

Third Global Forum on Human Development: Defining and Measuring Cultural Exclusion

17 – 19 January, 2005 Paris

Annamari Laaksonen
Interarts Foundation

Measuring Cultural Exclusion through Participation in Cultural Life

In the times of cultural transformation and constant interaction that affect our traditional ways of understanding cultural identities and local, regional, or national belonging, rigid cultural categorisations can lead easily to minoritisation and discrimination, especially when culture is equated with ethnicity. At the same time there are parts of the world, societies or communities that are in danger of becoming either cultural fortresses, or cultural ghettos facing alienation, exclusion and marginalisation. This paper aims at looking into cultural exclusion from a cultural rights approach and identifies possible indicators for measuring progress in the implementation of cultural rights based on case studies. The paper does not rely on an universal rights-discourse as a such but uses as a main principle the Right to Take Part in Cultural Life and its main elements as guidelines in measuring exclusion.

In advocating cultural rights, the crucial link is the relationship between those rights termed as 'cultural' and other rights such as the right to education and development, and different freedoms in relation to the right to take part in cultural life. The ambit of cultural rights is larger than themes related to artistic expression and creativity, and therefore illustrates the necessity of finding defining mechanisms to uphold and promote social responsibility, and ways of assuring participation, access to culture, the right to express and interpret culture, and preservation and education as principles in policy-making. Furthermore, cultural policies based on cultural rights enable the art and culture sector to look for concrete implications in the relation between cultural practices and social cohesion and inclusion. Strengthening legal instruments and policies is an important necessary step in the recognition of cultural freedom. But more importantly, an *enabling* and proactive environment for access, participation and community action facilitates and fosters the sense of inclusion and enjoyment of rights, and at the same time the sense of responsibility towards the community itself. This paper presents three examples of participatory processes where, through cooperation with the civil society actors, it has been possible to identify themes for further elaboration of indicators in concrete regional settings. These three examples represent local, regional and universal attempts to measure the importance of culture in co-existence and social inclusion (the Barcelona Charter), define cultural indicators for development in Africa (the Maputo Task Force) and identify the core elements of the right to take part in cultural life based on individual and regional perceptions in different parts of the world.

Cultural Rights as a Framework for Participation

Cultural rights are not just a curiosity in terms of legal aspects of the regulation of 'culture' and 'its goods' but are becoming a central theme in many social actions and programmes. Culture, that is to say, has become more strategic in terms of both economic and social productivity and sustainability. On the legal level, where universal human rights tools constitute the main instruments, there have been many attempts to regulate the relationship between human rights and fundamental freedoms, and culture. Cultural rights, and the 'Right to Take Part in Cultural Life' in particular (first formulated in the Article 27 of the Universal Declaration of Human Rights), are also visible in constitutional law although the scope and contents remain slippery and undefined at times.

In the Universal Declaration of Human Rights (1948), access to culture is one of the central features, as it is one of the essential elements when translating cultural rights into policies of a participatory and inclusive nature. The 'Right to Take Part in Cultural Life' is mentioned in several international instruments of human rights law, most notably in the Article 15.1.(a) of the International Covenant of Economic, Social and Cultural Rights (1966). Since the Universal Declaration, the right to participate in cultural life has been the subject of further development, and a number of international and national documents on cultural policies have referred to the positive effect of cultural participation on personal development and social cohesion.

The holistic approach to human rights based on the resolution of the Vienna World Conference on Human Rights in 1993 acknowledges that *"all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner."*¹ Therefore, Stephen Marks stresses that *"the realisation of cultural rights is dependent not only on measures geared towards the specific right to cultural participation but also requires attention to related rights. Among these rights, that of self-determination is noteworthy since it includes the right of all peoples to freely pursue their cultural development."*² Principles of non-discrimination and equality form the common basis of all human rights and in the case of cultural rights they can be translated into equality of opportunities and access to culture, equality of cultures, cultural freedom and democracy.

Apart from human creativity, traditionally the subject of cultural rights, have been cultural, linguistic and national minorities. Although cultural rights are not – and should not be - limited to minority rights, a special concern has been elaborated in relation to vulnerable groups and those living in economic or social disadvantage. Participation in cultural life is no longer understood as participation in cultural activities but also access and active collaboration in the design and implementation of policies, collective action and manifestation of the freedom of choice. According to Asbjorn Eide, *"the right to participation can be used to defend against different threats"*³. Access and participation in the face of these different social, political and cultural threats, including exclusion and alienation, may be seen as a challenge or channel to

¹ Vienna Declaration and Programme of Action, 12 July 1993.

² Marks, 2003. He refers to the Article 1 of the International Covenant on ESC Rights.

³ Eide, 2002.

confront these menaces. Cultural activities can prove to be powerful instruments of collective action.

Numerous experts have emphasized freedom of choice / self-determination / cultural freedom as a fundamental element in human integrity and constituting part of human rights, including the right to participate in all activities of the society. Participation itself is an integral part of cultural rights and does include an active component of human activity. As cultural rights themselves remain difficult to encapsulate exhaustively in order to build universally applicable definitions, the right to take part in cultural life fosters the importance of access and promotion, and survival of cultures while noting the constant changes that cultures go through and the inherent dynamism and specificity of the cultural field in different formations.

The 1976 UNESCO Recommendation on the Participation and Contribution to cultural life by the public at large states that participation in cultural life means the guaranteed opportunities of all groups or individuals to express themselves, communicate, create and interact freely in order to ensure development of harmonious life and cultural progress of a society.

Participation in cultural life has been understood to include several other rights such as freedom of thought, conscience, religion, expression, the right to use one's language, the conservation of culture, etc. *"These rights are central to participation in cultural life and allow individuals and groups of people to follow, adopt or create a way of life of their own choice"*⁴ This gives the individuals the right to choose the culture they want to participate in and the authorities the duty to ensure that individuals are entitled to freely enjoy these rights and have access to cultural activities and services of their environment. Participation in cultural life can then also be described as a universe of opportunities for people to simultaneously operate in different cultural climates and discourses.

Difference and exclusion

Difference and diversity are frequently motors of culture and cultural action. Not all difference refers directly to exclusion nor does all exclusion mean automatically difference. Culture is a living holistic process that permeates all human action. The cultural approach to development, for example, is based on the assumption that development policies can be successful only if they take into account the cultural environment. In the same way, public policies, including cultural policies, are said to have a chance of succeeding only if their design and implementation considers and includes the specific features of their subjects and environment.

The European Council *Joint Report on Cultural Inclusion (2001)*, a summary of policies and initiative in place or proposed in member states, stated that *"in general the [National Action Plans against Poverty and Social Exclusion] do not present coherent plans for fostering the*

⁴ Hansen, 2002.

*participation of those who are excluded in the creation of culture and cultural activities*⁵ Nevertheless, participation in culture was deemed a core part of human existence, contributing to a positive sense of identity and stimulating creativity, self-expression and self-confidence.

The Right to Participate in Cultural Life in this context needs to be understood in a broader sense as it can be direct or indirect, through representation, consultation or through other means relevant to the issue.⁶ The measures related to the follow-up of the fulfilment of the Right to Take Part in Cultural Life and its specific features refers on the one hand, to the obligations of states and administrations to create an enabling environment and the fulfilment of those obligations, but also, on the other hand, to the policies necessary to implement these obligations. Above all, it relates to the real feeling and experience of enjoyment of rights of individuals and communities as to how their rights of access to and participation in cultural life have been assured. Quite simplifying that would mean that people should have certain rights to guarantee their ability to express and consume, and have access to, culture of their own choice, and that without the right to participate in cultural life, people are unable to develop the cultural and social bonds that hold societies together.

Most of the work developed in the field of cultural rights is strongly related to minority and indigenous rights. Stephen Marks states that *"the cultural, linguistic and education focus on minorities' rights/ or persons belonging to minorities is almost entirely cultural"*⁷. Article 27 of the *International Covenant on Civil and Political Rights* states that people belonging to ethnic, linguistic and religious minorities have the right to enjoy *"their own culture, to profess and practice their own religion, or to use their own language"*⁸. These same rights are acknowledged in the *United Nations Declaration on the Rights to Belonging to National or Ethnic, Linguistic and Religious Minorities* (1992), the *European Convention for the Protection of National Minorities* (1995).⁹ The Draft *United Nations Declaration on the Rights of Indigenous Peoples* also strongly acknowledges the cultural heritage and development important to self-determination. It lists several rights in relation to the *"right to practice and revitalise cultural traditions and customs."*¹⁰

Policies of cultural inclusion based on rights and responsibilities recognise the principle of *"regulating the public cultural space in terms of ensuring the respect for values. Only this way will cultural policies be able to link their political concerns with other areas of public realms building such as education, environment, health and quality of life security as well as to*

⁵ Joint Report on Social Inclusion, part I. The report also defines poverty and social cohesion as occurring *"when people are prevented from participating fully in economic, social and civil life and/or when their access to income and other resources (personal, family, social and cultural) is so inadequate as to exclude them from enjoying a standard of living and quality of life that is regarded as acceptable by the society in which they live. In such situations people often are unable to fully access their fundamental rights"*

⁶ Report of Experts' Meeting on Cultural Rights, Amman 2004.

⁷ Marks, 2003.

⁸ Article 27 of the ICCPR.

⁹ The Convention acknowledges the importance of minority languages in creation (Article 9 and 10), the right to learn a minority language (Article 14), and the role of minorities in the participation in cultural life (Article 15).

¹⁰ Article 12

establish the role of culture as a centre-piece in value-oriented processes in our societies.”¹¹ Culture has come to be considered as a human right, and access and participation in it form the core of human dignity. In value-oriented policies alienation and exclusion from culture and cultural activities show a clear example of human rights violation and exclusion from the full entitlements of an expanded idea of citizenship

Cultural Exclusion and the Right to Take Part in Cultural Life

Classical cultural rights-violations include the prohibition of the use of regional languages, restriction of artist mobility, prohibition of production or importation of publications or intellectual property rights of indigenous people, among others. However, there are no structures for the systematic follow-up of cultural rights violations nor frameworks of exhaustive qualifications to measure how cultural rights or cultural freedoms are implicated.

The *Human Development Report 2004: Cultural Liberty in today's diverse world* mentions participation exclusion where groups are not allowed to take part in society, or to have their expressive needs represented within the dominant culture in their community. Cultural participation has a direct relation with what may be termed *cultural exclusion*, which related to elements of education, civil society, urban design, mutual knowledge and contributions to policymaking. Culture appears to have a strong role in building social cohesion and how community members relate to each other.

The *Human Development Report 2004* also stresses cultural freedom as the foundation of development since it allows people to make multiple choices concerning their own well-being without being discriminated against in terms of their cultural identity. This Report calls for action and participatory design of multicultural public policies to address cultural exclusion. The Report offers a helpful model of universal indicators related to cultural freedom, inclusion and diversity that can be complemented by local and regional frameworks of means to measure discrimination in access and participation in cultural life.

The cultural rights approach enables the construction of tools of measurement based on the idea that when people are equipped to have means of access and participation, they can use action and voices to influence policy, protect human rights, and hold their governments accountable. The aims of the principle of the Right to Take Part in Cultural Life are to remove obstacles to the equal access to possibilities, opportunities and resources by all members of the community on equal bases without discrimination. Indicators of cultural participation cannot only include sets of principles of good governance but also need to include categorisation of the needs and necessities of individuals and communities concerning the Right to Participate in Cultural Life and what that means on their terms and within their definitional frameworks.

Features of access and participation in cultural life are not easily to measured but one of the possibilities is to construct theme areas based on the key elements of the Right to Take Part in

¹¹ Delgado, 2001

Cultural Life. One of the basic indicators of cultural rights is the ratification of international human and cultural rights instruments. According to Stephen Marks¹², the existing norms relating to cultural rights fall essentially to five different categories:

- right to cultural identity, including free determination of cultural future
- participation in cultural life
- conservation and diffusion of culture
- protection of cultural property
- rights of creators, transmitters and interpreters of artistic and other cultural works

These five categories offer different options for measuring their implications. Some of the proposed elements to measure access, as proposed by Stephen Marks are:

- use of languages
- education (including illiteracy and schooling for girls)
- creation and conservation of culture
- conservation
- dissemination
- protection of objects of cultural value
- protection of movable cultural property

The measures can easily be complemented by other indicators of access, such as access to health, land rights, distribution of wealth, etc.

In order to measure the implementation of the Right to Take Part in Cultural Life on a state-level there is a need to define core minimum standards concerning access and participation in cultural life which all states or administrations are required to observe regardless the resources. Measures of implication of rights/discrimination or cultural exclusion on the Right to Take Part in Cultural Life could include:

- Use of lesser-used languages in Internet and Broadcasting (including number of licences) and in print and media
- Destruction of cultural heritage (for example in time of armed conflict)
- Educational programmes
- Understanding of individuals / communities on their Right to Take Part in Cultural Life and its fulfilment
- Protection of artists, creators, transmitters and interpreters of culture
- Access of disadvantaged individuals and communities to cultural services, and cultural places (including heritage sites)

¹² Marks, 2003

- Access to education

Core elements of the Right to Take Part in Cultural Life as identified in several international meetings¹³ and international instruments:

- Access
- Participation
- Freedom of expression and creation
- Protection of cultural heritage
- Creativity and co-existence
- Human and Cultural Rights legislation
- Cultural diversity
- Equality
- Liberty of creation
- Cultural identity
- Freedom of election
- Creativity
- Cultural education
- Cultural democracy
- Cultural and minority rights
- Language policies
- Evaluation of cultural policies
- Access to means of communication and expression
- Access to information
- Freedom of Information Laws
- Freedom of belief, religion and expression
- Rights of cultural minorities to maintain and develop their culture
- Appearance of new cultural expressions
- Indication of place of production

¹³ Final Reports of the Experts' Meetings in Manila, February 2002 and Barcelona, November 2002. Final Report of the Congress on Cultural Rights and Human Development, Barcelona, August 2004.

Measuring the Right to Take Part in Cultural Life

Charter on Cultural Rights and Commitments in the City

“Communities are an important factor in creating valuable life for individuals, and these communities should be protected by collective rights”¹⁴

The *Human Development Report* calls for “participatory decision-making” on the kind of society people want to live based on open discussion. This would also mean equipping people with basic economic, social and cultural conditions to permit access to culture. Many researchers agree that there is a need for indicators at the local and regional level to understand how communities understand the social effects of culture, since our cultural understanding defines our role in the society.¹⁵

Many effects of cultural cohesion / exclusion manifest themselves especially at the local or community level. In order to map out the elements that community members feel fundamental in relation to the enjoyment of their cultural rights and commitments, Interarts Foundation carried out in 2002 a research exercise on the key elements of cultural rights in the city through a participatory process of community dialogue. The outcome of the process was a Charter that enables the identification of certain indicators of the right to participate in cultural life in a city. The results of the exercise emphasize elements of access and participation, and active contribution in forms of expression and identification in the city are fundamental to cultural rights. All this contributes to the triangle of liberties, city and creation that *“presents a solid base for forming a contemporary interpretation of cultural rights in terms of everyday social cohesion.”¹⁶* The Preamble of the Charter highlights the relevance of analysing and enshrining cultural rights within the urban context and refers to the political, evolutionary and transactional nature of the document – *“political”*, because it necessarily implies a selection or priorities for co-living, *“evolutionary”*, because these priorities tend to transform themselves continuously over time; and *“transactional”*, because it is an exercise, in which dialogue and negotiation are fundamental parts of the implementation process.”

The Charter aimed at a formulation of cultural action and entitlement by recognizing the cultural dimension of urban space, generating the use of public space, and promoting participation, a sense of place, affiliation and belonging and social cohesion and inclusion. The process was based on the idea that city is a clear cultural space which is not necessary physical, and cultural groups were invited to define the elements necessary to the harmonization of the shared space. The basic principle of the exercise was that participation forms an integral part of cultural action and that the involvement of the civil society in the implementation, definition and categorisation of rights and regulations is fundamental. The exercise meant *“not only to the possibility of sharing the public space in a tolerant, equal and respectful manner but also the*

¹⁴ Donders, 2004.

¹⁵ Stanley, 2004.

¹⁶ Interarts Foundation, preliminary documents on the drafting of the Charter.

*opportunity to participate in social, political and economic processes in order to contribute to the social construction of this shared space*¹⁷

The methodology used in order to chart the needs, necessities and priorities that the local people and communities have, a questionnaire of roughly 60 items was used. The items were grouped in a way that allowed contestants to rank the importance they gave to different rights and duties in order to guarantee a full cultural life in a shared space. The items were divided into four groups from individual to collective rights and duties, and as items related to urban and physical environment. The questionnaire offered a starting point in the charting of the possibilities and needs that form basis for policy-planning. Although the questionnaire itself was not effective nor scientific enough to provide an enlarged view of the importance of different rights and duties, it was used as a provisional tool in all the consultative meetings with different civil society, cultural and ethnic groups of the city.¹⁸

Examples of items ranked highly by the participants:

- Language (use of language)
- Individual and collective religious expressions
- Equality of opportunities (gender)
- Broad and diverse public cultural offer
- Cultural education (values, contents, etc.)
- Multicultural education (presence of different cultures)
- Access to economic, material and infrastructure funds
- Access to heritage (monuments, knowledge, etc.)
- Access to information (find, receive, transmit, etc.)
- Access to local media
- Access to Internet
- Participation in public cultural activities
- Participation in creation / cultural or artistic production
- Access and participation in cultural cooperation
- Spaces for cultural manifestations
- Access to public transport

Based on the consultative process, some of the indicator fields related to the Charter in order to measure cultural exclusion and co-living as a follow-up to the implementation of the articles of the Charter:

- The use of public space for cultural activities and events (in some neighbourhoods in

¹⁷ Laaksonen, Balta & Staiger, 2004.

¹⁸ Ibid. the invited parties consisted of local authorities and administrators, neighbourhood associations, NGOs, youth organisations, immigrant associations, cultural groups, artists and legal experts, among others.

Barcelona this use has been defined by a non-regulated norm where different ethnic groups use certain public spaces at different times)

- The time devoted in a society/community to rituals, celebrations, art and cultural activities
- Resources and spaces available for cultural associations
- Time used in cultural activities of different citizen and communities
- Anti-discrimination policies and initiatives taken by the local authorities
- Access to cultural services, arts and creativity
- Share of women in art and culture education, production and administration
- Access and availability of Internet and media

Cultural indicators of Human Development: towards an African Perspective

In 2004 Interarts Foundation launched within its cultural rights-initiatives and as a part of the preparatory arrangements for the International Congress on Cultural Rights and Human Development in Barcelona in August 2004, a consultative process with regional experts in different parts of the world concerning rights, indicators, development and culture. The Experts' meeting organised in Maputo, Mozambique in March 2004 together with the Observatory of Cultural Policies in Africa. The Task Force of African experts constituted in the meeting produced in August 2004 the *Strategy Document on Cultural Indicators of Human Development* in order to end the exclusion of Africa and formulate a common vision of those cultural indicators relevant to that continent's cultural future. The priority issues are divided into six categories (Governance – legal and political pluralism, Equity, Cultural Liberties, Creativity and cultural entrepreneurship, Knowledge generation and management, Cross-cutting issues). Although more as principles, the indicators for Cultural Liberties include:¹⁹

Cultural liberties

Cultural liberties are essential to create and sustain an environment which fosters tolerance and respect for cultural diversity and ensures the development of different cultural forms of expressions. Main areas, which require attention of policy-makers and practitioners would include:

- Linguistic pluralism

Indicators:

Documentation of minority and endangered languages

Development of community media in local languages

Officialisation of indigenous national languages

- Mother tongue education

Indicators:

¹⁹ Strategic Document of the African Task Force, 2004.

<p>Production of education and leisure material</p> <p>Policies related to the provision of language tuition and use in schools</p> <ul style="list-style-type: none"> • Curricular reviews to enhance cultural diversity <p><i>Indicators:</i></p> <p>Updated curricula at all levels, inclusive of cultural education</p> <ul style="list-style-type: none"> • Religious freedoms, cultural rights <p><i>Indicators:</i></p> <p>Fair treatment and recognition of public holidays</p> <p>Protection of religious institutions and places of worship</p> <p>Inclusion of religious diversity in schools</p> <ul style="list-style-type: none"> • Multiple identities <p><i>Indicators:</i></p> <p>Support for indigenous minorities</p> <p>Protection of cultural expressions, for example ritual practices</p> <p>Banning of all forms of discrimination</p> <p>Fostering tolerance through the production of education material</p>

Research on the Right to Take Part in Cultural Life

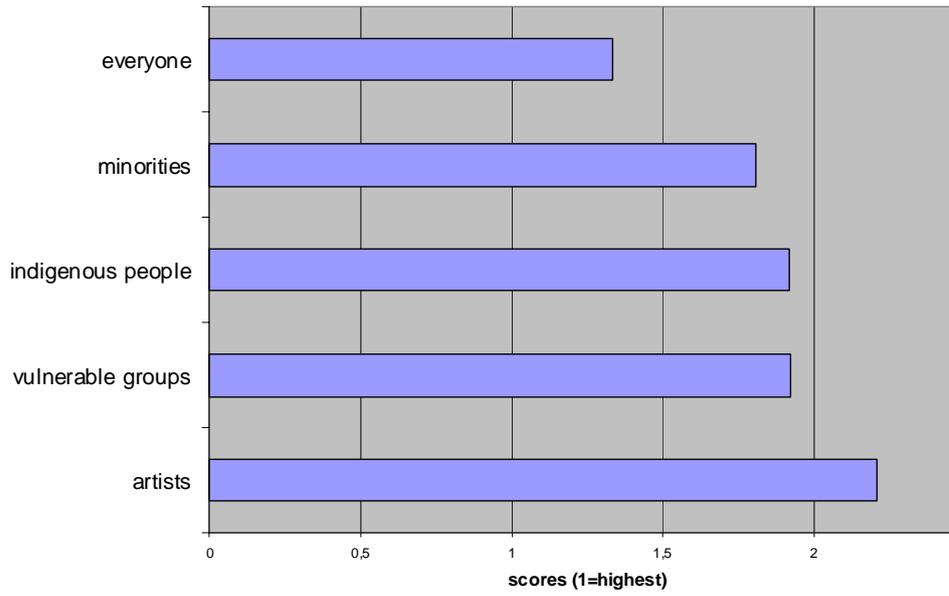
Interarts study²⁰ on local and regional understanding of cultural rights shows that few people have faith in legal standards and obligations as forms of measurement of the fulfilment of cultural rights. Interarts is currently undertaking research on the needs and necessities of individuals and communities in order to obtain a clearer pictures of regional, local and individual perceptions that exist on cultural rights and the right to take part in cultural life in different parts of the world. The preliminary results of the study show that the main core elements of the Right to Take Part in Cultural Life are considered to be

<ul style="list-style-type: none"> • Equal opportunities ensured by local authorities • The right of the individual to participate in her / his culture • Rights of minority and indigenous people to maintain cultural autonomy • Economic access to cultural services and sites • Preservation of national and international cultural heritage • Responsibility to protect minorities, indigenous people and other vulnerable groups (disabled, women) • Use of minority languages

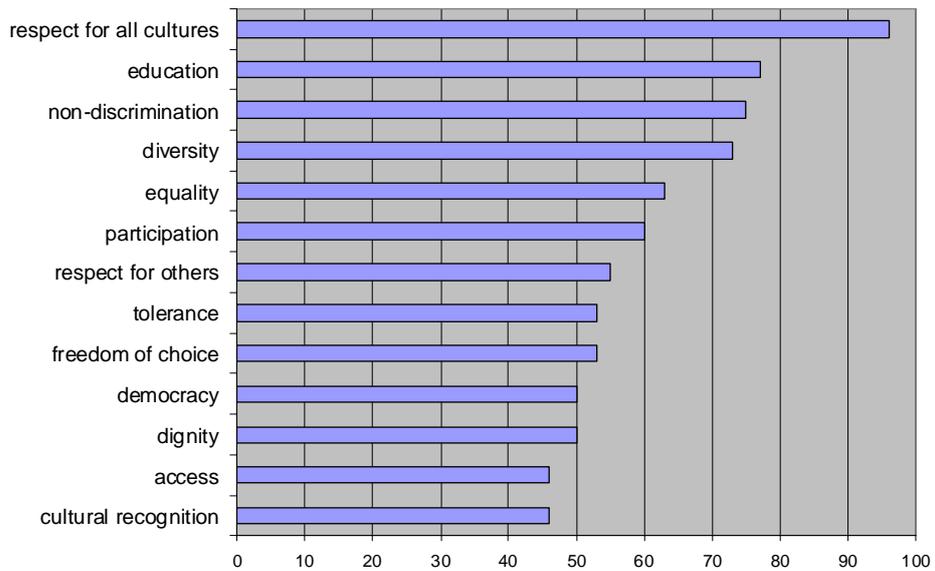
Other preliminary results on the main elements of cultural rights include:

²⁰ 51% of the contestants are from Europe, 33% from Latin America, 7% from Africa and 5% from Asia.

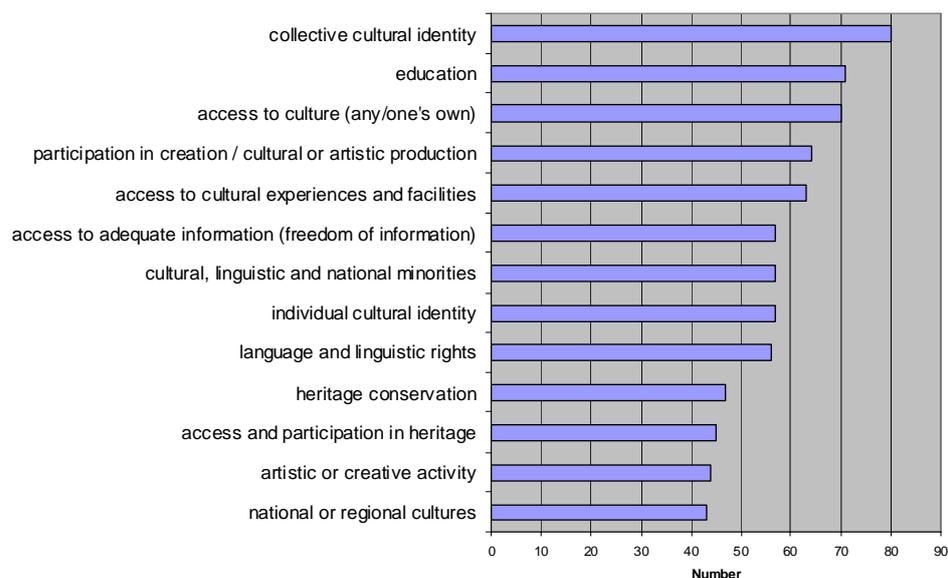
Targets of cultural rights



Main values underpinning cultural rights



Most important aspects of cultural rights



REFERENCES

Delgado, Eduard, *"Cultural Planning vs. Arts Values"*, Draft paper for UNESCO 2001 Resources Handbook (not published), Interarts, 2001.

Donders, Yvonne, *"Towards a Right to Cultural Identity in International Human Rights Law"*, Paper for the International Seminar on Diversity and Cultural Rights, Sao Paolo, April 2004

Eide, Absjorn, *"Minority rights and the Right to Participate in Cultural Life. With special reference to CESCR Article 15 (1) (a)"*, Paper for the International Roundtable on the Right to Take Part in Cultural Life, Quezon City, Manila, 11-13 February, 2002.

Hansen, Stephen A., *"Considering the Cultural Dimensions of Economic, Social and Cultural Rights"*, Draft, American Association for the Advancement of Science, 2002.

Laaksonen, Annamari, *"Cultural Rights, policies and participation"*, Paper for the International Seminar on Training in Cultural Management and Policies, Girona, September 2004.

Laaksonen, Annamari, Baltà Jordi and Staiger, Uta, *"Cultural Rights in a community: charting local needs in a city"*, Interarts, 2004 (not published)

Marks, Stephen, *"Defining Cultural Rights"* in *Human Rights and Criminal Justice for the Downtrodden*, Marinus Nijhoff Publishers, Leiden/Boston, 2003, 293-324.

Stanley, Dick, "Report of the proceedings of the IFACCA / ISSEC Research Workshop, *Looking for Connections*", Montreal, 24 – 25 August, 2004.

Cultural Indicators of Human Development: Towards an African Perspective. Strategy Document from the International Seminar and Task Force Meeting, Maputo, March and August, 2004. (supported by Interarts, UNESCO, African Union, Observatory of Cultural Policies in Africa)

Draft Charter on Cultural Rights and Commitments, Interarts Foundation and Culture Institute, Barcelona City Council, 2003.

Human Development Report 2004. Cultural Liberty in today's diverse world. UNDP 2004.

Joint Report on Social Inclusion, Council of the European Union (Employment and Social Policy), Brussels, 2001.