



## General Conference

38th Session, Paris, 2015

# 38 C

United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

38 C/82  
7 November 2015  
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### LEGAL COMMITTEE

### FIFTH REPORT

#### Item 7.4 of the agenda

#### **CONSOLIDATED REPORT ON THE IMPLEMENTATION BY MEMBER STATES OF THE 1980 RECOMMENDATION CONCERNING THE STATUS OF THE ARTIST**

1. The Legal Committee examined the consolidated report on the implementation by Member States of the 1980 Recommendation Concerning the Status of the Artist.
2. The Committee took note of the report together with the comments made in that regard by the Committee on Conventions and Recommendations at the 197th session of the Executive Board.
3. It also took note of the additional information provided by the representative of the Director-General, particularly on the monitoring of the implementation of the Recommendation conducted in the framework of the *2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions* in order to make up for the lack of funding allocated to the activity in the Programme and Budget as approved by the General Conference.
4. Following the comments of some Members of the Committee and one observer, the Committee recalled that the substantive issues should be raised during consideration of the item in the Culture Commission.
5. The Committee adopted formal amendments to the text of the draft resolution contained in paragraph 10 of document 38 C/30 which should read as follows:

The General Conference,

*Recalling* 36 C/Resolution 103 and 197 EX/Decision 20 (III),

*Having examined* document 38 C/30 and its annex,

*Also recalling* that the submission by Member States of periodic reports on the implementation of recommendations adopted by the General Conference is an obligation under Article VIII of UNESCO's Constitution and Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution,

*Further recalling* that the periodic consultation of Member States on the implementation of the 1980 Recommendation concerning the Status of the Artist is intended to enable the Organization to assess both the extent to which Member States are implementing that instrument and the obstacles that they encounter,

*Reaffirming* the importance of the Recommendation, in particular with regard to emerging trends in digital technologies, artistic freedom, the transnational mobility of artists, social protection for artists, as well as the full implementation of the Recommendation by Member States,

1. *Notes* that 60 Member States submitted reports in response to the survey sent out by the Secretariat and *strongly encourages* the other Member States to submit their reports as soon as possible;
2. *Invites* those Member States which have not taken measures to implement the Recommendation to do so, in consultation with artists and their associations, and to provide the required reports on their implementation of the 1980 Recommendation concerning the Status of the Artist;
3. *Invites* the Director-General to pursue synergies in the monitoring of the Recommendation's implementation with other UNESCO standard setting instruments, in particular the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
4. *Also invites* the Director-General to transmit to it at its 40th session the next consolidated report on the implementation of this Recommendation and *decides* to inscribe this item in the agenda of the 40th session.