

“The Right to Culture – European Perspectives” – Conference Summary 6-7 November 2013, Warsaw

In the past, fundamental rights were not established in Europe, such as: free elections or freedom of expression. Someone had to initiate the process of legislative changes. Today ‘the right to culture’ is not enclosed in the European Convention of Human Rights and Fundamental Freedoms. Is it the right time for changes? Someone has to be first.

These phrases were expressed by Lidia Geringer de Oedenberg, Polish Member to the European Parliament, at the international seminar *Right to Culture. European Perspective* which was organized by the National Centre for Culture and Wrocław – European Capital of Culture 2016 in Warsaw on 6/7 of November 2013.

The international seminar gathered around 30 Polish and foreign experts, who were representatives of various universities, cultural institutions, media, cultural administrators of the national and local levels as well as the NGOs. During the seminar the participants discussed how the phenomenon of culture might have changed if the ‘right to culture’ was mentioned in the Additional Protocol of the European Convention of Human Rights and Fundamental Freedoms. The ‘right to culture’ would guarantee access and an opportunity of participation to culture for each European citizen – regardless the place where he/she lives, level of education and nationality. The mayor of Wrocław, Rafał Dutkiewicz highlighted at the beginning of the seminar that it is impossible to build modern, multicultural Europe without a guaranteed ‘right to culture’. Wrocław as a symbolic microcosms of culture is suitable to lead the project. In 2016, when Wrocław will be honoured with the title of the European Capital of Culture, the city will propose to the Council of Europe to add the ‘right to culture’ to the Additional Protocol the Council of Europe – as the Polish contribution to the European legislative system and also as a foundation of building contemporary juridical awareness. – *If culture is important for us, therefore it should find its appropriate place in the catalogue of fundamental rights* – said Krzysztof Dudek, the director of the National Centre for Culture. – *Without culture we can only produce but not create; therefore, it is very important to guarantee access and a possibility of participation in culture on the normative level* – he added.

The foreign experts agreed that it is necessary to initiate international series of debates referring to the idea of the ‘right to culture’ as a fundamental right for many reasons. One of the reasons pointed by the participants was the economic threat, especially the economic current crisis, which placed culture as a secondary issue in neoliberal societies. The second cause was the political and monetary crisis, which – as Kalliopi Chainoglou from Greece expressed – forced cultural institutions to close or to reorganise themselves institutionally, which in fact helped governments to avoid responsibilities connected with financing culture.

Other reasons for the international discussion about the ‘right to culture’ were listed as follows:

- a low level of participation in culture (the point presented by Dorota Ilczuk);
- intermingling of high and mass culture which diminishes artistic sensitivity and in fact promotes consumerism (the point made by Susane Keuchel from Germany).
- paradoxically greater openness of contemporary societies to various manifestations of culture can eventually lead to the loss of a legislative perspective in culture (this point was expressed by Ritva Mitchell from Finland).

The Polish experts working in the Council of Europe expressed their scepticism regarding the success of the project. They strongly expressed their doubts during the second panel of the conference: *Is it necessary to introduce to the European legal system a „Right to Culture” as a basic human right?* Their sceptical approach to the project results from the awareness of a range of formal and political obstacles that may arise. The experts pointed to the overloading of the European Court by a high number of complaints sent to Strasburg from all over the Europe Union. Additional tasks for the Court (possible complaints resulting from the addition of the ‘Right to Culture’ to the Protocol) may overload the Judges with work and overstrain finances. However, the ‘right to culture’ would give a chance to each individual to defend his/her right in the supranational institution, which is not possible today. This statement was highlighted by the most of the experts in the second panel: *Right to culture or Cultural rights/Right to access or right to participate*. The participants of this panel agreed that in contemporary Europe (where are complicated issues of Copyrights, access to digital resources, ethnic minorities rights) the Council of Europe is the only institution which should protect the ‘right to culture’ as the fundamental right. Addition of the ‘right to culture’ to the Additional Protocol of the European Convention would indicate that the Council is following its historical mission and returns to the question of the ontological status of the European identity.

In the world of complex educational systems, media power, increasing number of civic ideas (the ‘right to the city’ among them), emancipation of regions and cross borders co-operations, the protection of culture seems to be an important challenge. It is especially important because – as the media specialists claimed – people do not need culture anymore, because they are intellectually and aesthetically shaped by mass culture and pop culture. This statement was expressed in the last panel of the conference: *Spaces for culture in post-modern Europe*. Experts agreed that if only 0,5 percent of Poles watch *TVP Kultura* (a public TV channel devoted entirely to culture), it means that culture is not an interesting subject for societies. Other explanation for this situation is that the whole broadcasting system as well as newspapers in Europe distance people from high culture and made the viewers not aware of differences between worth broadcasting programmes and just funny shows. As the experts concluded the ‘right to culture’ should be publicized as an action organised against commercialisation and globalisation.

The conference *Right to culture. European perspective* has inspired the participants to further debates about cultural rights in the European countries. It has also encouraged the participants to verify the existing juridical system in Europe.