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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****COVID-19, culture and cultural rights****Report of the Special Rapporteur in the field of cultural rights, Karima  
Bennoune\****Summary*

The coronavirus disease (COVID-19) pandemic is a cataclysm for cultural rights, threatening a global “cultural catastrophe” with severe, long-lasting consequences for human rights if effective action is not taken immediately. In the present report, the Special Rapporteur in the field of cultural rights surveys the negative impacts of COVID-19 on culture and cultural rights worldwide, and the positive potential of culture and cultural rights, and the right to science, to enhance rights-respecting solutions and build resilience. The report also contains relevant recommendations for action.

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\* The present report was submitted after the deadline so as to include the most recent information.



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## I. Introduction

1. The coronavirus disease (COVID-19) pandemic is a cataclysm for cultural rights. Indeed, it is a foundational challenge to all human rights. As at 6 February 2021, there were 106 million confirmed cases and 2.3 million deaths worldwide.<sup>1</sup> The International Labour Organization labelled the pandemic the “worst global crisis since the Second World War”.<sup>2</sup> As the Committee on Economic, Social and Cultural Rights noted, it “is having devastating impacts throughout the world on all spheres of life”.<sup>3</sup> Undoubtedly, this includes cultural life. In addition to the current health and economic crises, humanity faces nothing less than a potential global “cultural catastrophe”, with severe, long-lasting consequences for cultural rights – and other human rights – if necessary action is not taken immediately by all relevant actors.

2. An effective response to the pandemic requires a twenty-first century holistic human rights approach that mainstreams cultural rights.<sup>4</sup> The Special Rapporteur seeks to contribute to such an approach by addressing the negative impacts of the COVID-19 pandemic on culture and cultural rights worldwide, and the positive potential of cultures and cultural rights to enhance rights-respecting solutions and build resilience.

3. In many contexts, members of marginalized groups that face structural inequalities, including indigenous peoples, minorities, older persons and persons with disabilities, have been disproportionately affected by COVID-19, while the virus has also killed indiscriminately across all socioeconomic groups, ages and identities.<sup>5</sup> Both the universal reach and the discriminatory impacts need to be addressed. Health-care workers have paid a particularly high price for defending the right to life of others, with countless thousands infected, and an unknown number dying.<sup>6</sup>

4. COVID-19 “vividly illustrates the importance of the indivisibility and interdependence of all human rights”.<sup>7</sup> This means actually taking into consideration the range of rights – civil, cultural, economic, political and social – while also recognizing what the Human Rights Committee terms the “crucial importance” of the right to life.<sup>8</sup> It will also be essential to take the issue of accountability for violations of economic, social and cultural rights as seriously as accountability for violations of civil and political rights during the pandemic.

5. Cultural rights are core to the human experience, and essential for implementing other universal human rights and achieving the Sustainable Development Goals. They are not a luxury, even during a global health crisis. In fact, as the Special Rapporteur has noted throughout 2020, culture is the heart of our response to COVID-19. Rights guaranteed in article 15 of the International Covenant on Economic, Social and Cultural Rights and in article 27 of the Universal Declaration of Human Rights, including the right to take part in cultural life and the right to science,<sup>9</sup> are even more vital during a pandemic. As the Committee on Economic, Social and Cultural Rights indicated in its general comment No. 25 (2020), the right to participate in and to enjoy the benefits of scientific progress and its applications is instrumental in realizing the right to health (para. 67). With regard to the arts, writer Stephen King tweeted: “If you think artists are useless, try to spend your quarantine without music, books, poems, movies and paintings.”<sup>10</sup> A basic paradox emerged: just at the moment when resort to the enjoyment of culture was increasing<sup>11</sup> as a coping mechanism,

<sup>1</sup> See <https://coronavirus.jhu.edu/map.html> (accessed on 6 February 2021).

<sup>2</sup> “ILO monitor: COVID-19 and the world of work – second edition” (7 April 2020).

<sup>3</sup> E/C.12/2020/1, para. 1.

<sup>4</sup> Karima Bennoune, “Lest we should sleep: COVID-19 and human rights”, *American Journal of International Law*, vol. 114, No. 4 (October 2020).

<sup>5</sup> See, e.g., <https://covidtracking.com/race>.

<sup>6</sup> See, e.g., [www.reuters.com/article/us-health-coronavirus-nurses/over-90000-health-workers-infected-with-covid-19-worldwide-nurses-group-idUSKBN2211XH](http://www.reuters.com/article/us-health-coronavirus-nurses/over-90000-health-workers-infected-with-covid-19-worldwide-nurses-group-idUSKBN2211XH).

<sup>7</sup> E/C.12/2020/1, para. 3.

<sup>8</sup> General comment No. 36 (2018), para. 2.

<sup>9</sup> See A/HRC/20/26.

<sup>10</sup> Available at <https://twitter.com/StephenKing/status/1246098663174266882?s=20>.

<sup>11</sup> See, e.g., contribution from Spain.

when the meanings of cultural expressions were heightened, those who produce arts and culture were finding their work increasingly difficult. Urgent action is needed to resolve this tension and guarantee the cultural rights of all.

6. In preparation for writing the present report, the Special Rapporteur circulated, jointly with other special procedure mandate holders, a call for input on protecting human rights during and after the COVID-19 pandemic, to be submitted by June 2020.<sup>12</sup> She was pleased that 62 contributions from States, national human rights institutions and civil society replied specifically to questions posed in relation to her mandate. She also held two virtual expert meetings in November 2020, one organized with Safe Havens and the Museum of Movements, and another with the Artists at Risk Connection. These gatherings brought together cultural rights defenders and experts from nearly all regions of the world and from many fields.<sup>13</sup> She also sought input from diverse global experts, and thanks all who contributed to the report.

## II. Impact of the COVID-19 pandemic, and responses to it, on cultural rights

7. The enjoyment of every single right covered by the Special Rapporteur's mandate has been gravely affected by the pandemic and by some of the responses to it. The impacts vary widely and depend on, among other things, the efficacy of public health responses, and economic factors. In many contexts, culture sectors have been among those hardest hit by the crisis.<sup>14</sup> Some experts have warned of irreversible cultural catastrophe if concerted, effective and adequately resourced action is not taken to avert such an outcome immediately, and consistently, as the world emerges from the pandemic.<sup>15</sup> The consequences will be especially severe in the short and medium terms, but may have significant long-term effects. A cultural rights approach to these issues is absolutely necessary. Government responses must make clear the value of arts and culture and their importance for the enjoyment of human rights. The cultural rights commitments of States under international law require them to take action so as to avoid catastrophe but also to lead to cultural renewal as an essential component of any efforts to build back better. These are not simply wise policy choices but a question of international legal obligation. Comprehensive global and national inventories of cultural rights effects should be carried out around the world by Governments, in consultation with civil society, so as to organize comprehensive policy responses. A short survey of selected impacts follows.

8. Any meaningful human rights account of pandemic impacts must begin with those affected by the disease itself. Many leading cultural figures who are irreplaceable have died due to COVID-19, such as Cameroonian Afro-jazz legend Manu Dibango, "the original Giant of African Music";<sup>16</sup> Chinese film director Chang Kai, who passed away, along with three family members, in Wuhan, China; Chairman of the General Organization for Antiquities and Museums in Yemen, Mohanad al-Sayani, a bridge-builder whose death created uncertainty about the ongoing work to safeguard the cultural heritage of Yemen; pioneering eco-feminist, Jewish-American artist, Helène Aylon;<sup>17</sup> and Aurelia Jifichiu, from the Bora people in the Colombian Amazon region, an award-winning indigenous language teacher,<sup>18</sup> to name only a few. Many others became ill with COVID-19. Data must be gathered on how many have died in the culture sectors worldwide. The human and cultural impacts of these

<sup>12</sup> Contributions are available at [www.ohchr.org/EN/Issues/CulturalRights/Pages/callCovid19.aspx](http://www.ohchr.org/EN/Issues/CulturalRights/Pages/callCovid19.aspx).

<sup>13</sup> As in previous reports, country situations mentioned herein include cases that have been the subject of previous consideration by United Nations mechanisms and officials, reports from States, multilateral institutions and civil society organizations.

<sup>14</sup> See, e.g., contribution 2 from Argentina and contribution from Spain.

<sup>15</sup> See [www.theguardian.com/culture/2020/jun/17/uk-creative-industries-facing-74bn-drop-in-income-after-lockdown](http://www.theguardian.com/culture/2020/jun/17/uk-creative-industries-facing-74bn-drop-in-income-after-lockdown).

<sup>16</sup> Angélique Kidjo (@angeliquekidjo), tribute to Manu Dibango, available at <https://twitter.com/angeliquekidjo/status/1242378202946965504?s=20>.

<sup>17</sup> See [www.artnews.com/art-news/news/helene-aylon-dead-coronavirus-1202683365/](http://www.artnews.com/art-news/news/helene-aylon-dead-coronavirus-1202683365/).

<sup>18</sup> See [www.eltiempo.com/vida/medio-ambiente/coronavirus-colombia-medicos-e-indigenas-que-fallecieron-por-covid-19-527908](http://www.eltiempo.com/vida/medio-ambiente/coronavirus-colombia-medicos-e-indigenas-que-fallecieron-por-covid-19-527908) (in Spanish).

losses must be recognized and addressed. It is also essential to honour the memories of all who have fallen in the culture sectors by memorializing their work, supporting those who continue such artistic and cultural work, and promoting a nourishing cultural life for everyone in accordance with international legal obligations.

9. The economic crisis accompanying the pandemic has also had disproportionate effects on cultural sectors and those who work in them. Economic rights and cultural rights are especially closely connected in such times. Significant numbers of artists, cultural practitioners, museum workers and others are currently unemployed, with artists that perform live and technical teams supporting performances especially affected given their relationships with live audiences. Others, such as writers, may work alone, but also rely on public events for their income. Arts workers and cultural practitioners are among those hardest hit by pandemic-related unemployment crises worldwide, given the specific nature of their employment, which may be sporadic, require being self-employed or working as a freelancer, or necessitate the holding of other jobs.

10. For example, in the United Kingdom of Great Britain and Northern Ireland alone, experts predicted the music industry, devastated by the collapse in live music, could lose at least £3 billion in gross value added, or 50 per cent of the total, and 114,000 jobs, or 60 per cent of the total.<sup>19</sup> One study indicated that 64 per cent of musicians surveyed were considering leaving their profession.<sup>20</sup> By mid-2020, the crafts sector in Chile had already witnessed a 32.9 per cent reduction in income.<sup>21</sup> Likewise, Ecuador reported that, by June 2020, 140,000 cultural sector employees had been adversely affected by closures.<sup>22</sup> The film industry worldwide may lose US\$ 160 billion in growth in the next five years<sup>23</sup> and up to 10 million jobs in 2020 alone,<sup>24</sup> and the world book-publishing market decreased by 7.5 per cent in 2020.<sup>25</sup> In some countries, the near standstill in tourism had a significant impact on artists.<sup>26</sup>

11. It is important to consider the meaning of those losses in the lives of artists and cultural practitioners. In the words of a promising 25-year-old woman trumpet player: “Before lockdown, my career was taking off hugely ... I had every single gig cancelled ... I have no clue as to when I’ll start working again, or what I can expect to make money from without losing the skills and playing standard I’ve built up until now.”<sup>27</sup> She reported that she did not benefit adequately from available government support because she had just begun her career. As her words indicate, artistic practices and skills may also be lost as a result of these developments, and several generations of young adults, believing they have nowhere to go in the creative and cultural sectors, may be forced to turn elsewhere. These are huge losses that could take years to recover from.

12. The impact of all such developments is exacerbated by views in some countries which seem to blame the cultural sectors themselves or hold “that work in the arts is somehow not real work, but a privilege”.<sup>28</sup> The Special Rapporteur was disappointed to hear reports of officials appearing to suggest that those working in the arts should simply get other jobs, and saddened to hear from artists of being forced by economic circumstances to consider giving up their craft, a loss for them but also for their societies and the cultural rights of all. The dignity and importance of creative work, and the rights to work and to just and favourable conditions of work for those in the arts and culture sectors, must be fully recognized. If artists, cultural practitioners, cultural workers and cultural rights defenders are deprived of their

<sup>19</sup> See [www.theguardian.com/culture/2020/jun/17/uk-creative-industries-facing-74bn-drop-in-income-after-lockdown](http://www.theguardian.com/culture/2020/jun/17/uk-creative-industries-facing-74bn-drop-in-income-after-lockdown).

<sup>20</sup> See <https://encoremusicians.com/blog/musicians-leaving-music-industry/>.

<sup>21</sup> See contribution from Chile.

<sup>22</sup> See contribution from Ecuador.

<sup>23</sup> UNESCO, *Culture in Crisis: Policy Guide for a Resilient Creative Sector* (2020), p. 11.

<sup>24</sup> Olsberg SPI, *Global Screen Production – The Impact of Film and Television Production on Economic Recovery from COVID-19* (25 June 2020).

<sup>25</sup> See [www.businesswire.com/news/home/20200525005203/en/Global-Book-Publishers-Market-2020-2030-COVID-19-Impact-and-Recovery---ResearchAndMarkets.com](http://www.businesswire.com/news/home/20200525005203/en/Global-Book-Publishers-Market-2020-2030-COVID-19-Impact-and-Recovery---ResearchAndMarkets.com).

<sup>26</sup> See contribution from Maldives.

<sup>27</sup> See <https://encoremusicians.com/blog/musicians-leaving-music-industry/>.

<sup>28</sup> See <http://blogs.bbk.ac.uk/bbkcomments/tag/rishi-sunak/>.

rights and unable to do their work, everyone's cultural rights are diminished.<sup>29</sup> In the absence of adequate support, this will be the entirely predictable result.

13. Meanwhile, around the world, some States and private donors are substantially reducing their commitments to cultural sectors, including the museum sector, exemplified by State cuts worth about US\$ 7 million from five cultural bodies in Brazil, including the National Arts Foundation, the National Library Foundation, and the Brazilian Institute of Museums. One parliamentarian has pointed out that such cuts make it impossible for the bodies to function.<sup>30</sup> In Slovenia, funding to the film industry has been thwarted by administrative difficulties since May 2020, shutting down film production for much of the year; "the severity of the situation is ... so dramatic that the survival of the entire ecosystem of the Slovenian film and audiovisual industry is now seriously jeopardized".<sup>31</sup>

14. All the pre-existing challenges associated with work in the artistic and cultural sectors, including ongoing violations of cultural rights, compound pandemic effects. As one artist observed, "every problem has been magnified".<sup>32</sup> The Assistant Director-General for Culture of the United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that "the COVID-19 crisis has also revealed a persistent need for improved mechanisms to protect the social, economic and working conditions of artists and cultural professionals", and emphasized the need to uphold and strengthen the status of artists.<sup>33</sup> Additional problems, such as increased financial insecurity and mental health impacts,<sup>34</sup> have now been added, creating a truly impossible situation for many artists and cultural workers. These developments have catalysed a renewed debate about universal basic income for artists, strongly supported by some with whom the Special Rapporteur consulted. It must also be borne in mind that all of the harmful impacts are magnified in developing countries, where cultural infrastructures are often weaker and statistics less available.

15. The protection of public health during the pandemic, through legitimate science- and evidence-based measures, is utterly essential and required by human rights obligations. However, public health responses to the pandemic which may be necessary and legitimate, such as some limits on freedom of assembly or freedom of movement imposed in accordance with international standards, have had grave impacts on cultural rights that must be addressed. For example, many public spaces vital for the enjoyment of cultural rights, including cultural spaces and institutions such as youth centres,<sup>35</sup> museums, galleries, cultural heritage sites, performances spaces, cultural centres, libraries and book shops, have been closed, sometimes multiple times, cutting off access to the public but also shrinking their revenues and potentially leading to permanent closures.<sup>36</sup> Maintenance and cleaning at cultural heritage sites has been affected and intangible heritage practices such as local festivals interrupted.<sup>37</sup> At times during the pandemic in some countries, nearly every cultural institution, entire library systems and all schools<sup>38</sup> were closed simultaneously.<sup>39</sup> One State noted that such closures had decreased the opportunities for knowledge acquisition, recreation and leisure activities for the whole population, thus posing a danger to their sense

<sup>29</sup> See A/HRC/43/50.

<sup>30</sup> See <https://www1.folha.uol.com.br/ilustrada/2020/09/ministerio-da-economia-corta-ao-menos-r-36-milhoes-de-cinco-orgaos-ligados-a-cultura.shtml> (in Portuguese).

<sup>31</sup> See [www.filmneweurope.com/press-releases/item/120979-european-organizations-support-slovenian-film-community-facing-disastrous-governmental-pressure-as-public-film-funding-is-blocked](http://www.filmneweurope.com/press-releases/item/120979-european-organizations-support-slovenian-film-community-facing-disastrous-governmental-pressure-as-public-film-funding-is-blocked).

<sup>32</sup> See <http://hannahberry.co.uk/wp-content/uploads/2020/07/UK-Comics-Creators-research-report-2020.pdf>, p. 4.

<sup>33</sup> UNESCO, *Culture in Crisis*, p. 2. This practical guide incorporates insights from the UNESCO ResiliArt movement, which included virtual debates involving over 1,000 artists and cultural professionals from around the world.

<sup>34</sup> See <http://hannahberry.co.uk/wp-content/uploads/2020/07/UK-Comics-Creators-research-report-2020.pdf>, p. 4.

<sup>35</sup> See contribution from Greece.

<sup>36</sup> See, e.g., [www.aam-us.org/wp-content/uploads/2020/11/AAMCOVID-19SnapshotSurvey-1.pdf](http://www.aam-us.org/wp-content/uploads/2020/11/AAMCOVID-19SnapshotSurvey-1.pdf).

<sup>37</sup> See contribution from Maldives.

<sup>38</sup> See A/HRC/44/39.

<sup>39</sup> See, e.g., contribution from Bulgaria.

of belonging to society and to their sense of community.<sup>40</sup> Ministries of culture have felt the impact on their own work.<sup>41</sup>

16. Approximately 90 per cent of the world's museums were closed at one point or another during the pandemic, with UNESCO and the International Council of Museums warning as early as May 2020 that 13 per cent might never reopen.<sup>42</sup> Any permanent closures will have a significant impact on the cultural rights and the right to education of many, and every effort should be made to avoid such closures. Where unavoidable, the collections of permanently closed cultural institutions must be handled in accordance with the relevant technical, ethical and cultural rights standards.

17. Cultural mobility and sharing of artwork in cultural spaces has been gravely affected. Many exchange programmes, performances, festivals, sporting events and traditional celebrations, and even a public consultation on a draft law on culture,<sup>43</sup> have been cancelled or postponed. Touring by musicians and others is largely at a standstill. International exhibitions are currently frozen and may not be possible for several years. While it is clear that some closures and lockdown measures are essential to protect the rights to life and health in the face of the COVID-19 pandemic, those involved in the cultural sector seek transparency in applying scientific criteria to decision-making, especially when some businesses that may have a higher degree of transmission risk remain open while some cultural institutions that may have a lower transmission risk are closed.

18. Moreover, there have been misuses of the justification of the pandemic as a cloak for human rights abuses, as other United Nations experts have noted.<sup>44</sup> This is also true in the cultural rights area. The policing of artistic space and the pressure of censorship have increased for at-risk artists in the pandemic, with some Governments exploiting emergency powers to censor and criminalize artists, especially those seen to have dissenting views.<sup>45</sup> The lack of implementation of international norms protecting artists and cultural rights defenders from prosecution and harassment as a result of their creative work has been pronounced.<sup>46</sup> For example, 10 artists associated with the collective Civic Lab in the Sudan were arrested while rehearsing a play, on the grounds of violating the COVID-19 curfew and of "public nuisance". Five artists were sentenced to two months in prison and fines on the nuisance charges in September 2020,<sup>47</sup> then acquitted on appeal. The Government of Cuba is using State regulations designed to prevent the spread of COVID-19 to harass members of Movimiento San Isidro, a coalition of artists, and the 27N movement advocating for artistic freedom. Artists were repeatedly detained in November 2020.<sup>48</sup> This resulted in masked protests by the artists and a hunger strike, and subsequently a brief dialogue between independent artists and the Government, which the Special Rapporteur hopes will continue.

19. Ugandan author and activist Kakwenza Rukirabashaija was arrested in April 2020. He was charged with violations of COVID-19 measures and cyber-related crimes for a post made on Facebook, although his interrogation by State security agents, during which he was reportedly tortured, focused on his recently published political satire novel, *The Greedy Barbarian*. Rukirabashaija was subsequently released on bail and faces trial for charges related to violations of COVID-19 measures.<sup>49</sup>

20. Other artists have faced threats in response to socially engaged artwork created during the pandemic. On 18 April 2020, the collective that runs Delight Lab, an audiovisual light

<sup>40</sup> See contribution from Finland.

<sup>41</sup> See, e.g., contribution from Maldives.

<sup>42</sup> See <https://en.unesco.org/news/covid-19-unesco-and-icom-concerned-about-situation-faced-worlds-museums>.

<sup>43</sup> See contribution from Panama.

<sup>44</sup> See, e.g., A/HRC/44/49.

<sup>45</sup> See, e.g., contribution from Freemuse.

<sup>46</sup> See also numerous cases detailed in the contribution from PEN International.

<sup>47</sup> See [www.hrw.org/news/2020/09/21/sudanese-artists-imprisoned-pro-democracy-chants](http://www.hrw.org/news/2020/09/21/sudanese-artists-imprisoned-pro-democracy-chants).

<sup>48</sup> See <https://freemuse.org/news/joint-call-for-the-release-of-imprisoned-rappers-denis-solis-gonzalez-and-didier-almagro-in-cuba-and-an-end-to-police-harassment-against-artists-in-the-country/>.

<sup>49</sup> Contribution from PEN International. See also <https://pen-international.org/news/uganda-drop-all-charges-against-kakwenza-rukirabashaija-1>.

studio in Chile, projected the word *hambre* (hunger) on the Telefónica tower in Santiago on the same day poor residents, chanting “we are hungry”, protested the socioeconomic impacts of lockdown measures. Subsequently, the artists were denounced by a deputy and were subjected to threats and abuse on social media.<sup>50</sup> A subsequent projection of the word *humanidad* (“humanity”) was rendered illegible by a light from a truck reportedly protected by police.

21. Some artists have been targeted for work through which they critically assess official and public responses to the pandemic. For example, the Special Rapporteur has been deeply concerned about the jailing, on 5 May 2020, of Bangladeshi cartoonist Ahmed Kabir Kishore under the Digital Security Act of 2018, following the posting on Facebook of a series of his cartoons entitled “Life in the time of corona”, critical of the Government’s handling of the public health situation during the pandemic. Mr. Kishore is a diabetic and faces heightened risk from the virus.<sup>51</sup>

22. In April 2020, journalists Masoud Heydari and Hamid Haghjoo were arrested in the Islamic Republic of Iran in connection with a cartoon that had been posted on the Telegram channel of the Iranian Labor News Agency, on the grounds of “insulting the sanctity of Islam” and “insulting the Islamic Republic’s Supreme Leader”. The cartoon depicted the Supreme Leader, Ali Khamenei, as a nurse, and mocked cleric Abbas Tabrizian and Mehdi Sabili, who had claimed they had developed treatments for COVID-19.<sup>52</sup>

23. In Brazil, the Minister of Justice and Public Security, André Mendonça, called for the investigation of political cartoonist Renato Aroeira after he created a satirical cartoon criticizing President Jair Bolsonaro and the Government’s handling of the pandemic. Mr. Aroeira is charged under article 26 of the National Security Law 7170/1083, and could face a four-year prison sentence if found guilty of defaming the President.<sup>53</sup>

24. The repression of artistic voices seeking to engage critically with issues relating to the pandemic and responses to it not only gravely undermines the rights of artists but also threatens societies as a whole. As the former Special Rapporteur on freedom of opinion and expression noted in his report on the COVID-19 pandemic, in the face of a global pandemic, the free flow of information, unhindered by threats and intimidation and penalties, protects life and health and enables and promotes critical social, economic, political and other policy discussions and decision-making.<sup>54</sup>

25. The Special Rapporteur’s concern about imprisoned cultural rights defenders and artists has heightened during the pandemic, with every such imprisonment possibly becoming a de facto death sentence due to the increased risk of contracting COVID-19 in prison and limited medical care.<sup>55</sup> In accordance with COVID-19 guidance posted by the Office of the United Nations High Commissioner for Human Rights, States should urgently explore options for release to mitigate the risk of harm.<sup>56</sup> The Special Rapporteur calls for all those imprisoned for their artistic or cultural work or their work as cultural rights defenders to be immediately released. She has drawn attention to a number of cases. For example, along with other special procedure mandate holders, she has urged the release of Yahaya Sharif-Aminu, a 22-year-old musician sentenced to death for blasphemy in Nigeria based on a song he

<sup>50</sup> See <https://lab.org.uk/chile-censored-humanity/>. See also [www.facebook.com/AtRiskArtists/videos/284091775981571/](https://www.facebook.com/AtRiskArtists/videos/284091775981571/) (in Spanish).

<sup>51</sup> “UN experts: Bangladesh should release artist jailed over cartoons”, 16 December 2020. See also communication BGD 7/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25739>.

<sup>52</sup> See contribution from Freemuse and <https://cpj.org/2020/04/iran-arrests-2-journalists-for-allegedly-sharing-c/>.

<sup>53</sup> See Cartoonists Rights Network International, “Cartoonists targeted in Bolsonaro’s Brazil”, and <https://extra.globo.com/noticias/ministro-da-justica-pede-investigacao-de-charge-que-associa-bolsonaro-ao-nazismo-cita-lei-de-seguranca-nacional-24481117.html> (in Portuguese).

<sup>54</sup> A/HRC/44/49, para. 6.

<sup>55</sup> WHO, “Preventing COVID-19 outbreak in prisons: a challenging but essential task for authorities” (23 March 2020).

<sup>56</sup> See COVID-19 guidance, people in detention and institutions, available at [www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx).



shared on WhatsApp.<sup>57</sup> Moreover, it has become even more difficult to organize international and national efforts to assist at-risk artists and cultural rights defenders, including through relocation when necessary, due to pandemic-related measures, such as travel restrictions, and health risks – an additional problem requiring international solutions.<sup>58</sup>

26. There have been gendered repercussions of the pandemic, including steep increases in violence against women and greatly expanded care responsibilities, which have a grave impact on women's ability to take part in cultural life without discrimination.<sup>59</sup> UNESCO has noted that “women are overrepresented in the arts and culture sectors hardest hit and most at risk as a result of COVID-19”, yet there are few government measures specifically targeting gender equality in pandemic responses.<sup>60</sup> Moreover, in many countries, policymakers leading the response are predominantly male, as are experts cited by media in pandemic coverage, which tends to overlook gender equality dimensions.<sup>61</sup> All responses to the current cultural crisis must fully consider the cultural rights of women.

27. The closure of many in-person sites of public interaction, such as integration centres for immigrants or centres for older persons, and the reduction and suspension of many disability services and services for older persons have had particular impacts on the cultural rights of persons in those groups.<sup>62</sup> The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has reported on the impacts of the inability to use public space for claiming human rights, for example through pride marches.<sup>63</sup> All this has increased isolation and loneliness, and led to disparate enjoyment of cultural rights in ways that must be addressed.

28. Most effects of the pandemic on cultural rights are negative, but there are also positive developments. Some artists report that they have more time to work on creative endeavours, and some have developed new ways of working and convening, including in cyberspace. COVID-19 has forced a digital revolution. One African cultural rights defender stressed that this has given artists who have been censored historically an opportunity to reconnect with fans online. Some marginalized voices, including those of artists working in “fringe” spaces, and lesbian, gay, bisexual, transgender and intersex persons and members of minorities, have reportedly been able to find more of a home and increased connections in virtual spaces, which have also opened up new access for some persons with limited physical mobility. There have been countless online concerts, performances, film screenings, readings, museum and cultural heritage site visits and events about cultural rights, and digital library collections made available, and even a digital flash mob using hashtag #ArtYouReady to promote a shared virtual cultural space.<sup>64</sup> Information about such offerings has been made available on websites and through social media.<sup>65</sup> Some cultural institutions have launched telephone applications.<sup>66</sup> Singapore created the Digital Presentation Grant for the Arts to promote work opportunities and continued access to cultural life.<sup>67</sup> Increased cultural programming for radio and television has also been reported.<sup>68</sup>

29. Creative performance options have been experimented with, online or in physically distanced, safer ways, and through expanded outdoor performances. What UNESCO has labelled “new, virtual forms of mobility”<sup>69</sup> have allowed for transnational cultural interactions without the visa limitations, expense or carbon footprint attendant on air travel.

<sup>57</sup> See <https://news.un.org/en/story/2020/09/1074022>. See also communication NGA 4/2020, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>58</sup> See [http://rorelsermuseum.se/media6.mustasch-labs.com/public\\_html/2020/11/Safe-Havens-Short-Report-24-Nov-2020.pdf](http://rorelsermuseum.se/media6.mustasch-labs.com/public_html/2020/11/Safe-Havens-Short-Report-24-Nov-2020.pdf).

<sup>59</sup> See contribution from the International Action Network for Gender Equity & Law.

<sup>60</sup> UNESCO, *Culture in Crisis*, p. 50.

<sup>61</sup> See Luba Kassova, *The Missing Perspectives of Women in COVID-19 News* (September 2020).

<sup>62</sup> See, e.g., contribution from Finland.

<sup>63</sup> A/75/258, para. 45.

<sup>64</sup> See, e.g., the contributions from Bulgaria, Finland and Italy.

<sup>65</sup> See the contributions from Italy and Romania.

<sup>66</sup> See contribution from Romania, annex 2.

<sup>67</sup> See contribution from Singapore.

<sup>68</sup> See contribution from the State of Palestine.

<sup>69</sup> UNESCO, *Culture in Crisis*, p. 51.

Religious services and non-religious gatherings were offered virtually, such as the innovative digital iftars held during Ramadan by Muslims for Progressive Values. New intangible musical heritage is shifting to the digital music education system in ways that can help, for example, maintain the heritage of indigenous peoples. What will be essential going forward is to preserve and learn from what has been positive, while effectively addressing the negative aspects.

30. Digital cultural opportunities are undercut by the digital divide, which has been previously documented by other United Nations experts.<sup>70</sup> Over 4 billion of the 7.8 billion people in the world do not have regular access to the Internet; 90 per cent of those live in developing countries.<sup>71</sup> Moreover, there may be stark divides in Internet access, including in wealthy nations, that affect poor, rural and minority populations and indigenous peoples in particular.<sup>72</sup> Such stark inequities in Internet access translate to disparate enjoyment of cultural rights during the pandemic. Digital opportunities may also be limited based on disabilities<sup>73</sup> or linguistic abilities, with persons with hearing or visual impairments and those who do not speak dominant languages or who speak indigenous languages less likely to be included. Inclusion must be emphasized, and there must be regular inclusion and accessibility audits of cultural adaptations, as well as programmes for making the Internet available for free or affordably.<sup>74</sup> Moreover, where digital cultural offerings have been free during the pandemic, which is positive in terms of public access, this also raises questions about insuring the payment of artists in the future.<sup>75</sup>

31. Additionally, online harassment is on the increase, targeting in particular lesbian, gay, bisexual, transgender and intersex persons, women and minorities. Censorship and repression have also been increasing online.<sup>76</sup> It is essential to hold States accountable for upholding human rights in cyberspace.<sup>77</sup> Human rights guarantees continue to apply online, subject to the same regime of limitations recognized in international human rights law.<sup>78</sup> In order to fulfil their human rights obligations, including on cultural rights in the context of the pandemic, public powers need to ensure access to and participation in cyberspace for all.<sup>79</sup>

### III. Roles of culture and cultural rights in responding to the pandemic

32. During the pandemic, culture and the exercise of cultural rights have been vital as means of building resilience, delivering public health messages, promoting solidarity and supporting mental health and well-being, including for health-care workers and human rights defenders. They have also been vital for overcoming isolation, stimulating the mind and senses of those staying at home, and defending human rights and imagining better, more just futures.<sup>80</sup> Artists, cultural professionals and the entire cultural sector have a fundamental role in promoting well-being and resilience, guaranteeing access to information, encouraging awareness and tolerance and building the capacities to imagine the societies of the future,

<sup>70</sup> See, e.g., A/HRC/44/39, paras. 32–44. See also contribution from Panama and the National Consultative Commission for Human Rights of France.

<sup>71</sup> A/HRC/44/49, para. 29.

<sup>72</sup> See contribution from Panama.

<sup>73</sup> See, e.g., contribution from Finland.

<sup>74</sup> See, e.g., contribution from Chile.

<sup>75</sup> See [http://rorelsernasmuseum.se/media6.mustasch-labs.com/public\\_html/2020/11/Safe-Havens-Short-Report-24-Nov-2020.pdf](http://rorelsernasmuseum.se/media6.mustasch-labs.com/public_html/2020/11/Safe-Havens-Short-Report-24-Nov-2020.pdf), p. 8.

<sup>76</sup> See, e.g., A/HRC/44/49, paras. 24–29.

<sup>77</sup> See [www.canva.com/design/DAEC614MC3s/K1Ctor2tw9DKi7vNqV9pvw/view?website#2:digital-toolkit](http://www.canva.com/design/DAEC614MC3s/K1Ctor2tw9DKi7vNqV9pvw/view?website#2:digital-toolkit).

<sup>78</sup> See Human Rights Council resolution 20/8.

<sup>79</sup> A/74/255, para. 70.

<sup>80</sup> See, e.g., contributions from Chile, Ecuador and the Imagining Together Platform for Arts, Culture and Conflict Transformation, and [www.uclg.org/sites/default/files/decalogue\\_for\\_the\\_post\\_covid-19\\_era.pdf](http://www.uclg.org/sites/default/files/decalogue_for_the_post_covid-19_era.pdf). On the contributions of artistic expression to human rights generally, see A/HRC/23/34 and A/HRC/37/55.

which are already in formation due to the ongoing global upheaval.<sup>81</sup> Many say that without culture they would not have survived lockdowns. Faced with the grave difficulties of the pandemic, culture sometimes is the solution, and sometimes can help find other solutions, as stated in the 2020 Rome Charter led by Roma Capitale and the Committee on Culture of United Cities and Local Governments.<sup>82</sup> The Charter emphasizes sharing cultures and creativity to strengthen social and democratic life. Safe ways to share and connect are essential now, and culture offers many.

33. With thoughtful, integrated policy, there is no tension between the exercise of cultural rights and the dictates of public health during a crisis. The exercise of cultural rights is critical for public health itself. A World Health Organization (WHO) report underscored the “evidence of the contribution of the arts to the promotion of good health and the prevention of a range of mental and physical health conditions”,<sup>83</sup> including with regard to encouraging health-promoting behaviours, enhancing well-being and reducing the impact of trauma. Such contributions are essential during a global health crisis.

34. Unless adequate support is provided to artists, cultural practitioners, cultural rights defenders and cultural institutions and sectors, it will be impossible to fulfil those vital roles going forward. All discussion about the positive aspects of arts and culture for building resilience is utterly dependent on adequate support for these sectors, as otherwise artists and cultural workers will be forced to focus instead on their own survival.

35. This is not the time for cuts in culture funding, but for increases. The Special Rapporteur commends States, such as Germany,<sup>84</sup> that have allocated substantial additional funds. As the Minister of Culture of Germany has explained: “Managing the fallout of the coronavirus pandemic... requires societal solidarity.”<sup>85</sup> Such examples should inspire other States to follow suit, subject to their resource constraints. Measures that were reported include programmes to support cultural workers in Ecuador,<sup>86</sup> State support of theatres, music and production companies in Bulgaria,<sup>87</sup> the Arts and Culture Resilience Package in Singapore,<sup>88</sup> a salary compensation scheme, including for the self-employed, freelancers and seasonal workers, in Denmark, along with a fund to enable vulnerable young people to have access to cultural activities and sports,<sup>89</sup> a specific stimulus scheme in Norway that will contribute to the arts and culture sector with a focus on cultural diversity,<sup>90</sup> the suspension of the withholding of tax payments and of payment of social security contributions for the entire cultural sector in Italy,<sup>91</sup> emergency grants for arts and cultural professionals in Cyprus,<sup>92</sup> a planned programme to support local booksellers through acquisitions by local libraries in Slovakia,<sup>93</sup> and a programme for the Government to purchase contemporary art as a way of supporting artists in Romania.<sup>94</sup>

36. As not every State has adequate resources for what is needed in the crisis, solidarity must also be extended internationally, through the possible creation of a global culture fund. Work at the regional level is also essential.<sup>95</sup>

<sup>81</sup> See contribution from the State of Palestine.

<sup>82</sup> Available at [www.2020romecharter.org/charter/](http://www.2020romecharter.org/charter/).

<sup>83</sup> See [www.euro.who.int/\\_\\_data/assets/pdf\\_file/0005/419081/WHO\\_Arts\\_A5.pdf](http://www.euro.who.int/__data/assets/pdf_file/0005/419081/WHO_Arts_A5.pdf).

<sup>84</sup> Germany created an aid scheme worth 50 billion euros in 2020, with further increases in cultural spending to come in 2021. See [www.frieze.com/article/can-germanys-cultural-bailout-set-groundwork-21st-century-new-deal](http://www.frieze.com/article/can-germanys-cultural-bailout-set-groundwork-21st-century-new-deal) and <https://news.artnet.com/art-world/germany-culture-budget-1910382>.

<sup>85</sup> *Ibid.*

<sup>86</sup> See contribution from Ecuador.

<sup>87</sup> See contribution from Bulgaria.

<sup>88</sup> See contribution from Singapore.

<sup>89</sup> See contribution from Denmark.

<sup>90</sup> See [www.kulturradet.no/om-kulturradet/vis-artikkel/-/stimuleringsordningen-skal-bidra-til-aktivitet-og-mangfold](http://www.kulturradet.no/om-kulturradet/vis-artikkel/-/stimuleringsordningen-skal-bidra-til-aktivitet-og-mangfold) (in Norwegian).

<sup>91</sup> See contribution from Italy.

<sup>92</sup> See contribution from Cyprus.

<sup>93</sup> See contribution from Slovakia.

<sup>94</sup> See contribution from Romania, annex 2.

<sup>95</sup> See <https://ifacca.org/en/news/2020/12/10/acorns-407-arts-culture-and-human-rights/>.

37. During these difficult times, wonderful works of art have been created despite the virus, such as those created by Kashmira Sarode from Bangalore, India, who emphasized the importance of social networks in the pandemic.<sup>96</sup> Kenyan artist Anthony Musiyo explained his experience in 2020: “This has been a period of self-reflection – to try and understand what kind of world I’d like to live in, to deeply value and treasure the already beautiful and meaningful connections I have managed to build with people I care for and finally, to always hope.”<sup>97</sup> Popular cultural initiatives such as music jams on balconies in Sicily, public singing, including to support health-care workers, in Spain or New York City, and shared chanting from windows in Wuhan were vital means of bringing people together when they had to be physically apart. Some academic institutions have promoted the use of culture and cultural rights as pandemic relief measures.<sup>98</sup>

38. Artists and cultural workers and institutions around the world have worked to share public health messages, such as the song and video “Corona Virus Alert” by Ugandan musicians Bobi Wine and Nubian Li, which were widely played on radio and television.<sup>99</sup> The lyrics remind us that: “The bad news is that everyone is a potential victim. But the good news is that everyone is a potential solution.”

39. Around the world, the arts provide a mirror of what is happening around us, improving the ability to cope and building connection, including through the work of those who are themselves ill. For example, Somali artist Nujuum Hashi Ahmed painted while battling COVID-19, producing a picture of herself punching the virus. She has argued that in a context where many are illiterate and uneducated, “art reaches many more people... they need art to understand how dangerous this problem is”.<sup>100</sup>

40. Some artists and cultural workers faced the challenge of showing support to populations simultaneously affected by repression and COVID-19. For example, during the 2020 crackdown on pro-democracy protests and faced with the virus, the severity of which was denied by the President of Belarus, Alexander Lukashenko, the Belarus Free Theatre produced “Love Over Virus”, livestreaming free readings of fairy tales by actors so children could listen and parents could have a break.<sup>101</sup> They also launched Theatre Live(s) Online with a production performed live from bedrooms and kitchens in Minsk by self-isolating performers. The company’s continued digital work was reported to have been a source of emotional support for some of those detained during protests.

41. Cultural workers in many countries also made direct contributions to public health efforts, such as through the involvement of museum and theatre workers in creating three-dimensional and sewn masks.<sup>102</sup> Cultural institutions, such as Kunstmuseum Basel, in Switzerland, projected public health messages on their buildings.

42. Cultural initiatives memorialized COVID-19 victims, trying to “humanize the statistics and create spaces for mourning”.<sup>103</sup> One featured an enormous field – 1.4 hectares – of white flags, one for each victim of the virus in the United States of America;<sup>104</sup> another, a public installation entitled *CoVida*, displayed the names of victims on ribbons.<sup>105</sup> In Uruguay, the World Memorial to the Pandemic, the first large-scale monument to the victims around the world, is intended to be an environmentally conscious space for mourning and

<sup>96</sup> See [www.cnn.com/style/article/artists-share-artworks-made-during-the-pandemic/index.html](http://www.cnn.com/style/article/artists-share-artworks-made-during-the-pandemic/index.html).

<sup>97</sup> *Ibid.*

<sup>98</sup> See [www.hrdhub.org/arctivism](http://www.hrdhub.org/arctivism).

<sup>99</sup> See [www.aljazeera.com/news/2020/3/26/ugandas-bobi-wine-releases-song-to-fight-coronavirus-pandemic](http://www.aljazeera.com/news/2020/3/26/ugandas-bobi-wine-releases-song-to-fight-coronavirus-pandemic).

<sup>100</sup> See [www.dailysabah.com/arts/artists-raise-virus-awareness-reaching-people-with-arts-in-somalia/news](http://www.dailysabah.com/arts/artists-raise-virus-awareness-reaching-people-with-arts-in-somalia/news).

<sup>101</sup> See <http://belarusfreetheatre.com/15th/>.

<sup>102</sup> See, e.g., contribution 2 from Argentina and contribution from Panama.

<sup>103</sup> See [www.msn.com/en-us/news/us/how-art-helps-us-make-sense-of-covid-19-s-incomprehensible-toll/ar-BB1b8YDE?ocid=msedgdp](http://www.msn.com/en-us/news/us/how-art-helps-us-make-sense-of-covid-19-s-incomprehensible-toll/ar-BB1b8YDE?ocid=msedgdp).

<sup>104</sup> *Ibid.*

<sup>105</sup> See [www.morrisjumel.org/covida](http://www.morrisjumel.org/covida).

reflection.<sup>106</sup> Chinese Taoist priest Liang Xingyang has been honouring the dead by collecting memorial tablets to place at a monastery in Shandong, China. He has said that “a person’s true death comes only when the world has forgotten them”.<sup>107</sup> There are also proposals for memorials, including in Italy and Mexico. Another positive example has been the initiative @FacesOfCovid, which shares photographs and stories of victims on social media. The *El Español* online newspaper provides a free in memoriam space to pay tribute to those who have died.<sup>108</sup> Appropriate, rights-respecting memorialization<sup>109</sup> is essential for honouring victims, supporting bereaved families and populations, and raising awareness about the need for effective public health measures. Such endeavours have been especially critical in the face of gross public health failures in certain countries, and insufficient attention being paid to those lost.

43. There have also been positive examples in which States have defended freedom of artistic expression during the pandemic, despite pressure. These include the defence by the Government of Denmark of a newspaper over the publication of a satirical cartoon related to COVID-19 depicting the flag of China, despite calls for an apology by the embassy of China. The Prime Minister of Denmark, Mette Frederiksen, noted: “We have a very, very strong tradition in Denmark not only for freedom of expression, but also for satire drawings, and we will have that in the future as well.”<sup>110</sup>

#### IV. Right to science

44. The Special Rapporteur’s mandate also includes the rights to benefit from scientific progress and its applications,<sup>111</sup> and to scientific freedom.<sup>112</sup> The Special Rapporteur shares the perspective of her predecessor that these rights are closely interlinked with the right to take part in cultural life, since both relate to the pursuit of knowledge and understanding and to human creativity.<sup>113</sup> Moreover, in the pandemic, the ability to renew cultural life and fully enjoy cultural rights will depend in large part on the successful application of science and public health expertise. Scientific and public-health messages will travel farther and protect more people if made accessible for everyone, including persons with disabilities and non-literate persons, in diverse languages, including indigenous and minority languages, and shared in a culturally adequate manner, including for young people.<sup>114</sup>

45. The Special Rapporteur also recognizes that the right to science is essential for the enjoyment of many other human rights, including the right to the highest attainable standard of health,<sup>115</sup> and is especially critical during a pandemic. In such a context, science can save lives; the undermining of science kills. Moreover, the right to science is to be enjoyed by everyone, without discrimination. Actions such as the hoarding of vaccines by some wealthy nations are entirely unacceptable. Rich countries, comprising 14 per cent of the world’s population, have secured 53 per cent of the most promising vaccines.<sup>116</sup> Initiatives, such as the COVID-19 Vaccine Global Access (COVAX) platform, that promote global, equitable access to COVID-19 vaccines, are critical to guaranteeing the right to science for all and must be supported.

<sup>106</sup> See [www.archdaily.com/945873/worlds-first-large-scale-covid-memorial-designed-for-victims-of-the-pandemic](http://www.archdaily.com/945873/worlds-first-large-scale-covid-memorial-designed-for-victims-of-the-pandemic).

<sup>107</sup> See [www.scmp.com/video/coronavirus/3101162/chinas-coronavirus-dead-honoured- taoist-priest-ceremonies-using-memorial](http://www.scmp.com/video/coronavirus/3101162/chinas-coronavirus-dead-honoured- taoist-priest-ceremonies-using-memorial).

<sup>108</sup> See [www.elespanol.com/sociedad/memorial-coronavirus/](http://www.elespanol.com/sociedad/memorial-coronavirus/).

<sup>109</sup> For a cultural rights approach to memorialization, see A/HRC/25/49.

<sup>110</sup> See [www.politico.eu/article/coronavirus-cartoon-triggers-china-denmark-diplomatic-spat/](http://www.politico.eu/article/coronavirus-cartoon-triggers-china-denmark-diplomatic-spat/).

<sup>111</sup> The Special Rapporteur’s predecessor used “the right to science” to denote this right (A/HRC/20/26, para. 1).

<sup>112</sup> See A/HRC/20/26.

<sup>113</sup> *Ibid.*, para. 3.

<sup>114</sup> See contributions from Mexico, Panama and Confederación de Nacionalidades Indígenas del Ecuador.

<sup>115</sup> A/HRC/20/26, para. 23.

<sup>116</sup> Sarah Boseley, “Nine out of 10 in poor nations to miss out on inoculation as west buys up Covid vaccines”, *The Guardian*, 9 December 2020.

46. The importance of multilateralism and of the role of WHO in responding to public health emergencies of international concern, such as that related to COVID-19, in ways which respect the right to science cannot be overstated.<sup>117</sup> While legitimate fact-based evaluation of successes and failures of such approaches and institutions is necessary,<sup>118</sup> undermining multilateralism and cutting funding to WHO at such a time only harms effective responses to the pandemic. Moreover, “we need a World Health Organisation whose approach and assessment is led by science, facts and human rights”.<sup>119</sup> The issue of real and perceived politicization, including on the basis of funding, must be addressed, such as by considering a proposal to establish a “Committee C” within the World Health Assembly “composed of diverse nonstate actors to increase transparency, coordination, and engagement”.<sup>120</sup>

47. One concern around the world is the extent to which bureaucratic, political and economic concerns have been allowed to interfere with, impede or delay the process of applying science and public-health expertise to policymaking. Public health experts have faced pushback on taking needed steps, which has delayed life-saving measures.<sup>121</sup> Moreover, the importance of government involvement in speedy vaccine development should reaffirm the significance of the role of the public sector in guaranteeing the right to science.<sup>122</sup>

48. Another challenge has been the misuse of religious or cultural arguments, or tradition and superstition, to convince people to disregard scientific arguments.<sup>123</sup> For example, reports suggested that in Indonesia the Government had been influenced by ministers who claimed the disease could be prayed away;<sup>124</sup> while in Ukraine a religious leader claimed the pandemic was “God’s punishment for the ... sinfulness of humanity”, blaming same-sex marriage.<sup>125</sup> The Special Rapporteur reminds States that culture and tradition are not excuses for failure to guarantee the right to benefit from science. Cultural rights are not cultural relativism.

49. Denial of science related to COVID-19 has also been a matter of great concern in some countries, including at the highest levels in some contexts. Some world leaders have either downplayed the risk of the coronavirus, advocated treatments without a scientific basis or openly flouted public health restrictions, in some cases while their countries were recording among the world’s largest death tolls. For example, President Lukashenko of Belarus reportedly said that the virus could be cured with vodka, a hot sauna or strenuous exercise.<sup>126</sup> The non-socially distanced rallies of the former President of the United States of America, Donald Trump, where participants were often unmasked, have been documented to have led to at least 30,000 infections and 700 deaths.<sup>127</sup> President Trump was identified as

<sup>117</sup> See [www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline?gclid=Cj0KCQjwreT8BRDTARIsAJLI0KIsHf35Yd52AY0TI6I7tqaKfReuMHomBmUSCdRfyRBLtSyPUYdKeqAaAmmhEALw\\_wcB](http://www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline?gclid=Cj0KCQjwreT8BRDTARIsAJLI0KIsHf35Yd52AY0TI6I7tqaKfReuMHomBmUSCdRfyRBLtSyPUYdKeqAaAmmhEALw_wcB).

<sup>118</sup> See, e.g., [www.cambridge.org/core/journals/american-journal-of-international-law/article/who-in-the-age-of-the-coronavirus/93BD64CBE2E5E6557E95E8CAC635BEAD/core-reader](http://www.cambridge.org/core/journals/american-journal-of-international-law/article/who-in-the-age-of-the-coronavirus/93BD64CBE2E5E6557E95E8CAC635BEAD/core-reader).

<sup>119</sup> Elizabeth O’Casey, “The corona crisis: human rights, global solidarity, and critical thinking have never been needed more”, blog, 30 April 2020, available at <https://humanists.international/blog/the-corona-crisis-human-rights/>. See also A/75/163, para. 67.

<sup>120</sup> José E. Alvarez, “The WHO in the age of the coronavirus”, *American Journal of International Law*, p. 582, *referencing* Ilona Kickbusch, Wolfgang Hein and Gaudenz Silberschmidt, “Addressing global health governance challenges through a new mechanism: the proposal for a Committee C of the World Health Assembly”, *Journal of Law, Medicine & Ethics* (2010).

<sup>121</sup> See, e.g., [www.nytimes.com/2020/04/14/opinion/covid-social-distancing.html](http://www.nytimes.com/2020/04/14/opinion/covid-social-distancing.html).

<sup>122</sup> See [www.itv.com/news/2020-12-02/peston-why-covid-vaccine-breakthrough-is-bad-news-for-the-market-economy](http://www.itv.com/news/2020-12-02/peston-why-covid-vaccine-breakthrough-is-bad-news-for-the-market-economy).

<sup>123</sup> See, e.g., [www.dw.com/en/coronavirus-denialism-still-holding-africa-back/a-54770075](http://www.dw.com/en/coronavirus-denialism-still-holding-africa-back/a-54770075).

<sup>124</sup> See [www.thejakartapost.com/news/2020/02/17/its-our-nations-right-to-rely-on-the-almighty-minister-justifies-calling-for-prayers-in-coronavirus-battle.html](http://www.thejakartapost.com/news/2020/02/17/its-our-nations-right-to-rely-on-the-almighty-minister-justifies-calling-for-prayers-in-coronavirus-battle.html).

<sup>125</sup> See [www.nbcnews.com/feature/nbc-out/ukrainian-church-leader-who-blamed-covid-19-gay-marriage-tests-n1239528](http://www.nbcnews.com/feature/nbc-out/ukrainian-church-leader-who-blamed-covid-19-gay-marriage-tests-n1239528).

<sup>126</sup> See [www.independent.co.uk/news/world/europe/coronavirus-belarus-alexander-lukashenko-vodka-sauna-countryside-tractors-a9434426.html](http://www.independent.co.uk/news/world/europe/coronavirus-belarus-alexander-lukashenko-vodka-sauna-countryside-tractors-a9434426.html).

<sup>127</sup> See [https://sebotero.github.io/papers/COVIDrallies\\_10\\_30\\_2000.pdf](https://sebotero.github.io/papers/COVIDrallies_10_30_2000.pdf).

likely the “largest driver of the COVID-19 misinformation ‘infodemic’”<sup>128</sup> in the United States. Such failures in leadership on following the science cost lives. As the United Nations High Commissioner for Human Rights observed: “The suppression or denial of scientific evidence in some circles and reluctance to adapt evidence-based policies have magnified the devastating harms the pandemic has generated.”<sup>129</sup>

50. Scientists have been prevented from speaking freely. In Turkmenistan, doctors were reportedly initially prohibited from even using the word “coronavirus”.<sup>130</sup> In China, Dr. Li Wenliang, who attempted to warn colleagues about COVID-19, was censored and then detained for “spreading rumours” and “disturbing the social order” before his death from the virus, sparking protests in the country.<sup>131</sup>

51. The Special Rapporteur has been especially shocked by threats and attacks against public health officials in a number of countries; such officials should be recognized as acting as human rights defenders in a pandemic given their roles in protecting the rights to life, health and science. Their human rights must be respected and ensured, for them as individuals and also so they can defend the rights of others. A former top aide to President Trump called for the decapitation of a top public health official, Dr. Anthony Fauci, inciting increased threats against him and necessitating his protection by federal agents.<sup>132</sup> Whistle-blowing health-care workers have paid with their jobs in Nicaragua<sup>133</sup> and have been targeted for retaliation in the Russian Federation.<sup>134</sup> In a range of countries, health-care workers faced abuse from some members of the public (while there have also been outpourings of support).<sup>135</sup> There must be full investigations of all such threats and attacks, and perpetrators must be brought to justice in accordance with international standards. Governments must make it clear that such actions are beyond the pale.

52. None of this is accidental or incidental. Such threats to the right to science and scientific freedom, which undermine the human rights of many during the pandemic, are the direct result of, inter alia, insufficient scientific and public health education and the undermining of commitments to fact-based and evidence-based public discourse. Those underlying issues must be addressed.

53. The Special Rapporteur supports the open science approach elaborated in the first draft of a UNESCO recommendation on the topic.<sup>136</sup> The draft preamble correctly states that “the global COVID-19 health crisis has proven worldwide the urgency of access to scientific information, sharing of scientific knowledge..., enhancing scientific collaboration and science- and knowledge-based decision-making to respond to global emergencies and increase the resilience of societies”. The Special Rapporteur supports the Joint Appeal for Open Science,<sup>137</sup> agreeing it “can reduce inequalities, help respond to the immediate challenges of Covid-19 and accelerate progress towards the implementation of the 2030 Agenda for Sustainable Development”.

## V. Necessary steps for mitigating the impacts of the pandemic on cultural rights

54. Public investment and adequate funding are among the central issues for the enjoyment of cultural rights and for the survival and thriving of all arts and cultural sectors.

<sup>128</sup> See <https://int.nyt.com/data/documenttools/evanega-et-al-coronavirus-misinformation-submitted-07-23-20-1/080839ac0c22bca8/full.pdf>.

<sup>129</sup> See <https://news.un.org/en/story/2020/10/1076292>.

<sup>130</sup> See [https://foreignpolicy.com/2020/04/10/turkmenistan-coronavirus-pandemic-denial-strongman-berdimuhamedov/?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=sendto\\_newsletter&utm\\_content=est&stream=top](https://foreignpolicy.com/2020/04/10/turkmenistan-coronavirus-pandemic-denial-strongman-berdimuhamedov/?utm_source=newsletter&utm_medium=email&utm_campaign=sendto_newsletter&utm_content=est&stream=top).

<sup>131</sup> See [www.theguardian.com/world/2020/feb/06/whistleblower-chinese-doctor-dies-from-coronavirus](http://www.theguardian.com/world/2020/feb/06/whistleblower-chinese-doctor-dies-from-coronavirus).

<sup>132</sup> See <https://thegrio.com/2020/12/04/fauci-coronavirus-threats-agents/>.

<sup>133</sup> See [www.hrw.org/news/2020/06/23/nicaragua-doctors-fired-covid-19-comments](http://www.hrw.org/news/2020/06/23/nicaragua-doctors-fired-covid-19-comments).

<sup>134</sup> See [www.hrw.org/news/2020/06/15/russia-health-workers-face-retaliation-speaking-out](http://www.hrw.org/news/2020/06/15/russia-health-workers-face-retaliation-speaking-out).

<sup>135</sup> See [www.washingtonpost.com/world/2020/09/14/coronavirus-death-threats-global-health-officials/](http://www.washingtonpost.com/world/2020/09/14/coronavirus-death-threats-global-health-officials/).

<sup>136</sup> Available at <https://unesdoc.unesco.org/ark:/48223/pf0000374837>.

<sup>137</sup> Available at <https://en.unesco.org/news/joint-appeal-open-science>.

At a minimum, the recommendation of UNESCO that Governments allocate 1 per cent of total expenditures for culture must be respected, including during a public health crisis. The Special Rapporteur notes that some civil society groups are pushing to ensure that all COVID-19 recovery packages allocate at least 2 to 7 per cent of the overall fund to provide essential relief funding to artists and cultural institutions, a target range that deserves serious consideration. Culture and arts funding should be integrated into all COVID-19 relief and stimulus packages, with the specific nature of cultural and artistic work, including that of the self-employed, freelancers and part-time workers, accounted for.

55. Adequate support for cultural sectors, institutions and industries during the pandemic is essential. The Executive Director of the International Federation of Arts Councils and Culture Agencies, Magdalena Moreno Mujica, noted to the Special Rapporteur that “the closures have meant that other means of income generation have also been lost. This has significantly increased the demand for financial assistance, with public budgets for culture tighter than ever.” This is another reason why increased culture budgets are critical. Adequate, direct support for cultural workers, cultural practitioners and artists themselves is also critical now; efforts to provide such support should include a full consideration of the needs of particularly vulnerable sectors, such as young artists beginning their careers, artists with disabilities and artists outside of capital cities. Moreover, it is essential that all of this be undertaken with a cultural rights perspective. Such an approach must ensure the cultural rights of everyone, including both artists and cultural workers, and also those in the society around them.

56. Moreover, all such funding and support programmes should be conceived and administered in consultation with, and with the participation of, those working in the relevant sectors as well as diverse members of the public who engage with their work. All such measures also require ongoing evaluation to determine effectiveness and compliance with cultural rights obligations. The Special Rapporteur was pleased to receive reports of stakeholder consultations from Chile, Cyprus, Finland and many others.

57. While the Special Rapporteur recognizes the profound difficulties and resource challenges faced by many Governments in view of the pandemic, she stresses that they must all do more across the board to guarantee enjoyment of cultural rights, nationally and internationally, at a time when these rights have never been needed more. There are certain basic questions to answer, such as how to guarantee access to culture and participation in cultural life even when cultural spaces are closed, and how to guarantee the financial survival of cultural industries, institutions and sectors so as to preserve forums which are critical for the enjoyment of cultural rights by all.<sup>138</sup>

58. The Special Rapporteur supports government agencies and ministries responsible for culture that strive to ensure that budgets are increased and allocated to culture. She calls on all Governments to support these bodies and adequately invest in culture as required by their international legal obligations.

59. Responses to COVID-19 incorporating a cultural rights perspective should be envisaged across several time frames. In the short term, there must be urgent efforts to guarantee financial support for artists, cultural practitioners and cultural spaces and institutions so as to get through lockdowns and closures, as well as provision of safety nets for cultural workers, such as insurance or access to universal health care. The centrality of culture as a coping mechanism in these times offers a vital advocacy tool for such measures.

60. We need nothing less than a global cultural plan, complemented by regional, national and local plans, to keep alive the cultural life that helps keep us alive.<sup>139</sup> The global plan should be locally driven and globally supported, resourced and coordinated.

61. In the short and medium terms, we must continue to safely reconfigure public cultural life in human rights-respecting ways. This includes in digital spaces where possible or outdoors with physical distancing, masks and other necessary safety measures, with offerings for all sectors of society, including persons with disabilities. Essential human rights

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<sup>138</sup> See contribution from Spain.

<sup>139</sup> See [www.uclg.org/sites/default/files/decalogue\\_for\\_the\\_post\\_covid-19\\_era.pdf](http://www.uclg.org/sites/default/files/decalogue_for_the_post_covid-19_era.pdf).



commitments to non-discrimination and inclusion of diverse voices must be maintained even in the face of the economic crises associated with the pandemic. Adequate support must be provided to at-risk cultural rights defenders taking into account the particular challenges they face in carrying out their work and staying safe in the pandemic. Some civil society organizations report that support for at-risk artists in exile is coming mainly from their sector and from private donations during the pandemic; more support from authorities is needed.<sup>140</sup>

62. From the medium term to the longer term, as public cultural life and greater shared use of public spaces, including indoor spaces, becomes possible again, there must be a commitment to fully supporting that renaissance. As important as digital cultural life may have become, where available, it is a complement – not an alternative – to a shared public cultural life in physical public spaces<sup>141</sup> when that becomes safe again in diverse contexts. Future generations must not lose the opportunity to go to the cinema or the theatre, or to browse in a bookshop. Moreover, the positive aspects of expanded digital cultural life, and artistic and cultural innovations, should be maintained going forward. Reopening must, of course, be guided by public health expertise. It is important to build networks among officials, institutions and experts in the fields of culture and public health.

63. Despite the challenges of today, there can be no giving up on the dream of a better tomorrow with a more vibrant, inclusive cultural life based on new construction, not just reconstruction, in which, among other things, more climate-friendly ways to organize cultural life are considered.<sup>142</sup>

64. A cultural rights approach to all these issues remains absolutely necessary. Government responses must make clear the value of arts and culture, science and cultural rights, and their importance for the enjoyment of all human rights during the pandemic and post-pandemic. These are not just sound policy choices but international legal obligations, and also national obligations in countries that guarantee cultural rights in their domestic legal frameworks. The cultural rights commitments of States, including to guarantee the right of everyone to take part in cultural life without discrimination, and to artistic and scientific freedom and the right to science, inherently require Governments to take effective rights-respecting action so as to avoid both health and cultural catastrophe, and also to promote cultural renewal, an essential component of building back better.

## VI. International legal framework

65. Cultural rights are guaranteed by many provisions of international law. Such provisions include article 27 of the Universal Declaration of Human Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights and related provisions of the International Covenant on Civil and Political Rights. Other relevant standards to consider include the Recommendation concerning the Status of the Artist, in which UNESCO sets out provisions for States with respect to improving the professional, social and economic status of artists through the implementation of policies and measures, including those related to social security, employment and freedom of expression. These norms have been explained in detail by successive mandate holders.<sup>143</sup>

66. The right of everyone to share in scientific advancement and its benefits is enshrined in the Universal Declaration of Human Rights and, in slightly different terms, as the right to benefit from scientific progress and its applications in the International Covenant on Economic, Social and Cultural Rights.<sup>144</sup> The Covenant also guarantees respect for the freedom indispensable for scientific research.

<sup>140</sup> See [http://rorelsermuseum.se/media6.mustasch-labs.com/public\\_html/2020/11/Safe-Havens-Short-Report-24-Nov-2020.pdf](http://rorelsermuseum.se/media6.mustasch-labs.com/public_html/2020/11/Safe-Havens-Short-Report-24-Nov-2020.pdf), p. 3.

<sup>141</sup> See A/74/255.

<sup>142</sup> See A/75/298.

<sup>143</sup> See, e.g., [ohchr.org/EN/Issues/CulturalRights/Pages/InternationalStandards.aspx](http://ohchr.org/EN/Issues/CulturalRights/Pages/InternationalStandards.aspx); A/74/255, paras. 19–31; A/HRC/37/55, paras. 14–24; and A/HRC/40/53, para. 15.

<sup>144</sup> A/HRC/20/26, para. 1.

67. As previously established under the mandate, the normative content of the right to benefit from scientific progress and its applications includes: (a) access to the benefits of science by everyone, without discrimination; (b) opportunities for all to contribute to the scientific enterprise and freedom indispensable for scientific research; (c) participation in decision-making; and (d) an enabling environment fostering the conservation, development and diffusion of science and technology.<sup>145</sup>

68. The Sustainable Development Goals are key to the implementation of cultural rights and vice versa. Progress on human rights obligations and on the Goals are two sides of the same coin. Moreover, the safeguarding and promotion of culture contributes directly to the achievement of many of the Goals relating to safe and sustainable cities, decent work and economic growth, reduced inequalities, the environment, the promotion of gender equality, and peaceful and inclusive societies, and those explicitly referencing culture.<sup>146</sup>

69. The core human rights values of solidarity and international cooperation are critical to pandemic responses and recovery.<sup>147</sup> This is a moment to emphasize provisions such as Articles 55 and 56 of the Charter of the United Nations, which emphasize the promotion of collective solutions of international economic, social, health and related problems international cultural and educational cooperation (Art. 55 (b)) and universal human rights. It is also a critical moment to creatively and vigorously implement article 15 (4) of the International Covenant on Economic, Social and Cultural Rights, which recognizes the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

70. The Committee on Economic, Social and Cultural Rights recently underscored the critical importance of article 15 (4) for the enjoyment of the right to science.<sup>148</sup> In particular, international cooperation is needed to address global disparities in access to science and technology.<sup>149</sup> Moreover, the benefits and applications resulting from scientific progress should be shared, particularly with developing countries, communities living in poverty and groups with special needs and vulnerabilities.<sup>150</sup> States have extraterritorial obligations with regard to the full realization of the right to science.<sup>151</sup> Combating pandemics effectively requires stronger commitment from States to scientific international cooperation, as national solutions are insufficient. Sharing the best scientific knowledge and its applications, especially in the medical field, becomes crucial to mitigate the impact of the disease.<sup>152</sup>

71. The Secretary-General released a policy paper in April 2020, in which he called for approaches to the pandemic to be shaped by human rights.<sup>153</sup> In presenting the paper, he noted: “A human rights lens puts everyone in the picture and ensures that no one is left behind.”<sup>154</sup> While cultural rights are not specifically discussed in the paper, the Secretary-General noted in particular that the crisis posed “cultural threats to indigenous peoples”.<sup>155</sup> The addition of cultural rights to the paper’s important emphasis on the role of economic and social rights in creating crisis resilience is essential.

72. The International Covenant on Economic, Social and Cultural Rights does not contain an article on possible derogations from State obligations similar to article 4 of the International Covenant on Civil and Political Rights.<sup>156</sup> This means that even during a crisis

<sup>145</sup> *Ibid.*, para. 25.

<sup>146</sup> See General Assembly resolution 70/1, annex; see also Jyoti Hosagrahar, “Culture: at the heart of SDGs”, *The UNESCO Courier*, April–June 2017.

<sup>147</sup> See, for example, [www.asil.org/insights/volume/24/issue/15/collapse-global-cooperation-under-who-international-health-regulations](http://www.asil.org/insights/volume/24/issue/15/collapse-global-cooperation-under-who-international-health-regulations).

<sup>148</sup> General comment No. 25 (2020), para. 77.

<sup>149</sup> *Ibid.*, para. 79.

<sup>150</sup> *Ibid.*, para. 80.

<sup>151</sup> *Ibid.*, paras. 83–84.

<sup>152</sup> *Ibid.*, para. 82.

<sup>153</sup> “We are all in this together: human rights and COVID-19 response and recovery”. Available at [www.un.org/sites/un2.un.org/files/un\\_policy\\_brief\\_on\\_human\\_rights\\_and\\_covid\\_23\\_april\\_2020.pdf](http://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf).

<sup>154</sup> See [www.unocha.org/story/covid-19-and-human-rights-un-says-%E2%80%98we-are-all-together%E2%80%99](http://www.unocha.org/story/covid-19-and-human-rights-un-says-%E2%80%98we-are-all-together%E2%80%99).

<sup>155</sup> “We are all in this together”, p. 12.

<sup>156</sup> A/HRC/44/39, paras. 9–12.

State parties must guarantee the cultural rights set out in article 15 of the International Covenant on Economic, Social and Cultural Rights. Such obligations are also included, in part, in article 27 of the Universal Declaration of Human Rights. Limitations placed on the enjoyment of cultural rights in order to protect public health can be legitimate if they are in accordance with international standards. Indeed, to return to fuller enjoyment of cultural rights, effective public health measures are an absolute necessity. However, where measures limit cultural rights, they should comply with the conditions set out in article 4 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Universal Declaration. In accordance with article 4 of the Covenant, they should subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

73. As stressed by the Committee on Economic, Social and Cultural Rights and reiterated by, among others, the Special Rapporteur on the right to education, limitations on Covenant rights must be necessary to combat the public health crisis posed by COVID-19 and be reasonable and proportionate. Emergency measures and powers adopted by States parties to address the pandemic should not be abused and should be lifted as soon as they are no longer necessary for protecting public health. In addition, responses to the pandemic should be based on the best available scientific evidence to protect public health.<sup>157</sup>

74. It is reprehensible when States misuse public health claims as a justification for violating human rights, or when they fail to adequately mitigate the harm done by legitimate pandemic measures. However, misuse of rights claims to subvert necessary and legitimate public health measures in ways that gravely undermine the rights of others must also be rejected. Examples include attempts to co-opt rights language to justify holding large in-person and/or non-physically distanced religious and cultural gatherings around the world indoors, which became super-spreader events,<sup>158</sup> or refusal to wear masks in public.<sup>159</sup> Human rights generally, including cultural rights, should be exercised in a way that protects the rights to life and health of all now. That is the only path to ending the pandemic and returning to full, public and shared cultural life. Vital provisions in international human rights law prohibit using one's own rights as a sword "aimed at the destruction of any of the rights and freedoms" of others.<sup>160</sup>

75. The Committee on Economic, Social and Cultural Rights and other United Nations bodies and experts have insisted that States must mobilize resources to combat COVID-19 equitably and prioritize allocation of such resources to marginalized groups, a recommendation with which the Special Rapporteur concurs.<sup>161</sup>

## VII. Conclusions and recommendations

### A. Conclusions

76. **The pandemic will create a lasting cultural catastrophe unless urgent, effective action is taken to guarantee cultural rights at this time, when these rights are so central to human well-being, resilience and development.**

77. **The framework for action is: CULTURES. "C" stands for consultation of all affected stakeholders and their participation in making policies to protect cultural life and rights during and after the pandemic. "U" is for the urgency of the response needed in terms of funding and support for artistic and cultural sectors and those who work in them, and for cultural rights defenders, and in the form of action to prevent artistic and**

<sup>157</sup> See E/C.12/2020/1, paras. 10–11 and A/HRC/44/39, para. 11.

<sup>158</sup> See [www.wsj.com/articles/coronavirus-is-spreading-at-religious-gatherings-ricocheting-across-nations-11584548174](http://www.wsj.com/articles/coronavirus-is-spreading-at-religious-gatherings-ricocheting-across-nations-11584548174).

<sup>159</sup> See, e.g., [www.bbc.com/news/world-us-canada-52540015](http://www.bbc.com/news/world-us-canada-52540015).

<sup>160</sup> See, for example, International Covenant on Civil and Political Rights, art. 5; and Universal Declaration of Human Rights, art. 30.

<sup>161</sup> See E/C.12/2020/1, para. 14; and A/HRC/44/39, para. 12.

cultural losses. “L” is for legal obligations, a reminder that States are legally required by international human rights law to guarantee cultural rights for all during and after the pandemic. “T” is for twenty-first century, a reminder that the choices made now about defending cultural rights and the right to science during and after the pandemic will be defining of how these rights are enjoyed for years to come, and whether they will be available to young people and future generations. “U” is for upping the funding for culture and avoiding budget cuts. “R” is for rights-based approaches, and the necessity of considering the cultural rights of all in applying and making cultural policies, and supporting at-risk cultural rights defenders whose efforts are essential for guaranteeing these rights. “E” stands for everyone, a reminder to focus on inclusion and combat discrimination in the enjoyment of cultural rights during the pandemic. “S” represents solidarity, a core human rights value we need in order to guarantee cultural rights and the right to science, nationally and internationally, in the face of the COVID-19 pandemic.

78. As grave as the challenges are, the Special Rapporteur ends the report on a note of vigilant optimism. Optimism is not about denying reality. It is about affirming that if – and only if – needed policies are implemented, the future can be bright. As an Afghan woman told the Special Rapporteur: “Optimism is key to survival.” So, let us together use culture and cultural rights and the right to science, to foster hope as we move forward. Vigilant optimism recognizes the gravity of today but also says, tomorrow, together, with our cultures and cultural rights to sustain us, if we and our Governments take effective science-based, rights-respecting action, we shall prevail.

## **B. Recommendations**

79. To guarantee cultural rights and the right to science for everyone, without discrimination, during and after the pandemic, States and other relevant actors should:

- (a) Carry out full inventories of the cultural and cultural rights damage inflicted by the pandemic, with participation of Government and civil society, so as to inform effective responses;
- (b) Increase funding for culture and avoid budget cuts in the culture sector;
- (c) Ensure that culture and arts funding is integrated into all COVID-19 relief and stimulus packages, and specifically that all recovery packages allocate at least 2 to 7 per cent of the overall fund to provide relief to artists, cultural workers and cultural institutions;
- (d) Include all artists and cultural practitioners in government furlough or unemployment schemes, and ensure that such programmes take account of the needs of those who work part-time or as freelancers or are self-employed;
- (e) Recognize the public health value and social contributions of the cultural sectors in responding to the pandemic, and highlight these beneficial aspects as an advocacy tool for building support for these sectors;
- (f) Support and promote cultural initiatives as an integral part of pandemic and post-pandemic responses;
- (g) Strengthen structures and mechanisms for collaboration among culture and health sectors and authorities, such as introducing programmes co-financed by arts and health budgets;<sup>162</sup>
- (h) Commit to reopening and supporting artistic and cultural spaces and institutions and promoting their renewal as soon as possible, subject to public health guidance;
- (i) Fully consult and ensure the participation of a diversity of artists, cultural practitioners, cultural rights defenders, representatives of cultural institutions and

<sup>162</sup> See [www.euro.who.int/\\_\\_data/assets/pdf\\_file/0005/419081/WHO\\_Arts\\_A5.pdf](http://www.euro.who.int/__data/assets/pdf_file/0005/419081/WHO_Arts_A5.pdf), first page.

relevant sectors of the public in the identification of needs in the culture sectors, and in the development and evaluation of COVID-19 relief measures;

(j) Fully implement the recommendations contained in the UNESCO publication *Culture in Crisis: Policy Guide for a Resilient Creative Sector*, including with regard to direct support for artists and cultural professionals and maintaining commitments to gender equality across all culture sectors;

(k) Ensure the diversity of cultural expressions, including through full implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the related operational guidelines on the implementation of the Convention in the digital environment;

(l) Implement the ASPIRE guidelines on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity;<sup>163</sup>

(m) Assess the impact of all pandemic measures on women, persons with disabilities, members of minorities, indigenous peoples and other marginalized groups, including those working in the cultural sectors, to ensure they have benefited equally;<sup>164</sup>

(n) Ensure that artistic freedom and scientific freedom are respected, protected and fulfilled during and after the COVID-19 pandemic, including for those who are critical of government responses to the pandemic and to the post-pandemic situation;

(o) Release all artists and cultural rights defenders detained as a result of their creative work, to reduce their risk of contracting COVID-19;

(p) Ensure respect for human rights in cyberspace and take effective steps, nationally and internationally, to address the digital divide;

(q) Effectively combat denial of science and of COVID-19, including by ensuring science and public-health education for all in accordance with relevant international standards;

(r) Depoliticize the scientific response to the pandemic, focusing on fact-based and evidence-based policymaking so as to guarantee the right to science;

(s) Join the Solidarity Call to Action and the COVID-19 Technology Access Pool, which are aimed at facilitating the sharing of knowledge and intellectual property for pandemic responses;

(t) Investigate all threats and violence against public health officials and health-care workers and bring perpetrators to justice in accordance with international standards.

<sup>163</sup> Available at [www.ohchr.org/Documents/Issues/SexualOrientation/SOGI-GuidelinesCOVID19\\_EN.docx](http://www.ohchr.org/Documents/Issues/SexualOrientation/SOGI-GuidelinesCOVID19_EN.docx).

<sup>164</sup> See UNESCO, *Culture in Crisis*.