

Interview

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How the right to culture, cultural policy is organized in your country? How does it work?

First of all, cultural rights are inscribed in the Constitution. Most of the policy documents are based on the Constitution - cultural policy documents as well as legal Acts. So it is clearly defined. The most relevant topics agreed upon in various international standard setting instruments - like free participation in culture, cultural life, and other aspects of culture, including heritage - are also regulated. When it comes to implementation there is always space for improvement of cultural policy on the normative level, on the level of principles and guaranteeing demarcating standards. I would say it functions well but when it comes to implementations, there are number of issues which need to be addressed.

Do you think Europe needs right to culture in a formal way? Is it necessary to introduce to the European legal system a „Right to Culture” as a human basic right?

I would say it already exists. I would be very careful with proposing and introducing new instrument without the analysis of the implementation of existing instruments. It is less realistic to go along the idea to have a protocol amending the European Convention which would clarify the position of cultural rights as important segments of basic human rights for a number of reasons - the most important being political one. During the meeting we heard a number of detailed explanations how the European Court of Human Rights in Strasburg works. On the other hand, the European Union has very specific attitude towards cultural policy, there is a lot of indirect measures having profound impact on cultural policies as well as some specific rules and reservations regarding elaboration of cultural policy. There are also number of legal instruments both at the EU level and on the level of other international organizations such as UNESCO. In my view, there are number of legal documents that already exist. It will be wise to start with two questions: Can we make current achievements more effective instead of starting something new? And second question: If we believe that the cultural rights need to be specified in a more explicit way can we identify some concrete and well elaborated proposals? This should be the beginning of our reflection.

This issue can be looked at many different levels: governmental, local, individual. You cannot cover all of that with one instrument. I think it would be important to see where we feel that there is a deficit, so we should identify some priorities and back them up with a very specific examples, and then move to the next step which would be, in my view, gathering different cultural institutions and having a debate on possible proposals and solutions. We should not overload concept of basic human rights. It has been a lot of discussion globally. We have many examples that people were punished, killed or put in a jail because of their creativity. If we would decide of right of every person to any kind of cultural rights as a basic human rights it is simply not realistic. Sometimes if we aim too much we can lose even what we have, so I would be very careful and I would focus on what is visible and what is realistic and what is much needed.

Do you have any idea how to lobby for a right to culture?

There are number of possible solutions. If we go along the idea that we deal with a concept of European citizenship, we are talking the EU then, The European Parliament, European citizenship and other initiatives. If we would deal with the Council of Europe, the European Court and the responsibility of individual governments in that case we can discuss the idea of the additional Protocol. In any case, there is a need to conduct many discussions like this one here. Consult with various networks, countries, local authorities, regional officials, experts, artists and so on.