

## **The integration of cultural rights in Spanish cultural policies**

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### **Introduction**

Although the discourse on cultural rights is not new in international debates in the field of cultural policies, the pandemic put on the international agenda the urgency of implementing a new generation of policies based on civil, political, economic, social and also cultural rights, recognising their universality, indivisibility and interdependence (Bennoune 2021). Guaranteed by many provisions of international law, cultural rights have gained, in recent years, relevance as a political framework able to ensure the conditions for developing a democratic society with a special focus on addressing the challenges of participation, inequality and cohesion in the cultural sphere. In this context, this article seeks to describe how the cultural rights' discourse has been implemented in Spanish cultural policies.

### **The context**

Spain is a highly decentralised, quasi-federal country, where regional authorities have taken over most of the responsibility for culture (Villarroya and Rothstein 2024). In 2021, the majority of public cultural expenditure in Spain came from regional and local governments, which together represented 85% of public cultural spending. This decentralised nature of Spain's political model has favoured the adoption of different models for cultural policies. One of the most recent outstanding aspects is the adoption of different initiatives (e.g. legislative, plans, and changes in structures) in the area of cultural rights at the state level, as well as in different Spanish regions.

## Cultural policies based on a cultural rights approach

### *Policies at the state level*

Although the promotion of cultural rights (such as the right to participate freely and fully in cultural life) is not new in the Spanish context, it has not been until recently that the discourse on cultural rights has gained strength. Under the new left-wing coalition government formed between PSOE [Spanish Socialist Workers Party] and *Sumar*, with the support of Catalan, Basque, and Galician nationalist parties, the new Ministry of Culture has adopted a rights-based approach to cultural policies. It was on the occasion of the Spanish Presidency of the Council of the EU (from July 1 to December 31, 2023) that the Ministry of Culture (led by Ernest Urtasun since November 21, 2023) announced the recognition of culture as an essential public good as one of its main lines of action. This conception links directly to the UNESCO's Declaration for Culture, adopted in 2022, where culture is affirmed as a "global public good" (UNESCO 2022). Also in this context and in the wake of international efforts, in November 2023, the Ministers for Culture of the European Union approved the [Cáceres Declaration](#) promoted by the Spanish Presidency of the Council of the European Union. The document contains the unanimous commitment of the 27 Member States that "culture will henceforth be considered an essential public good and a global public good at the highest political level". Also as part of these efforts, Spain will host the [UNESCO's MONDIACULT meeting](#) in 2025 in the city of Barcelona.

The main policy strategies and instruments enabling cultural rights at the state level include: on the one hand, [the creation of a Directorate-General for Cultural Rights](#) to protect creative freedom, promote equity and articulate intersectoral policies between culture, education, territories and the environment (Agenda 2030) and, on the other hand, the drafting of a National Cultural Rights Plan.

Regarding the [Directorate-General for Cultural Rights](#), the aim is to establish cultural rights as an operational framework in all public policies, working alongside cultural organisations (such as the National Institute of Stage Arts and Music - [INAEM] or National Museums) and the Federation of Municipalities and Provinces (FEMP) to promote good practices at all administrative levels. This will translate into a decisive commitment to fighting censorship and political interference in public cultural management affairs. The DG will follow up and support artists, creators and collectives whose work has been erased from the public space. One of the challenges of the new DG is how to defend freedom of speech and press while tackling the growing spread of disinformation and hate speech that has become normalised by far-right movements, particularly in online environments and boosted by social media platforms.

In this context, citizen participation, gender equality and cultural diversity emerge as strategic areas that will feature in the National Cultural Rights Plan. Some of the actions planned include: a Plan for Equality in the Cultural Sector and reinforcing the existing Equality Observatory; the 'Archives in Feminine' initiative; the ethnic diversity web portal; and declaring Sign Language as a Representative Manifestation of Immaterial Heritage ([Ministerio de Cultura](#) 2024). Moreover, given the plurality of languages and diverse nationalities in Spain, the Plan will also pledge to protect and promote the Catalan, Euskera, Gallego and Castilian - the official languages that conform the country's rich and diverse shared heritage, as well as protecting other minority languages or dialects such as Asturian and Aragonese. The Ministry of Culture vows to pay close attention to the matter and work closely with regional governments to support this agenda, given that one of the nuclear ideas of Spanish far-right parties is an extreme Spanish nationalism and centralism that denies autonomy and whose political roots can be traced back to the Franco dictatorship.

Connected to the former, the Cultural Rights Plan will also address the great territorial differences and cultural inequities between rural and urban areas in Spain. In an effort to improve the territorial vertebration, they propose to create a new cultural action plan for disadvantaged zones and consolidate the ongoing Ecosystem Culture Territory program launched with the support of the European funds NEXT generation.

It is important to bear in mind that policies and measures relevant to cultural rights had been implemented earlier, but had not always been phrased in a rights-based discourse. The main developments on that topic undertaken by previous Ministries, which are still in force, include:

- the right of access to culture through the modernisation of facilities and of cultural management practices, but also through the improvement of social accessibility to culture. Initiatives to promote social accessibility are the programme 'Museos más sociales' [Museums More Social] which seeks to improve the social accessibility to cultural heritage, 'Cultura que transforma' [Culture that transforms] aimed at promoting effective access and full participation in culture for vulnerable children or the 'Bono Cultural Joven' [Youth Cultural Bonus] that is a direct aid of 400 euros to those who turn 18 to acquire and enjoy cultural products and activities, among others;
- the development of the Statute of Artists and Cultural Professionals, in line with the [proposals suggested by a Subcommittee of the Congress of Deputies](#). Among other things, this report made recommendations for the taxation of irregular incomes (typical for artists), VAT reduction for artistic intermediate and final

services, training activities, social security measures and the right to receive income on copyrights<sup>1</sup>;

- the promotion of a citizen culture through the establishment of networks on current cultural practices and policies, as well as on cultural innovation.

### *Policies at the regional level*

Within the framework of the Second National Cultural Conference, held in March 2015 and sponsored by the Spain's National Federation of Cultural Management Associations, the Pacto por la Cultura (Cultural Pact) was approved. One of its recommendations (No. 13) urged the governments of Spain's autonomous communities to develop and enact cultural rights laws. This resulted in several legislative initiatives in the area of cultural rights. It is the case of Navarre (*Regional Law 1/2019*) and the Canary Islands (*Regional Law 1/2023*). Currently, Catalonia is working on the development of a future Cultural Rights Law<sup>2</sup>. All of them adopt an integrative rights-based approach to cultural policies, providing a framework for the general coordination of different cultural initiatives, and highlighting the importance of cultural rights.

Other initiatives include the Culture and Cultural Rights Law for the Community of Madrid, proposed by the *Más Madrid* Parliamentary Group, and the culture rights laws proposed by the regional governments of Andalusia and Aragon. All three of these initiatives are currently stalled.

### *Policies at the local level*

At the local level, an outstanding initiative is the [Barcelona Cultural Rights Plan](#) (2021-2023), passed in 2021, which reinforces the role of culture as an essential tool to promote participation, diversity and also social cohesion, particularly after the COVID pandemic crisis. At the core of the Cultural Rights Plan, which was designed in collaboration with UCLG's Committee on Culture, are the 52 civic centres of the city which are the cornerstone of the project, as they are perceived as the cultural assets closest to the local communities of the city. The Plan includes 9 core measures and over 100 actions. The 9 core measures include the right to cultural practices and new centralities, the right to popular and traditional practices as activities for participation and social cohesion, the right to cultural participation and lifelong artistic education and practice, the right to a

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<sup>1</sup> For more details see: <https://www.cultura.gob.es/dam/jcr:5e6071c8-830f-44f0-bdb6-8ab1911f12d6/folleto-informativo-estatuto-artista.pdf>

<sup>2</sup> For more details regarding the drafting of the Law (in Catalan), see: [https://governobert.gencat.cat/web/shared/Transparencia/normativa-en-tramit/CLT/en-tramit/Avantprojecte\\_llei\\_drets\\_culturals/04\\_AVL\\_drets\\_culturals\\_V240416.pdf](https://governobert.gencat.cat/web/shared/Transparencia/normativa-en-tramit/CLT/en-tramit/Avantprojecte_llei_drets_culturals/04_AVL_drets_culturals_V240416.pdf)

diverse and equitable culture, the right of access to, and participation in, culture in the street, among others. The Cultural Rights Plan had a theoretical total budgetary allocation of over 68 million euros over the span of three years, although some of these resources were previewed or spent in measures already under way (Rius-Ulldemolins and Roig-Badia 2023). Despite the criticism and some execution challenges, the Plan was innovative and effective in proposing a discursive change to reimagine the city's cultural policy within a cultural rights framework, “whose implementation focuses on access, cultural practices, innovation, democratic governance, the recognition of creativity, cultural production and community reinforcement with city residents and sectoral stakeholders” (Ajuntament de Barcelona 2021b: 5).

Barcelona City Council has a track record of previous strategic plans for Culture (in 1999, 2001 and 2006), and together with the Plan for Cultural Rights 2021-2023, it put in place a second [Interculturality Plan](#) (2021-2030), replacing the previous Interculturality Plan from 2010. Almost a third of Barcelona's current residents were born outside of Spain, as “the city brings together people from over 180 different countries, who speak around 300 languages, and there are places of worship for 25 different religious faiths” (Ajuntament de Barcelona 2021a: 4). The Interculturality Plan acknowledges and values the complexities and diversities as an asset to be nurtured, protected and promoted against discrimination, demagoguery and hate speech.

The most recent initiatives took place from 2015, when the *Barcelona en Comú* (BeC) party, a citizen platform launched in June 2014 and led by housing activist Ada Colau, won the municipal elections. In cultural matters, the so-called “new policy” offered an alternative approach to cultural policy aimed at promoting a community focus and the defence of social justice, while integrating feminisms, the social economy, urbanism and ecology (Villarroya and Casals 2022). *Barcelona en Comú* (BeC) was in power until the 2023 elections when it failed to secure a consecutive third term. The current Ministry of Culture, Ernest Urtasun, comes from the same political space and it is noticeable that the focus on cultural rights at the state level echoes some of the experiences at the local level in the city of Barcelona.

## **Conclusion: Cultural Rights as an antidote against Cultural Wars**

As the political climate has become more polarised beyond the traditional bipartisan divide between the Socialist and Popular Parties, [cultural policies have become a more heightened political battlefield in electoral campaigns](#) and in the public agenda. Since 2015, there have been significant changes in the Spanish political system with the emergence of Left-wing parties [*Podemos* (2015), *Unidas Podemos* (2019) and *Sumar* (2023)] and the irruption of extreme Right-wing party [*Vox* (2019)], both in national and

regional parliaments. Following the local and regional elections of May 2023, the Popular Party and Vox gained terrain and managed to seal accords in several municipalities and regions (Madrid, Valencia, Balearic Islands, Aragon, and Castilla La Mancha) to govern, adopting a culture-hostile approach to linguistic, gender and sexual diversity policies and actively pushing forward ideological vetoes and censorship of plays and exhibitions (Rius-Ulldemolins, Rubio-Arostegui and Gracia 2024). At the state level, in 2024, the new left-wing coalition government between PSOE [Spanish Socialist Workers Party] and *Sumar*, formed with the support of different nationalist parties, has adopted a discourse based on cultural rights as a part of human rights, that although it is not new makes it sound and more robust (Barreiro Carril 2013).

Drawing on Barbieri (2021:10)'s words, "cultural policies based on a cultural rights approach implies explicitly placing cultural inequalities as one of the main public problems, attending to cultural needs as one of the key public responsibilities and recognising individual and community cultural capabilities as preconditions for public action." To be fully exercised, cultural rights have to be taken into account in cultural policy making on all levels, including legal instruments for their protection and implementation (Baltà Portolés and Dragičević Šešić 2017: 159-160). In doing so, they can function as antidotes against the political divisions stoked by the so-called cultural wars that are spread and amplified by Far Right movements not only in Spain but across the world. Defending a cultural rights approach entails a rearticulation of human rights and freedoms towards a more democratic, equal and inclusive society for all citizens.

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