated interventions such as on funding, mobility and education and training, that critical advancements on the status of the artist can be made.

A key starting point in supporting the status of the artist is to **provide more information and greater clarity about their rights**, working to ensure artists of all backgrounds build a level of legal literacy that aids their practice. The cultural and creative industries are a fast-moving and relatively under-structured and under-formalised sector, with limited resources that pool knowledge and provide guidance to artists. This is particularly the case where artists may not be aware of their fundamental rights or how to exercise them. It is therefore essential to increase efforts to provide artists and cultural professionals with clear information about their rights and the support mechanisms available to them. This includes broad rights relating to freedom of expression and technical rights linked to intellectual property, fair remuneration and working conditions. There is a particularly acute need for building awareness and offering intermediary support to artists at most risk, including indigenous artists, those belonging to other minority groups, those that face persecution and those who were forced to leave their homes due to crises.

In addition to supporting artists to enhance their knowledge about their rights and their protection, artists across the world need **dedicated support to build their access to training for their professional development**. Many artists struggle to find employment or lack the management capacity and skillsets to build sustainable portfolio careers. It is therefore essential to offer opportunities for specific education and training programmes, which provide artists with abilities that facilitate resilience and entrepreneurship. This includes a focus on artists in the digital sphere, building skills to thrive in an increasingly collaborative and interdisciplinary landscape. It also encompasses areas of specialisation where artists are service providers – e.g., in education, health, wellbeing and environment.

In today's fast-moving and complex context, where artists are in competition for attention and resources from both within the CCIs and other sectors, it is also important **to pursue social dialogue and develop robust support structures for artists**, with unions and professional associations working to ensure the economic and social rights of artists are correctly represented and defended.

Building capacity and strengthening the enabling environment for artists to develop their professional practice will be vital in supporting the status of the artist for Member States across the world. However, as the COVID-19 pandemic has demonstrated, artists lack protection in times of crisis – be it on a global or personal scale. In an increasingly disrupted world and where artists, as predominantly freelancers, are not protected should they fall ill, raise a family, or lose a commission, it is essential to take action **to provide them with proper safety nets when unforeseen situations occur**. This requires reframing approaches to social security and remuneration so that artists are not left behind or forced out of the profession.

Addressing gender equality as a priority in cultural policies must also be at the core of efforts moving forward, in line with the MONDIACULT 2022 Declaration's recommendations for future policies to provide a better consideration and representation of women within the culture sector and a full and meaningful participation in cultural life. Moreover, it will be essential to put in place more systematic approaches to **tackling other barriers to equality, diversity and inclusion**, following an intersectional approach that considers not only gender, but also its interaction with other forms of discrimination and exclusion based on race, religion, age, disability, among other factors.

Rebalancing international artistic practice and exchange

It is essential to take full advantage of the potential of Article 16 of the 2005 Convention to **stimulate a sustainable rebalancing in the trade of cultural goods and services and to guarantee a place for cultural expressions from developing countries on the international scene**. Preferential treatment measures benefitting developing countries are concrete tools to foster an environment that is conducive to diverse cultural content, notably by supporting the mobility of artists and the balanced flow of cultural expressions. However, as this global consultation has

shown, a limited number of Member States have in place effective preferential treatment mechanisms, and investment in rebalancing global mobility is not facilitating enough opportunities for artists from developing countries.

This is to the detriment of the cultural and creative industries in both developed and developing countries, with opportunities for mutually beneficial exchange, collaboration and trade missed or under-explored. Further, fundamentally, the current situation is inherently unfair, with talented artists from some Member States unable to travel or trade services, in contrast to their peers in other countries.

Strengthening international cooperation

The fifth global consultation on the status of the artist affirms the importance of individual Member States enhancing their legal and policy position and revitalising their approaches to artist-focused support and investment. But Member States also need to work together, alongside UNESCO, INGOs, NGOs, the private sector, cultural and arts institutions and other concerned stakeholders in the CCIs. This is to **share knowledge and good practice, to facilitate more effective mobility, exchange, and trade, as well as to create awareness and make the collective case for the status of the artist**. As with broader approaches to sustainable development or to tackling global crises, **multi-lateral efforts are critical to demonstrating the relevance of normative instruments and ensuring that innovative solutions are found**.

The UNESCO report *Defending Creative Voices*¹⁸¹ has shed light on the potential synergies between actors supporting artists and journalists at risk, as a mean to enhance freedom of expression for both occupational groups. This kind of cross-over highlights the pressing need for action and underscores the relevance of establishing a more robust and affirmative policy landscape to support the status of the artist. **Member States working together, along all other relevant stakeholders, stand a much greater chance of success, ensuring that artists play a foundational role in shaping cultural policies for sustainable development**. If they do so, the sixth global consultation on the status of the artist will reveal further progress in international cooperation, which will impact on artists across the world.

Conclusion

The 1980 Recommendation calls upon UNESCO Member States to improve the professional, social and economic status of artists. The Recommendation was drafted during a period of significant global uncertainty and change. This was a time of rapid industrial restructuring, as economies in the Global North moved toward service-based sectors, while economies in Asia and Latin America were rapidly growing as hubs for manufacturing and, in the Middle East, nations were being transformed through the oil and gas sector. At the same time, issues of workers' rights were on the rise across every major economy and many nations were actively prohibiting freedom of expression. Moreover, conflict, famine and authoritarianism were directly affecting artists around the globe.

The world has undergone significant change since 1980. However, some patterns are consistent, with technological transformation causing rapid restructuring across every industry, bringing inevitable economic and social consequences. Nationalism and authoritarianism are seemingly on the rise. And conflict and climate crisis are causing global trauma.

Since 1980, significant progress has been made, with many Member States adopting dedicated laws on the status of the artist, growing literacy of and commitment to equality, diversity and inclusion in cultural policy, and the maturation of investment models and professional support for artists.

However, the situation is not uniform and there are disparities regarding the status of the artist among Member States. Artists are experiencing highly diverse realities based on factors such as geography, gender, ethnicity and more. Digital transformation is further widening inequality, with access to technology and levels of digital literacy becoming even more uneven. Further, while opening new opportunities for some artists to prosper, it is also making many more vulnerable – to the infringement of their intellectual property, revenue loss, online violence, surveillance, disinformation and hate speech, among other aspects examined in this report. The COVID-19 pandemic has generated additional pressures on artists, with many leaving the profession or being forced to work in very challenging conditions, often not protected by State social and economic support.

The MONDIACULT 2022 Declaration recognizes the plight of artists across the world and determines that for culture to be a global public good, the status of the artist requires urgent attention. As this fifth global consultation on the implementation of the 1980 Recommendation makes clear, there is a noticeable discrepancy among Member States in the attention given to the status of the artist. While some have addressed this issue through new legislation and provisions, others are still to take further action. Moreover, even in cases where Member States have laws pertaining to the status of the artist, several among these are not enforced or supported by a broader range of necessary conditions, such as with regard to intellectual property law, access to finance, gender equality, respect for minorities' rights, and – critically – freedom of expression.

Put simply, for many artists across the world, conditions are worsening. Thus, moving forward, there is a need to both reflect and build from progress and good practice, but also to work even harder to bridge gaps in provision and in legal, fiscal, social and cultural support that validates the contribution of the artist as central to culture's foundational role in sustainable development.

This is particularly important for women artists, minority artists, LGBTQI+ artists and artists with disabilities. After years of apparent improvement, their status is still under threat. However, when mainstreaming approaches to foster equality, diversity and inclusion, the opportunities derived from promoting the status of artists belonging to these and other especially vulnerable groups should be highlighted, presenting them, rather than as merely victims, as the agents of change that they can effectively be.

In building from this fifth global consultation toward the sixth, key lines of action will include the following:

- Developing new laws, regulations and policies on the status of the artist, enhancing existing ones and ensuring their effectiveness. Their design should be supported through the creation of comprehensive data frameworks and systematic data collection.

- Tackling the persistent issues of low pay and poor working conditions for artists, which are a symptom of the lack of recognition of their role in society and a cause of the neglectful and unethical ways in which many of them are treated.
- Championing equality, diversity, and inclusion as fundamental to a healthy and dynamic cultural sector; and aiming higher in terms of protecting freedom of expression for artists of all backgrounds, particularly where the most marginal voices are at the greatest risk.
- Supporting participatory policy-development through co-design and collaboration, building capacity for NGOs and safe spaces for artists to contribute to the policy sphere.
- Providing mechanisms for intercultural exchange, artist mobility and preferential treatment that rebalance the flow of talent, practice, products, and services.
- Embracing digital transformation to build platforms for artistic expression and interaction, and to facilitate safe spaces for dialogue and collaboration. This necessitates an artist-centred approach to AI, prioritizing ethical considerations, and ensuring that the originality of artists' voices remains a core component of a digital future.
- Championing the role of artists in problem-solving and way-finding toward creative and innovative solutions for global challenges. This includes the role of artists in delivering positive impacts on health and wellbeing, social cohesion, and in building literacy and progressive responses to the climate emergency.

It will be essential to effectively ensure, across the world, enabling environments for artists to be artists: to imagine, create and express their art where they enjoy good working conditions, have equality of opportunity to develop their talent, and are free to express themselves without fear of recrimination or oppression.



Abbreviations and acronyms

1980 Recommendation	UNESCO 1980 Recommendation concerning the Status of the Artist 2005
2005 Convention	UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions
AI	Artificial Intelligence
AR	Artists at Risk
ARC	PEN America's Artists at Risk Connection
AU	African Union
CCIs	Cultural and creative industries
CERLALC	Regional Center for the Promotion of Books in Latin America and Caribbean
CISAC	International Confederation of Societies of Authors and Composers
CMOs	Collective Management Organizations
DSM	Digital Single Market
EAEA	European Arts and Entertainment Alliance
EDI	Equality, Diversity and Inclusion
EU	European Union
EUNIC	European Union National Institutes for Culture
EWC	European Writers' Council
FIA	International Federation of Actors
FIM	International Federation of Musicians
Freemuse	Freedom of Musical Expression
ICORN	International Cities of Refuge Network
ifa	Institut für Auslandsbeziehungen
ILO	International Labour Organization
IMPALA	Independent Music Companies Association
IP	Intellectual Property
ITU	International Telecommunications Union
NCAC	National Centre for Arts and Culture of The Gambia
OMC	Open Method of Coordination
PAR	Protección de Artistas en Riesgo (Protection of Artists at Risk)
Pearle *	Performing Arts Employers Association League Europe, the European Federation of Music and Live Performance Organizations
QPR	Quadrennial Periodic Reports to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

R&D	Research and Development
SDGs	Sustainable Development Goals
SH FT	Safe Havens Freedom Talks
SHIFT	Shared Initiatives for Training
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNI	Union Global Union
UNI-MEI	Media, Entertainment & Arts Sector of Union Global Union
W.A.G.E.	Working artists and the greater economy
WCT	World Intellectual Property Organization Copyright Treaty
WIPO	World Intellectual Property Organization
WPPT	World Intellectual Property Organization Performances and Phonograms Treaty



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Empowering Creativity

Implementing the UNESCO 1980 Recommendation
Concerning the Status of the Artist

5th Global Consultation

The Recommendation concerning the Status of the Artist was adopted in 1980 to encourage UNESCO Member States to acknowledge and uphold the professional, social and economic rights of artists and cultural workers. At the time, it was a significant step towards the recognition of the specific working conditions of artists, but also of their needs and rights. Today, this landmark Recommendation is more relevant than ever, as significant issues remain, and new challenges arise.

Based on the results of the fifth global consultation on the Recommendation's implementation that was carried out between July 2022 and January 2023, this report provides an essential overview of the living and working conditions of artists and cultural professionals worldwide. It reviews policies concerning key dimensions such as social security, employment, wages, taxation, mobility and artistic freedom. While it reveals advances in the adoption of legal frameworks and regulations that recognize the unique working conditions of artists and seek to ensure their access to economic and social rights, it also identifies significant gaps that are still to be addressed.

The report's findings show that artists are increasingly at risk due to numerous threats and disruptions. Continued restrictions on their free expression and shortcomings in monitoring the real scale of such violations exacerbate the fragility of artists' status. Their vulnerability is also heightened by challenges linked to climate change, the impact of the COVID-19 pandemic, as well as armed conflicts and other emergency situations. Governments, CSOs, cultural organizations and other stakeholders invested in supporting those working in the cultural and creative industries must also consider the new trends brought about by digital transformation, if they are to create a lasting positive impact, particularly in areas where the digital divide is more significant.

Examining both encouraging progress and persistent challenges, this report discusses the role of artists in our societies, and outlines necessary actions to improve their working conditions, presenting innovative practices from across regions. It constitutes an important resource to inform evidence-based policies and strengthen the creative economy, charting the way forward for the enhanced implementation of the UNESCO 1980 Recommendation.



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