

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Canada has acceded to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Adoption: The Convention was adopted by the United Nations Educational, Scientific and Cultural Organization General Conference on 20 October, 2005.

Entry into force: March 18, 2007.

Number of signatories and ratifications/accessions: There are 138 state parties to the Convention. The European Union also acceded to the Convention.

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Summary information

The [UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#) importance of States parties taking measures, individually and collectively, for the protection and promotion of the diversity of cultural expressions on both the national and international levels. It complements the 2001 [Universal Declaration on Cultural Diversity](#), which in Article 4 states “The defense of cultural diversity is an ethical imperative, inseparable from respect for human dignity” and in Article 5 states “Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent.” It also emphasizes the importance of Article 19 of [the Universal Declaration of Human Rights](#), which states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The Convention was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its 33rd session in 2005. It entered into force in 2007 after 30 States had ratified or acceded to it. The Convention established the [Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions](#) (“Intergovernmental Committee”). This Committee

was established within UNESCO to promote the objectives of the Convention and to encourage and monitor its implementation.

Canada, as one of the initiators of the Convention, accepted it on 28 November 2005.

History

The 2001 Declaration on Cultural Diversity set out the rights and principles underpinning the international community's recognition of the importance of cultural diversity. It recalled relevant sections of the UNESCO constitution; recognized cultural diversity as the "common heritage of humanity;" affirmed the links between cultural diversity and human rights; referenced previous international instruments that incorporated provisions relating to cultural diversity (including the Florence Agreement of 1950 and its Nairobi Protocol of 1976, the Universal Copyright Convention of 1952, the Declaration of the Principles of International Cultural Cooperation of 1966, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the Declaration on Race and Racial Prejudice of 1978, the Recommendation concerning the Status of the Artist of 1980, and the Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989); and in an annex set out a action plan for the implementation of the declaration.

The Declaration also commits UNESCO to "pursue its activities in standard-setting, awareness-raising and capacity-building in the areas related to the present Declaration within its fields of competence" (Article 12(c)).

Negotiation of a legal standard-setting instrument on cultural diversity was initiated with the adoption of Resolution 32C/34 at the 32nd session of the UNESCO General Conference (October 2003).

In accordance with this resolution a 15-member group of experts was mandated to submit recommendations on the preparation of a preliminary draft of a Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions. In the course of three meetings, the independent experts succeeded in drawing up a detailed text.

The draft text was submitted to member states for comment, while UNESCO officials undertook consultations with other international organizations (e.g. the World Trade Organization, the United Nations Conference on Trade and Development and the World Intellectual Property Organization).

This led to the General Conference of the United Nations Educational, Scientific and Cultural Organization formally adopting the Convention on the Protection and Promotion of the Diversity of Cultural Expressions on 20 October, 2005.

In March 2007, the Convention entered into force.

Key Provisions

Preambular sections of the convention affirm that cultural diversity forms a “common heritage of humanity” to be cherished and preserved for the benefit of all; emphasizes the importance of culture for social cohesion; recognizes that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures; reaffirms that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies; recognizes the importance of intellectual property rights in sustaining those involved in cultural creativity; and recalls UNESCO’s mandate to ensure respect for the diversity of cultures.

The convention reaffirms the importance for States parties to take measures, individually and collectively, for the protection and promotion of the diversity of cultural expressions on both the national and international levels.

The Convention sets forth eight guiding principles:

1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

Parties to the convention may adopt measures aimed at protecting and promoting the diversity of cultural expressions within their territory, including:

- Regulatory measures aimed at protecting and promoting diversity of cultural expressions;
- Measures that provide opportunities for domestic cultural activities, goods and services for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;
- Measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production dissemination and distribution of cultural activities, goods and services;
- Measures aimed at providing public financial assistance;
- Measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

- Measures aimed at establishing and supporting public institutions, as appropriate;
- Measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;
- Measures aimed at enhancing diversity of the media, including through public service broadcasting.

Based on Article 8, Parties may take all appropriated measures to protect and preserve cultural expressions on their territory that are at risk of extinction. Parties should report to the Intergovernmental Committee all measures taken to meet the exigencies of the situation. Article 17 requires that Parties cooperate in providing assistance to each other in situations of serious threat to cultural expressions.

Additional provisions set out requirements to strengthen bilateral, regional and international cooperation; to integrate culture in their development policies; and calls upon developed countries to facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries. Parties also agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.

An International Fund for Cultural Diversity was established, to be developed through voluntary contributions by the parties. Use of the funds are determined by an intergovernmental committee. The Intergovernmental Committee is composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties and is charged with monitoring the implementation of the convention.

Pursuant to Article 22, the Conference of Parties is the plenary and supreme body of the Convention. It should meet regularly (every two years), and its functions include:

- Electing the Members of the Intergovernmental Committee;
- Receiving and examining reports of the Parties to the Convention transmitted by the Intergovernmental Committee;
- Approving the operational guidelines prepared upon its request by the Intergovernmental Committee;
- Taking whatever other measures it may consider necessary to further the objectives of the Convention.

Canada's Commitments and Responsibilities

Canada [accepted the Convention in November 2005](#). To date, Canada has made no reservations with respect to the Convention.

All Parties are obliged to submit periodic reports (every four years) to the Intergovernmental Committee on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level. Canada last submitted a [report](#) to the Intergovernmental Committee in April 2012.

International Monitoring and Implementation – The Intergovernmental Committee on the Protection and Promotion of Diversity of Cultural Expressions

All Parties are obliged to submit a report to the Intergovernmental Committee every 4 years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level. The Intergovernmental Committee transmits all the reports to the Conference of Parties together with its comments and a summary of contents for examination.

The Intergovernmental Committee meets annually. The Committee's additional functions include:

- Making appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention;
- Establishing procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums; and
- Inviting at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues, in accordance with its Rules of Procedure.

With respect to Canada, the Committee's most recent [Periodic Report](#) was sent by Canada in April 2012.

The Committee noted with appreciation that Canada has established an extensive network of measures to promote and protect the diversity of cultural expressions on both national and international levels.

To promote international cooperation, Canada has adopted grants and special arrangements in its work permit scheme to ensure the mobility of cultural artists professionals. Canada has also established cultural cooperation agreements and audiovisual coproduction treaties worldwide. In addition, the Government of Canada has contributed \$500,000 to the International Fund for Cultural Diversity by 2012.

In the report, Canada has identified as challenges the increasing number of digital platforms and the changes in the practices of Canadian consumers of cultural goods

and services. The Government of Canada has taken a number of measures to modernize policies and program frameworks in order to adapt to the digital environment, and to encourage creators and cultural industries to leverage the potential of digital technologies.

References

[Text of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#)

[Text of the UNESCO Universal Declaration on Cultural Diversity](#)

[UNESCO Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions](#)

[Resolution 32C/34 initiating negotiation of a legal standard-setting instrument on cultural diversity](#)

[Stages leading to adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#)

[Canada's First Report on the Implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#)