

## Ladies and Gentlemen,

the Europe of our time is a place of prosperity, security and solidarity. With our participation, we have already overcome or will overcome the drama of European political, economic or cultural divisions.

20th-century European experience, especially the hell of two world wars, shaped our view of the issue of human rights for dozens of years. The Universal Declaration of Human Rights (adopted by the United Nations General Assembly in 1948) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (adopted by the Council of Europe in 1950) compiled a list of fundamental values which, despite conflicts and tensions, allowed the East and the West to coexist in peace. They also inspired the processes that brought about the peaceful revolution of the Solidarity movement and, thus, the unification of our continent.

The Europe of our time is a place of new challenges: globalization, terrorism, demography, migration, a new flow of information... Europe cannot do nothing. It must continue to inspire and contribute lasting values, both material and spiritual. This is why, in response to such challenges, we propose that the right to culture be recognized as another fundamental human right.

I encourage you to reflect on this initiative and to give it your support,

**Rafał Dutkiewicz**  
**Mayor of Wrocław**

## Ladies and Gentlemen,

we would like to suggest that you – the readers of this brochure – stage a revolution. We want you to adopt a different view of the mechanisms of civilization development, the role of humans and the obligations of authorities towards citizens. We encourage you to join the discussion on the RIGHT TO CULTURE.

The right to culture, understood as the capability of everyone – irrespective of financial or geographical limitations – to freely access cultural goods, seems obvious today. We live in a world in which information is frequently more valuable than even the most technologically advanced medium used to carry it. We live in a world in which access to cultural goods determines a person's way of life – from its beginning until the end.

Will the states that assume the obligation to provide their citizens for instance with access to education manage to notice that it should involve contact with the world of culture? How can this desire be reconciled with for instance copyright or state budget limitations? We need to answer these and similar questions before we can start thinking about civilization development in the way called for by its pace. We have to carry out a revolution of our own consciousness, probably of even more importance than Gutenberg's invention or Copernicus' discovery, in order to be able to look into the future with hope. And the future requires that the RIGHT TO CULTURE be recognized as one of the fundamental human rights,

**Krzysztof Dudek**  
**Director of National**  
**Centre for Culture**

## *Right to culture today*

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Mr X is a poet. He has won several prizes in poetry contests. Now he has put together a collection of his poems and would like to have it published. He applied for a grant from an institute supporting culture in his home town but did not receive one. Meanwhile, the institute funded the organization of a New Years' celebration. Is there any way Mr X can demand a review of the public cultural support policy? Can he force the decision makers to establish transparent criteria for awarding grants in support of artistic work?

Ms Y lives in a small town. She has television, radio, and Internet access. She can watch soap operas, listen to music and talk shows, and has access to the news. Meanwhile, the local cinema and cultural centre have closed. So has the library. Can Ms Y truly participate in culture? Or does she participate in a culture of entertainment consumption?

In another town, the town hall decided to shut down the culture centre in view of the financial difficulties of the municipality. The library staff, who were made redundant, filed action at the labour court, which, however, dismissed their suit on the grounds that the redundancies were due to reasons relating to the employer (financial situation of the municipality). Do the staff of the culture centre and the town residents have any means to demand the right to participate in culture?

## *What we want to do*

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We want to open up a discussion on the right to culture as a human right. It must be guaranteed in a document binding on all Member States of the Council of Europe. We want to achieve this for the sake of stability in people's lives and cultural safety for all Europeans.

We wish to do it because:

1. **Culture is absent** from the **Convention for the Protection of Human Rights and Fundamental Freedoms**, the most important Council of Europe convention, adopted in 1950 and ratified by all European states. This reveals that the right to culture is not seen as every European's right to participate in cultural life and demonstrates that the existing laws are archaic.
2. Cultural causes have often lain at the bottom of civilizational crises.
3. The need to modify the legal framework now follows from a change in the definition of the state. Currently the state conserves outdated methods of patronage of culture, while the state itself is becoming a post-modern construct, delegating its tasks to lower levels administration or outsourcing them to NGOs or quasi-NGOs.
4. Nowadays, we see the state and culture as having a development-stimulating role, by which is meant the creation of dynamic multifaceted structures facilitating the self-fulfilment of individuals. If the state does not provide sufficient guarantees of the right of access to culture, we want to be able to appeal over it to international organizations.

## What we want to do

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5. We live in the digital age, when the forms of access to cultural services and goods are undergoing radical changes. They form a new environment and new challenges for the existing versions of culture-related rights, including, for instance, authors' rights.
6. Culture is a coherent element of today's economy, and, as a growth factor, has a major impact on creative industries, new technologies, and the innovativeness of societies. Culture is a *sine qua non* for the development of an information society.
7. The wealth of cultural diversity and the plurality of identities legitimize efforts to bring into the sphere of culture all those who, because of any barriers whatsoever (whether health-related, linguistic, economic, geographical, or others), are deprived of access to culture.
8. Freedom of artistic expression is a cornerstone of liberal democracy and should be guaranteed by law.
9. We want to counteract discrimination and renationalization tendencies, currently seen in Europe, which may erode the universalism of rights and freedoms stemming from human dignity.
10. We demand that all citizens be given a chance to participate in cultural and artistic life. We demand that public authorities be charged with real duties with regard to guaranteeing such participation. Many cultural rights in Europe are of a purely declaratory nature.

## *Right to culture defined as right of access to and participation in culture*

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We understand the right to culture as the right to participate in culture regardless of social and geographical limitations and as the individual's right to develop culturally regardless of intellectual barriers. We live in an age when the Internet offers unlimited possibilities of access to culture only for those who know how to use the Internet and have access to it. There is quite a sizable group of Europeans for whom digital communications are no 'gateway' to culture or means to comprehend cultural change. Poverty, illness, disability, childhood or old age, social degradation, criminal record, lack of skill or knowledge all result in exclusion. The European excluded do not see culture as an area of their personal access and development in their various life circumstances. They do not know how – or whether at all – they can tap into the cultural heritage of our civilization.

We need the right to culture as an inalienable human right that will not be subject to political manipulation arising from ideological tensions, doctrines, or vested interests. We want culture to be guaranteed on a par with other areas of life. We want freedoms of speech, expression, and belief – already the norm in Europe – to be safe from pressures exerted by politicians, who frequently do not understand certain aspects of culture while they have instruments at their disposal to constrain or even destroy it.

## *Right to culture defined as right of access to and participation in culture*

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Reconciling market principles with the needs of modern societies is a great challenge faced by today's world. We appreciate the values of liberal economic policy, but we also recognize that it is a destructive force affecting the quality of artistic work. Not everything that is attractively priced and has a mass audience is art with a capital A. We want to have a guarantee of the development of high art as well as protection of masterpieces, artistic genius, and the European cultural heritage. We want these exclusive areas to be given proper recognition and their due place in the hierarchy of today's human needs.

## *Why Europeans feel there is a deficit of the right to culture*

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1. Cultural rights, commonly considered second-generation rights<sup>1</sup>, receive marginal treatment, secondary to first-generation rights, both from national policymakers and in international law.
2. The right to culture is not a fundamental right.
3. Consequently, the right to culture, also enshrined in the Polish constitution, does not give rise to obvious duties on the part of the state.

In efforts to make the right to culture a reality in Europe, respect should be accorded to national and international legislation in this regard and to various concepts of how this right should be framed, stemming from differences in legal and political traditions of the European countries and different customary understandings and definitions of culture.

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<sup>1</sup> Second-generation rights concern the state's duties towards the individual in the area of economic, social, and cultural rights. They are not regarded as fundamental or basic rights, emanating from human nature and the need to protect the individual human being whatever the legal system in force. First-generation rights are fundamental rights, such as the right to life, the right to personal liberty, freedom of belief, freedom of religion, and political rights. First-generation rights do not include cultural rights.



## What we take as given

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1. Humans as creative beings – *homo faber, ens creans* – cannot exist without culture.
2. Culture is the essence of humanity.
3. Without culture, neither individual human beings nor their civilization can develop.
4. There is no freedom or creativity without culture.
5. Human creativity modernizes the world.
6. Artistry is proof of the sophistication of human creative skills and abilities. It increases sensitivity to beauty.
7. Culture is one of the most important European values.

## *What we propose*

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**We propose that the Right to Culture should be enshrined in an Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.**

The Council of Europe's **Convention for the Protection of Human Rights and Fundamental Freedoms**, known as the European Convention on Human Rights (ECHR), is an international treaty adopted on 4 November 1950, signed by 47 European countries. The European Court of Human Rights (ECtHR) was established in Strasbourg on the basis of the convention. The convention itself includes 13 guaranteed rights and freedoms. Subsequently, it was supplemented with additional protocols adopted from 1952 to 2002. The protected rights and freedoms include the following:

1. Right to life (Article 2)
2. Right to liberty and security (Article 5)
3. Right to a fair trial (Article 6)
4. Freedom of thought, conscience, and religion (Article 9)
5. Freedom of expression (Article 10)
6. Freedom of assembly and association (Article 11)
7. Right to education (Protocol 1 of 1952).

**The catalogue of rights does not include the right to culture**

## *Why we propose it*

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1. We initiate our 'Right to Culture' campaign in order for every citizen of Europe to be able to lodge a complaint about what she or he considers negligence on the part of public authorities (including governmental bodies, public administration, and courts) with regard to access to cultural goods and participation in cultural life.
2. We address our 'Right to Culture' campaign to the Council of Europe as the principal political body existing for the express purpose of standing guard to respect for human rights in Europe.
3. One can now complain against one's state by lodging an application to the European Court of Human Rights (ECtHR), but as long as the right to culture is not enshrined in the conventions of the Council of Europe, there is no legal basis for such complaints.
4. Today, people of culture anywhere in Europe cannot file a complaint to the European Court of Human Rights in Strasbourg concerning the right of access to culture or participation in culture because this right does not exist. The only recourse is to lodge an application to the ECtHR citing guarantees of freedom of expression or the right to education.

## **Insufficient access to culture is today best seen in local Europe and the so-called second-speed Europe**

## *Support our initiative*

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We encourage all those who want to have their rights in Europe and want culture to be their personal right to support our initiative.

Culture is a legitimate area of human activity that deserves equal treatment. The time of culture as an exclusive product created by the elites is over. Culture is ubiquitous and accessible. It is undergoing far-reaching democratization processes.

We want to define the right to culture in response to the challenges of virtual reality.

The 'Right to Culture' campaign forms a large international platform of support for the initiative, which will culminate in the drafting of an Additional Protocol to the ECHR in 2016, when Wrocław hosts the European Capital of Culture 2016 event (together with Donostia-San Sebastián).

Work on the Protocol will be preceded by a Wrocław Declaration, to be announced by the Mayor of Wrocław in the spring of 2016.

## *Support our initiative*

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We have already started to build a partnership network of support for the 'Right to Culture' through:

1. Polish public institutions at local, regional, and national levels;
2. Cooperation with international organizations;
3. Cooperation with the European Union, including the European Union Agency for Fundamental Rights;
4. Efforts to drum up interest in the 'Right to Culture' among politicians at the national, international, and European levels;
5. Contacts with the Council of Europe;
6. Cooperation with the Polish Ministry of Culture and National Heritage and with similar national bodies elsewhere in the European Union;
7. Cooperation with the Polish Ministry of Foreign Affairs and with similar national bodies elsewhere in the European Union;
8. Cooperation with all organizations, agencies, centres, and other independent entities interested in promoting the 'Right to Culture';

## *Support our initiative*

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9. Steps aimed at drawing the attention of organizations concerned with the protection and enforcement of the law in Poland and internationally to the problem of gaps in legislation regarding culture;
10. A message to Polish and international NGOs concerned with culture, civil movements, urban movements, and the right of free expression;
11. Involvement in networks of cities, industry-specific networks, and networks of international organizations;
12. Cooperation with cultural institutions in Poland and abroad.

**Join the effort!**

## *Compendium of cultural rights in Europe*

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**CULTURAL RIGHTS** are a special category of human rights. They concern the fulfilment of the spiritual sphere of human life and human needs of a transcendental nature. Consequently, they play a unique role in forming the moral condition of both individuals and societies. Cultural rights have not been defined uniformly across legislations. Cultural rights are usually taken to mean the right of access to cultural goods, the right to actively participate in cultural life, the right to enjoy cultural goods, and freedom of artistic expression.

## *Legal acts declaring or guaranteeing HUMAN RIGHTS often classify them as:*

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### **PERSONAL RIGHTS AND FREEDOMS**

These are rights relating to the non-political spheres of human life: personal, family, and social. These rights belong to every human being. The catalogue of personal rights and freedoms includes the right to life and bodily integrity, personal inviolability and liberty, the right to fair trial, the right to the protection of private and family life, honour and good reputation, freedom of movement, freedom of conscience and religion, freedom to express one's views, and freedom to obtain and disseminate information.

### **POLITICAL RIGHTS AND FREEDOMS**

These relate to the public sphere of people's lives. They can be classified into those afforded to all and those reserved for the citizens of a given state. This category includes freedom of assembly, freedom of association, freedom to establish political parties and for political parties to function, the right to submit petitions, proposals and complaints, the right of access to the public service, the right to obtain public information, and election rights.



## *Legal acts declaring or guaranteeing HUMAN RIGHTS often classify them as:*

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### **ECONOMIC, SOCIAL, AND CULTURAL RIGHTS AND FREEDOMS**

These rights give rise to the greatest controversies and concerns, both at the stage of their guarantees being enshrined in law and with regard to their application, since they need to be practicable, amenable to evaluation by authorities charged with protecting these rights, and compatible with modern economic realities. The accepted catalogue of such rights is the result of a compromise regarding the basic assumptions. The drafters of acts declaring rights in this category often assume that their scope and degree of protection or fulfilment will be detailed in lower-ranking documents or national laws, whereas general acts only outline a certain programme of action to be undertaken by public authorities. Thus, the degree of protection and scope of guarantees for such rights afforded by acts of international law or by national constitutions are in fact in the nature of programmes of action for public authorities, and they do not give rise to specific rights of individuals.

## *The modern normative construction of human rights is founded on three principles:*

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### 1) Human dignity

It is recognized as the source of human and civil rights and freedoms. It is inherent, inalienable, and inviolable. Respecting and protecting it have been declared an obligation of public authorities. The concept of human dignity has not been defined in any normative act, whether national or international, but it was recognized as the foundation of human rights in the Universal Declaration of Human Rights of 10 December 1948 and the two United Nations human rights covenants. It is also named as a foundation of human rights in the EU Charter of Fundamental Rights and the Vienna Declaration.

### 2) Liberty

This category, mainly interpreted in the fields of philosophy and social sciences, is not defined in normative acts separately or coherently. Liberty can be regarded as non-interference with the acts of a free agent or one's ability to act as one chooses, to be 'the master of one's fate', or freedom to pursue what one desires rationally, in agreement with one's critical judgment. In accordance with the most straightforward definition of this term, reflecting its usual, intuitive understanding as freedom, liberty is the right to autonomously decide about one's actions in accordance with one's own will.

## *The modern normative construction of human rights is founded on three principles:*

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### 3) Equality

The principle of equality is another general concept that determines the contents of the system of rights and freedoms defined in the legal acts. The principle of equality directs that all those subject to a law that share a given essential characteristic should be accorded the same treatment, without favouritism or discrimination. This principle concerns, firstly, equality before the law, that is to say equal treatment in the process of applying any law accorded to all to whom it applies and who share the same relevant characteristic, and secondly, equality in law, that is to say in the process of laying down laws, which means that everybody has the right to shape their legal situation in the same way if only their essential characteristics are the same as those of others who enjoy the right to so shape their situation.

*Culture is present in numerous legal acts both at the national and at the international levels.*

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**Listed below are bodies that have inscribed the right to culture in their legal acts.**

### **The United Nations:**

1. The Universal Declaration of Human Rights (1948) – Article 27
2. The International Covenant on Economic, Social and Cultural Rights (1966) – Article 15
- 3.

*Culture is present in numerous legal acts both at the national and at the international levels.*

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## Council of Europe

1. Conventions and charters of the Council of Europe, such as the Convention for the Protection of the Architectural Heritage of Europe (Granada, 1986), the European Convention on the Protection of the Archaeological Heritage (Valetta, 1992), the European Landscape Convention (Florence, 2000), the European Convention for the Protection of the Audiovisual Heritage (Strasbourg, 2001), the Framework Convention on the Value of Cultural Heritage for Society (Faro, 2005), the European Charter for Regional or Minority Languages (1992), the European Social Charter (1996), or the Framework Convention for the Protection of National Minorities (1996).

## European Union

2. The Charter of Fundamental Rights of the European Union (2000, entered into force 1 December 2009), Article 22: 'The Union shall respect cultural, religious and linguistic diversity.'
3. EU treaties: **Maastricht Treaty** (1993), Title IX, Article 128; **Treaty of Amsterdam** (1997, entered into force 1999), Title XII, Article 151; **Treaty of Lisbon**, Treaty on the functioning of the European Union (2007, entered into force 1 December 2009), Title XIII, Article 167.

## *Culture is present in numerous legal acts both at the national and at the international levels.*

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### Republic of Poland

1. The Constitution of the Republic of Poland of 2 April 1997 (Dz.U.1997.78,483 as amended), partial regulation of the right to culture in Articles 5, 6, and 73.

#### **Article 5**

The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.

#### **Article 6**

1. The Republic of Poland shall provide conditions for the people's equal access to the products of culture which are the source of the Nation's identity, continuity and development.
2. The Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage.

#### **Article 73**

The freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.

## *Culture is present in numerous legal acts both at the national and at the international levels.*

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### National legislation:

Regulations regarding access to the products of culture and participation in cultural life can be found, among others, in the following legal acts:

1. The Act on the Protection and Preservation of Historical Monuments of 23 July 2003, Dz.U.2003.162.1568 as amended
2. The Museum Act of 21 November 1996, consolidated text in Dz.U.2012.987
3. The Libraries Act of 27 June 1997, consolidated text in Dz.U.2012,642, as amended
4. The Cinematography Act of 30 June 2005, Dz.U.2005.132.1111 as amended
5. The Radio and Television Act of 29 December 1992, consolidated text in Dz.U.2011.43.226, as amended
6. Regulations of the Minister of Culture and National Heritage regulating the functioning of entities under the Minister's authority

## *The right to culture in the Council of Europe*

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The 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) does not include any guarantees of the right of access to cultural goods or the right to take part in cultural life. Protocol No. 1 to the ECHR, adopted by the Council of Europe in 1952, does, however, guarantee the right to education. The case law of the European Court of Human Rights (ECtHR) contains a number of judgments concerning the protection of rights that are in fact manifestations of the right to culture and which are deduced by the ECtHR from other rights and freedoms guaranteed by the Convention. In particular, this concerns freedom of expression, including artistic expression (cf. *Müller and Others v. Switzerland* (judgment of 24 May 1988), *Karataş v. Turkey* ([GC], no. 23168/94, ECHR 1999-IV), *Alınak v. Turkey* (no. 40287/98, judgment of 29 March 2005), *Vereinigung Bildender Künstler v. Austria* (judgment of 25 January 2007, no. 68354/01), *Akdaş v. Turkey* (no. 41056/04, judgment of 16 February 2010).



## *The right to culture in the Council of Europe*

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In many of its judgments, the ECtHR has deliberated on the issue of guarantees of unhindered access to possibilities of maintaining cultural ties with one's country of origin or ethnic group, concluding that this right stems from: **(a)** the right of access to information (*Khurshid Mustafa and Tarzibachi v. Sweden*, no. 23883/06, judgment of 16 December 2008); **(b)** the right of immigrants to maintain cultural ties with their country of origin, in particular by being able to receive Arabic television programmes from Iraq (the country of origin); **(c)** freedom of artistic expression (also with regard to freedom to receive it, in *Chapman v. the United Kingdom* ([GC], no. 27238/95, ECHR 2001-I); **(d)** the prohibition of discrimination (in *Muñoz Díaz v. Spain*, no. 49151/07, judgment of 8 December 2009); or **(e)** the right to manifest one's ethnic identity and promote one's culture within an ethnic group as an element of freedom of association guaranteed by Article 11 of the ECHR (*Sidiropoulos and Others v. Greece*, judgment of 10 July 1998, *Reports of Judgments and Decisions* 1998-IV; *Gorzelik and Others v. Poland* [GC], no. 44158/98, § 92, judgment of 17 February 2004).

## *The right to culture in the Council of Europe*

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The Court has also recognized language rights, i.e. the right of minorities to maintain their languages, spelling and pronunciation, including the right to the spelling of personal names, as an important element of culture. The court has deduced such rights from Article 8 of the ECHR, i.e. guarantees of respect for private and family life (*Mentzen v. Latvia* (dec.), no. 71074/01, ECHR 2004-XII; *Bulgakov v. Ukraine*, no. 59894/00, §§ 43–44, 11 September 2007; *Baylac-Ferrer and Suarez v. France* (dec.), no. 27977/04, 25 September 2008, *Güzel Erdagöz v. Turkey* (no. 37483/02, 21 October 2008). The same basis was cited by the Court for the protection of the right of prison inmates to carry out correspondence in their own languages (*Mehmet Nuri Özen and Others v. Turkey* (nos. 15672/08 and others, 11 January 2011). Language rights are also afforded protection under Article 10 of the ECHR. That was the case in *Ulusoy and Others v. Turkey* (no. 34797/03, 3 May 2007). The Court also notices elements of the ‘right to culture’ in the right to education, as defined in *Campbell and Cosans v. the United Kingdom* (judgment of 25 February 1982, § 33, Series A no. 48). The Court explained that ‘the education of children is the whole process whereby, in any society, adults endeavour to transmit their beliefs, culture and other values to the young, whereas teaching or instruction refers in particular to the transmission of knowledge and to intellectual development.

## *The right to culture in the Council of Europe*

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Although the Court has not cited a separate right to the protection of cultural and natural heritage, it has pointed out that the protection of such heritage is a legitimate aim and provides grounds for the restriction of rights protected by the Convention, including property rights. It did so in *Beyeler v. Italy* ([GC], no. 33202/96, ECHR 2000-I).

In January 2012, the Parliamentary Assembly of the Council of Europe adopted recommendation 1990 (2012), 'The right of everyone to take part in cultural life', with the following theses:

1. Equal access to a variety of cultural resources; participation may only depend on how one is involved in culture (audience, amateur artist, or professional);
2. A Member State is responsible for ensuring a wide supply of cultural services, through all its public institutions, and for acting as an initiator, promoter, and regulator of synergies between public institutions and organizations in the non-profit and private sectors which contribute to the protection and promotion of cultural heritage and to the public access to cultural and artistic resources;
3. The state has a duty to take account of the radical changes in the methods of accessing culture, with the boom of digital culture and the Internet; to facilitate the emergence of new artists and new forms of expression; and to further develop new ways of disseminating cultural content in order to make it accessible to all;

## *The right to culture in the Council of Europe*

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4. Protecting and realizing cultural rights is a means to create an open-ended environment that allows everyone to achieve personal fulfilment and to participate in cultural, social, and political life;
5. Access to the arts allows all human beings to achieve self-fulfilment, realize their full potential, and see others under a new light. Through cultural ties and intercultural dialogue, access to the arts thus helps to promote 'harmonious living together' within a society, a country, and even between peoples, fostering relationships between the citizens of the world through enhanced mutual understanding. Moreover, access to the arts and free artistic and cultural expression contribute to the development of critical thinking and therefore to reinforcing democratic citizenship;
6. Access to the arts is especially important for young people, in particular those aged between 15 and 25, as a key means of transmitting cultural resources and values within society. It is therefore a responsibility of policy makers to cultivate – especially among young people – the 'desire for culture', without which young people will not feel engaged;
7. The right to take part in cultural life is pivotal to the system of human rights. People deprived of that right lack awareness of the fullness of their identity and are thus deprived the opportunity to responsibly exercise their other rights.

## *The right to culture in the Council of Europe*

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The Parliamentary Assembly also recommended that the Committee of Ministers formally endorse the ‘Guidelines for developing policies to ensure effective participation in cultural life’, forward this recommendation to all the Member States, so that they can be guided by it when framing their national policies, set up a committee of experts or a transversal working group and instruct it to consider what could be done to facilitate co-ordinated political action at the European level in order to promote the right of everyone to participate in cultural life and what could be done to improve cooperation between the Council of Europe, the European Union, and other international bodies in implementing targeted programmes to encourage youth participation in cultural life and support innovative creative activities, in particular those related to the technological evolutions. It was also recommended that the Committee of Ministers invite the European Union and UNESCO to this committee of experts and to involve in its work the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Conference of International Non-Governmental Organizations of the Council of Europe and the Advisory Council on Youth and subsequently take appropriate measures to develop specific plans for cooperation between the Council of Europe, the European Union and UNESCO, aimed at supporting the implementation of the right of everyone to take part in a variety of cultural activities and to increase, in particular, young people’s participation in cultural life, both as members of the public and as practitioners.

## *The right to culture in the Council of Europe*

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The Assembly, recognizing the increasingly important role played by local and regional authorities in promoting and implementing cultural rights, invited the Congress of Local and Regional Authorities of the Council of Europe to take this recommendation into account and to incorporate into its work programme the right to take part in cultural life.

The Committee of Ministers of the Council of Europe replied to the recommendation on 19 September 2012. It welcomed the commitment to cultural democratization, cultural rights and ‘living together’. It also noted the influence of social inequalities on access to culture as well as the importance of promoting the ‘desire for culture’, particularly among young people, and of providing quality education for all. In that regard, the Committee pointed out a need for gender mainstreaming in discussing the right to participate in culture and ways of safeguarding it. The Committee also drew attention to activities conducted as part of the Compendium project and the CultureWatchEurope initiative to increase access to and participation in cultural life.

**The right to culture is a unique right: it gives everyone the possibility to fulfil their spiritual needs. For this reason it deserves to be separately regulated in the form of an Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms.**