

# ● Fair Culture ● Charter



Adopted by an international partner consortium following a global participatory co-design process coordinated by the German Commission for UNESCO.

● Fair Culture

● Charter

# Contents

Preamble	6	Way forward	28
Definition	12	The formulation of the Fair Culture Charter	30
Objectives	14	How and why sign the Fair Culture Charter?	32
Principles	16	Imprint	34
1. Decent working conditions and fair remuneration	17		
2. Access to diverse cultural expressions and resources	19		
3. Non-discrimination and gender equality	20		
4. Local development	22		
5. Market access	23		
6. Digital equity and ethics	25		
7. Respect for the environment	26		
8. Public and consumer awareness	27		

# ● Preamble



This Fair Culture Charter supports the creation and strengthening of a movement to forge fairer cultural relationships within and between states and world regions. It does so by articulating eight principles intended to promote a sustainable, fair and respectful environment for artists, creatives, and other cultural workers, and, therefore, to safeguard cultural diversity globally. We, the organisations and individuals that have signed this Charter, do so to support and be part of this Fair Culture movement. We invite other public, private and civil society organisations, government entities as well as individuals to sign this Charter. By signing, we commit to bring its principles to life and promoting their widespread knowledge and adoption.

**We are part of this movement** because we are convinced that artists, creatives, and other cultural workers make unique and transformational contributions to the wellbeing of individuals, the progress of societies and the prosperity of economies across the world, including through exchange across borders. We believe that this transformational power is particularly due to the remarkable potency of human creativity. Cultural goods and services are both economic and cultural in nature: Beyond generating income and employment, artists, creatives and other cultural workers make enormous contributions to the identities, imagination and heritage of cultures across the world.

**We commit to** artistic freedom, fair working conditions, and remuneration that is appropriate and proportionate. We therefore aim to address any impediments for artists, creatives and other cultural workers that hinder their ability to freely express their art and make a sustainable livelihood. We intend to strengthen the legal status of artists, creatives, and other cultural workers, irrespective of their employment status or whether they work as independent contractors; irrespective of whether their professional status is recognized by their governments; and irrespective of whether they work in commercial or non-commercial contexts. We also include into our consideration entrepreneurs, micro-, small and medium-sized enterprises, cooperatives and collectives, whose action is in line with this Charter. We pay particular attention to vulnerable and

marginalised artists, creatives, and other cultural workers, highlighting the systemic inequalities and imbalances in cultural exchange that continue to exist at local, national and global levels.

**This Charter builds** on existing global international law, in particular the 1980 UNESCO Recommendation on the Status of the Artist, the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, other relevant international law including WIPO and ILO conventions and standards, as well as the UN agenda for sustainable development.

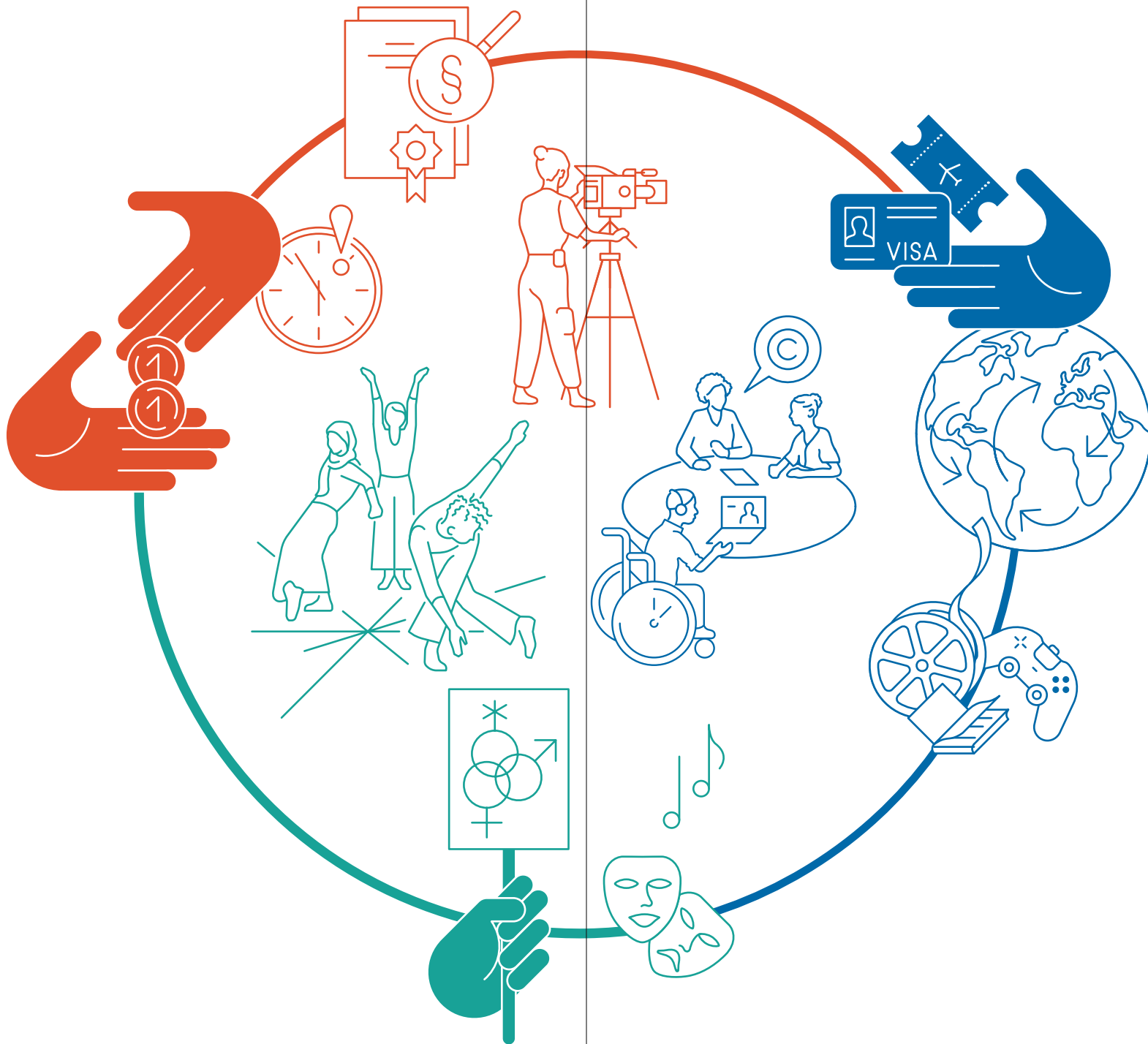
**It also builds** on local, national and regional mechanisms in place including both legal mechanisms and other forms of governance. The Charter strengthens such existing mechanisms through building partnerships with additional non-state actors. Thereby, it ensures that these mechanisms' promised benefits tangibly reach the intended beneficiaries, that they are all fairly treated and that more equitable commitments, collaborations and relationships of artists, creatives and other cultural workers with other stakeholders in the arts and cultural ecosystems are established.

**This Charter draws** inspiration from the successes of the Fair Trade Charter and the Fair Trade movement in establishing fairer trading relationships, improving the self-organisation and livelihoods of more than 2 million farmers, while acknowledging that the trade of cultural goods and services requires more tailored approaches.

**This Charter responds** to the increasingly dominant role of the digital environment and, in addition, the recently wide availability and rapid growth of Artificial Intelligence (AI) systems, both of which have introduced opportunities and new challenges for the cultural and creative sectors. Among these count an ever greater digital divide and the unethical and inequitable business models of some digital platforms.

**This Charter emphasizes** the importance of intellectual property rights in sustaining creative productivity, and works towards ensuring their protection as it is necessary in specific contexts.

**Noting the shortcomings** in existing cultural policies in specific contexts, all signatories stand for the achievement of fair cultural relations through ethical policies valuing freedom, justice, and fairness as these are enshrined in this Fair Culture Charter.



# ● Definition



**Fair Culture** is a movement that wants to achieve decent working conditions for all artists, creatives and other cultural workers.

**Fair Culture** calls upon public, private and civil society entities, as well as consumers and audiences to promote improved conditions for the arts and culture ecosystems at the local, national, regional and global levels.

**Fair Culture** intends to make cultural and creative initiatives more sustainable, foster respect for cultural and linguistic diversity, and human rights, including in the digital environment, and achieve more balanced cultural exchanges and cooperation.

This is what we call **Fair Culture**.

# ● Objectives



The aim of the Fair Culture Charter is to promote the respect, protection and fulfilment of social, economic, cultural, and other human rights of artists, creatives, and other cultural workers, by ensuring fairer labour practices and more balanced exchanges at the local, national, regional, and global levels, notably by:

- 1 Promoting and upholding decent working conditions of artists, creatives and other cultural workers. This includes their right to collective representation and fair remuneration, recognition, and compensation for cultural and creative work – in particular an effective implementation of intellectual property rights – including in the digital environment.
- 2 Establishing an enabling environment to enhance competitiveness and long-term reliability of cultural and creative value chains, with policy coherence. Such an enabling environment should also eradicate inequalities and disparities in the areas of trade and cooperation, and ensure more balanced exchanges of cultural goods and services globally and inclusive access to digital tools and skills, enhance mobility, strengthen capacities and formalize the sector when it is for the benefit of the artists, creatives, and other cultural workers.
- 3 Engaging the private sector, especially multinational enterprises and tech companies, in innovative partnerships with governments, state institutions, and civil society organisations across sectors and world regions in the implementation of Fair Culture principles and due diligence measures.
- 4 Raising public awareness among consumers and audiences about the importance of protecting and promoting the diversity of cultural expressions, including safeguarding the rights and working conditions of artists, creatives, and other cultural workers.



# ● Principles



In order to achieve the objectives of Fair Culture, it is imperative to recognize and fulfil the following responsibilities outlined in eight guiding principles. This implies a commitment to adhere to all these principles, recognizing that advancements in certain areas should not result in setbacks in others:

①

## Decent working conditions and fair remuneration

Fair Culture requires the respect, protection and fulfilment of human rights of artists, creatives and other cultural workers. They have the right to be treated with dignity and for their professional, social and economic status to be protected and improved in line with international law obligations. They have the right to safe, inclusive, and decent working conditions, including an appropriate and proportionate remuneration for the use of their work, underpinned by strong intellectual property protection. Ethical and fair labour standards as established by the International Labour Organisation need to be implemented and complied with, which includes the provision of safety nets and protection against life risks, as well as a special concern for women artists, creatives and other cultural workers for pregnancy, child birth and their consequences. Collective bargaining is to be promoted as the privileged mechanism to implement and adapt labour standards to sector specificities. These rights include in particular intellectual property rights.

These are collective and individual responsibilities of all stakeholders involved in the cultural and creative sector, e.g. governments, public and private organisations/companies, civil society groups, trade unions, professional organisations, collective management organisations, or individual professionals. Fulfilling these responsibilities requires the adoption and implementation of adequate policies and measures related to the fulfilment of decent working conditions and fair remuneration. Adequate policies and measures are also needed for training, social security, employment, income and tax conditions, mobility, and freedom of artistic expression, as well as for the formalization of the sector when it is for the benefit of the artists, creatives and other cultural workers. It is recommended to governments to consider making public support and subsidies dependent on the fulfilment of decent working conditions and appropriate and proportionate remuneration.



②

## Access to diverse cultural expressions and resources

Everyone has the right to enjoy access to diverse cultural expressions and resources. In the digital environment, accessibility extends beyond mere availability and affordability; it requires discoverability of diverse content in different languages. It also entails bridging the digital divide and ensuring equal access to cultural resources that enable engagement in content creation, production, dissemination and distribution.

Accessibility requires a special emphasis on culture and arts education, as well as cultural awareness from the earliest age. They should be integrated at all levels of learning, should be made available to young people regardless of their socio-economic status, and encourage the availability and creation of cultural and artistic spaces specifically designed for children and young individuals.

These are responsibilities of all stakeholders, including public authorities, and multinational enterprises that need to apply a due diligence standard. It requires a commitment from public and private organisations to identify and address inequalities and obstacles that may prevent access and participation.

Accessing diverse contents should be done in a respectful way, particularly in cases where content concerns under-represented, minority or marginalized communities. Indigenous peoples require particular attention, as do afro-descendant communities. Such respect involves refraining from usage of others' cultural expressions – in ways that may constitute cultural appropriation – without prior informed consent and just compensation, while recognising the need for balanced cultural exchange.

## Non-discrimination and gender equality

There should be no discrimination against artists, creatives and other cultural workers in any aspect of employment (including hiring, remuneration, promotion, or termination) or other professional activities.

Artists, creatives and other cultural workers have the same dignity and rights irrespective of race, colour, descent, language, national, ethnic or social origin, economic or social condition of birth, caste, religion, age, sex, gender, gender identity or gender expression, sexual orientation, marital status, parental responsibilities, menstruation, disability, health condition, union membership or political opinion or affiliation or other status, according to international human rights law.

Particular attention should be given to the distinct needs of and the empowerment of both women as well as of artists, creatives and other cultural workers belonging to marginalized groups, minorities, and under-represented communities. Indigenous peoples require particular attention, as do afro-descendant communities.



## ④

## Local development

Addressing local and long-term cultural development needs is crucial in any cultural engagement between public and private organisations on the one hand and artists, creatives and other cultural workers on the other. Such development needs to encompass various aspects, including but not limited to capacity-building, skills transfer, infrastructure development, support for young creatives and flourishing of sustainable local markets.

Multinational corporations and large businesses, due to their substantial capacity, have a particular responsibility for such engagement. They should actively pursue innovative, respectful and non-extractive exchanges and long-term collaborations; they should reinvest part of their profits in the national and local cultural and creative ecosystem, including to the benefit of local communities and with a view to strengthening the ability of cooperatives and collectives to also express their art and culture. In the context of Fair Trade in certain other sectors, for instance, a 'premium' is used for that purpose.

It is incumbent upon the public sector to both establish public cultural policy that prioritises local cultural development as well as to ensure that large-scale enterprises fulfil the aforementioned responsibilities. This may require putting in place democratic and inclusive governance processes, while respecting the autonomy and self-determination of artists, creatives and other cultural workers in decisions related to the use of this 'premium' for the development of local arts and culture.

## ⑤

## Market access

Diverse cultural expressions of all artists, creatives and other cultural workers should enjoy equal access to local, national and global markets, including in the digital environment. The promotion of cultural exchanges should always enrich national and local content and should never come at the expense of the discoverability of such content. When enabling market access, particular attention should be given to women as well as to artists, creatives and other cultural workers belonging to marginalized groups, minorities, and under-represented communities. Indigenous peoples require particular attention, as do afro-descendant communities.

Preferential treatment to cultural expressions that are under-represented in the market and in particular in international exchanges is an obligation to be strengthened through appropriate and efficient mechanisms, including new ones. Such mechanisms are also needed to facilitate and support the mobility of artists, creatives and other cultural workers. These include provisions such as specific needs-sensitive visas, working permits, fair tax treaties, streamlined customs procedures, information resources in local and national languages, and access to cultural and educational infrastructure, such as artists' residencies, arts festivals, international fairs, and exchange programs.

States should refrain from entering trade commitments that might compromise their ability to adopt and implement cultural policies aimed at protecting and promoting the diversity of cultural expressions on their territory and in the digital environment. To this end, the inclusion of a cultural exception or exemption in trade agreements to protect these interests is highly recommended.



The use of digital technologies in cultural and creative industries should always be designed to enrich the diversity of cultural expressions and to enhance human creativity, not replace it. This applies to all stages from creation, production, post-production all the way to dissemination of content and access. It particularly applies to development and application of AI systems, be it generative AI or the application of AI in (post-) production, curation, discoverability and algorithmic distribution.

Approaches and policies governing the use of these technologies should be human-centric in a way that will be beneficial and fair to all stakeholders involved. As requested by the UNESCO Recommendation on the Ethics of Artificial Intelligence, the use of these technologies is to be aligned with human rights. It is also to be based on transparency, accountability and explainability as well as protection of intellectual property rights and fair remuneration.

Upholding rights, including intellectual property rights, and privacy protection, including biometric data, should be a priority responsibility for all stakeholders; new approaches, based on informed consent, will be needed to tailor these protections such as to ensure their relevance and efficiency in spite of the rapid technological development. Equitable access to digital tools, digital literacy, skills, and capacities, along with allocating resources to bridge digital gaps, are critically needed as well. Particular attention should be given to addressing threats arising from the concentration of market power in tech industries.

⑦

## Respect for the environment

In order to be sustainable, actions and practices of cultural and creative sectors also need to urgently minimise and mitigate their environmental impact, including on biodiversity and tackling climate change.

This is a collective responsibility of all stakeholders involved, including governments, public and private organisations/ companies, civil society groups, trade unions, professional organisations, collective management societies, or individual artists, creatives and other cultural workers.

In particular, the negative environmental impact of the use of digital technologies and cultural events and activities with large carbon footprint needs to be addressed. Innovative and systemic solutions are needed; there may be potential in more decentralized approaches. Balanced solutions should be introduced as part of the just transition, also with a view to preserving the ability of the sector to thrive and minimizing negative impacts on the livelihoods and rights of artists, creatives and other cultural workers. Respect for the environment also implies recognition that communities, countries, and regions have common but different levels of responsibility for environmental degradation and climate change.

Respect for the environment within and by the cultural and creative sectors involves promoting awareness through culture and arts education, artistic expression, events, and initiatives recognising the power of art and culture to evoke empathy, to question our achievements, to seek for new meaning, to imagine alternative futures, to experiment, stimulate and amplify, and to inspire action for environmental conservation and societal transformation.

⑧

## Public and consumer awareness

Public and consumer awareness plays a crucial role in fostering greater respect and appreciation for the creative contributions of artists, creatives, and other cultural workers. Such awareness can drive efforts aimed at providing them with improved working conditions and fair remuneration; and upholding their fundamental rights, including in the digital environment. It is essential to seize every opportunity to raise awareness about the importance of safeguarding the diversity of cultural expressions, with particular emphasis on the need to guarantee access to cultural expressions created and produced locally and in local languages.

Culture and arts education are powerful tools to promote awareness of Fair Culture, particularly among younger audiences in the digital environment. Targeted measures to build and nurture action for the Fair Culture movement should be adopted and promoted.

# ● Way forward



This Fair Culture Charter invites signature and participation by all interested stakeholders, including governments, other public organisations, private companies, civil society groups, artists, creatives, other cultural workers, as well as individual citizens. By signing this Fair Culture Charter, they pledge and commit to uphold its objectives and principles, to implementing or legally translating it as appropriate, and to contributing to the emergence and strengthening of a Fair Culture movement.

While the Charter outlines a general framework, the application to specific cultural and creative sectors, as well as in various countries and regions, will need further refinement. Specific plans or guidelines will be developed, drafted through transparent, participatory processes and to be put in place involving all relevant stakeholders in each particular context.

This Charter is a living document and is open to subsequent revisions, if there is considerable need. Each revision process will be communicated in advance to its signatories, ensuring transparency and participation. Revisions will be done through transparent, and inclusive processes, ensuring efficient agreement processes among the signatories of the Charter.

# The formulation of the Fair Culture Charter

An Editorial Team of nine experts from across the globe has elaborated the Fair Culture Charter through more than ten sessions of work throughout the year 2023.

- Jordi Baltà Portolés, Cultural Consultancy and Research, Transit Projectes, Spain
- Brahim El Mazned, Director, Visa for Music festival, Morocco
- Prof. Véronique Guèvremont, UNESCO Chairholder, University Laval, Canada
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- Luanda Smith, CEO, NGO Creatividad y Cultura Glocal A.C., Mexico
- Katrina Stuart Santiago, Writer and Founder, PAGASA-People for Accountable Governance and Sustainable Action, Philippines

The Editorial Team was chaired by Prof. Véronique Guèvremont.

An Advisory Board of eleven institutions that have become early key partners of the Fair Culture Initiative have jointly adopted the Fair Culture Charter in consensus in February 2024.

- Fairtrade International
- Fair Picture
- Goethe Institute (Germany)
- Institute for Creative Entrepreneurship & Innovation (Serbia)
- Instituto Maracá (Brazil)
- International Federation of Actors
- International Federation of Coalitions for Cultural Diversity
- International Federation of Musicians
- Kenya National Commission for UNESCO
- Korean National Commission for UNESCO
- Ministry of Culture of France
- UNESCO Chair Diversity of Cultural Expression at University Laval (Canada)

More than 100 experts and institutions participated at several stages in the process, in public and written consultations, to provide their comments as part of a Fair Culture Sounding Board and as Young Experts for Fair Culture. The process of formulating the Fair Culture Charter, the work of the Editorial Team and that of the Advisory Board was coordinated by the German Commission for UNESCO.



# How and why sign the Fair Culture Charter?

## How?

Very simple. By expressing your support on the website [www.fair-culture.org](http://www.fair-culture.org).

## Why?

By signing the Charter, you declare that you support the Charter's content and that you support our intention to take further steps. It will increase the number of partners and allies and thus visibility, credibility and legitimacy.

Signing the Charter does not entail any legal obligation for you. This however also means that signing the Charter is not a "certification" and does not allow you to make any statements about the quality of your business practices in relation to the Charter. By signing the Charter, you will not be entitled to use any logo or a label.

## What next?

The partners that have created the Charter do not want to stop at the Charter. They want to create instruments that hopefully will one day lead to a possible mechanism for accountability and compliance, maybe a "certification" and a "label" for some sectors of the creative industries.

# Imprint

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