**Call for inputs for a report on cultural rights and migration**

Issued by: Special Rapporteur in the field of cultural rights

Deadline: November 25th

Purpose: To inform the Special Rapporteur’s 2023 thematic report to the HRC

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### Key questions and types of input sought

1. What are the issues relating to cultural rights that you see in your country’s migration processes? Please provide relevant information concerning laws and regulations, programmes and measures, services and practices that seem relevant.

* Asylum seekers in Germany receive a residence permit. This is linked to a **restriction on freedom of movement**: due to an imposed residence obligation, they cannot leave their assigned area - whether municipality, district, county or even federal state. This impedes access to certain cultural facilities and services.
* Germany has not signed the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990, see Art. 45, No. 3, 17, 26, 31, 34, 40, 43, 64, 65, 67)

1. Do migrants have access to the cultural services and institutions of the host society? How about undocumented migrants, asylum seekers and refugees? How is such access ensured?

* In general, all cultural institutions (museums, theatres, concerts, etc.) and cultural services are open to migrants, asylum seekers and refugees.
* Ukrainian refugees have free access to numerous museums, film screenings, libraries and theatre performances in Germany
* In the course of the Russian war against Ukraine, numerous support measures in all sectors were launched by several German cultural institutions and private initiatives for Ukrainian cultural workers who had fled. These support measures include scholarships, residencies, performance opportunities, accommodations, job opportunities, workshops, psychological support or networking events.

1. Are tangible artefacts belonging to migrants protected by the state? Does their use affect the cultural rights of migrants?
2. Which institutions have been successful in respecting and protecting the cultural resources and assets of migrants? Please provide examples when possible, including on how this was achieved.

* Many cultural institutions now focus their cultural outreach work on refugees. From 2018 to 2025, the programme “[360° - Fund for Cultures of the New Urban Society](https://www.kulturstiftung-des-bundes.de/de/projekte/transformation_und_zukunft/detail/360_fonds_fuer_kulturen_der_neuen_stadtgesellschaft.html)” of the Federal Cultural Foundation supports cultural institutions of all disciplines in Germany in this process, especially in opening up to migrants and cultural diversity and in developing corresponding strategies and programmes. With the project "*Diversity as Narrative, Diversity as Reality*", the Museum of Islamic Art in Berlin aims to include current concerns of the migration society in its program and form new networks.
* The "initiative on cultural integration” ([Initiative Kulturelle Integration](https://www.kulturelle-integration.de/)), financed by the German Minister of State for Culture and Media is a broad alliance of 28 institutions and organisations from civil society, churches and religious communities, social partners, the media, the federal government, the states and municipal organisations. The members of the Cultural Integration Initiative advocate for diverse engagement and cohesion in a plural society. Together they formulated the 15 theses for "Cohesion in Diversity", which serve as a working basis. In this context particularly relevant: Thesis 7: “Immigration and integration are part of our history.” and Thesis 14: “Gainful employment is important for participation, identification and social cohesion.”
* Several cultural institutions and NGOs initiated art, theatre, music and literature projects with refugees. Since 2014, also cultural youth work institutions have developed cultural projects for children and young people with refugee experience. Thanks to special funding from the state of North Rhine-Westphalia, for example, 500 cultural projects have been carried out with refugee children and young people (<https://lkj-nrw.de/projekte/angebote-fuer-junge-gefluechtete>).
* Since 2013 the initiative “[Touring Artists](https://www.touring-artists.info/home)” provides information and advice on administrative and organisational issues that arise in cross-border work for artistic, curatorial and organisational practice (from/to Germany). With the project “[*International Artists Information Berlin*](https://www.touring-artists.info/ressourcen/tools/neu-in-berlin)”, Touring Artists supports artists, creatives and cultural workers who have had to leave their home countries due to the political situation and now live in Berlin. They offer orientation in the German cultural landscape and especially in the Berlin cultural scene. They explain the legal framework for artistic activities and the requirements for working as an artist or creative person in Germany. Touring Artists is a cooperation by Internationales Theaterinstitut (International Theatre Institute), Internationale Gesellschaft der Bildenden Künste (International Society of Fine Arts) and Dachverband Tanz Deutschland (German Dance Association)
* In October 2022 the Goethe Institut initiated the project "[Goethe-Institut in Exile](https://www.goethe.de/prj/gex/de/uv2.html)". It offers a stage as well as a place for discussion and exchange to cultural workers who can no longer work in their own countries, or can do so only with difficulties, due to life-threatening circumstances. Festivals for Ukrainian and Afghan artists are also part of the project.
* In 1999, the German government, together with the German PEN, launched the "Writers in Exile" scholarship program. It offers up to seven exiled authors and journalists who are persecuted and oppressed in their home countries a safe place to stay and work in Germany for up to three years.
* On local level migrant organizations and associations play an important role for the protection of migrants' cultural resources and assets. The associations are diverse, there are recreational and sports associations, cultural associations, religious associations and religious communities, workers' associations, political associations, student associations, business associations or parents' associations. They are committed for integration and are essential for the access to social and political participation of migrants.
* The Federal Government supports artists forced into exile in various scholarship programmes and supports numerous exile archives as well as exhibitions and special projects on the subject of art and the media in exile.
* For further initiatives see the German periodic report on the policies and measures Germany has adopted, and challenges encountered in implementing the 2005 UNESCO Convention on cultural diversity. Chapter 1.1.7 deals with the special issue of migration, flight, integration and inlcusion: <https://www.unesco.de/sites/default/files/2021-03/3.%20Staatenbericht%20%282020%29%20DEU.pdf>

1. What are the steps that relevant local and national authorities take to ensure that the rights of migrants to access, practice, maintain and transmit living cultural resources are protected, especially forced migrants?

* Every two years, the federal government produces an integration report to identify progress and challenges. The report also sets out the goals of the Commissioner for Integration, including strengthening the culture of remembrance of migrants; strengthening the cooperation of local authorities and government with migrant organisations; promoting intercultural openness among established institutions. [read the report (in](https://www.integrationsbeauftragte.de/resource/blob/1864184/1864564/478a6d7d9cd3fc2c18131ebfcfef3dac/12-integrationsbericht-data.pdf?download=1)

[german)](https://www.integrationsbeauftragte.de/resource/blob/1864184/1864564/478a6d7d9cd3fc2c18131ebfcfef3dac/12-integrationsbericht-data.pdf?download=1)

* Since 2017, the “climate of integration” in Germany is being recorded and assessments and expectations of the population with regard to integration and migration as well as integration and migration policy are beeing surveyed. ([migration barometer](https://www.svr-migration.de/barometer/))
* Local and federal government support a range of activities to promote cultural diversity, cultural participation and integration through cultural and educational programs and initiatives on national, regional and local level

1. What is the position of governmental authorities when cultural practices of migrants are not in line with those of the majority of the population?

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1. Please provide examples of how the tensions have been handled in the past.

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1. How do the different sectors of the population learn about the cultures of the migrants, especially new and forced migrants? Please provide information about existing spaces, including media spaces, and opportunities for the host society to encounter and engage with cultural resources of migrants.

* In 1990, migrant men and women in Germany founded an association called “**Domid**” with the aim of documenting the diverse history of migration in Germany and presenting it to the public. The aim is to convey migration as a normal case. The construction of the documentation centre in the form of a publicly accessible museum in Cologne was started in 2020 and is to be realised by 2027. The Federal Government and the State of North Rhine-Westphalia allocate a total of € 44.26 million in budgets for the "House of the Immigration Society" (<https://domid.org/> )
* The **Migrants Music Manifesto** was a project in 2021 that aimed to dispel prejudices and to alert the population to the positive contributions of migrants and refugees in Europe. Different partners from Europe also from Germany participated. The German Commission for UNESCO has taken over the patronage.
* An already established format is the "**Festival of Cultures**" in various cities in Germany. The largest festival under the title "Carnival of Cultures" has taken place in Berlin every year for 20 years. In a large street parade, people of very different origins present their cultural roots and campaign for an open and intercultural society.
* In 2017 the German Commission for UNESCO and the Bertelsmann Stiftung published the study [“Art in the Immigration Society”](https://www.unesco.de/sites/default/files/2018-05/ST-LW_Studie_Kunst%20in%20der%20Einwanderungsgesellschaft_Druckfassung_2018_04..__1.pdf) The study shows the opportunities and challenges that come with migration and diversity and gives recommendations for action on how art and artistic cooperation can succeed in a country of immigration.
* In 2016, in cooperation with the Ministry of Science and Culture, a digital platform called the “**Welcome Board**” that serves as a contact and service point, was established at Musikland Niedersachsen especially for refugee musicians. The platform connected incoming musicians with migration/refugee and/or racism experiences and gave them visibility. The platform was accompanied by numerous events and concerts. In 2018 the platform was renamed as “[Global Board](https://globalboard.de/)”.
* In the course of the Ukraine crisis, numerous **meeting places** were created for refugee culture-makers from Ukraine to connect with the local population, such as the encounter café "Hallo Beethoven".
* Various museums, theatres and films document and convey the culture and history of migrants.

1. What challenges do migrants face currently in practicing, maintaining and transmitting their culture, especially when they are new and/or forced migrants?

In the case of forced migration, the first priority is to secure basic needs such as visa, housing and employment. The bureaucratic processes take long. Many forced migrants struggle with trauma and psychological consequences of flight.

There are also barriers in terms of access to artistic training and professional development, as educational qualifications are often not recognized. Often, they initially lack knowledge of the relevant local networks that are important for carrying out their cultural practices. Networks and knowledge of the funding structures in the respective country are essential in order to gain access to performance opportunities and transmitting their culture to a wide public. In addition, there are language barriers.

Further, migrants often are confronted with the destruction of culture in their home country. In the case of Ukraine, the Network for the Protection of Cultural Property Ukraine was established by the Federal Government Commissioner for Culture and the Media together with the Federal Foreign Office. The central point of contact for the Network for the Protection of Cultural Property in Ukraine is ICOM Germany: [ICOM4Ukraine – ICOM Deutschland e. V. (icom-deutschland.de)](https://icom-deutschland.de/de/icom4ukraine.html).

1. Please share good practices in protecting the cultural rights of migrants to access cultural resources and services, to enjoy their heritage and that of others, to use their language in private and in public, to participate in cultural life, to freedom of artistic expression and to take part in decisions that impact their cultural life. Please focus more on new and/or forced migrants.

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1. Please advise how cultural rights of vulnerable and marginalised sections of migrants are protected.

Cultural rights are secured at the international and national level through the:

* *“Universal declaration of human rights”*, 1948
* “*International Covenant on Economic, Social and Cultural Rights*”, which was signed by Germany in 1973. The covenant contains the right to participate in cultural life, the promotion and protection of cultural rights, especially for minorities and the right to protection of intellectual property. The additional protocol to the Social Covenant has been signed on November 10th, 2022. This introduces an individual complaints procedure that allows individuals and groups to complain to the UN Committee on Economic, Social and Cultural Rights about violations of their rights. However, Germany has not acceded to further control mechanisms of the Optional Protocol, i.e. the state complaints procedure and the enquiry procedure.
* *“International Covenant on Civil and Political Rights*, *ICCPR”*, signed by Germany in 1973 (s. Art. 27)
* “*UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*” ratified by Germany in 2007. The convention aims to ensure the right to an independent cultural policy and achieve global cultural cooperation on equal terms
* *Basic Law for the Federal Republic of Germany*, Art. 5, Nr. 1:” Everyone has the right to freely express and disseminate his or her opinion in speech, writing and pictures“; Nr. 3: “Art and science, research and teaching are free.”
* German “*General Equal Treatment Act”* (“Allgemeines Gleichbehandlungsgesetz“, 2006). The aim of the law is to prevent discrimination on the grounds of racial or ethnic origin, gender, religion or belief, disability, age or sexual identity by private actors (e.g. employers, landlords, providers of goods and services).
* Numerous state constitutions or specific cultural promotion laws such as in North Rhine-Westphalia contain measures and projects to reach people who, due to their origin, have not been able to participate in cultural life or have not been able to do so to a sufficient extent. At the same time, cultural interaction and exchange between population groups from different countries of origin should be promoted.