

# Cultural rights as a legitimate part of social and health care services

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People's right to participate in the arts and culture as well as to develop themselves and their communities are basic cultural human rights.

Cross-disciplinary collaboration between the culture sector and the municipal social and health care sectors has proven itself as an effective means to look after

people's basic cultural rights and to enhance wellbeing. When the responsibility for social and health care services will be transferred to provincial authorities along with the ongoing reform (Sote), cultural wellbeing and cultural rights must not be overlooked in decisions concerning the field.



In the world after the Sote reform, it will be the responsibility of designated provinces to ensure that people's cultural rights are realized as part of social and health care services. Equal rights need to be secured for all people to learn, participate in culture, and express themselves in all their life stages and situations. To this end, we propose that the following measures should be undertaken by the provinces:

- The provinces should prepare an action plan to secure people's cultural rights and maintain cultural wellbeing. Also, they will need to monitor the enactment of the plans and the level of cultural wellbeing.
- The provinces need to make sure that cultural and art activities are included in social and health care structures in a form that is professionally organized, builds up wellbeing and prevents social exclusion. The activities should not be solely project-based. Hence, structures required by long-term and sustainable operations as well as sufficient resources need to be created for them.
- The provinces need to ensure that culture-based methods are taken into account as part of rehabilitative approaches. However, as this is also a question of securing cultural rights for all individuals, rehabilitation should not be the only grounds for organizing art and cultural activities in social and health care units.
- The provinces should see to it that attention is paid to cultural rights and cultural wellbeing when comparing the competitiveness of service providers.

The Sote-reform will transfer the responsibility of social welfare and healthcare services and certain other municipal tasks to the provinces. Such transfer will have significant repercussions on the entire field of culture. The reform will particularly affect the finances of individual municipalities and their capacity to perform the tasks that will remain with them, including art and cultural services to a significant extent. We thus propose the following measures in this area:

- The Parliament of Finland and the Finnish Government should, in connection with the reforms implemented in the system of state subsidies for basic services, include art and cultural services in the calculation bases of the coefficient for the promotion of wellbeing and health.
- The Ministry of Education and Culture needs to assess the reforms in the system of state subsidies for art institutions from the perspective of changes in the responsibilities of municipalities and the funding structures connected to them.
- The Parliament of Finland and the Finnish Government needs to ensure, through municipal mergers if necessary,

that the responsibility for organizing cultural and educational services will rest with actors that are sufficiently large in terms of their population base.

### Cultural needs are to be understood as basic needs

The rights of people to participate in the arts and culture as well as to develop themselves and their communities through them and the possibility of people to express themselves freely are basic cultural rights safeguarded by the UN Declaration of Human Rights, several human rights conventions that oblige Finland<sup>1</sup> and the Constitution of Finland.<sup>2</sup>

Cultural equality, when realized, enables the building up of cultural capital to be part of every individual's ability to make choices and to be active in her or his life in ways that produce wellbeing and meaningful life.<sup>3</sup> In this sense the assurance of cultural rights is an integral part of the right of every individual to develop her/himself<sup>4</sup> and of the right of children and persons with disabilities to participate freely in cultural life, rights that are protected by the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities<sup>5</sup>. It is centrally the duty of our municipalities, and in the future, our provinces as well, to safeguard these basic human rights to which Finland is obliged.<sup>6</sup>

***The right to participate in the arts and culture is a basic right safeguarded by human rights conventions and the Constitution of Finland.***

The conditions of wellbeing and meaningful life will not be realized with customers of social and health care services in home or institutional care if the social and health care sectors singularly see as their task to look after people's most fundamental needs according to Maslow's hierarchy of needs, i.e. human physiological needs and need of safety. Wellbeing is born from people's actions and it is based, besides on questions of health and physical integrity, the entitlement and capability to use their senses, imagination and practical reason.<sup>7</sup> To quote philosopher Martha Nussbaum, "it is the job of a good political arrangement to provide each and every person with what they need to become capable of living rich and flourishing human lives."<sup>8</sup>

1 A number of UN conventions, e.g. the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities, deal with these rights in many of their articles.

2 See especially Sections 12, 16 and 17 of the Constitution of Finland

3 Sen 1985; Nussbaum & Sen 1993.

4 Section 16.2. of the Constitution of Finland: The public authorities shall, as provided in more detail by an Act, guarantee for everyone equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship.

5 Article 31 of the Convention on the Rights of the Child and Article 30 of the Convention on the Rights of Persons with Disabilities.

6 Lavapuro, Ojanen, Rautiainen & Valtonen 2016.

7 Nussbaum 2011.

8 Nussbaum's lecture in Helsinki, 30 June 2016.

## Broadened conception of wellbeing

As the World Health Organization (WHO) has pointed out: "Health is a state of complete physical, mental and social wellbeing – and not merely the absence of disease or infirmity." Today health is understood dynamically as an individual's capability to persist, adapt, self-manage and maintain personal integrity, balance and self-experienced wellbeing.<sup>9</sup> "To reach a state of complete physical, mental and social well-being, an individual or group must be able to identify and to realize aspirations, to satisfy needs, and to change or cope with the environment. Health is, therefore, seen as a resource for everyday life, not the objective of living."<sup>10</sup>

**Countless studies have shown that active participation in the arts and culture strengthens social wellbeing and health.**

Health, illness and wellbeing have been found to be "culturally conditioned both at the level of definitions, phenomena, lived experience and organization of care."<sup>11</sup>

Numerous studies have shown that active participation in the arts and culture strengthens social wellbeing and health.<sup>12</sup> In a broadened conception of wellbeing culture and the arts are integrated in social and health care services. There are numerous tried and tested good models of this to be found in, for example, the cities of Helsinki, Tampere, Turku and Kuopio in Finland.

## The status of art and cultural services in the funding solutions for the Sote-reform

After the Sote-reform the responsibility for the realization of cultural rights will primarily rest with the provinces and municipalities of Finland. It is presumable that the removal of the requirement of equalization from the state subsidy system for municipalities following a transition period<sup>13</sup> will lead to situations where inequalities between the municipalities will grow especially in terms of the production of art and cultural services. According to research, the small size of a municipality is a significant risk factor connected to the growth of cultural and educational inequalities.<sup>14</sup> Thus, after the Sote-reform has become fully effective, we will have to ensure, through for example municipal mergers, that the responsibility for producing cultural and educational service is assigned to actors with a sufficiently large population base (around 10 000 residents).

9 Huber at al. 2011, 2.

10 WHO 1986, sited in Clift & Camic 2016, 6.

11 Honkasalo, Salmi and Launis 2014, 9.

12 See e.g. Westerlund et al. 2016; Clift & Camic 2016; Lelchuk Staricoff 2004; Liikanen 2003.

13 It has been agreed in the preparations of the Sote reform and the reform of county government that following the transition period, i.e. a few years after the reforms have become effective, the requirement of equalization will be removed in a manner decided upon in that context.

14 E.g. Lavapuro, Ojanen, Rautiainen, Valtonen 2016.

The role of the arts and culture as producers of wellbeing needs to be taken into account when new incentive elements are created for provincial and municipal funding systems. A review of the working documents on the new Sote-legislation however reveals that the realization of cultural rights is not considered in the calculation bases of state subsidies for municipal basic services. The indicators of the Act on Central Government Transfers to Local Governments for Basic Public Services, Section 14, and of its specifying Decree, Section 3, which have been under hearing and consultation, need to place cultural services on an equal footing with sports services, so that municipalities will have economic incentives to secure people's cultural rights.

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The ArtsEqual policy briefs present to policy makers latest research and research-based discussion produced by the ArtsEqual initiative. The ArtsEqual research initiative, coordinated by the University of the Arts Helsinki, examines, in collaboration and interaction with more than 50 partners, how the arts as public service can increase equality and well-being in Finland and meet the social challenges of the 2020s.



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