Implementing the Human Right to Take Part in Cultural Life: Trends and Perspectives of Inclusive Cultural Empowerment

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Research Articles*

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Abstract

In recent international policy documents and initiatives, cultural rights are recognized as crucial drivers and enablers of developmental processes. However, the lack of clarity as far as their contents is concerned has prevented a rigorous identification of the positive obligations connected with their implementation. In order to contribute to this debate, the present work proposes a model of analysis for investigating the implementation of the human right to take part in cultural life (article 15 (1) (a) of ICESCR) in national cultural policies. The proposed model adopts a 'capabilities approach' to the analysis of human rights and refers to a 'tripartite' understanding of the participation in cultural life. It includes the 'freedom', the 'access' and the 'contribution' aspect of cultural production and reception and conceptualizes a further dimension dealing with the 'inclusive cultural empowerment' of people. The model has been applied for analysing eighteen State reports submitted to the latest sessions of the Committee on Economic, Social and Cultural Rights (55th, 56th, 57th and 58th). On the one hand, the analysis sketches the emergence of specific national, continental and global trends for what concerns the understanding and the implementation of this right, distinguishing between (1) 'Pro-tangible heritage' and 'Pro-intangible heritage' States, (2) 'Pro-education' and 'Pro-democratization' States and (3) 'Intercultural' and 'Participatory' ones. On the other hand, it underlines that, while several efforts are realised at national level for promoting 'access' and 'contribution', the poor realisation of the 'empowering' dimension of culture endangers its full contribution to developmental processes.

Keywords: cultural rights, cultural policies, empowerment, implementation, ICESCR, State reports

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> *'[...] The right to culture is not the right to take part*
> *in an imposed, unique culture, seen as the only possible one:*
> *it is the right to create culture,*
> *namely the right, recognized to everyone,*
> *to play an active role in the community.'*
> *(Giulio Carlo Argan)*

Introduction

The right to take part in cultural life – as the whole category of cultural rights – is in an unused and somehow contradictory position within the current debate regarding the promotion and implementation of human rights.

On the one hand, while being integral part of the human rights and, like other rights, universal, indivisible and interdependent (World Conference on Human Rights 1993, CESCR 2009b), cultural rights have been defined underdeveloped (Meyer-Bisch 1993), slippery and difficult (Donders 2008) or neglected and underestimated (Symonides 1998). Even if the list of cultural rights is long and exhaustive, they often receive less attention than the economic and social rights and they are sometimes completely forgotten both in the State parties reports to the Committee on Economic, Social and Cultural Rights (CESCR) and in the recommendations and concluding remarks of the Committee itself. As Donders (2008) points out, this could be explained by the fact that their concept and scope are unclear. This obscurity is connected with the vagueness and the broadness of the concept of culture itself and with the difficulty of building consensus around its meanings and implications in terms of State obligations. According to Meyer-Bisch (1993) this time lag in the formalisation of cultural rights as human rights has been, over the years, an obstacle to the full realisation of the beneficial effects of the democratization of culture.

On the other hand, cultural rights are increasingly recognized as a crucial dimension to be addressed in the international agenda on the promotion of developmental processes at local and global level. Indeed, thanks to the debate promoted by some NGOs through the release and the diffusion of position papers and policy documents (United Cities and Local Governments 2004, International Federation of Arts Councils and Culture Agencies 2013), the inherent connection between culture and development has been recognized not only by the UNESCO (2013) but also by the whole United Nations system. The UN General Assembly Resolution 68/223 (20 December 2013) bears witness of this international interest for culture and development. In the text, culture is defined as 'an essential component of human development [...] a source of identity, innovation and creativity for the individual

and the community [...] and an important factor in social inclusion and poverty eradication' (UN General Assembly 2013, 2). Moreover, thus not being explicitly mentioned in the 17 Sustainable Development Goals and 169 targets that constitute the 2030 Agenda for Sustainable Development (UN General Assembly 2015), the contribution of culture to development is recognized among the general principles of the document. In addition, a reference to the necessity of protecting the natural and cultural heritage is made in the Goal 11 ('Make cities and human settlements inclusive, safe, resilient and sustainable'). In all these documents, the contribution of culture to developmental processes is recognized as being dual. First, culture is defined as an enabler of development, as a fundamental instrument for both boosting the economy, through tourism, entrepreneurship and job creation and promoting social inclusion. Secondly, it is acknowledged as a driver of development, having an intrinsic value as 'a source of meaning and energy [...], a resource to address challenges and find appropriate solutions' that enables people to live and be what they choose (UNESCO 2013, 3).

Because of the aforementioned lack of clarity in defining the contents and the positive obligations linked with cultural rights, it is difficult to individuate and evaluate how public authorities interventions could unlock the potential of culture for development, in terms of legislation and public policies.

In the light of this gap, the paper aims at giving a twofold contribution to the scientific debate on the implementation of cultural rights. On a theoretical level, it proposes an analysis of the right to take part in cultural life (article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights) according to a 'capabilities approach', shedding light on its constitutive dimensions and on the significance of the 'inclusive cultural empowerment'. On an empirical level, it aims at analysing to what extent State parties are implementing the different dimensions of this right through their cultural policies, putting particular attention on the possible emergence of national, continental and global trends. In order to do so, eighteen State reports submitted to the latest sessions of the CESCR (55th, 56th, 57th and 58th) have been analysed according to the theorized model of evaluation. The choice of these eighteen countries, six for each of the three continents considered (Africa, America and Europe) aims at assuring a proper geographical coverage of the study, taking into consideration the different meanings that could be attributed to culture and cultural heritage in different regions of the world.

The paper proceeds as follows. The first section introduces the conceptual framework, discussing the opportunity of adopting a 'capabilities approach' to the study of the right to take part in cultural life and presenting the model of analysis based on the conceptualization and operationalization

of the 'inclusive cultural empowerment'. The second section presents and discusses the results of the empirical analysis of the eighteen State reports, outlining the national, continental and global trends individuated as far as the implementation of the different dimensions is concerned. The last section concludes presenting further considerations and proposing some policy recommendations.

1. Conceptual Framework

1.1 A 'Capabilities Approach' to the Analysis of Article 15 (1) (a) of the ICESCR

The right to take part in cultural life, introduced as a soft law measure in article 27 of the Universal Declaration of Human Rights (UDHR), was translated into a legally binding provision in article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The article, stating that 'the States parties recognize the right to everyone [...] to take part in cultural life [...]', was introduced in the text of the Universal Declaration because 'States agreed on the fact that culture was an important aspect of human life to be protected' (Donders 2008, 25). Since then, the meaning and the contents of this right have been addressed in different ways in the academic debate.

One strand of literature emphasises the definition of culture to which this right refers to, stressing the opportunity of intending it in an anthropological rather than in materialistic sense (Ferri 2014; O' Keefe 1998). As it emerges clearly also in the work of the Independent Expert in the Field of Human Rights (Human Rights Council 2010) and of the Committee on Economic, Social and Cultural Rights (CESCR 2009b), the concept of culture has undergone a process of expansion and evolution within the international debate. As article 27 of the UDHR, also article 15 of the ICESCR was mainly meant to make the material aspects of culture broadly available to the population. However, over the years, a broader conception of culture replaced the narrow one, linked with the sole preservation and promotion of the national culture and of the highest expressions of arts and literature. Culture is intended as encompassing all the material and non-material manifestations – languages, religions, customs and traditions – through which people 'express their humanity and the meaning they give to their existence, and build their world view representing their encounter with the external forces affecting their lives' (CESCR 2009b, 4). The analysis of the adoption of this broader and holistic conception of cultural expressions in the work of the CESCR has led to

the reconceptualization of cultural rights as identity rights, namely 'the rights to access to the references that make possible, for each person, to built and express his/her own identity [...] and of being recognized in his/her dignity' (Ferri 2014, 2016). While being well accepted in the academic debate, this enlarged conception of culture has being judged to be 'so broad that it cannot constitute the matter of a policy without further considerable elaboration' since 'it remains almost impossible to implement and assess its progress and regression' (Romainville 2015, 427).

Other scholars have tried to address this point focusing their attention on the discussion of the concrete obligations connected with the implementation of the right to take part in cultural life in national cultural policies. This right is widely recognized as being double-faced, including both negative and positive obligations (Romainville 2015; O' Keefe 1998). There is, on the one hand, the negative right to participate in cultural life, which entails the freedom to participate without interference from the State. On the other hand, there is the positive right to participate in cultural life, which encompasses positive obligations for the State, linked with the development of cultural policies aiming at broadening access and participation in cultural life. In the light of this, 'to take part in cultural life' means not only to be free and protected in the expression of one's own cultural identity but also to have the possibility of developing new cultural expressions, linking individual aspirations with the cultural life of the community (Carcione 2013).

The CESCR has further specified the composite and multi-layered nature of the right, introducing, in the General Comment No. 21, a 'tripartite typology of obligations' (International Commission of Jurists 2008, 4) that could be applied to the three different ways in which the act of 'taking part' is intended in this document, namely (1) 'participation', (2) 'access' and (3) 'contribution'.

When intended as 'participation', the right to take part in cultural life encompasses the right 'to act freely, to choose his or her own identity [...], to engage in one's own cultural practices and to express oneself in the language of one's choice [...] as well as to act creatively and take part in creative activity' (CESCR 2009b, 4). In the document, this aspect is deemed to be particularly relevant for minorities and indigenous people, but it also includes the protection of the freedom of artistic expression and creation.

When intended as 'access', the right to take part in cultural life covers 'the right of everyone — alone, in association with others or as a community — to know and understand his or her own culture and that of others through education and information, and to receive quality education and training with due regard for cultural identity'. It also includes the right 'to

benefit from the cultural heritage and the creation of other individuals and communities' (*ibidem*).

When intended as 'contribution' the right to take part in cultural life refers to 'the right of everyone to be involved in creating the spiritual, material, intellectual and emotional expressions of the community'. Moreover, it includes '[...] the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights' (*ibidem*).

This tripartite conceptualization proposed by the Committee, while recognized as an important contribution for a deeper understanding of this right (Ferri 2014; Odello 2011), has been judged difficult to be operationalized and used as a workable framework for cultural policies. The General Comment No. 21 represents an 'unspecified agreement' that, still hesitating between the negative and positive understanding of the right to take part in cultural life, is not able to be a 'model for action' (Romainville 2015, 427).

Nevertheless, when dealing with the implementation of this right at the national level, the Committee introduces also an innovative concept in the text of the General Comment No. 21 - the 'inclusive cultural empowerment' (CESCR 2009b, 17) - that has received no scientific attention at the moment. It is affirmed that when the positive obligations connected with the right to take part in cultural life – namely 'access' and 'contribution' – are fully realised, this right allows for a reduction of disparities and for the activation of developmental processes within a democratic society. This concept – through a proper conceptualization and operationalization – is seen as a promising and still unexplored terrain for identifying more clearly the positive obligations connected with the realisation of this right.

According to the literature on community psychology, the concept of empowerment encompasses a strict correlation between the personal capacities of the individual and the expression of these capacities in the social context. Zimmermann and Rappaport (1998, 725) describe the empowerment process 'as the connection between a sense of personal competence, a desire for, and a willingness to take action in the public domain'. This conceptual linkage between individual competence and social actions recalls the conceptual core of the 'capabilities approach' to the understanding of human rights proposed by Nussbaum (1997).

She conceptualizes human rights as 'the list of central capabilities that can be convincingly argued to be of central importance in any human life, whatever else the person pursues or chooses [...] They are held to have value in themselves, in making a life fully human' (Nussbaum 1997, 286).

According to this conceptual lens, the human right to take part in cultural life could be reframed as being part of the capabilities linked with 'senses, imagination and thought' and, more specifically with the fact of '*being able* to use imagination and thought in connection with experiencing and producing expressive works and events of one's own choice [...]' (287). In Nussbaum's view, this right is a 'combined capability' which relates to both 'internal capabilities' – the competences the individual needs for understanding and creating culture – and 'suitable external conditions', that make the person able to exercise these functions in the social context.

Since the 'capabilities approach' considers the creation of these 'combined capabilities' as the main objective of public policies, the promotion of the 'inclusive cultural empowerment' could be arguably considered as a proper indicator for evaluating the successful implementation of the right to take part in cultural life.

The 'inclusive cultural empowerment' is a 'combined capability' in Nussbaum's terms since corresponds to the process of personal and social growth through which the individual, after having access to cultural resources through information and education, uses them for realising cultural actions in the community, participating in cultural decision-making processes or being involved in intercultural initiatives.

The opportunity of adopting a 'capabilities approach' for the analysis of article 15 (1) (a) of the ICESCR is twofold. On the one hand, this theoretical approach seems to be the most appropriate for filling the gap in the literature concerning the identification of the positive obligations connected with the implementation of the right to take part in cultural life. The language of capabilities and human functioning makes it possible to focus both on the internal capabilities of the individual and on the factual exercise of these capabilities in the social environment. This is why, 'thinking in terms of capabilities gives us a benchmarking in figuring out what it is really to secure a right to someone' (Nussbaum 1997, 294).

On the other hand, the 'capabilities approach' – firstly formulated as a framework for evaluating public policies in the international development context – could be a valuable tool for proposing a scientific reflection on the linkage between cultural rights and developmental processes, that is increasingly addressed within the current international policy discourse. The selection of the notion of 'inclusive cultural empowerment' as a main metrics for assessing the implementation of the right to take part in cultural life is seen as an occasion for shedding light on the notion of culture as driver and enabler of development, namely on the cultural processes that, increasing individual capabilities, have an impact on the overall well being of the society.

1.2 The Proposed Model of Analysis

In order to investigate to what extent the State parties to the ICESCR are implementing the right to take part in cultural life through cultural policies at national level, the model of analysis represented in Figure 1 has been conceived. The model recalls and reformulates the tripartite approach to the understanding of cultural participation proposed by the CESCR (2009b), integrating and reinterpreting it for conceptualizing and operationalizing the 'inclusive cultural empowerment' according to the 'capabilities approach'. In the proposed model, the right to take part in cultural life is theorized as being composed by three main dimensions ('freedom', 'access' and 'contribution'). Each of the three dimensions encompasses further sub-dimensions, on the basis of which the evaluation of the national cultural policies can be realised. The 'inclusive cultural empowerment', rather than being a dimension *per se*, is conceptualized as being a combination of the 'access' and the 'contribution' dimensions, reflecting the link between the 'internal capabilities' and the 'external conditions' underlined by the 'capabilities approach'.

The 'freedom' dimension mirrors what the CESCR defines, in the General Comment No. 21, as 'participation'. This dimension aims at grasping the negative component of the right to take part in cultural life, the one dealing with the protection of the freedom of both the individual and the community for what concerns the choice of cultural identity, the use of language and the expression of artistic creativity. As such, this dimension is not explicitly included in the conceptualization and operationalization of the 'inclusive cultural empowerment' but considered as an essential precondition of its realisation.

Within the proposed model of evaluation, the 'freedom' dimension includes two types of obligations, reflected in two specific sub-dimensions. The first sub-dimension deals with the respect of cultural identity, including the right of minorities and indigenous people to have access to their cultural expressions, to their heritage and to the use of their language. The second sub-dimension refers to the respect of artistic freedom and of creative expressions in all their forms.

The 'access' dimension of the model of analysis reflects the definition of 'access' given by the Committee in the General Comment No. 21 and provides a possible operationalization in terms of positive obligations. Specifically, the access to cultural life is conceptualized as being twofold, having a 'heritage-centred' and a 'people-centred' sub-dimensions.

The 'heritage-centred' sub-dimension includes all the protective measures that the public authorities should take in order to preserve the tangible and intangible cultural heritage of all persons and communities, including

minorities and indigenous people. Though being linked with the public duty of allocating resources for the conservation of the cultural heritage, this dimension is not specifically linked with the promotion of capabilities because of its 'protective' nature. For this reason, as the whole 'freedom' dimension, it could be considered as a precondition of the 'people-centred' dimension of 'access' but not strictly part of the 'inclusive cultural empowerment'.

The 'people-centred' sub-dimension of the 'access' dimension plays a crucial role within the assessment of the 'inclusive cultural empowerment', being linked with the creation of the 'internal capabilities' that allow each individual to actively contribute to the cultural life of his or her community. It encompasses the public duty of promoting both the inclusion of cultural and artistic education in school curricula and the removal of the social, economic and physical barriers that may prevent people from enjoying culture, addressing structural forms of exclusion and underrepresentation of vulnerable groups in cultural life. Specifically, a distinction is made between (1) the artistic and cultural programmes included in the school curricula and (2) the realisation of public awareness interventions aimed at reaching a broader range of social groups, fostering the democratization of culture.

The 'contribution' dimension reflects the significance attributed by the CESCR (2009b) to the inclusion and involvement of each individual in the creation of the spiritual, material, intellectual and emotional expressions of the community. This implies the duty of public authorities of setting up participatory forms of cultural decision-making through which people become actors and co-creators of the design and implementation of cultural policies and of the public interventions that concern cultural heritage and cultural expressions. Moreover, through active contribution, the right to take part in cultural life is supposed to be linked with the promotion of intercultural programmes and initiatives that aim at creating shared cultural expressions among different cultural communities. According to the 'capabilities approach', the 'contribution' dimension refers to the 'external conditions' that make the individual able to fully express his/her creative potential in the social context. In the proposed model, two types of policies are individuated for assessing this dimension, namely (1) intercultural projects and (2) participatory mechanisms in cultural decision-making processes.

Finally, the 'inclusive cultural empowerment', intended as a 'combined capability' according to the 'capabilities approach', is conceptualized in the proposed model as a combination between the 'people-centred' sub-dimension of the 'access dimension' and the 'contribution' dimension. Cultural policies are evaluated as 'empowering' when one aspect of the 'people-centre' sub-dimension and one of the 'contribution' dimension are combined in one or more programmes or policies implemented at national level.

Figure 1. The proposed model of analysis of the implementation of the right to take part in cultural life
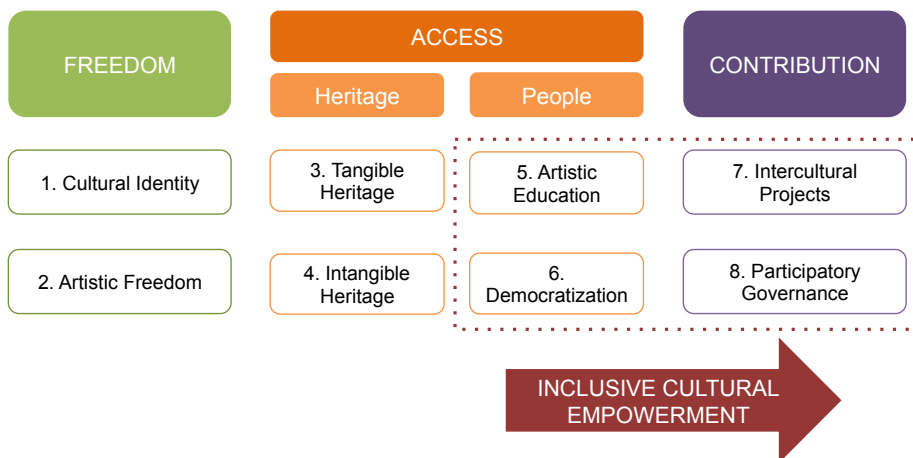
2. Empirical Analysis

The empirical investigation has been conducted through the content analysis of the reports submitted by eighteen State parties of the ICESCR to the Committee, focusing on the parts of these documents dealing with the implementation of the right to take part in cultural life, as enshrined in article 15 (1) (a) of the Covenant[1]. These reports were presented during the latest sessions the CESCR held in 2015 and 2016 (55th, 56th, 57th and 58th).

In the Guidelines set by the CESCR for the preparation of the State reports (2009a) there is no specific reference to the notion of 'inclusive cultural empowerment' that, as already underlined, is just vaguely defined in the text of the General Comment No. 21. Moreover, it should be noticed that these Guidelines – approved in March 2009 – have not been updated in the light of the contents of the General Comment No. 21, formulated in its final version some months after, in December 2009.

However, the Guidelines clearly ask to the States to report about the measures taken for addressing both the negative and the positive component of the right to take part in cultural life. For what concerns

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[1] When relevant for collecting information on the implementation of article 15 (1) (a) of the ICESCR, the analysis took into consideration also the Reply prepared by each State to the 'List of Issues' (LOIs) requested by the CESCR before each session.

the negative obligations, States are required to describe the provisions set for protecting the 'cultural diversity of ethnic, religious or linguistic minorities and indigenous communities' (CESCR 2009a, 15). Regarding the positive obligations, States have to 'provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level [...] (14). Specifically, they have to indicate the policies promoted in order 'to ensure that access to [...] cultural activities is affordable for all segments of the population' and 'to encourage participation in cultural life by children, older persons and persons with disabilities' (15), eliminating physical, social and communication barriers.

Even if not specifically concerned with 'inclusive cultural empowerment', the State reports compiled according to these Guidelines are seen as useful empirical material for conducting a first evaluation of the implementation of the article 15 (1) (a) of the ICESCR according to a 'capabilities approach', shedding light on how States deal with and combine the 'access' and the 'contribution' dimensions in national cultural policies.

The State reports to be analysed have been chosen in order to assure a balanced representation of three different continents: Europe, Asia and America. As far as Europe is concerned, the following State reports were examined: France, Sweden, Greece, United Kingdom, Poland and Italy. Regarding America, six others States were analysed, including: Canada, Dominican Republic, Honduras, Costa Rica, Chile and Venezuela. Finally, the study comprises the following six African States: Angola, Burkina Faso, Burundi, Kenya, Namibia and Uganda.

The choice of these three continents reflects the willingness of taking into consideration the different meanings that could be attributed to culture and cultural heritage in different regions of the world. The European and North American conception of cultural heritage has been recognized as being mainly tangible, showing a greater attention to artefacts and monumental goods. On the contrary, heritage in Africa and South America has been seen as being primarily intangible, including forms of traditional and popular culture such as dance, rituals and folklore (Bouchenaki, 2003). Far from explaining this tangible-intangible dichotomy in heritage as a simplistic east-west or north-south division (Graham, 2002), the present analysis considers these geographical differences in the understanding of culture and cultural heritage as factors to be included while addressing the implementation of the right to take part in cultural life. Further empirical analyses would certainly benefit from the inclusion of countries in Asia and Oceania, assuring the global coverage of the study.

Referring to the dimensions and sub-dimensions of the model of analysis presented above, the empirical investigation aims at highlighting which of

them were covered and addressed in each State report, in order to underline how this right is interpreted and implemented at national level. Though taking into consideration only one report for each State, this empirical analysis is deemed to be useful for giving a general picture of the current understanding of the right to take part in cultural life and of the most common negative and positive measures undertaken by the States. The analysis was conducted with the objective of sketching and delineating the emergence of possible national, continental and global trends that could be further analysed and specified with future empirical studies.

2.1. Emerging Trends

As represented in Figure 2, the analysis shows that, in general, the eighteen reports analysed cover all the three dimensions and connected sub-dimensions of the right to take part in cultural life. However, while a global consensus is present on certain dimensions and sub-dimensions, e.g. the 'cultural identity', the 'tangible heritage' and the 'democratization' ones, some others – such as the 'artistic freedom' or the 'intangible heritage' ones – are much more neglected in the State reports.

Figure 2. Implementation of the different dimensions of the right to take part in cultural life in eighteen State reports submitted to the CESCR (55th, 56th, 57th and 58th sessions)
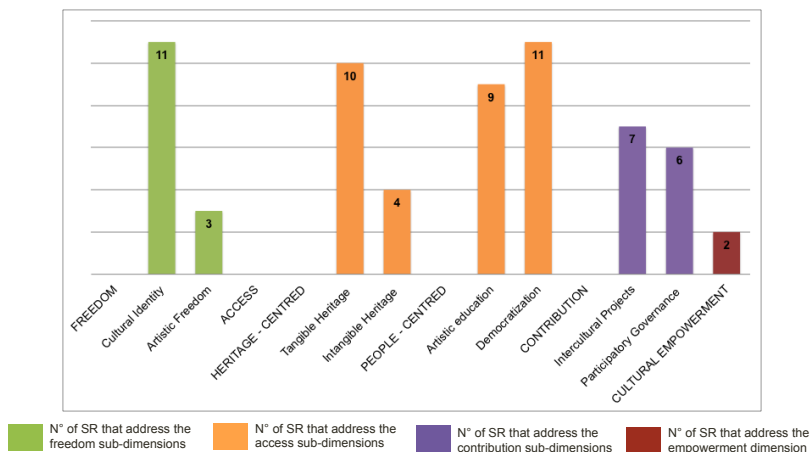
Moreover, it is worth underlining that, among the eighteen States analysed, just in two of them it was possible to identify the 'inclusive

cultural empowerment', namely a cultural policy or programme based on the combination between cultural and artistic education and the active contribution to the cultural life of the community.

The comparative analysis of the State reports gives the opportunity to further analyse the current state of implementation of the right to take part in cultural life, sketching some national, continental and global trends for what concerns the policies promoted for realising the different dimensions of this right. Tables 1, 2 and 3 comprise the lists of States in which those trends have been clearly detected through the information included in the reports. It is necessary to underline that not all eighteen States analysed have being classified in all trends, because of the lack of complete information on every dimension or because a specific understanding was not clearly distinguishable from another one in the text of the reports[2].

2.2. Cultural Participation as 'Freedom': the Global 'Pro-cultural Identity' Trend

For what concerns the 'freedom' dimension, a general global trend focusing on the protection of cultural identity emerges. In their reports to the CESCR, the majority of the States analysed refer to the respect of the right to culture of indigenous people and of minority groups and to legislations and policies aimed at recognising ethnic groups. Costa Rica, for example, mentions the provisions that protect the right to culture of indigenous people, of Afrodescendants and of migrants included in the General Culture Act (CESCR 2015b, 38), while Kenya refers to the efforts made for the recognition of small ethnic groups such as Yaaku, Nubians, Ilchamus and Sakuye through a National Census on the identification of the various ethnic affiliations (CESCR 2014e, 48).

In general, a great attention is devoted to the language as fundamental dimension of the cultural identity of minorities and indigenous groups. States such as Poland, Kenya and Namibia have adopted a specific legislation promoting ethnic minorities languages in schools and public spaces. Other States report about the use of minority and regional languages in the national TV and radio broadcasting (France), the development of learning materials in Aboriginal languages (Canada) or the educational activities carried out by specific public institutions, such as the Sweden Institute for Language and Folklore (CESCR 2014c, CESCR 2013a, CESCR 2015f).

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[2] The fact that one or more dimensions of the right to take part in cultural life are briefly mentioned, but neither explained nor described in details in a State report, is not considered as being a sufficient condition for including that State in one or more trends. This is why the number of States reports counted for each dimensions in Figure 2 is higher than the number of States classified according to the different trends.

2.3 Cultural Participation as 'Access'

'Pro-tangible Heritage' vs. 'Pro-intangible Heritage' States

For what concerns the 'access' dimension, two clear national trends emerge for both the 'heritage-centred' and the 'people-centred' sub-dimensions. Regarding the 'heritage-centred' sub-dimension, it is possible to distinguish between 'Pro-tangible heritage' and 'Pro-intangible heritage' States.

The 'Pro-tangible heritage' States, representing the majority of the States analysed, are those that in their reports stress the measures taken for the preservation and diffusion of the highest material cultural expressions, focusing on historical monuments and fine arts. Some States mention the construction of new museums – such as the New Acropoli Museum in Greece (CESCR 2013c, 57) or the Regional Museum of Dundo in Angola (CESCR 2014a, 59) – or the activities of some specific public offices and institutions, e.g. the new Directorate General of Antiquities and Cultural Heritage in Greece (CESCR 2013c, 58) or the network of cultural institutions in Honduras (CESCR 2014d, 30). Other States highlight the efforts made for assuring the recovering of historical, natural and cultural heritage, including the one of indigenous communities, as stated, for example, in the 2009 Cultural Act in Venezuela (CESCR 2013f, 13).

The 'Pro-intangible heritage' States are those that in their reports give more emphasis to the policies promoted for safeguarding the immaterial aspects of culture, including not only music and performing arts, but also traditions, rituals and handicraft. Burundi and Kenya, for example, focus on the dissemination of the national intangible heritage. In Kenya, some community projects have been promoted for safeguarding traditional dances (Isikhuti Dance among the Luhya), handicrafts (Wamunyu wood carvers among the Kamba) and rites of passage, such the one held by the Maasai tribes (CESCR 2014e, 48). Dominican Republic, instead, underlines the measures adopted for protecting specific expressions of popular and indigenous culture, such as the Brotherhood of the Congos of the Holy Spirit of Villa Mella, inscribed in Representative List of the Intangible Cultural Heritage of Humanity (CESCR 2015c, 35). The case of Chile is exemplary for what concerns the attention put on the safeguard of the different forms of intangible cultural heritage. Performing arts are promoted thanks to the activities of the Gabriella Mistral Cultural Centre, while the 'Aymara Cultural Universe' project focuses on oral expressions and traditional knowledge, such as textile arts and farming techniques (CESCR 2013b, 45).

Table 1. Emerging trends for what concerns the implementation of the 'heritage-centred' sub-dimension of the 'access' dimension of the right to take part in cultural life

Pro-tangible States	Pro-intangible States
Angola Burkina-Fasu Canada Dominican Republic France Greece Honduras Italy Namibia Venezuela	Burundi Chile Dominican Republic Kenya

'Pro-education' vs. 'Pro-democratization' States

For what concerns the 'people-centred' sub-dimension of the 'access' dimension of cultural participation, a distinction has been drawn between 'Pro-education' and 'Pro-democratization' States.

The 'Pro-education' States are those that, in their reports to the CESCR, underline that the acquisition of skills and competences required for actively contributing to the cultural life is mainly supported by the national education system, through schools activities at various levels. While some States – such as Uganda and Burkina Fasu – describe their engagement for the promotion of outreach programmes in schools (CESCR 2013e, CESCR 2015a), some others – like France or Sweden – mention specific national plans of cultural education, such as the French Governmental Plan for the development of arts education (CESCR 2014c, 95) or the Sweden Creative School Initiative (CESCR 2015f, 89). The former aims at bringing pupils into direct contact with the French cultural heritage, through the activation of agreements between regional education authorities and regional directorates of cultural activities. The latter fosters the long-term integration of cultural and artistic expressions into schools, through a greater collaboration between teachers and cultural operators.

The 'Pro-democratization' States are those that recognize that the access to cultural experiences should be promoted for a broader part of the population, not being limited to children and activities in school. The measures described in these State reports deal with the removal of the economic, social and physical barriers that may prevent specific social groups from the enjoyment of culture. A specific attention is devoted to the description of cultural

policies dedicated to people with disabilities, the elders, low-income families and disadvantaged groups in general. This national trend evidences the States' willingness of making culture broadly available and accessible, also beyond the education system and the institutional spaces where the highest expressions of culture are conserved and performed.

Examples of 'Pro-democratization' activities are, among others, the 'Book groups' held by the National Book Centre of Greece (CESCR 2013c, 57) and the free entrance to national museums promoted in the first Sunday of each month in Italy (CESCR 2015g, 20). A more structured engagement for broadening the access to culture and combating social exclusion has been reported by Venezuela, Dominican Republic and Kenya. In Venezuela, the Simon Bolivar Musical Foundation has opened various 'Centres for Social Action through Music', aimed at making music education activities and performances available for the most vulnerable sectors of society (CESCR 2013d, 100). In Dominican Republic, a system of institutions realise artistic training and cultural activities for free in more than three hundred villages in the country. In addition to reading support schemes and theatre and dance festivals, various mural-painting campaigns have been promoted in various provinces and towns by these institutions (CESCR 2015c, 35). In Kenya, sixteen community cultural centres have been established, with the objective of realising festivals and artistic exchange programmes in rural areas (CESCR 2014e, 48).

Table 2. Emerging trends for what concerns the implementation of the 'people-centred' sub-dimension of the 'access' dimension of the right to take part in cultural life

Pro-education States	Pro-democratization States
Burkina-Faso France Sweden Uganda	Dominican Republic Greece Italy Kenya Venezuela

2.4 Cultural Participation as 'Contribution': 'Intercultural' vs. 'Participatory' States

For what concerns the 'contribution' dimension of the implementation of the right to take part in cultural life, the analysis of the State reports evidences a difference between 'Intercultural' and 'Participatory' States.

The 'Intercultural' States are those in which the active contribution of people to the cultural life is mainly promoted in order to foster intercultural dialogue and shared cultural expressions among cultural communities. In Poland, for example, the State gives grants for amateurs' organisations of minority groups for realizing activities and performances in public spaces (CESCR 2015e). Other types of interventions are promoted in national museums. In some Italian and Greek museums, for instance, migrants have been involved in designing and explaining exhibitions. Initiatives such as 'With the Roma at the Museum' in Greece (CESCR 2015h, 24) or 'To the museum with …' in Italy (CESCR 2015g, 20) foster mutual understanding among communities thanks to the intercultural reinterpretation of national heritage.

The 'Participatory' States are those whose national cultural policies are designed and implemented through participatory forms of decision-making and through the direct involvement of individuals and communities. Representative examples are those mentioned by Honduras, Costa Rica, Dominican Republic and Kenya in their reports. In Honduras, the National Sustainable Tourism Strategy involves indigenous communities, and especially women, in the implementation of activities of tourism promotion (CESCR 2014d, 31). In Costa Rica and in Dominican Republic, a participatory approach was adopted for the formulation and adoption of national cultural strategies, in order to establish the guidelines for action through community participation (CESCR 2015b, CESCR 2016). Finally, in Kenya, citizen participation and the inclusion of indigenous knowledge are at the basis of both the organization of the fifty Community Cultural Festivals realised each year in the country and of the management of cultural and natural sites (CESCR 2014e, 48).

Table 3. Emerging trends for what concerns the implementation of the 'contribution' dimension of the right to take part in cultural life

Intercultural States	Participatory States
Greece Italy Poland	Costa Rica Dominican Republic Honduras Kenya

2.5 Cultural Participation as 'Inclusive Cultural Empowerment'

The 'inclusive cultural empowerment' is conceptualized as being a 'combined capability', realised when the 'people-centred' sub-dimension of

the 'access' dimension and the 'contribution' dimension of the right to take part in cultural life are jointly realised in one or more national policies or programmes.

In the light of this, only two out of the eighteen States analysed – Dominican Republic and Kenya - can be considered as 'empowering', adopting a 'capabilities approach' to the implementation of this right. Indeed, the analysis of the State reports evidences that these are two countries in which educational activities directed to various social groups are combined with the direct inclusion of those groups in the design and implementation of cultural policies.

In Dominican Republic, the system of cultural institutions aimed at offering cultural training for free in more than three hundred villages is also linked with the active inclusion of those people in the design and implementation of the Carribean Cultural Corridor (CESCR 2016, 21). In Kenya, the sixteen community cultural centres have been established in order to assure the largest possible contribution of people to the organisation of the Community Cultural Festivals and to the management of cultural and natural sites (CESCR 2014e, 48).

2.6 Continental Trends

Some national trends individuated for what concerns the implementation of the 'access' and 'contribution' dimensions of the right to take part in cultural life are more present in certain continents than in others, shedding light on the emergence of continental trends as far as both the understanding and the implementation of this right is concerned.

Regarding the 'heritage-centred' sub-dimension of the 'access' dimension, the comparative analysis reveals that while 'Pro-tangible heritage' States are present in all the three continents (Africa, America and Europe), the 'Pro-intangible heritage' ones are African or South American. This result only partially reflects the theorized different understanding of cultural heritage in various regions of the world. The protection of tangible heritage is widely implemented in national cultural policies regardless the continent, showing the emergence of a global consensus on this dimension of the right. On the contrary, the safeguard of intangible cultural expressions is more addressed, as expected, in Africa and South America.

Concerning the implementation of the 'contribution' dimension of the right, a clear distinction among continents emerges. According to the analysis, European States tend to be more 'Intercultural' than States in other continents. Indeed, in their reports, these States highlight the measures taken for the promotion of mutual understanding and intercultural dialogue

between different cultural groups. However, none of the European States included in the study could be defined, according to the model of analysis, as being 'Participatory'. The 'participation culture' in cultural decision-making processes seems to be much more present in African and South American countries that, in their reports, illustrate concrete measures for promoting the active involvement of people in the implementation of cultural programmes and initiatives.

Conclusions

The present work proposes a model of analysis for investigating the implementation of the right to take part in cultural life (article 15 (1) (a) of ICESCR) in national cultural policies. The aim is twofold. On the one hand, the study adopts a 'capabilities approach' for identifying the positive obligations connected with this right, proposing an assessment based on the conceptualization and operationalization of the notion of 'inclusive cultural empowerment'. On the other hand, it sheds light on the implementation of the different dimensions of this right in eighteen States located in three different continents (Africa, America and Europe), delineating the emergence of national, continental and global trends that could be further analysed with future empirical investigations.

The results of the study make possible to formulate considerations on the current implementation of the right to take part in cultural life as well as to propose some policy recommendations.

The first consideration relates to the current unexpressed potential of culture for the activation of developmental processes. The analysis of the eighteen State reports underlines that, despite a high number of States illustrate a broad range of policies implemented for realising the 'access' and the 'contribution' dimensions of cultural participation, few of them – only two out of eighteen – combine these two dimensions in their national cultural policies. The right to take part in cultural life is still not understood as a 'combined capability' according to Nussbaum's definition (1997), since a low number of State reports stress the adoption of positive measures addressing both the 'internal capabilities' of the individual and the 'suitable external conditions' for exercising them in the social context.

The small quantity of 'empowering' States indicates that, while efforts are made at national level for providing people with the necessary cultural skills and competencies, not enough space is given to them to fully express these capabilities in the community, taking part in cultural decision-making processes or in intercultural projects. This missed realisation of the 'inclusive cultural empowerment' in national cultural policies is endangering the role of

cultural participation as both enabler and driver of developmental processes. Indeed, without being given the opportunity to actively contribute to creation of the spiritual, material, intellectual and emotional expressions of the community, people will not be enabled to live and be what they choose, as auspicated by recent international policy documents (UNESCO 2013, UN General Assembly 2013).

The second consideration underlines the importance of taking into proper consideration the context when evaluating the implementation of the right to take part in cultural life at national level. The fact that African and South American States are more 'Pro-intangible heritage' and more 'Participatory' while European States are more 'Intercultural' underlines that the proposed model of analysis could not be applied as a 'one-fits-all' recipe for evaluating the successful implementation of this right. The concentration of some trends in certain continents rather than in others bears witness of the fact that cultural policies – as the concept and the manifestation of culture itself – are the dynamic product of a strict interrelation between the inherited cultural heritage of a place and the social habits that include traditions, behaviours and ways of life. These material and immaterial factors determine the typology of actors involved in the cultural policy-making, their objectives and the measures adopted for pursuing them.

In addition, two main policy recommendations could be drawn from the results of this study. On the one hand, in order to unlock the potential of cultural participation through the 'inclusive cultural empowerment', a more structured coordination within the United Nations system is necessary. Indeed, while the link between culture and development is increasingly recognized by the UNESCO and the UN General Assembly, this aspect is not clearly addressed neither in the Guidelines set by the CESCR for the preparation of the State reports (2009a) nor in the concluding observations formulated by the Committee on these reports. An updated version of the Guidelines, with a stronger reference to the contents of the General Comment No. 21 (CESCR, 2009b) and to the notion of 'inclusive cultural empowerment' would certainly encourage State parties to realise positive measures able to link cultural policies with developmental strategies at national level.

On the other hand, the establishment of a platform for the exchange of information and best practises among State parties of the ICESCR would be highly beneficial for promoting a comprehensive implementation of the right to take part in cultural life through national cultural policies. The individuated national trends would become, in this case, an opportunity for activating a form of collaborative learning among State parties. Through the platform, the 'Pro-education' and the 'Pro-democratization' States as well as the 'Participatory' and the 'Intercultural' ones would be able to learn

from each other and to fully realise the 'empowering dimension' of cultural participation.

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