



## Contribution to the report on cultural rights and migration

Submitted to the UN Special Rapporteur  
In the field of cultural rights

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## CONTRIBUTION TO QUESTIONS N° 9 AND N° 10

### I. Introduction

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Inaugurated in 2016, the UNESCO Chair on the Diversity of Cultural Expressions (Faculty of Law, Université Laval, Quebec, Canada) has since 2018 developed a specific research program devoted to the cultural expressions of migrants<sup>1</sup>. This program is based on the premise that the obligations arising from the 2005 UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (hereinafter the 2005 Convention) require Parties to adopt measures specifically targeting the cultural expressions of vulnerable groups, including migrants.

Article 7 of the 2005 Convention encourages Parties to create within their territory “an environment which encourages individuals and social groups ... to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of ... various social groups”. Article 13 commits Parties “to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions”. The operational guidelines for this article state that “[t]he diversity of cultural expressions must be taken into account in the development process as it contributes to the strengthening of identity and social cohesion and to the building of inclusive societies that uphold the equal dignity of and respect for all cultures”<sup>2</sup>. Also, the integration of culture in development policies allows to “foster universal access, participation in and enjoyment of creation and production of cultural expressions, especially for disadvantaged groups”<sup>3</sup>. Measures relating to the integration of culture in sustainable development should “facilitate sustained, equitable and universal access to the creation and production of cultural goods, activities and services, particularly for [...] vulnerable groups”<sup>4</sup>.

As part of the research program on migrants conducted by the UNESCO Chair on the Diversity of Cultural Expressions<sup>5</sup>, three conferences *Access to oneself. Access to the other.* were

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<sup>1</sup> The term “cultural expressions” is used in the sense given to it by the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Cultural expressions are those that result from the creativity of individuals, groups and societies, and that have cultural content. These cultural expressions are conveyed through “cultural activities, goods and services” such as films, series, music, visual and performing arts (see Articles 4.2, 4.3 and 4.4 of the 2005 Convention).

<sup>2</sup> 2005 Convention, Operational guidelines on Article 13, para. 4.

<sup>3</sup> *Id.*, para. 6.2.

<sup>4</sup> *Id.*, para. 8.6.

<sup>5</sup> For more details on this research program, see: <https://www.unescodec.chaire.ulaval.ca/node/586/>

organised to discuss the cultural policies of States that are likely to benefit the cultural expressions of these individuals and their groups<sup>6</sup>, the artistic freedom of migrants<sup>7</sup>, and the role of cities and local authorities in the protection and promotion of the cultural diversity and cultural rights of migrants<sup>8</sup>. The purpose of the discussions held during these conferences – each time bringing together academic experts, policy makers, cultural institutions, artists and civil society organizations – is to share experiences, identify good practices that are being developed in Quebec, Canada or in other countries and to issue recommendations to the various stakeholders involved in the reception and life of migrants. The answers formulated below in relation to questions 9 and 10 are largely inspired by the results of these conferences and the contributions of several participants.

## II. Answer to question 9

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***What challenges do migrants face currently in practicing, maintaining, and transmitting their culture, especially when they are new and/or forced migrants?***

When thinking about migrants involved in cultural creativity – be they artists, cultural professionals or any other individual or group – one of the first challenges they face is accessing the appropriate resources, means and tools to create, produce and share their cultural expressions, both within their group and within the host society. Already, within any society, access to these means and resources is generally unequal; it can vary according to a number of factors, including the availability of economic resources, the place where people live (urban or remote), the physical presence of cultural institutions or other venues, and, increasingly important, the ability to access digital tools and the degree of digital literacy that enables the proper use of those tools. On this last point, it should be noted that while digital technologies offer extraordinary opportunities for creation, production, distribution, dissemination and access to a diversity of cultural expressions from around the world, artists and other people in precarious situations may not be able to take full advantage of these opportunities. The

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<sup>6</sup> See the publication of the first conference: V. Guèvremont, I. Otasevic and H. Giguère (eds), *Access to oneself. Access to the other. The 2005 UNESCO Convention, cultural policies and the integration of migrants*, 2021, 136 pages, online: [https://www.unescodec.chaire.ulaval.ca/sites/unescodec.chaire.ulaval.ca/files/ouvrage\\_acceder\\_a\\_soi\\_vf14avril\\_0.pdf](https://www.unescodec.chaire.ulaval.ca/sites/unescodec.chaire.ulaval.ca/files/ouvrage_acceder_a_soi_vf14avril_0.pdf)

<sup>7</sup> See the publication of the second conference: V. Guèvremont, L. Cuny and I. Otasevic (eds), *Access to oneself. Access to the other. The 2005 UNESCO Convention, artistic freedom and the inclusion of migrants in democratic societies*, 2022, 150 pages, online: [https://www.unescodec.chaire.ulaval.ca/sites/unescodec.chaire.ulaval.ca/files/ouvrage\\_acceder\\_a\\_soi\\_acceder\\_a\\_lautre\\_avril\\_2021\\_v05-05.pdf](https://www.unescodec.chaire.ulaval.ca/sites/unescodec.chaire.ulaval.ca/files/ouvrage_acceder_a_soi_acceder_a_lautre_avril_2021_v05-05.pdf)

<sup>8</sup> The publication of the third conference is in progress. In May 2023, the UNESCO Chair plans to organize a fourth conference, this time focusing on migrants' cultural expressions and cultural rights in the digital environment.

difficulties may be even greater when artists and other migrants settle outside urban centres, as state-of-the-art creative and production tools may be inaccessible<sup>9</sup>.

For migrants, these factors may be compounded by barriers to accessing information (knowledge of information dissemination channels, understanding of the information disseminated, establishing relationships with networks of cultural actors, ...), which are often amplified by language barriers. In addition, the possibility of physically accessing places of creation, production or dissemination of cultural expressions can be compromised by barriers of a psychological nature (intimidating nature of cultural places, location of these places in neighbourhoods less visited by migrants, ...). The need to communicate information relevant to the creation, production and dissemination of cultural expressions is thus heightened when dealing with newly arrived people. This information must not only be available and visible, but it must also make its way to migrants in an appropriate format and language. Information may also need to be made available to all. In the context of our conferences, the following example was put forward: there may be people who have never had any previous contact or experience with contemporary art events or exhibitions; in such a case, it is not enough to target migrants in order to invite them to get closer to the culture of the host country but, on the contrary, it is necessary to make sure that culture reaches migrants and enters their lives in an appropriate way<sup>10</sup>.

Another challenge for migrants is to recognise themselves, to identify with what is reflected in the cultural expressions that are available, accessible and visible in the host country. This is an important step in the long journey of a migrant and in the development of a sense of belonging to the host society. But here again, there are many obstacles. On the one hand, there is a general under-representation of migrants in the cultural expressions created, produced and disseminated in the host country, whether in traditional media or on digital platforms providing cultural content. This reality refers first of all to the low representation of creators or producers with a migrant background in activities, performances, events or other types of cultural service offerings. One reason, among others, is related to the fact that migrants may have difficulties in having their status as artists fully recognised. Another reason stems from their precarious financial situation and their difficulties in accessing governmental financial support programmes for the creation and production of cultural expressions<sup>11</sup>. Then, the under-representation also concerns the visibility of people of diverse backgrounds within cultural expressions (e.g. in films, series or other types of audiovisual content, or in theatre, dance groups, etc.). On the other hand, the positive contribution of migrants to the flourishing of the diversity of cultural expressions – and of cultural diversity in general – within the territory of a State is not frequently highlighted, and cultural policies are rarely mobilized to achieve this. Yet

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<sup>9</sup> V. Guèvremont, I. Otasevic and H. Giguère (eds), *supra* note 6, p. 81.

<sup>10</sup> See the contribution of Danièle Bélanger in: *id.*, pp. 46-47.

<sup>11</sup> *Id.*, pp. 80-81.

these policies play a fundamental role in the intercultural dialogue between the host society and migrants.

Another major challenge for migrant artists, as for any other migrant person, is to be able to take part in the cultural life of the host society and, in particular, to share and disseminate their cultural expressions in a context where the phenomenon of immigration is distrusted or feared, and is sometimes seen as a threat to the security, economy and cultural identity of the host society. This is compounded by the problem of misinformation, which is widespread, but which also particularly affects migrants, who are often the targets of hate speech and xenophobia that fuel hostility and discrimination against them<sup>12</sup>.

In this respect, but also more generally, it was considered that local and municipal actors have a crucial role to play, particularly in making possible the participation of migrants in the cultural life of the host society, a participation that must be carried out with all other citizens. For example, cities and local authorities may be the best actors to create meeting places that are conducive to the establishment of a climate of community trust and proximity between migrants and the host society. Their proximity to the populations favours the deployment of initiatives, including cultural policies and programs, that have the direct effect of humanizing, valuing and promoting the cultural contribution of newcomers to the cultural life of a society.

Finally, it must be emphasised that everyone should be aware of the collective enrichment that comes from bringing migrants into contact with other members of society, which has many economic, social and, of course, cultural benefits<sup>13</sup>. This is a commitment emanating from the 2005 Convention, which requires Parties to “encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, inter alia, through educational and greater public awareness programmes”<sup>14</sup>. Furthermore, it is crucial to think of education for cultural diversity in a way that particularly benefits children, both those in the host society and migrant children<sup>15</sup>.

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<sup>12</sup> See *World Migration Report 2022*, 2022, IOM, 540 pages, online: <https://publications.iom.int/books/world-migration-report-2022>

<sup>13</sup> See V. Guèvremont, I. Otasevic and H. Giguère (eds), *supra* note 6, pp. 61-62.

<sup>14</sup> 2005 Convention, art. 10.1.

<sup>15</sup> See the contribution of Beatriz Barreiro Carril in: V. Guèvremont, L. Cuny and I. Otasevic (eds), *supra* note 7, p. 108.

### III. Answer to question 10

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*Please share good practices in protecting the cultural rights of migrants to access cultural resources and services, to enjoy their heritage and that of others, to use their language in private and in public, to participate in cultural life, to freedom of artistic expression and to take part in decisions that impact their cultural life. Please focus more on new and / or forced migrants.*

In order to fulfill the right of migrants to participate in cultural life, the host State must, on the one hand, refrain from interfering in the cultural practices of the different communities, and, on the other hand, act in a positive way to ensure, facilitate and promote the conditions necessary for participation in cultural life, in addition to guaranteeing access to a diversity of cultural expressions<sup>16</sup>. Host States must, for example, promote and protect the right to artistic freedom, the right to freely access cultural information, the right to organise and have access to cultural, artistic and intercultural events, the right to participate in decision-making processes in cultural matters, as well as the right of migrant children to a culturally appropriate education<sup>17</sup>.

Several inspiring examples drawn from the practice of cultural institutions, academia or municipal authorities in Quebec are worth mentioning:

- The project *L'apport d'activités musicales interculturelles pratiquées en groupe sur l'intégration sociale et le bien-être psychologique de nouveaux réfugiés* (*The contribution of intercultural musical activities practiced in groups on the social integration and psychological well-being of new refugees*) is an example of a cultural initiative that brings together participants of diverse backgrounds, including people from the host society, on an equal footing<sup>18</sup>. This project, carried out in 2018, focused on the creation of an intercultural musical group (composed of ten Quebecers and ten refugees who had arrived less than two years before) and the writing of a song *La langue de nos âmes* (*The language of our souls*), for which participants composed both the lyrics and the music. The project also led to the production of a video to share the results of the group's approach<sup>19</sup>. According to the participants, the success of artistic activities that aim at fostering intercultural encounters is conditioned by the existence of a framework offering material and financial resources, as well as locations easily accessible to all. Once these conditions were met, the participants considered that their collective creativity experience had

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<sup>16</sup> Committee on Economic, Social and Cultural Rights, *General comment no. 21, Right of everyone to take part in cultural life* (art. 15, para. 1a), E/C.12/GC/21, 2009, para. 6, p. 2.

<sup>17</sup> See A. Chechi, « Migration, Cultural Heritage and Cultural Rights: A Critical Assessment of European Union Law and Policy », in Hausler Jakubowski, A. et Fiorentini, F. (eds.), *Cultural Heritage in the European Union. A Critical Inquiry into Law and Policy*, Brill, 2019, pp. 300-301.

<sup>18</sup> See the comments made by Stéphanie Arsenault in: V. Guèvremont, I. Otasevic et H. Giguère (eds), *supra* note 6, pp. 48-49.

<sup>19</sup> The musical creation *La langue de nos âmes* is available online: [www.youtube.com/watch?v=8Gtbkx1l-w](https://www.youtube.com/watch?v=8Gtbkx1l-w)

been beneficial to them and had provided them with great satisfaction. They pointed out that the process of creating a song with one mind led them to a common goal. The project was presented publicly on several occasions, notably during the commemoration of the attack on the Great Mosque of Quebec<sup>20</sup>, but also on several other occasions in Quebec City. For the participants, the relationships they maintain among themselves several years after the end of this project show that the objective of creating links between the host society and the newcomers has been fully achieved<sup>21</sup>.

- The program *Je suis... (I am...)* of the city of Vaudreuil-Dorion simply consists of creating meeting places between cultural actors and citizens to form a united community proud to belong to an environment where difference is considered a wealth. These meetings take place through participatory cultural activities aimed at stimulating interaction between the citizens of this municipality. Each activity takes the form of a series of workshops held in easily accessible locations: schools, premises of community or cultural organizations, city parks, residences for the elderly, etc. According to the project team, the initial strategy was not targeting migrants directly, in order to create the conditions to promote diversity and mixing among all citizens and to achieve a real diversity of participants, in terms of gender, generations and origins<sup>22</sup>. The project has been awarded multiple prizes and recognitions, both locally, nationally and internationally.

- *The Mozaik parade*<sup>23</sup> brings together more than 1000 people every year to prepare an artistic parade where nearly 700 people take over the streets of the city of Vaudreuil-Dorion during a large citizen gathering. The aim is to display their colors and their interpretation of a common theme, expressed through paintings created by various groups. Through the paintings, each group can express its identity and the message it wishes to convey to the community. During the creation of the painting, pairs are created: for example, members of the Haitian community are paired with women involved in the Cercle des Fermières du Québec (circle of Quebec women farmers)<sup>24</sup>, elected municipal officials are paired with people from the French language learning center, which brings together students from over 30 countries, etc. This project follows other previous actions that led to the creation of murals painted in co-creation by citizens, including one measuring 150 feet high on a water tower. All these projects have three

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<sup>20</sup> The Quebec City mosque shooting took place in 2017 at the Islamic Cultural Centre in Quebec City. It was one of the deadliest mass shootings in Canadian history. The event prompted widespread public debate around islamophobia, racism and the rise of right-wing terrorism in Canada. See: "Quebec City Mosque Shooting", *The Canadian Encyclopedia*, online: <https://www.thecanadianencyclopedia.ca/en/article/quebec-city-mosque-shooting>

<sup>21</sup> The project *Je suis ...* can be found online: <https://www.ville.vaudreuil-dorion.qc.ca/fr/loisirs-et-culture/vie-culturelle/le-projet-je-suis>

<sup>22</sup> See the contribution of Michel Vallée in: V. Guèvremont, I. Otasevic et H. Giguère (eds), *supra* note 6, pp. 49-50.

<sup>23</sup> *Id.*, p. 50.

<sup>24</sup> For more information on this organization, see: <https://cfq.qc.ca>

elements in common: encounters, knowledge of others and pride in belonging to the same community.

- *Sesame* is an experimental research project led by the Musée de la civilisation de Québec (Museum of Civilization) that aims not only to improve access to the Museum, but also to involve in the design of exhibitions people who experience particular realities (situations of exclusion, marginalization, disability, etc.). By working and collaborating with the individuals and community groups concerned, the Museum documents historical aspects of their reality, develops its collections to reflect them, and sets up contexts for artistic co-creation. As part of this project developed by the Museum in 2021, *L'Espace Rencontres (The Meeting Space)* makes it possible to take account of the often unknown reality of people living in particular situations, including migrants. Temporary exhibitions include artistic works, short documentaries or objects that bear witness to the life experience of migrant persons. Meeting activities are also organised to promote dialogue and especially to contribute to a better knowledge and understanding of people living in particular situations<sup>25</sup>. The project thus demonstrates that a museum institution can become a space for exchange, a social space where the cultural expressions of the whole of society meet, and where the cultural expressions of migrants are proposed or designed by these people themselves. Through this project, the Musée de la civilisation has moved from a practice of inclusion to one of encounter<sup>26</sup>. This repositioning makes it possible to give the floor to a diversity of people and, in doing so, to change the audience's perspective by creating dialogue<sup>27</sup>.

- Also in Quebec, the Maison de la littérature public library carried out consultations that led the management team to question the low participation rate of authors from diverse backgrounds in a series of initiatives led by this cultural institution. The results of these consultations raised awareness about the low representation of authors from diverse backgrounds in the way Quebec books were highlighted within the Maison de la littérature. For example, one participant pointed out that the place where he felt most comfortable was the *Salon de la Quiétude*, a space located on the third floor where a poem by Mauritanian author Ly Djibril Hamet was highlighted. This space more generally highlights non-Quebec cultural expressions. It aims to develop a sense of belonging for all visitors and for all the artists invited to this cultural institution, by conveying the message that they each have their place in this space. However, following consultations, the management team decided to update its permanent exhibition dedicated to the history of Quebec literature to include voices of migrant authors and make it more visible

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<sup>25</sup> Musée de la civilisation du Québec, Un musée plus ouvert à tout le monde, online: <https://www.mcg.org/fr/accessibilite/musee-plus-ouvert> . See also Sophie Giroux's intervention during the table of discussion 2 "Cities' support for access to and enhancement of the cultural heritages of migrant people" during the 3rd Conference Access to oneself. Access to the other. The role of cities and local authorities in the protection and promotion of the diversity and cultural rights of migrants, Québec, 5-6 May 2022, online: [https://www.youtube.com/playlist?list=PLaBOPx6orFrn0Mnkodcw\\_A5s7t8FJHN5d](https://www.youtube.com/playlist?list=PLaBOPx6orFrn0Mnkodcw_A5s7t8FJHN5d)

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*



at the entrance of the library<sup>28</sup>. One of the objectives of this approach is to be given a better voice to authors from diverse backgrounds so that, ultimately, everyone can identify with this cultural institution.

As part of the conferences organised by the UNESCO Chair, practices developed in other countries were also discussed. This is an example among those highlighted in our publications:

- *MygranTour* is a responsible tourism project that recognizes the migratory experience. More specifically, it makes it possible to contract asylum seekers and train them in tourism so that they can become guides in districts of Paris that they know well. It is therefore a form of alternative tourism that mobilises the knowledge of “migrating”, a skill that these persons have developed in their city and that also offers an alternative vision of the city. This experience gives asylum seekers recognition and legitimacy in the urban space, and transforms their knowledge into cultural value. Behind this project, which has been carried out in other countries, there is also a logic of recognition of the migratory history of major European cities, and therefore of its contribution to heritage policies. This initiative creates opportunities for sharing, which also has a political dimension since it contributes to the promotion of the cultural value associated with the presence of migrants in host societies<sup>29</sup>.

The practices mentioned above present the potential for artistic interventions to create spaces for dialogue and reciprocity in a relationship of equality, to develop more complex narratives, and even to weave common narratives. Some examples also highlight the contribution of migrants to the development of narratives that go beyond the media stereotypes. Indeed, “[t]he adoption of policies and measures recognising the cultural rights of migrants allows for alternative narratives on migration that can be much more reassuring than representations in the media. This attitude fosters resilience, both for migrants and for people in host societies. In host societies, some people may harbor fears vis-à-vis newcomers and the cultures they bring. These measures create opportunities for access, exchange and mutual understanding not only in private spaces, but also in public spaces, whether shared or virtual”<sup>30</sup>.

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<sup>28</sup> See the contribution of Dominique Lemieux in: V. Guèvremont, L. Cuny et I. Otasevic (eds), *supra* note 7, pp. 98-99.

<sup>29</sup> For more information on this project: MygranTour A European network of migrant driven intercultural routes to understand cultural diversity, see online: [www.mygrantour.org/fr/le-projetmigrantour-en-detail/](http://www.mygrantour.org/fr/le-projetmigrantour-en-detail/); see also the contribution of Danièle Bélanger in: V. Guèvremont, I. Otasevic et H. Giguère (eds), *supra* note 6, p. 56.

<sup>30</sup> See the contribution of Laurence Cuny, in: V. Guèvremont, L. Cuny et I. Otasevic (eds), *supra* note 7, p. 53. (original quote in French translation by UNESCO Chair)

Finally, it seems important to emphasize that migrant artists should be recognised and celebrated like any other artist, that is, for their creativity and work, and not only for the migratory story that their creativity allows to express. Projects intended to benefit migrant artists should thus avoid over-assignment that would consist, for example, in confining them to their status of artists in exile or refugee artists or only encouraging them to endlessly reproduce a discourse on their migratory journey<sup>31</sup>. This change in positioning seems essential to the protection, respect and full realization of their artistic freedom.

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<sup>31</sup> See the contribution of Jean-Pierre Chrétien-Goni, in *id.*, p. 92.

## BIOGRAPHICAL NOTES

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**Laurence Cuny** is a human rights lawyer and researcher specialized in cultural rights and artistic freedom. She collaborated with the UN Special Rapporteur in the field of cultural rights for the 2013 (artistic freedom), 2014 (advertising) and 2019 reports (public spaces). She is a member of the UNESCO expert group on the 2005 Convention on Diversity cultural expressions and the Fribourg Observatory of Diversity and Cultural Rights. She is currently preparing a PhD in international law at the UNESCO Chair on the Diversity of Cultural Expressions (Université Laval) and Paris I Sorbonne. On migration issues, she has published a report on the international and regional mechanisms for the protection of artists and cultural workers at risk (Relocation of artists at risk in Latin America, Ifa, 2020) and on artistic freedom of migrants (Université Laval, 2022).

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