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DCE/17/6.CP/Res.
Paris, 15 June 2017
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**CONFERENCE OF PARTIES TO THE
CONVENTION ON THE PROTECTION AND PROMOTION OF THE
DIVERSITY OF CULTURAL EXPRESSIONS**

**Sixth ordinary session
Paris, UNESCO Headquarters, Room II
12-15 June 2017**

RESOLUTIONS

Item 6 of the agenda: Report of the Committee on its activities and decisions to the Conference of Parties

Resolution 6.CP 6

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/6 and its Annex;*
2. *Takes note of the report of the Committee on its activities and decisions submitted to the Conference of Parties and included in this document.*

Item 7 of the agenda: Secretariat's report on its activities (2015-2017)

Resolution 6.CP 7

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/7 and its Annexes as well as Information Document DCE/17/6.CP/INF.5;*
2. *Takes note of the Secretariat's report on its activities for the period 2015-2017;*
3. *Invites*

4. *Notes with satisfaction the work carried out to improve and streamline the working methods of the 2005 Convention's governing bodies;*
5. *Takes note of the status report on the follow-up to the recommendations of the audit on the governance of UNESCO and dependent funds, programmes and entities;*
6. *Requests the Secretariat to transmit Document DCE/17/6.CP/8 and Resolution 6.CP 8 to the Chairperson of the open-ended working group on governance, procedures and working methods of the governing bodies.*

Item 9 of the agenda: Quadrennial periodic reports: transmission of new reports and the 2015 edition of the Global Report

Resolution 6.CP 9

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/9 and its Annexes, as well as Information Document DCE/17/6.CP/INF.4;*
2. *Recalling its Resolution 5.CP 9a and Decisions 9.IGC 10 and 10.IGC 9 of the Committee;*
3. *Takes note of the 2015 Global Report, "Re|Shaping cultural policies: A decade promoting the diversity of cultural expressions for development";*
4. *Decides that Parties that ratified the Convention in 2014 shall submit their first quadrennial periodic report to the Secretariat before 30 April 2018 and that those that ratified it*

Item 11 of the agenda: Draft operational guidelines on the implementation of the Convention in the digital environment

Resolution 6.CP 11

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/11 and its Annex;*
2. *Recalling its Resolutions 5.CP 12, paragraph 3, 5.CP 14, paragraph 4 and 4.CP 13, paragraph 6, as well as Decisions 6.IGC 17, paragraph 5, 7.IGC 5, paragraph 7, 7.IGC 13, paragraphs 3 and 7, 8.IGC 12, paragraph 7, 9.IGC 7 and 10.IGC 7 of the Committee;*
3. *Reaffirming the Parties' sovereign right to formulate, to adopt and to implement policies and measures for the protection and promotion of the diversity of cultural expressions in the digital environment taking into account the particularities of each country;*
4. *Approves the operational guidelines on the implementation of the Convention in the digital environment annexed to this resolution.*

ANNEX to Resolution 6.CP 11

Operational guidelines on the implementation of the Convention in the digital environment

General considerations

1. These guidelines provide a strategic framework for understanding, interpreting and implementing the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in a digital environment where cultural goods and services are created, produced, distributed, disseminated, consumed and/or stored electronically. These goods and services transmit cultural expressions through, for example, a computer program, a network, a text, a video, an image or an audio recording and are distributed through constantly evolving digitally-encoded platforms.
2. The distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning does not change in the digital environment. Consequently, the recognition of the dual nature of cultural goods and services (cultural and economic) is also applicable to cultural expressions in the digital environment or those produced with digital tools.
3. Protecting and promoting human rights and the freedom of creation, expression, information and communication in the digital environment means supporting the principles of Internet universality that promote a Human Rights-based open Internet, which is accessible to all and characterized by multi-stakeholder participation.
4. There are significant differences in the rate at which digital technologies are adopted and accessed around the world. The resulting digital divide exists between and within countries and between women and men as well as urban and rural areas, in both developed and developing countries. This has an impact on the way in which cultural goods and services are created, produced, distributed and accessed in the digital environment.

5. The accelerated expansion of social networks and user generated content (UGC), the explosion of data, the complexity of distribution models, and the proliferation of connected multimedia devices in the hands of the users have had a huge impact on the creative sector in all parts of the world. Technological changes have also led to the emergence of new players and new logics, and will continue to provide new challenges and opportunities to promote the diversity of cultural expressions and, in particular, to design relevant public policies.
6. Recalling that technological neutrality is affirmed as a principle in the Convention, these guidelines shall be interpreted and applied in relation to the Convention as a whole, thus promoting a transversal approach to the diversity of cultural expressions in the digital environment. They complement all relevant provisions of the Convention and existing guidelines that refer to digital issues and new information and communication technologies.
7. All stakeholders are encouraged to respect and promote the Convention and these guidelines, which are interlinked with the United Nations Sustainable Development Goals (Agenda 2030) and the United Nations Guiding Principles on businesses and human rights, as well as international human rights instruments and principles. These guidelines primarily address public authorities. Non-governmental organizations, cultural and creative industries from the public and private sectors, including global digital platforms, Internet service providers (ISP) and other actors in the digital environment, are also encouraged to follow them.

Guiding Principles

8. Complementing the goals and principles set out in Articles 1 and 2 of the Convention, these guidelines aim to:
 - 8.1 reaffirm the Convention's principle of technological neutrality;
 - 8.2 reaffirm the recognition of the dual nature (cultural and economic) of cultural goods and services, whatever the means and technologies used;
 - 8.3 encourage the use of digital tools and provide for digital competencies through education programmes;
 - 8.4 reaffirm the Parties' sovereign right to formulate, to adopt and to implement policies and measures for the protection and promotion of the diversity of cultural expressions in the digital environment;
 - 8.5 safeguard, following the principle of Internet neutrality, equal and non-discriminatory treatment of data traffic in the provision of Internet access services and related end-users' rights (in order to prevent data traffic management practices which block or slow down specific applications that could affect the circulation of local cultural goods and services);
 - 8.6 promote equitable access and balance in the flow of cultural goods and services in the digital environment, in particular through the application of preferential treatment provisions for works created or produced by artists and cultural professionals, enterprises and independent organizations from developing countries;
 - 8.7 recognize the complementarity of economic, educational, and cultural aspects of sustainable development in national digital strategies as well as within international assistance programmes that support digital programmes and projects;
 - 8.8 promote international cooperation for development to enable greater and more affordable access to digital technologies, to develop related skills and competencies and to support mechanisms that are required for the emergence of dynamic cultural and creative industries in the digital environment;

- 8.9 promote respect for fundamental freedoms of expression, information and communication and for privacy and other human rights as pre-requisites for the creation, distribution and access to diverse cultural expressions. This includes promoting artistic freedom as a corollary to freedom of expression, the social and economic rights of authors and artists working in the digital environment and the connectivity of all partners with partners of their choice;
- 8.10 promote respect for human rights in the digital environment, including gender equality and the empowerment of women and girls through support for their participation in the cultural and creative industries as creators, producers and consumers of cultural expressions in the digital environment;
- 8.11 affirm that the same rights that people have offline must also be protected online, in particular freedom of expression, which is a/11(f)-7(e of)-7(f)-17(l)>>BDC -0.eff theial

- 14.4 provide spaces dedicated to digital creativity and innovation that enable artistic experimentation and collaboration such as incubators and laboratories, artist residences and centres that promote international cooperation through networking

- 16.4 adapt and modernize online transaction mechanisms and processes in order to facilitate and secure e-commerce;
- 16.5 encourage fair, transparent, sustainable and ethical trade in the exchange of cultural goods and services in the digital environment, in particular with developing countries;
- 16.6 develop the legal framework for online distribution of cultural goods and services such as ratification of relevant international copyright and related rights treaties, contractual arrangements and measures to protect against piracy and the illicit trafficking of cultural goods online;

- 16.7 promote cooperation between online platforms (video, audio and other aggregators) and the rights holders of these goods and services (including licensing agreements

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23.4 reinforce and improve development policies in the digital environment in other sectors such as education, public health, security, research and urban planning.

24. At the *international* level, measures should aim to support developing countries by:

24.1 updating cultural cooperation agreements so that they take into account the impact of digital technologies, particularly in the implementation of co-production and co-distribution agreements;

24.2 developing new forms of cooperation that facilitate the co-production and co-distribution of networked artistic works, regardless of distances between creators;

24.3 prioritizing bottom-up cultural cooperation initiatives involving local actors, over top-down initiatives which, for example, are restricted to simple donations in kind (of equipment, software, content and connectivity);

24.4 ensuring equitable access to resources and cultural content in the digital environment through educational and public awareness activities on the uses of the Internet and digital tools;

24.5 supporting projects linked to the implementation of the Convention in the digital environment, particularly through regular voluntary contributions to the International Fund for Cultural Diversity (IFCD).

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- 26.3 support discussions and share good practices in developing countries on the opportunities and challenges for the diversity of cultural expressions in the digital environment.

Role of the UNESCO Secretariat

27. Pursuant to Article 19 of the Convention, the Secretariat shall, in an intersectorial manner and in collaboration with the Parties, civil society and relevant international organizations:
- 27.1 gather, analyze and disseminate information and statistics on the protection and promotion of the diversity of cultural expressions in the digital environment, including on related technological developments;
 - 27.2 set up and maintain, through its Knowledge Management System, a list of good practices;
 - 27.3 establish a dialogue with the Parties and civil society in order to strengthen cooperation with other international actors concerned by digital technologies, particularly those responsible for trade, intellectual property and telecommunications, to raise their awareness of the Convention and to share information with all Convention stakeholders;
 - 27.4 encourage dis

Item 12 of the agenda: Future activities of the Committee

Resolution 6.CP 12

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/12;*
2. *Takes note of Decisions 9.IGC 9 and 10.IGC 6, 9 and 10 of the Committee;*
3. *Affirms*

5. *Requests the Committee to establish, at its eleventh ordinary session, a work plan and timeline for the implementation of these activities based on the human and financial resources available from both the Regular Programme and extra-budgetary resources, and to submit a report on the implementation of these activities, the challenges met and solutions found to overcome these challenges to the seventh session of the Conference of Parties.*

Item 13 of the agenda: Election of the members of the Committee

Resolution 6.CP 13

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/13 and its Annexes;*
2. *Decides that, for the purposes of the election of the Members of the Committee at this session, the 12 seats will be distributed among the electoral groups as follows:*
 - *Group I: Canada, Finland;*
 - *Group II: Croatia, Latvia;*
 - *Group III: Argentina, Colombia;*
 - *Group IV: China, Republic of Korea;*
 - *Group V(a): Kenya, Mali;*
 - *Group V(b): Egypt, Iraq.*