

Andreas Joh. Wiesand (ARCult Media, Cologne)

Short presentation of the new handbook

"Culture and Human Rights: The Wroclaw Commentaries"

at the Council of Europe (CDCPP) in Strasbourg, 10 May 2017

In an interview¹ three years ago, Bulgarian-born philosopher Julia Kristeva tried to explain what makes Europe so fascinating for people from other parts of the world, namely a sense of "openness", especially in the younger generations. She said (and let's all hope, that Europe will continue to prove her right):

"We have good reasons for being proud of the European concept of freedom... The multi-lingual Europe does not cultivate the one identity other cultures are struggling for: Identity in Europe is a matter of constant, never-ending search... In particular, Europe can be the place for a democracy based on sharing."

However, this cultural openness and the need to constantly search, or negotiate, for common ground, do not mean that assessments or decisions relating to cultural dimensions of human rights could not be based on universal and European values. Or in the words of the UN Special rapporteur on cultural rights, Karima Bennoune, in her latest Report:

*"Cultural rights, understood as fully integrated within the human rights system, are critical counterweights to fundamentalism and extremism; they call for free self-determination of individuals, respect for cultural diversity, universality and equality."*²

The new "Wroclaw Commentaries" on culture and human rights³, combined in a handbook and website which I am happy to present to you today, try to clarify this fundament further. This was done via a careful selection of keywords and of authors with diverse background as regards origin, professional field or viewpoints as well as through offering a wide choice of resources and a clear methodology. The structure of most of the concise Handbook articles includes: **definitions, legal instruments** – particularly the European Convention on Human Rights and United Nations instruments – and **court rulings with resulting case law** as well as majority and dissenting views in the **literature**, followed by **conclusions** for the interpretation and for legal or political action. Among the reasons for this concept has been the desire to make the issues and potential solutions accessible to a larger group of information seekers, including those who are not legal experts.

The rights to freedom of expression and to equal access to cultural life as well as the concept of sharing diverse identities are particularly relevant in the domains of the arts or the media, both in their traditional forms and as regards the impact or content issues of new information technologies. Consequently, such principles are taken up in most of the 7 introductory overviews and 123 keyword articles contributed to the *Wroclaw Commentaries* by 96 international experts. The same could be said about a contemporary understanding of the values of heritage, where the authors of the *Commentaries* frequently echo the main principles of the Council of Europe, particularly those found in its Faro and Landscape Conventions.

¹ Interview in DIE ZEIT, 2. January 2014

² Human Rights Council: *Report of the Special Rapporteur in the field of cultural rights*, Geneva, 16 January 2017, A/HRC/34/56 (95)

³ Wiesand, Andreas Joh.; Chainoglou, Kalliopi; Śledzińska-Simon, Anna with Yvonne Donders (Eds.): *Culture and Human Rights: The Wroclaw Commentaries*, Berlin/Boston: De Gruyter; Cologne: ARCult Media, November 2016

As well, positions of Council of Europe bodies such as the Committee of Ministers, the CDCPP, the Parliamentary Assembly or the Venice Commission play, like those of the EU, an important, often decisive role for the arguments developed in the Handbook. For example, the 2012 Recommendation of the Parliamentary Assembly on 'The right of everyone to take part in cultural life' is mentioned already in our introduction as one of the main starting points for the *Commentaries*.

As regards the definition of the scope of "culture", the editors and the Scientific Committee of the *Wroclaw Commentaries* decided to include a number of keywords on socio-cultural issues and conditions next to those addressing the arts, media and heritage. For example, learning more about how culture and human rights are connected with development policies, food, LGBT, migration or poverty or about the rights of linguistic, religious and other minorities such as the Roma can help to raise our awareness of the multi-faceted cultural dimensions of human rights and may also assist the preparation of appropriate legal or political action.

As a result, we could say that the *Wroclaw Commentaries* are now addressing 14 distinct areas of culture-related rights and issues, ranging from **access to the arts and media** to **freedom of religion or belief**, from the **digital world** to **language rights** or from **cultural heritage and memory** to the **creative industries**. By the way, for the latter as well as for rights issues of some arts professions or institutions it proved to be most difficult to find experienced authors, so there is clearly room for more in the next edition of the *Commentaries*! In order to provide some basic information for those who do not have access to the Handbook – or cannot afford to buy it – we added a comprehensive website⁴ where, inter alia, the abstracts of all articles can be found, accessible also on smartphones.

The introduction to the *Wroclaw Commentaries* explains how this first basic guide to human rights issues in the wider domain of "culture" was invented. Ideas about a "Cultural Protocol" to the ECHR, which had already been investigated by the Council of Europe a few years earlier, were promoted 2013 in Poland, especially by the National Centre for Culture and the City of Wroclaw. Inspired also by alternative ideas from colleagues in the European Association of Cultural Researchers (ECURES), it was then my role to convince the Polish initiators that such plans would currently have no real chance of success and that a legal stock-taking effort leading to clarifications in the form of a commentary or dictionary could turn out to be an option with similar impact. Wroclaw's status as "European Capital of Culture" 2016 provided an ideal context for the complex preparations required for this task.

In a way, the broad spectrum of issues that are now being dealt with in the *Commentaries* confirms that option: On the one hand, a Cultural Protocol to the ECHR would at best end in a compromise whose general text could most probably never cover all the problems to be considered when dealing with culture and human rights. On the other hand, thanks especially to the European Court of Human Rights and its dynamic interpretation of the ECHR, the last two decades have already shown to what extent "culture" in the wider sense can matter, or make a difference, in the general human rights framework. The new Handbook is a last verification of this trend.

My last words must go to the *Wroclaw Commentaries* team, in particular to my co-editors Kalliopi Chainoglou and Anna Śledzińska-Simon, to the Scientific Committee chaired by Yvonne Donders and of course to all authors across Europe and the world: Without their dedication, expertise and tolerance, this work would never have seen the light! Likewise, my heart-felt thanks go to the Mayor of the City of Wroclaw, Rafał Dutkiewicz and his team, for taking up the first ideas and for providing conditions that made the Handbook possible, as well as to the other Patrons, including Gabriella Battaini-Dragoni.

⁴ <http://www.culture-rights.net>