## United Nations Special Rapporteur’s 2023 report to the General Assembly

## Reply to the call for inputs to a report on cultural rights and the governance of development

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| 1. **How are human rights generally integrated in your policies and programmes? Please indicate if human rights are mandatory considerations, at what stage of the programme they are integrated and if any, what kind of impact assessment and monitoring is done of their implementation.** | |
| **Council of Europe**  **Culture, Nature and Heritage Department** | **Council of Europe**  **Partial Agreement - Eurimages** |
| The European Convention on Human Rights is a key reference to the Council of Europe’s work over the years. All projects of the Department for Culture, Nature and Heritage incorporate the human rights dimension as an important component and integrate such concern in the development of their actions. | The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights - [ETS N°5](https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=005)) is the key reference for the Council of Europe’s work in all areas. The action of [Eurimages](https://www.coe.int/en/web/eurimages/home), the Council of Europe’s cultural fund for the financial support of film co-production, distribution and exhibition aims to foster the right to freedom of expression set out in the Convention and integrates protection of this right in the design and implementation of its programmes. |

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| 1. **Please provide examples of any programmes that contribute to the respect, protection and implementation of cultural rights, in particular:** | | |
|  | **Council of Europe**  **Culture, Nature and Heritage Department** | **Council of Europe**  **Partial Agreement - Eurimages** |
| * + The right to choose and maintain one’s identity, and to take part in the cultural life of one’s choice; | The activities related to the “Faro Convention on the value of cultural heritage for the society” are based on the right of every person to engage with the cultural heritage of their choice. | - |
| * + The right to access, enjoy and transmit cultural heritage, including languages and ways of life; | See above | Through its financial support programme for co-production, the Eurimages Fund enables the depiction through fiction, documentary and animated feature-length cinematographic works of the ways of life of the 39 member states of the Fund, in the languages, including minority languages, of those states. |
| * + The right to access and transmit creative expressions and knowledge, and to access the creativity and knowledge of others; | The ongoing Exhibition: “Free to Create, create to be Free” on the freedom of artistic expression is an important effort to allow the development of diverse artistic expressions and to facilitate their diffusion among the largest public. | Financial support programmes for film co-production operated by Eurimages are designed to encourage cultural co-operation and foster diversity and pluralism by facilitating the co-production of cinematographic works which are difficult to finance through purely commercial sources. Support for the exhibition of cinematographic works by Eurimages aims at improving the geographical and artistic diversity of works available to the public. |
| * + The right to access to the benefits of science and its applications, including scientific knowledge, technology, and opportunities to contribute to the scientific enterprise; | “The European Cultural Heritage Strategy for the 21st century” related activities include the research and knowledge dimension as their major component and advocate for their largest diffusion among all stakeholders. | - |
|  | **Council of Europe**  **Culture, Nature and Heritage Department** | **Council of Europe**  **Partial Agreement - Eurimages** |
| * + The right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author; | The recent Recommendation on Library legislation and policy in Europe has stressed the need to preserve authors’ intellectual property without compromising the library users’ access. | The revised Council of Europe Convention on Cinematographic Co-production ([CETS 220](https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=220)) creates an obligation of co-ownership of the material and immaterial rights to co-produced cinematographic works. A similar obligation is implemented within the Eurimages film co-production support programme and is complemented by the requirement that supported works respect the copyright and/or authors rights legislation in force in each of the countries participating in the co-production of the work. |
| * + The right to take part in decision making processes that have an impact on one’s cultural life, including: | The Faro Convention highlights the importance of involving local population in the definition of what is cultural heritage and on the subsequent decision-making related to it. | In designing its programmes, Eurimages consults widely with representative bodies within the film industry, to ensure pertinence of the programme to the needs of the creators, producers and distributors of cinematographic works, and to integrate the point of view of the users of films as cultural objects. |
| * + - the right of effective participation and consultation for minorities; | The Faro Convention emphasizes that all heritage communities who have particular interest on a specific cultural heritage component should be involved in its maintenance and management. | - |
| * + - the right to free, prior and informed consent by indigenous peoples and by local populations. | The democratic participation approach to cultural heritage embedded in Faro Convention implies that all heritage communities should be consulted before any decision is envisaged. | - |

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| 1. **Please provide recent examples of programmes, policies and commitments where:** | |
| **Council of Europe**  **Partial Agreement - Eurimages** | |
| * + sustainable development is discussed beyond wealth accumulation model; | Eurimages has adopted a [Sustainability Strategy and Action Plan 2022-2024](https://www.coe.int/en/web/eurimages/sustainability-strategy) covering the functioning of the Fund (commitment to reduction of the environmental impact of the operation of the Fund) and incentivizing the implementation of environmentally sound production strategies in the films co-financed by the Fund. |
| * + the expression of cultural diversity is respected, protected and implemented; | The Board of Management of Eurimages adopted in 2021 a series of core values to inform the strategy and functioning of all aspects of the work of the Fund. These include: protection of the freedom of artistic expression; preservation of pluralism; encouragement of diversified and creative storytelling; the promotion of equality, diversity and inclusion. |
| * + marginalized voices and aspirations are identified and heard; | In line with the priority accorded by the Council of Europe to gender equality, Eurimages has since 2017 implemented successive [Strategies and Action Plans](https://www.coe.int/en/web/eurimages/gender-equality-diversity) for the improvement of gender balance among the directors, writers, producers and other participants in the creation of the cinematographic works supported by the Fund and has advocated for the greater integration of this dimension in the national film and audiovisual policies of the Fund’s member States. [A first Strategy for Diversity and Inclusion](https://www.coe.int/en/web/eurimages/diversity) in the European Film Industry was adopted by Eurimages in 2022 and measures taken to give greater visibility to good practice among the Fund’s member States. |