

The Role of the Digital Environment in the Context of Cultural Rights

Evita Pilege¹, Sandra Plota¹, Girts Pilegis², Marga Zivitere³,
Detelin Luchev⁴[0000-0003-0926-5796], Maxim Goynov⁴

¹Latvian College of Culture at Latvian Academy of Culture, 57, Bruninieku Str., Riga, Latvia

²SIA Evolution Latvia, 151, Brivibas Str., Riga, Latvia

³ISMA University of Applied Sciences, 1, Lomonosova Str., Build. 6, Riga, Latvia

⁴Institute of Mathematics and Informatics, Bulgarian Academy of Sciences,
8, G. Bonchev Str., Sofia, Bulgaria

evita.pilege@gmail.com, sandraplota78@gmail.com,

girts.pilegis@gmail.com, marga.zivitere@isma.lv,

dml@math.bas.bg, goynov@gmail.com

Abstract. The rapid development of information and communication technologies has created the need for digital transformation, changed the cultural sector and the opportunities and risks of accessing and consuming culture. This paper will analyze how these processes have affected the exercise of cultural rights.

Keywords: Cultural Rights, Covid-19, Digital Culture, Digital Environment, Digital Transformation.

1 Introduction

The rapid development of information and communication technologies (ICT) has affected all areas of human activity, global and local processes in the political, economic and cultural fields. As a result, the opportunities and risks associated with the availability of products and services, including cultural accessibility and consumption, have changed significantly. The digital environment has created both new opportunities and challenges. Awareness of the opportunities and risks of the digital environment has particularly increased since the beginning of the Covid-19 pandemic in 2020, when access to various services, including culture, was limited.

However, the right to culture is enshrined in primary law as one of the fundamental rights of human beings. The importance of culture and its close linkage with other ecosystems, such as political, social, economic, environmental, *etc.* (and their stability) is recognized, therefore it is necessary in any situation to provide at least a minimum for cultural accessibility and participation.

Access to culture has a positive impact not only on the cultural ecosystem but also on other areas of human activity. On the one hand, the diversity of cultural expressions

is the result of the interaction of other ecosystems with culture. On the other hand, culture also determines how stable, diverse and sustainable these systems will be. It is concluded that peace and security at local, national and international levels are essential for the development of cultural diversity. It is also necessary to include culture as a strategic element in both national and international development policies and in international development cooperation in order to ensure social cohesion. Culture is one of the drivers of development, so aspects of cultural development are as important as its economic aspects. (UNESCO, 2005).

It follows from the above that culture is:

1. a value in itself and therefore must be accessible, preserved and diverse;
2. an instrument that ensures or promotes essential processes in other ecosystems, areas of public activity, such as social, political, environmental.

2 Cultural Rights: Legal Framework and Elements of Rights

There are various definitions of cultural rights. The interpretation provided by the United Nations (UN) will be used in this work. Cultural rights protect the rights for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They are also considered as protecting access to cultural heritage and resources that allow such identification and development processes to take place (United Nation, 2021).

In the following paragraphs, a number of important aspects of the understanding of cultural rights and their relationship to ICT will be given.

2.1 Accessibility as a Precondition for Participation

In terms of cultural rights, participation is often mentioned as one of the central aspects. The right to participate in cultural life was first enshrined in the 1948 Universal Declaration of Human Rights. It states that the individual must be able to participate in cultural life (UN General Assembly, 1948). However, the authors believe that accessibility should be seen as a precondition for participation. Although accessibility in the article on cultural rights is not directly highlighted, it should be understood as an integral part of rights, since participation is only possible in what one has access to.

2.2 Continuous re-Evaluation for the Sustainability of Rights

From the analysis of the Convention on the Rights of Persons with Disabilities, it is possible to distinguish three elements that should always be considered when assessing the accessibility of a cultural offer: content/good, format, environment. The document states that countries must ensure access to 1) various types of content, materials, prod-

ucts, services in accessible formats, 2) to cultural infrastructure. Culture must be accessible without barriers or barriers must be reduced as far as possible (UN General Assembly, 2006). Special attention should be paid to the phrase “enjoy access in accessible formats”, as it emphasizes the time dimension of the evaluation of the offer. “Access in accessible formats” refers to the present, current moment. This means that the cultural offer for people (with disabilities, but no limited to) must be constantly re-evaluated and improved. Content, materials, products, services, environment must meet the technological capabilities of a given time when a person consumes them, uses them.

2.3 Favorable Environment for Socialization

It follows from the definition of cultural participation that cultural participation is a social process, it requires society, interaction with the representatives of the group. Cultural participation takes place in arts and everyday life activities that may be associated with a particular culture (Unesco Institute for Statistics, 2022). Culture, in turn, is understood as the attitudes, behavior, opinions, *etc.* of a particular group of people within society (Cambridge University Press, 2022).

The social dimension of culture is also emphasized by The Convention on the Protection and Promotion of the Diversity of Cultural Expressions, pointing out that individuals and groups should be given the opportunity to create, produce, disseminate, distribute and have access to their own cultural expressions (UNESCO, 2005). However, in order to ensure the spread and exchange of cultural expressions, there should be preconditions for interaction and exchange of information.

2.4 Cross-border Accessibility

The ideas enshrined in the legislative texts lead to the idea that one should have access to territorially/geographically different cultural expressions. The Convention on the Protection and Promotion of the Diversity of Cultural Expressions enshrines the principle that culture must be accessible internationally. Cultural expressions must be available in different cultural spaces, territories and countries. The territorial coverage of cultural accessibility must be both national and international. States should endeavor to create an environment within their territories that encourages individuals and social groups to have access to the diversity of their own cultures as well as those of other parts of the world. It follows from the document that international cooperation must be promoted. Moreover, it is said that international cooperation and exchange of cultural expressions can be successfully promoted through the use of technology (UNESCO, 2005).

2.5 Development of Digital Culture as a Benefit of Scientific Progress

The development of science also means the development of the ICT sector. Enjoying the benefits of ICT can be seen as enjoying the benefits of scientific progress. In terms of cultural rights, the benefits can be seen as opportunities that technological develop-

ment provides for individuals and groups as 1) consumers, 2) creators, and 3) prosumers. The individual, society, science, culture is in constant interaction, so the enjoyment of the benefits of science also applies to how:

1) science influences the development of culture, enables the creators and providers of cultural products and services to develop their business model and to promote the accessibility, diversity and preservation of culture;

2) an individual, a group can more fully access and participate in culture through the benefits of science, receiving services of an inclusive cultural environment and access to digital culture.

3 Cultural Rights in the Context of the Goals of Sustainability and Inclusion

Sustainability and inclusion alongside digital transformation are globally recognized as key policy goals.

3.1 Sustainable Development

Sustainable development is a precondition for future generations to be able to live on this planet and to enjoy their rights to at least the same level as individuals and groups do today. The 2030 Agenda for Sustainable Development (The Agenda 2030) has been developed to achieve this goal.

One of the universal values of The Agenda 2030 or its first principle is the human rights-based approach (HRBA). HRBA is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. In the context of this work, it is important that it seeks to analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress and often result in groups of people being left behind. The Agenda 2030 provides a direct linkage to cultural rights. The document states that HRBA, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law, including all civil, cultural, economic, political and social rights, and the right to development (UN Sustainable Development Group, 2022).

Cultural rights are also closely linked to the second principle of The Agenda 2030 - leaving no one behind (LNOB). As has been mentioned above, culture is a phenomenon that exists within a group, however each culture exists in the context of other cultures and interacts directly or indirectly with them. Therefore, it is important that LNOB requires combating discrimination and rising inequalities also within countries, groups and their root causes. One of the goals of the The Agenda 2030 is to eradicate poverty in all its forms, end discrimination and exclusion, and reduce the inequalities and vulnerabilities that leave people behind and undermine the potential of individuals and of humanity as a whole (UN Sustainable Development Group, 2022).

This principle LNOB is also related to technological development. It is acknowledged that, if harnessed and distributed equitably, new technologies could greatly facilitate the realization of economic, social and cultural rights, and help ensure that their key elements of availability, affordability, accessibility and quality are achieved (Human Rights Council, United Nations, 2020).

3.2 Inclusive Society

The requirement for an inclusive environment is enshrined in legislation. An inclusive environment is usually associated with people with disabilities. As mentioned above, the rights of people with disabilities are highlighted at the level of primary legislation in the Convention on the Rights of Persons with Disabilities. The reevaluation of an inclusive environment is foreseen in the context of medium-term policy planning, in strategies such as the Strategy for the Rights of Persons with Disabilities. It recognizes that accessible and inclusive art and culture, sport, leisure, recreational activities, and tourism are essential for full participation in society. They increase wellbeing and give everyone, including persons with disabilities, the opportunity to develop and utilize their potential. One of the goals of the strategy is to promote and raise visibility of the art works by persons with disabilities and strive to make cultural heritage and all art accessible and disability inclusive (European Commission, 2021).

In the context of cultural rights, it is important to highlight that an inclusive and accessible environment is not only relevant for people with disabilities. There are various external and internal barriers to accessing cultural products and services such as cultural, economic, emotional, social, physical, intellectual, attitudinal. Thereby access is much more broadly understood to encompass the removal of, not only physical, but also intellectual, emotional, financial and cultural barriers. It is also about an individual, personalized approach that is in line with everyone's previous experience and knowledge. Therefore cultural institutions should alternative ways of engaging with audiences (Dodd & Sandell, 2001).

It can be concluded from the above that in order to fully implement each person's cultural rights, it is necessary to 1) reduce inequality and discrimination, 2) create an offer that is available, affordable, accessible and qualitative.

4 The Role of the Digital Environment in Promoting an Inclusive and Sustainable Cultural Offer

ICT have a dual impact on the exercise of cultural rights. On the one hand, they help to reduce barriers, promote both the diversity and accessibility of content, and help create an inclusive environment. On the other hand, if the user does not have access to the resources (both physical and intellectual) that allow access to the environment and content, ICT can increase discrimination and inequality.

4.1 Opportunities Created by the Digital Environment

Various studies on cultural rights, culture and technology have highlighted the positive impact of technology on the cultural ecosystem. New technologies, including digital technologies, have great potential. Creating a meaningful digital environment can reduce many barriers. Technologies make it possible to create, collaborate, share cultural expressions without territorial or time barriers, and significantly reduce the costs of creation, distribution or consumption.

If harnessed and distributed equitably, new technologies could greatly facilitate the realization of cultural rights, and help ensure that their key elements (Human Rights Council, United Nations, 2020). It has been concluded that access to scientific or cultural knowledge should no longer be expensive or accessible to a select group of people. It can be shared as freely as the infrastructure allows (Shaver & Sganga, 2010).

ICT could accelerate human progress, bridge the digital divide and to develop knowledge societies (United Nations, General Assembly, 2015). Digital technologies help to ensure the positive impact of the rights of individuals and groups. They can also support states' efforts to promote the right to participation and access to information and to improve the efficiency and effectiveness of public decision-making. ICT can rapidly expand the quality of and access to many essential services and products for the realization of economic, social and cultural rights (Human Rights Council, United Nations, 2020). Digital access to cultural products and services provides a wider choice, as well as expands the potential audience of these service providers, promotes business growth. Different platforms, social networks give the opportunity to express oneself, access information, and participate. Digital tools, platforms give more opportunities to be not only content consumers but also creators, prosumers (Pasikowska-Schnass, 2020).

New technologies have greatly expanded access to education and learning opportunities (Human Rights Council, United Nations, 2020). It has been concluded that there is a clear strategic complementarity in terms of technologies, formats and skills between the development of methodologies and technological solutions for distance and distributed learning and digitally mediated access to cultural resources and experiences. A coordinated effort by public and private players of the global content platform economy could lead to the building of an inclusive cultural-educational ecosystem that accelerates both advanced digital literacy and the development of a new generation of creative entrepreneurs (OECD, 2020). New technologies have greatly expanded access to education and learning opportunities, making it 1) easier for teachers to create materials, 2) enabling new ways for people to learn and work together, 3) revolutionizing the provision of education, including for those with disabilities (Human Rights Council, United Nations, 2020).

A study on the accessibility of digital culture confirms that the internet is a tool for accessing cultural content, such as films, books, the press, information on and tickets for cultural events and services, learning platforms, and knowledge-sharing platforms for cultural heritage and current cultural trends.

Access to the internet, proper equipment, and IT skills can solve problems of physical barriers for people with disabilities, as well as help to overcome distance barriers.

Some of the examples are audio descriptions or other enhancements that make cultural products accessible to the visually impaired, special gadgets for sign language interpretation of museum visits and exhibitions and by subtitling non-dialogue audio - accompanying noises and music in films and theater performances. People with a cognitive disorder would also benefit from such technologies (Pasikowska-Schnass, 2020).

4.2 Risks Posed by the Digital Environment

Although ICT and the digital environment offer great potential and can help address a wide range of issues related to economic, political, social welfare and environmental sustainability, they can also create great disadvantages.

Research on scientific progress, including ICT, has highlighted that that scientific progress is one of the biggest contributors to inequality and discrimination. Despite the fact that intense and rapid development of science and technology has had many benefits for the enjoyment of economic, social and cultural rights, the risks – and the unequal distribution of these benefits and risks – have prompted a rich and growing discussion on the relationship between science and economic, social and cultural rights (Human Rights Council, United Nations, 2020).

It is concluded that a large part of the accessibility barriers is created by human activity. Many of the barriers people face in accessing services, resources and equal opportunities are not simply accidents of fate or a lack of availability of resources, but rather the result of discriminatory laws, policies and social practices that leave particular groups of people further and further behind (UN Sustainable Development Group, 2022).

The following most common by-products of scientific and technological development that contribute to discrimination has been identified: 1) algorithms often reflect, reproduce and reinforce existing biases, 2) social media can easily be misused to spread hatred, 3) the collection and processing of a large amount of personal data without due consideration for the right to privacy has significant implications for the enjoyment of rights more generally, 4) data-driven tools often encode human prejudice and biases (Human Rights Council, United Nations, 2020).

5 Conclusions

The development of ICT has made it possible to address various challenges related to the accessibility and sustainability of culture by reducing various types of barriers. The Covid-19 pandemic highlighted both the benefits and the risks of the digital environment, as access to cultural and educational services was limited.

Research shows that in cases where the technological environment is accessible, all stakeholders have the necessary resources and skills, the digital solutions promote accessibility, inclusion and sustainability.

However, there are situations where there are technological, environmental and educational barriers. This not only hinders access to the service, but also promotes discrimination and inequality.

Realizing that culture is a fundamental human right, ICT has the potential to promote this right, therefore solutions must be sought at international and national levels to reduce risks and prevent threats.

References

- Cambridge University Press. (2022). *Culture*. Retrieved June 09, 2022, from Cambridge Dictionary: <https://dictionary.cambridge.org/dictionary/english/culture>
- Dodd, R., & Sandell, J. (2001, January 1). Including Museums: Perspectives on Museums, Galleries and Social Inclusion. Research Centre for Museums and Galleries. Retrieved January 11, 2022, from <https://le.ac.uk/rcmg/research-archive/including-museums>
- European Commission. (2021). Communication from The Commission to The European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030. Brussels: Publications Office of the European Union. Retrieved January 14, 2022, from <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>
- Human Rights Council, United Nations. (2020). Question of the realization of economic, social and cultural rights in all countries: the role of new technologies for the realization of economic, social and cultural rights. Retrieved January 07, 2022, from https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Documents/A_HRC_43_29.pdf
- OECD. (2020, September 7). Culture shock: COVID-19 and the cultural and creative sectors. (E. Travkina , & P. L. Sacco, Eds.) Retrieved February 21, 2021, from https://read.oecd-ilibrary.org/view/?ref=135_135961-nenh9f2w7a&title=Culture-shock-COVID-19-and-the-cultural-and-creative-sectors&_ga=2.88287259.1401912721.1622806151-1673955053.1618996502
- Pasikowska-Schnass, M. (2020, June). Digital culture - Access issues. PE 651.942. Briefing. European Parliamentary Research Service Author. Retrieved 01 19, 2022, from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651942/EPRS_BRI\(2020\)651942_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651942/EPRS_BRI(2020)651942_EN.pdf)
- Shaver, L., & Sganga, C. (2010). The Right to Take Part in Cultural Life: On Copyright and Human Rights. *Wisconsin International Law Journal*, 27, pp. 637-662. Retrieved January 09, 2022, from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1437319
- The Office of the High Commissioner for Human Rights. (2021, December 09). *International standards. Cultural rights*. Retrieved from <https://www.ohchr.org/EN/Issues/CulturalRights/Pages/InternationalStandards.aspx>
- UN General Assembly. (1948, December 10). Universal Declaration of Human Rights (217 [III]A). Paris. Retrieved November 9, 2021, from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

- UN General Assembly. (2006, January 24). Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly.
- UN Sustainable Development Group. (2022, February 09). *Human Rights-Based Approach*. Retrieved June 6, 2022, from UN Sustainable Development Group: <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>
- UN Sustainable Development Group. (2022, February 02). *Leave no one behind*. (UN Sustainable Development Group) Retrieved from <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>
- UNESCO. (2005, October 20). Convention on the protection and promotion of the diversity of cultural expressions. Paris.
- Unesco Institute for Statistics. (2022). *Cultural participation*. Retrieved June 11, 2022, from Glossary: <http://uis.unesco.org/en/glossary-term/cultural-participation>
- United Nation. (2021, December 03). *United Nation Human rights. Office of the High commisioner*. Retrieved from Human rights: <https://www.ohchr.org/en/issues/culturalrights/pages/internationalstandards.aspx>
- United Nations, General Assembly. (2015, October 21). Resolution adopted by the General Assembly on 25 September 2015. Transforming our world: the 2030 Agenda for Sustainable Development. Retrieved February 11, 2022, from Sustainable Development

Received: June 12, 2022

Reviewed: July 04, 2022

Finally Accepted: July 21, 2022

