

LIVING OF CULTURE

A project supported by the
UNESCO-Aschberg Programme for
Artists and Cultural Professionals



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This publication was supported by the UNESCO-Aschberg Programme for Artists and Cultural Professionals, generously funded by the Kingdom of Norway. The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The ideas and opinions expressed in this publication are those of the authors; they are not necessarily those of UNESCO and do not commit the Organization.

Dados Internacionais de Catalogação na Publicação (CIP) (Câmara Brasileira do Livro, SP, Brasil)

Fonseca, Ana Carla
Living of culture [livro eletrônico] /
Ana Carla Fonseca ; [tradução da autora]. –
1. ed. – São Paulo : Garimpo de Soluções
Consultoria Empresarial, 2025.
PDF

Título original: Viver de cultura.

ISBN 978-65-991640-2-6

1. Criatividade (Literária, artística, etc)
2. Cultura e sociedade
3. Empreendedorismo
4. Projetos sociais e culturais I. Título.

25-261128

CDD-306.40688

Índices para catálogo sistemático:

1. Projetos culturais : Sociologia 306.40688
Aline Grazielle Benitez - Bibliotecária - CRB-1/3129



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Funding

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FOREWORD

Living of Culture - an aspiration of so many Brazilian men and women who work as cultural professionals - creators, producers, technicians, managers of cultural projects and spaces, cultural economists, cultural tourism professionals, translators, screenwriters, curators, heritage specialists, researchers, restorers, copyright lawyers, entrepreneurs who work in the distribution of cultural goods and services, international promoters, and so many other professionals who make up the varied and extensive chains of the cultural field.

Thanks to them, our cultural identity is strengthened, Brazilian diversity is felt and valued, the knowledge and practices of our people are perpetuated and disseminated, society becomes more cohesive, and the population's repertoire and horizons of vision expand. It is through the work of these professionals that we remember who we are, recognize and take pride in the singularities of our territories, and respect what is ours. It is through the impact of their work that more jobs and income are generated, development is made viable, new and old knowledge is disseminated, and more creativity becomes possible and translates into innovation.

Nevertheless, a significant portion of Brazilian society does not recognize cultural workers in their professional status; and is unaware of the multiple impacts of their work on society, the economy, urban development, education, and the environment. The situation becomes even more delicate when we think of young workers and women, residing in small municipalities, which constitute the vast majority of Brazilian municipalities.

It was thinking of them that Instituto de Pensar and Garimpo de Soluções joined decades of experience in economics, culture, territorial development, and public policies to, with the auspices of the UNESCO-Aschberg Program for Artists and Cultural Professionals, funded by the Kingdom of Norway, make the **Living of Culture** project viable. An initiative that seeks to favor and influence the understanding of the importance of cultural workers in our country, for all of us; and for those yet to come.

ACKNOWLEDGMENTS

- **Alejandra Zúñiga**, Information Management Expert at the Ministry of Culture, Peru
- **Alex Paredes Lazo**, CEO of Plane4s Chile
- **Alexandre Schirmer Kieling**, Coordinator of the Master's Degree in Communication and Innovation in the Creative Economy at the Catholic University of Brasília
- **Andréa Guimarães**, Director of Cultural Economy Development at the Ministry of Culture
- **Carolina Zumbado**, Project Assistant at the National University of Costa Rica
- **Daniela de la Puente**, Expert in Cultural Policies for Development at UNESCO Peru
- **Daniele Canedo**, Director of the Creative Economy Observatory of the Federal University of Bahia and Professor at the Center of Culture, Languages and Applied Technologies at the Federal University of the Recôncavo Baiano
- **Deryk Santana**, Director of Policies for Cultural Workers at the Ministry of Culture
- **Enrique Avogadro**, former Minister of Culture of Buenos Aires
- **Francisco Tadeu Barbosa de Alencar**, Executive Secretary of the Ministry of Entrepreneurship, Microenterprise and Small Businesses
- **Frederico Barbosa**, Senior researcher at Institute for Applied Economic Research
- **Gerardo Grieco**, General Director at Teatro Colón, Montevideo
- **Gloria Lescano**, Consultant in cultural policies and management and actress, Peru
- **Hélder Henriques**, Vice-president of the City Hall of Castelo Branco
- **Jáder Rosa**, Superintendent of Itaú Cultural
- **Javier Taborda**, Communications Chief at the Agencia Córdoba Cultura
- **Julia Zardo**, Manager of the Entrepreneurial Culture Program at the Genesis Institute of PUC-Rio
- **Leonardo Athias**, Researcher at the Brazilian Institute of Geography and Statistics
- **Lidice da Mata e Souza**, Federal Deputy, President of the Joint Parliamentary Front for the Creative Economy and co-author of the Creative Economy Bill
- **Magno Rogério Lavigne**, Secretary of Job Training, Employment and Income at the Ministry of Labor
- **Margarita Rosa Gallardo Vargas**, Coordinator of the Creative, Biocultural, and Knowledge Territories Group at the Ministry of Culture, Colombia
- **María Elena Ruesta**, Cultural Projects Assistant at UNESCO Peru
- **Natalia Alvarenga**, Director of Cultural Planning, Development and Innovation of the National Secretariat of Culture of Paraguay
- **Teresa Díaz**, Executive Director of the National Network of Creative Territories of Chile
- **Vera Gerner**, Academic Advisor and Project Manager of the Research, Art, and Transmedia Program at the National University of Costa Rica

01

INTRODUCTION

1) INTRODUCTION

Access to cultural rights are widely recognized as rights intrinsic to the human condition. Globally, they are part of the [Universal Declaration of Human Rights of 1946](#) (Art. 27, paragraph 1) and the [International Covenant on Economic, Social and Cultural Rights of 1992](#) (Art. 15, paragraph 1a). In Brazil, they are the subject of Articles 215 and 216 of the Federal Constitution. The former, in particular, attributes to the State the obligation to guarantee to all the full exercise of cultural rights and access to the sources of national culture, as well as to support and encourage the appreciation and dissemination of cultural manifestations¹.

Historically, however, the rights of cultural workers - fundamental even for the rights of access to culture to be possible - have not aroused the same attention. Informality, instability, intermittency, precarious work, lack of social recognition of work in culture as work of right and in fact - are some of the challenges that cultural professionals face to be able to live from culture. Considering that they also reflect national labor regulatory frameworks, it is not surprising that the challenge is even more pronounced in developing countries, as [UNESCO's cultural statistics reveal](#).


In recent years, however, a convergence of factors has been contributing to shed increasing light on the subject. Among them, four stand out, which address the same background framework through cuts of economic, social, geopolitical and technological roots - complementary and deeply intricate.

In the economic sphere, the emergence of digital technologies, from the mid-1990s onwards, catapulted globalization to unprecedented scope and depth. With the greater and faster circulation of capital, technology and information on a planetary scale, the standardization of goods and services was favored. In this context, the understanding of creativity as a non-copyable, non-transferable and crucial economic asset for the generation of differentiated products and services gave prominence to the so-called creative economy. The interest in the subject engendered the production of statistics about its various industries - from arts and culture to science and technology. The numbers reveal that the creative economy carries within it the same labor inequalities of the society in which it is inserted, including in the cultural sectors, such as significant differences according to the gender and race of the worker².

In the social sphere, diverse studies - from PISA to those addressing the future of work - emphasize the importance of creativity as a critical skill to propose original solutions to problems, create innovative narratives, and explore visualizations. Crucial ingredients for promoting personal autonomy, social development, and preparation for the jobs and challenges of an ever-approaching future. In this scenario, access to manifestations of different artistic languages and cultural expressions - from contemporary literature to heritage education - is increasingly recognized as fundamental to stimulate creativity, establish unlikely connections, favor questioning and openness to diversity.

¹ In its Paragraph 3, included by Constitutional Amendment No. 48, of 08/10/2005, Art. 215 provides that the law will establish the National Culture Plan, aiming at the cultural development of the Country and the integration of public power actions that lead, among others, to the production, promotion and dissemination of cultural goods (Item 2).

² See the data panel of the Itaú Foundation Observatory, at <http://www.itaucultural.org.br/observatorio/paineldedados>



In the geopolitical field, culture, as widely documented by historians of right-wing and left-wing dictatorships, is one of the first victims of totalitarianism. In a world where ideological polarizations and attacks on democratic principles thrive, the vulnerability of cultural professionals to the freedom granted by the government of the day grows. As an illustrative note, in 2018, amidst the escalation of the instrumentalization of culture by right-wing governments in Europe - the same policy advocated by [Mao Tse-Tung](#) in 1942 -, German politicians from the Green Party created an [online petition](#) for the freedom of arts professionals and institutions.

Finally, the speed of the digital revolution has increased the scope of the challenges imposed on cultural professionals. The heated debate on a model of fair remuneration for creators, given the use of streaming and digital platforms for the production, distribution, and consumption of content, is compounded by that of Artificial Intelligence, which signals the virtual disappearance of a range of cultural professions - from illustrators to dubbing artists. The urgency of adapting cultural professionals to this new context and of adopting these technologies in their favor only makes it more imperative to understand and update the bottlenecks in guaranteeing the rights of cultural workers.


The International Labour Organization (ILO) and UNESCO have been making efforts towards this end, as evidenced, among other recent documents, by the study [Social Protection in the Cultural and Creative Sectors](#) (ILO, 2022) and the [Methodological Guide for the Elaboration of a Participatory Law on the Rights of Cultural Workers](#) (UNESCO, 2023).

Brazil adds its own colors to this debate. The need to deepen the understanding of the situation of cultural workers is especially pressing in the 4,913 Brazilian municipalities with a population of up to 50,000 inhabitants - or 88.3% of the country's municipalities. In them, living from culture is even more challenging due to the difficulty of access, on one hand, to public funding; on the other, to means of distributing cultural products and services, to microcredit, to production visibility, to training and technical or managerial capacity building opportunities.

However, it is precisely in small municipalities that the bastions of traditional culture, the knowledge and practices transmitted from generation to generation, the intertwining of culture with the environment, the intangible heritage and its countless reinterpretations in contemporary creations, as well as countless proposals for experiential tourism, are concentrated.

Repositioning the rights of cultural workers within the priorities of cultural legislation, as well as in the development and implementation of public policies, is vital not only for Brazilian culture but also for its economic, social, and territorial development interrelationships. Brazil is awakening to this urgency. In the Executive branch, the unprecedented creation of a Directorate of Policies for Cultural Workers, by the Decree that re-established the Ministry of Culture in 2023, stands out. In the Legislative branch, even before that, Federal Deputies Lídice da Mata (PSB/BA) and Marcelo Calero (PSD/RJ) filed Bill 2.732/2022, which aims to institute the National Policy for the Development of the Creative Economy (PNDEC).

The desire to provide technical subsidies to this Bill motivated a partnership that combines over 50 years of experience. To this end, Instituto Pensar, a leading think tank in



public policy and development, and Garimpo de Soluções, a pioneering company in creative economy and territorial development, operating in Brazil and over 30 countries, joined forces to conceive the project “Living of Culture.” This project was selected in late 2022 by the long-standing UNESCO-Aschberg Program, based in Paris and sponsored by the Kingdom of Norway.

The original intention was to analyze data reflecting the challenges of cultural workers in municipalities with up to 50,000 inhabitants, especially women and young people. Faced with the lack of stratified data that would allow this study, the team led by Ana Carla Fonseca and Alejandro Castañé conceived an alternative path. For months, they immersed themselves in hundreds of hours of data analysis and readings of regulatory frameworks in Brazil and abroad; countless hours of interviews and meetings with members of Congress, federal government managers, and researchers from leading institutions; enriching debates with managers and former managers of small municipalities; and cultural professionals from these municipalities, with the aim of gathering, systematizing, and distilling the most pertinent content to offer reflections and suggestions to improve the rights of cultural workers in Brazil. The result of this work is presented in the following chapters.

02

**METHODOLOGICAL
APPROACH**

2) METHODOLOGICAL APPROACH

Other people's experiences are often a source of inspiration, reflection, and learning. Armed with this conviction and partially facilitated by contacts from the UNESCO Paris team, the project begins with a journey through the legislation on the rights of cultural workers in five countries: Costa Rica, Peru, Colombia, Chile, and Portugal. The consolidation of this systematic research is presented in **Chapter 3**.

Subsequently, **Chapter 4** presents a survey of the regulatory body of culture in Brazil, directly or indirectly related to the rights of cultural workers. We will see the depth to which these rights are already foreseen, in a snapshot that goes back to the promulgation of the 1988 Constitution.

With our repertoire expanded, we move on to in-depth interviews with key players in this debate, in the national context. There were 11 conversations, held with public managers, legislators, and prominent researchers. On the agenda were questions related to the attention given to small municipalities, to the rights of cultural workers provided for by law, to programs (past, present, and in gestation) relevant to the topic and, of course, to potential suggestions for the text of the Draft Law on the National Policy of the Creative Economy. The results of this content are presented in **Chapter 5**.

In **Chapter 6**, we bring the voice of managers or former managers who know and/or are responsible for the cultural policy of 90 small municipalities from different regions - some analyzed individually, others in a consortium - in an exploratory reading. What is the context of local culture? How do managers decode and prioritize the challenges and opportunities facing cultural workers in their municipalities? What is their view of the situation of these professionals, including their possibilities of living of culture?

To contribute to a dialogue, we present the counterpart: the results of a case study involving 14 cultural workers from a selected municipality, with whom we followed essentially the same script that guided the conversation with municipal public managers. To what extent does their reflection in the mirror bring the contours of the image that they attributed to them?

Finally, **Chapter 7** picks up ingredients from the previous ones to formulate neuralgic questions for the Draft Law on the National Policy for the Development of the Creative Economy. We hope that they will be instigators of new debates, reflections, and elaborations, doing justice to the richness of our country's culture and the rights of those who dedicate themselves to it with such dedication.

03

**INTERNATIONAL
BENCHMARK**

3) INTERNATIONAL BENCHMARK

3.1 - COUNTRY SELECTION

To closely approximate the context of the Brazilian case analysis, four reference cases in Latin America regarding cultural workers' rights were selected: Costa Rica, Peru, Colombia, and Chile.

Additionally, given the existence of interesting legislations in Europe, Portugal was included in the set of countries studied.

3.2 - ANALYSIS

3.2.1 - COSTA RICA

According to the Ministry of Culture and Youth, the institutionalization of culture gained momentum from the 1960s onward, with the creation of state entities. This process was strengthened in the following decade, through actions promoting and disseminating cultural expressions and encouraging new artistic forms.

The economic crisis of the 1980s led to a reversal of investments in cultural activities and infrastructure, as well as in the hiring of cultural professionals. At the beginning of the 21st century, the lack of budget and structure was compounded by a lack of clarity regarding the role of culture and by the absence of legal instruments to support a cultural policy that integrated dispersed programs. In 2011, Decree 36646 created the so-called "Culture Sector" - comprised of the Ministry of Culture and Youth, Editora Costa Rica, and the National Radio and Television System, in addition to bringing together various cultural institutions linked to the Ministry, the National Council for the Public Policy of Young People, and the National Commission for the Defense of the Language -, within the framework of the National Planning System.

In 2010, a Commission was established to develop the [National Culture Policy and the General Culture Law](#). It is within this context that the National Cultural Rights Policy 2014-2023 was formulated in 2013. The policy's development [involved over 3,000 people](#) (from a [population of 4.73 million](#)) through workshops, focus groups, interviews, and meetings with professionals from various sectors across the country, with a special focus on indigenous peoples.

The Policy is based on five strategic axes:

1. Effective participation and enjoyment of cultural rights in diversity.
2. Economic dynamization of culture.
3. Protection and management of cultural heritage, both tangible and intangible.
4. Institutional strengthening for the promotion and protection of cultural rights.
5. Recognition and affirmation of the cultural rights of indigenous peoples.

Axes 2 and 4 are of particular interest to this work.

Regarding axis 2, in addition to developing the Satellite Account for the audiovisual, editorial, and advertising sectors - which together represent 1.4% of the national GDP -, the document emphasizes the innovative nature of the creative economy. Thus, "Developing the creative economy through the stimulation of innovation is one of the main challenges for the Culture Sector. It is about strengthening economic activities with high creative content. Increasingly, aspects of cultural creativity are linked to competitive market activities. The possibilities for cultural development do not only depend on measuring the number of consumers but primarily on the number of creators and cultural managers. In part, it also depends on integrating business logic into the management of the creative process." (op. cit., p.25)

Axis 4 is particularly interested in issues related to territorial development, municipalities, local networks and organizations; and the rights and benefits of cultural workers.

The following table, adapted from the document supporting the formulation of the National Cultural Rights Policy, emphasizes the aspects that most closely align with the Living of Culture project.

AXIS 2 - Economic Dynamization of Culture (selected lines)

Problem	Line of action	Strategy
Lack of intersectoral articulation in the promotion and protection of cultural goods and services.	Promote synergies and coordination between the Cultural Sector and other sectors. Capitalize on the potential of various cultural expressions as drivers of social and economic development at the local, regional, and national levels.	Strengthen intersectoral coordination mechanisms.
Lack of knowledge, both in general society and in the cultural sector, of the economic dimension of culture in social development processes.	Present culture as a cross-cutting axis of national development, generating wealth and well-being. Promote in the population and institutions the technical capacity to execute social and economic development projects based on culture.	Research, training, and generation of information, in partnership with academia. Training and capacity building of cultural entrepreneurs and managers in project development, execution, and evaluation. Expansion and consolidation of a national registry of cultural entrepreneurs and managers.
Lack of adequate information about the relationship between culture and development.	Strengthen efforts.	Generation of indicators. Communication. Strengthening the Cultural Technological Platform with an inventory of cultural initiatives and workers.

Low sustained promotion of the creative economy.	Promote the creative economy through incentives for cultural enterprises.	Develop the cultural sector's capacity for inclusion, innovation, and creativity. Create a sustainability seal for tourism offerings, positioning the country's name and cultures internationally.
Difficulty in accessing training and resources that promote small and micro cultural enterprises.	Stimulate cultural enterprises that contribute to socioeconomic development.	Generation of information on the training and financing needs of cultural managers and entrepreneurs with economically sustainable projects. Training, exchange of experiences, and use of technologies in creation, promotion, and distribution processes. Stimulation of the creation of cultural SMEs. Credit lines with private companies and the national bank for cultural enterprises.
Artistic and cultural professions are currently not included in the classification of economic activities.	Redefine these professions based on updated classification codes.	New categories and definitions should be incorporated to accurately reflect the evolving nature of the creative economy and the professions it encompasses.

Source: Adapted from [Política Nacional de Derechos Culturales](#) 2014-2023

AXIS 4 - Institutional strengthening for the protection and promotion of cultural rights (selected lines)

Problem	Line of action	Strategy
Lack of intersectoral coordination in promoting and protecting cultural goods and services.	Promote synergies and coordination between the Cultural Sector and other sectors. Capitalize on the potential of various cultural expressions as drivers of social and economic development at the local, regional, and national levels.	Strengthening of intersectoral coordination mechanisms.
Lack of a communication strategy for the Cultural Sector.	Strengthen communication about culture as a factor of human, social, and economic development.	Coordinate the generation of information, research, analysis and knowledge of the sector. Design and execution of a coordination and information strategy.
Weaknesses in social and labor guarantees for cultural workers.	Strengthen the recognition of rights, considering specific characteristics.	Normative changes.

Source: Adapted from [Política Nacional de Derechos Culturales](#) 2014-2023

Institutionally, one of the recommendations was the creation of an Intersectoral Culture Council, chaired by the Ministry of Culture and Youth, with the participation of other ministries such as Economy, Industry and Commerce; Labor and Social Security; Foreign Relations, as well as a representative from the business sector. Additionally, the creation of a Planning, Monitoring, and Evaluation System was proposed.

The evaluation of the Policy revealed that its greatest weakness was defining actions without adequately assessing how they would be managed within the existing institutional structure or how the structure should be changed. Actions had to be prioritized, and many were not completed. There was a lack of institutional capacity and budget to execute the proposed actions.

Positive aspects include the cohesion of the Ministry's team and the strengthening of the institutional planning system, allowing for the observation of the relationship between the parts. The absence of a monitoring and evaluation system for the actions resulted in the loss of the opportunity to reflect on successes and limitations.

At the time of the development of the National Cultural Rights Policy, there was no legislation in Costa Rica to protect cultural rights, despite the ratification of international conventions such as the International Covenant on Economic, Social and Cultural Rights; the Convention on the Protection and Promotion of the Diversity of Cultural Expressions; and the Convention for the Safeguarding of the Intangible Cultural Heritage of UNESCO, among others.



Source: Extracted from [Política Nacional de Derechos Culturales 2014-2023](#)

Although the National Cultural Rights Policy was approved in 2013/14, the contemporary Bill of Cultural Rights was not.

The National Cultural Rights Policy was considered complex and broad; there was no adequate prioritization of actions, neither in the documents nor in the implementation; it did not consider the necessary institutional structure and budget. Therefore, it was not very concise or functional.

Furthermore, in 2021, the [Law for the Promotion of the Creative and Cultural Economy](#) was enacted. Its purpose is to promote creative and cultural enterprises for the development

and economic, social, and cultural reactivation of Costa Rica, through the promotion of actions, programs, and public policies to exalt, promote, boost, foster, incentivize, and protect creative and cultural enterprises.

The decree stipulates that, every 10 years, the Ministry of Culture and Youth must formulate a National Policy for the Creative and Cultural Economy, aiming to articulate an ecosystem that promotes the competitiveness of productive units in creative value chains, both domestically and internationally. For these purposes, the mandate is shared with the Ministry of Economy, Industry, and Commerce, and it also foresees the establishment of a National Council for the Creative and Cultural Economy, including various other ministries, the National Apprenticeship Institute, and the Development Bank System - which is responsible for providing access to financing and business support.

The law defines “enterprises” as economically sustainable or potentially sustainable cultural initiatives or projects within a cultural institution or company.

“Creative and cultural industry” refers to those that combine the creation, production, and commercialization of goods and services based on intangible cultural and creative content, as well as those that generate copyrights and related rights, including performing arts, visual arts, audiovisual, publishing, cultural and artistic education, design, music, advertising, literary, theatrical, and musical creations, games, toys, and heritage (natural, tangible, and intangible).

Additionally, the [regulatory decree](#) (44038/2023) places special emphasis on micro and small enterprises, the principle of territorial inclusion (aiming to expand the support ecosystem throughout the national territory), and four other principles strongly linked to the market: innovation, quality, regulatory improvement, and market orientation.

- **Innovation** - processes of transformation, generation of knowledge and value addition, integrating innovation into all processes, services and products developed by the public, private and academic sectors, understanding that innovation is based mainly on applied creativity with tools of technology, science and knowledge.

- **Quality** - stimulating the development of an industry capable of competing in the globalized international market, thanks to the value added from quality management as a competitiveness strategy for the future.

- **Regulatory improvement** - developing processes that facilitate and improve the business climate to generate new creative and cultural industries, consolidate existing ones and potentiate investment in the sector’s activities, through the reduction of excessive regulations, laws, requirements and controls that limit the productivity of companies.

- **Market orientation** - promoting an organizational culture focused on the customer, recognizing competitors and understanding consumers, to generate a management model with value in the national and international markets.

Other relevant legislation for the rights of cultural workers:

- [Copyright Law](#) (6683/2008)

- [Law for the Promotion of Costa Rican Fine Arts](#): creates support mechanisms for artists and cultural institutions. Many articles have been repealed.

- [Regional Development Law](#) (10096/2021): establishes Regional Development Agencies, including the function of creating regional meeting spaces between public bodies and civil society.

- In April 2024, a document was published proposing an update to the [National Cultural Rights Policy](#) for the period 2025-2034. Regarding the rights of cultural workers, it essentially repeats what was provided for in the previous policy. To collaborate on the proposals, the UNESCO-Aschberg program supported the IAT of the National University of Costa Rica. The objective was to improve monitoring of decent work conditions for young artists in the country, recognizing the need for permanent advisory services for public pension and health care systems and the creation of systems to measure various impacts.

3.2.2 - PERU

The primary national law regulating the rights of artists, performers (singers, dancers, actors, musicians, among others), and technicians is [Law No. 28131](#). It stipulates that employers who hire professionals in these categories must contribute monthly to the Social Rights Fund for Artists - a private fund that covers remuneration for vacations, national holidays, Christmas, and proportional compensation for length of service.

In 2020, the Ministry of Culture (created in 2010) published the [National Culture Policy for 2030](#). In its item 2.2, it foresees the presence of a “creative and innovative ecosystem for the creation, production, and sustainable distribution of arts and various cultural and creative industries” which, among other topics, requires:

- incentives for the sustainability of “cultural enterprises” through risk-based, creative, and innovative economic processes that, taken together, should allow for the consolidation of a business idea, company, or organization;
- policies and measures to ensure the insertion of cultural agents in the labor market and guarantee the quality of work;
- policies and measures of incremental, radical, and/or disruptive cultural innovation, both in the public and private sectors, that contribute to the generation of data, information, and knowledge, the generation of creative and experimental solutions, the introduction of new technologies or the improvement of existing ones, among others.

In response to the impact of the Covid-19 pandemic on the cultural sector, the development of the [Cultural Industries and Arts Recovery Plan for 2030](#) began in 2021, in line with the National Policy.

For this purpose, the study references a survey based on 2018 data, which attributes 3.8% of the national value added and 4% of jobs to copyright-based industries. These jobs are characterized by intermittence, independence, informality, and multifunctionality, meaning the diversity of functions and activities performed, including management, for which they were not prepared.

As an exploratory analysis of the pandemic's impact on the sector, the problems of job loss, lack of social protection, unpreparedness to deal with cultural management and new technologies, absence of cultural information systems, limited use of cultural spaces, weakness of local governments (about 40% of them did not carry out cultural activities during the pandemic), gender inequality among workers, deficiencies in artistic training, and disarticulation (which hinders the management of demands and the exercise of professionals' rights) were exacerbated.

In light of these results, the Recovery Plan was developed with five strategic objectives, 16 activities, and 92 actions, prioritizing, among other topics, job creation and improving working conditions in the sector. The planned actions, quite generic, include organizing cultural fairs, creating online stores, and providing training in copyright, among others.

In October 2022, registrations were opened for RENTOCA - the [National Registry of Workers and Organizations of Culture and Arts](#), enabled for music, performing arts, visual arts, crafts, books and reading, audiovisual and new media, indigenous languages and oral tradition, and cultural education. For registration, the platform requires the presentation, in addition to personal or organizational documents, of a detailed description of the economic activity (main and secondary occupation or economic activity, years of experience, income range, artistic recognitions, awards); and evidence (articles, photos, links, certificates, credits, and related documents).

The registry is intended for individuals (artists, managers, producers, researchers, technicians, educators, promoters, according to the International Standard Classification of Occupations - ISCO) and legal entities (companies, associations, collectives, unions, institutions, groups) working in the arts and culture. It is an information tool of the Ministry of Culture, to support the formulation and improvement of public services. An example of this was the 2022 emergency decree, which benefited 2,950 RENTOCA registrants with a one-time payment bonus.

Between August of the same year and December 2023, the UNESCO-Aschberg Program provided technical assistance to the General Directorate of Cultural Industries and Arts of the Ministry of Culture, to carry out a Study on the working conditions of art workers in Peru. Based on the 4,348 records in RENTOCA, it was possible to conclude that this population has a prevalence of women (52.74%), Quechua and mestizos (43.4% and 40.4%, respectively), self-taught individuals (more than 50%), independents (86%), informal workers (80%), and the unbanked (49%). Less than 3% have their works registered with copyrights.

It also attested to the precariousness of work - 91% work without a contract, 76% do not have a pension, and 93% do not participate in unions or guilds - and gender pay inequality - women earn 45% less than men.

Complementarily, the [Draft Law on the Promotion of the Artistic and Creative Sector](#) was developed, aiming to improve working conditions, training, and professionalization of professionals. Resulting from a participatory process, some highlights of the bill, which has not yet been approved, are focused not only on the rights of access to culture but also on the rights of cultural workers. The bill establishes articles on mechanisms for identifying workers (through RENTOCA), developing creative and artistic activities, recognitions such as national

and international awards), incentives for the promotion of arts (essentially through donations) and employment and improved living conditions.

Specifically regarding the latter, the following are foreseen:

- spaces for training, capacity building, exchange of experiences, regional and national meetings among artists, generation of data on the contribution of culture to human development, in partnership with universities and research centers;
- certification of artists and creators (nothing is said about other links in the chains), through the Certification Centers for Labor Competencies of the Ministry of Labor;
- the right to a pension (at 65+, with at least 10 years of activity) and to the Comprehensive Health System for those registered in RENTOCA.



Source: [UNESCO](#)

3.2.3 - COLOMBIA

The first laws involving culture and the rights of its workers date back to the 1980s. In 1982, [Law 23](#) addresses the protection of copyrights for literary, scientific, and artistic works. The 1991 Constitution understands culture as an element of nationality. In fact, from the 1990s onwards, several sectoral or cultural institutionalization laws emerged, such as [Law 98](#), on the democratization and promotion of books (1993); [Law 397](#), on heritage, which also creates the Ministry of Culture (1997); [Law 814](#), on the promotion of cinematographic activity (2003); [Law 881](#), which establishes the Month of National Art and Artist, during which the hiring of Colombian artists for public events is prioritized (2004); [Law 1,185](#), which creates the Departmental and District Councils of Arts and Culture (2008); and [Law 1,379](#), which organizes the National Network of Public Libraries (2010).

Complementarily, in 2002, the collection of cultural data began, such as the Cultural Satellite Account; in 2003, the Andrés Bello Convention published the Economic Impact of Cultural Industries in Colombia; and, in 2007, the Cultural Consumption Survey was published. Between 2011 and 2014, Colombia was one of the participating countries in the UNESCO Cultural Indicators project.

In 2017, Senator Iván Duque - who in 2013, then an employee of the Inter-American Development Bank, had co-authored the book "The Orange Economy" - obtained approval for [Law 1,834](#), called the Orange Economy Law. Aimed at fostering, encouraging, and increasing the relevance of creative industries in the national economy, it was supported by seven strategic "i"s:

1. Collection of constant, reliable, and comparable **information**.
2. Articulation of **institutions** from the public, private, mixed, and non-governmental spheres, including at the regional level.
3. Strengthening the formalization of creative **industries**.
4. Development of physical or virtual **infrastructure**, inclusively.
5. Promotion of international **instruments** for integration into markets and export of the Colombian creative economy.
6. Development of creative industries as generators of jobs and the economy, **inclusively**, emphasizing independent content and circulation spaces.
7. Promotion of the participation of talents in local, virtual, national, and international scenarios, as **inspiration** for participatory culture.

The Law distributes responsibilities among the Ministries of Finance, Labor, Education, Commerce, Interior, Information and Communication Technologies, Culture, as well as the National Planning Directorate, the Copyright Directorate, and Findeter (Territorial Development Bank).

Additionally, the Law mandated the creation of various financing actions. Among them, credit lines of more than US\$150 million through Bancoldex - the Bank for Business and Foreign Trade Development, with competitive rates; and the exemption of Income Tax, for five years, for new orange economy entrepreneurs who generate jobs. It also provided for the consolidation

of the “Made in Colombia” seal and programs for the adoption of emerging technologies (big data, artificial intelligence, Internet of Things) by small and medium-sized industrial enterprises.

Among the criticisms of the Law, the most forceful referred to the [feasibility of executing such an extensive agenda, given the available resources](#), the lack of social participation in its elaboration, and the insufficient depth of the complexity of the impacts of [digitalization on intellectual property rights](#).


Iván Duque was elected President of the country, governing from 2018 to 2022. During his term, in response to the pandemic, [Law 2,070/2020](#) established the Fund for the Promotion of Heritage, Culture, Arts, and Creativity - Foncultura, coming from public budgets and eventual private donations, as well as the National Single Registry of Cultural Agents. Beneficiaries, in addition to projects from the cultural and creative sectors, also included actions for the formalization, training, and mentoring of creators, cultural managers, and artists.

In 2022, Duque signed into law the [Cultural Crafts Law](#) (Law 2,184/2022), which had been in the pipeline since 2018, with the promise of strengthening the institutional framework for cultural crafts in the country. To this end, it creates the National Council for the Development of Craft Activities (under the Ministry of Commerce, Industry, and Tourism), the Chamber of Crafts, and the Council for the Strengthening of Artistic Crafts, Creative and Cultural Industries, and Heritage (chaired by the Ministry of Culture).

Another territorial initiative of the government was the creation of the ADN - Orange Development Areas, aimed at integrating artists, creators, entrepreneurs, infrastructures, and cultural equipment, in order to consolidate processes of creation, production, circulation, distribution, and access to cultural and creative manifestations, goods, and services. With the election of Gustavo Petro, there was a shift in focus. Published in 2023, [Law 2,319](#) renamed the Ministry of Culture as the Ministry of Cultures, Arts, and Knowledge; and replaced the term “orange economy” with “cultural and creative economies,” considered broader than the former.



Source: [Ministry of Culture](#)



As of December 2024, a new [General Culture Law project](#) was still being developed, with the promise of strengthening the system of citizen participation in public policy formulation, optimizing sector financing, and offering tools for the creation and sustainability of cultural infrastructure.

Of particular interest to Living of Culture, the new government also launched an initiative aimed at municipalities with particularly vulnerable populations, which traditional public policies do not reach. The [“Somos Economías para la Vida”](#) project was detailed to us in an interview with Margarita Rosa Gallardo Vargas, Coordinator of the Group of Creative, Biocultural Territories and Knowledges, of the Directorate of Strategy, Development, and Entrepreneurship of the Ministry of Cultures, Arts, and Knowledge.

The basic objective of the project is to stimulate the “popular economy” in a territorial, population, and gender-based cut, that does justice to the diversity and richness of the country. In the first annual edition, 15 territories were selected, mostly with populations between 600 and 60,000 inhabitants. Their communities traditionally engage in subsistence agriculture and tend not to value their knowledge.

The proposal emphasizes training, organized into eight modules, including cultural management, market, recognition and strengthening, associative and network work, sustainability, and project development. The training process includes mentoring, a series of grants and collective awards, and, when necessary, the provision of inputs, insertion into new networks, and working capital.

In the current edition, there is greater participation of Afro-descendants and indigenous people, as well as women (76%). Formal registration is not required. Diversity is also present in the heterogeneity of productive and creative vocations based on ancestral knowledge, such as crafts and gastronomy. According to the coordinator, the project aims to deepen the understanding of regional, cultural, and social particularities, so that interventions are more appropriate to the needs of each group and, thus, favor local value chains, the strengthening of collective work, and the sustainability of enterprises.

3.2.4 - CHILE

Chilean cultural legislation has been subject to extremely detailed systematizations, such as the one [carried out in 2009](#) and updated in 2014*, which is commented on over 816 pages. From this, the following general reference bases can be observed:

- **Constitution of the Republic:** establishes the fundamental rights of workers, such as the right to work, social security, and fair remuneration.
- **Labor Code:** regulates labor relations in general, including aspects such as working hours, remuneration, vacations, and contract termination.

In the field of culture, the following stand out:

- Law [17,236](#), of 1969, related to the exercise and dissemination of the arts, such as its departure from national territory and the determination of its exhibition in public buildings.
- Law [17,336](#), of 1970, on copyright.
- Law [17,439](#), of 1971, which establishes that at least 85% of artists who express themselves in Spanish in artistic performances must be Chilean.
- Law [19,846](#), of 2003, on the age classification of cinematographic works.
- Law [20,243](#), of 2008, on the moral and patrimonial rights of performers in audiovisual format. The issue has long been debated, especially regarding broadcasting on television channels. The law stipulates that, with regard to moral rights, performers (or their heirs) may oppose any deformation or mutilation of a work that they consider to harm their reputation. Regarding patrimonial rights, even if the artist or performer has ceded them, they shall have the right to be remunerated for the performance of the work.

Regarding labor issues in culture, the following are relevant:

1. Law [19.889](#), of 2003

Regulates the working conditions with a defined duration of workers in the arts and entertainment, covering a wide range of occupations, such as theater, radio, film, internet, and television actors; folklorists; circus artists; puppeteers; choreographers and dance performers; singers, directors, and musical performers; set designers, professionals, technicians, and assistants in cinema, audiovisual, performing arts, design, and assembly; authors, playwrights, librettists, screenwriters, voice actors, composers, and, in general, workers who, with these functions, work in circuses, radio, theater, television, cinema, recording or dubbing studios, film studios, nightclubs or variety shows, or in any other place where the artist's or musician's image is presented, exhibited, transmitted, photographed or digitized, or where the voice or music is transmitted or recorded, by electronic, virtual or other means, whether for cultural, commercial, advertising or other purposes.

2. Characterization study [“Workers in the Cultural Sector in Chile”](#)

In 2004, an in-depth study on the working conditions of cultural workers in Chile was carried out, coordinated by the Andrés Bello Convention. In addition to age breakdowns, gender, education levels, remuneration, access to social security, etc., two geographic regions with contrasting situations were considered: the Metropolitan Region of Santiago and Araucanía (or ninth region), the gateway to the South.

* Gobierno de Chile, Consejo Nacional de la Cultura y las Artes.
Legislación Cultural Chilena. 1.a Edição. 2014

The study confirmed the peculiarities of cultural work, such as a large proportion of self-employed workers; predominance of work without a contract or as a self-employed professional; irregular working hours, including part-time and night work.

Differences also occur in the cultural sector between the regions considered. In the Metropolitan Region, 66% of cultural workers were self-employed, compared to 74% in Araucanía. While in the Metropolitan Region, salaried cultural workers were evenly distributed between the public and private sectors, in the ninth region, the public sector accounted for three times as many salaried workers as the private sector.

Regarding social security, 44% of cultural workers in the Metropolitan region and 60% in Araucanía had no coverage, compared to 49.3% of the economically active population in the country. Although, compared to the national average, the situation seems to be favorable for metropolitan cultural workers, the study highlights that the level of education and formal education of these workers is much higher than the average for the economy. Large gender disparities were also observed, to the detriment of women.

3. Law 21.045, of 2017

The Law that creates the Ministry of Cultures, Arts, and Heritage. It refers to the rights of cultural workers in two articles, for which it assumes responsibility:

Article 1.7 - Promote respect for the rights of creators, in matters of intellectual property, as well as the labor rights enshrined in the Chilean legal system, of those who work in arts, cultures, and heritage.

Article 3.10 - Promote respect for and protection of copyrights and related rights and their observance in all aspects of cultural relevance, as well as stimulate their dissemination.

4. Resolution on the Training and Strengthening of Cultural Work

Resolution 15 of 2023 of the Ministry of Cultures, Arts, and Heritage specifically addresses the program for the promotion and strengthening of cultural work, considering in particular formality, stability, associativity, and competencies.

To this end, it provides for the financing of cultural activities, research, training, and capacity building, insertion into the labor market and generation or intermediation of cultural employment, technical assistance, management for the generation of technical competence frameworks and occupations for the certification of cultural workers, and dissemination and communication actions to value these workers.

The planned program has five components, carried out through public calls for proposals.

4.1 - Formality in cultural work - aimed at expanding specific knowledge of the cultural sector, in topics such as formalization, labor law, social security, and copyright, among others fundamental to decent work. It will be offered through courses, workshops, informative digital platforms, etc.

4.2 - Promotion of cultural internships - dedicated to promoting the insertion of cultural workers into the market and expanding employment opportunities in cultural institutions, with a focus on first formal experiences.

4.3 - Technical assistance for cooperatives - consulting, support, and follow-up of the

formalization and management of cooperatives of cultural workers.

4.4. - Certification of competencies and trades - through competency identification reports, courses, and training cycles that enhance the development of competencies in cultural workers.

4.5 - Dissemination of cultural work - aimed at giving visibility and disseminating the role and contribution of cultural workers. It will be carried out through regional meetings, fairs, catalogs, exhibitions, publications, and communication campaigns in local and national media.

5. First Job in Culture Promotion

In July 2023, a call for proposals was launched for individuals aged 18 to 30, offering a first professional experience in the cultural sector. The initiative aimed to stimulate the formal insertion of young people at the beginning of their careers, for a fixed period. There were 89 vacancies, in 55 organizations from all regions of the country, aimed at technicians or graduates in 2022 or 2023. [The initiative was relaunched in 2024](#), with a long waiting list.

In general, it is considered that the regulatory framework for the work of cultural professionals has evolved in the country in recent years, as an understanding of its social and economic importance. This evolution is visible in three essential aspects: the recognition of the specificities of cultural work; the strengthening of cultural institutions, from the creation of the Ministry; the creation of a dialogue between the State, employers, and cultural workers. However, it is understood that there are still points to be improved, especially regarding precariousness, informality, and difficulty accessing social security.

Aware that the topic deserves greater clarity and dissemination, the Ministry of Cultures, Arts, and Heritage published a Manual of Labor Regulations in 2021. It attests to the instability of 72.4% of cultural workers, who work without a contract or with a contract for fees (close to what would be a contract for a self-employed professional in Brazil), compared to 41.9% of Chilean workers in general (data from 2014).



Source: [Ministry of Culture, Arts and Heritage](#)

Diferencias en los tipos de contratos

Les compartimos un cuadro realizado por Sindicato de Actores y Actrices de Chile (SIDARTE, 2020) publicado en su web que permite identificar y comparar las distintas características de los tipos de contratos existentes, estas son:

Contrato a honorarios	Contrato de trabajo	Artes y espectáculos
Está regulado en el Código Civil	Está regulado en el Código del Trabajo	Está regulado en el Código del Trabajo (art. 145-A y ss.)
No puede haber subordinación ni dependencia. Se trata de una prestación de servicios en condiciones de autonomía y sin supervisión	Implica subordinación o dependencia	Implica subordinación o dependencia enmarcadas en el sector artístico para ocupaciones artísticas y técnicas
Principia y termina lo que determinen las partes libremente	Apunta a estabilizar la relación laboral, tendiendo al contrato indefinido y término por causales definidas	Se puede contratar por plazo, funciones, obra, temporada o proyecto
Se paga impuesto mediante boleta de honorarios	Empleador retiene y paga impuestos y cotizaciones previsionales, documenta con liquidación de sueldo	Empleador retiene y paga impuestos y cotizaciones previsionales, documenta con liquidación de sueldo

Fuente: Contratación de trabajadores de las artes y espectáculos - sidarte. <https://www.sidarte.cl/web2/wp-content/uploads/2020/07/CONTRATACION-DE-TRABAJADORES-Y-TRABAJADORAS-DE-LAS-ARTES-Y-ESPECTACULOS.pdf>

3.2.5 - PORTUGAL

Law 4 of 2008, which governs the employment contract regime for performing arts professionals, has generated criticism for [over a decade](#). According to its detractors, it created [a regime of intermittence that favored instability and precariousness](#), by enabling permanent contracts disguised as temporary relationships, reducing the remuneration of professionals.

The debate was catalyzed by the pandemic, which exposed the vulnerabilities of the labor and social security situations of these professionals. In 2020, the Portuguese government established an [interministerial working group](#) to develop the Statute of Culture Professionals, whose debates were followed by public consultation hearings. In 2021, [Decree-Law](#) 105 created the [Statute of Culture Professionals of Portugal](#), aiming to reduce job precariousness and increase social protection for cultural professionals. As foreseen, the instrument was reviewed two years after its entry into force, resulting in Decree-Law 25 of April 2024.

Covered are workers in the performing arts, audiovisual, visual arts, and literary creation, who carry out authorial, artistic, technical-artistic or cultural mediation activities. In terms of employment relationship, it applies to employed workers; self-employed workers (including individual entrepreneurs); members of statutory bodies of collective entities; holders of limited liability companies in the cultural area.

The Decree establishes different contribution rates, which favor the celebration of longer contracts. For example, since June 2024, the contribution rate for very short-term employment contracts (up to 70 days per calendar year) is 35.4%, of which 9.3% is paid by the worker and 26.1% by the employer. Of these, 7.5% is allocated to the Special Social Security Fund for Professionals in the Cultural Area. Self-employed workers, on the other hand, are subject to the payment of contributions for a minimum value of €20.00, even if they have no income.

There are criticisms from organizations of cultural professionals regarding the reference monthly incomes, which would be much higher than those of a large part of the workers in the cultural segments.

Once registered in the register of cultural professionals (RPAC), workers are eligible to apply for a subsidy, in case of involuntary suspension of professional activity for more than one month, due to illness, parenthood, disability, old age, and death. However, the grant is dependent on cultural workers with short-term employment contracts and self-employed workers, including individual entrepreneurs, being unemployed for three months before the request. For some, the requirement of this period of intermittence reinforces the existing precariousness.

Similar to Brazilian unemployment insurance, it offers values between €443.2 and €1,108, paid for up to six months. In the case of professionals with at least seven years of social security contributions and 55 years or older, the benefit can reach one year. Another [recurring complaint](#) is the value paid to social security during the months of receipt of the subsidy deducted monthly from the amount.

GUIA PRÁTICO
ESTATUTO DOS PROFISSIONAIS NA ÁREA DA
CULTURA
INSTITUTO DA SEGURANÇA SOCIAL, I.P.

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Source: [Social Security Institute](#)

To detail the operation of the Statute, a [Practical Guide](#) was made available in September 2024.

04

**MAPPING OF THE
REGULATORY
FRAMEWORK IN BRAZIL**

4) MAPPING OF THE REGULATORY FRAMEWORK IN BRAZIL

In Brazil, the creative economy finds support in certain federal laws, albeit not as its primary objective. Nevertheless, there is a scarcity of references to the rights of cultural workers, and specific provisions for small municipalities are entirely absent.

The laws that predominate in the analysis of this subject are highlighted below.

4.1 - FEDERAL LEGISLATION

The national legislation on culture was systematized and published by the Chamber of Deputies in April 2023. Although the analysis does not provide a specific focus on the rights of cultural workers, the cultural economy, or the creative economy, some information can be found in a punctual manner, in laws divided into chapters on general culture; fiscal incentives for culture; audiovisual; cultural heritage; archives and document management; books, reading, and libraries; museums; and related legislation.

The most relevant to the rights of cultural workers is the one that institutes the National Culture Plan and the System of Information and Cultural Indicators. However, the importance of considering the rights of cultural workers, especially in a capillary manner throughout the country, became explicit as a result of the pandemic and in the emergency laws that responded to its impacts, such as the Aldir Blanc Law, the National Aldir Blanc Policy, and the Paulo Gustavo Law. These will also be analyzed.



4.1.1 - LAW No. 12.343/2010

The law establishing the [National Culture Plan](#) and creating the National System of Information and Cultural Indicators, although it does not directly address the rights of cultural workers or small municipalities, states in its Article 2:

IX – to develop the cultural economy, the domestic market, cultural consumption, and the export of cultural goods, services, and content;

X – to recognize traditional knowledge, skills, and expressions and the rights of their holders;

XI – to qualify management in the cultural area in both the public and private sectors;

XII – to professionalize and specialize cultural agents and managers.

In its Article 3, regarding the powers of the public authorities, it states:

X – to regulate the domestic market, stimulating Brazilian cultural products with the aim of reducing social and regional inequalities, professionalizing cultural agents, formalizing the market, and qualifying labor relations in culture, consolidating and expanding employment and income levels, strengthening collaboration networks, valuing solidarity-based enterprises, and controlling abuses of economic power.

To “periodically evaluate the scope of the guidelines and effectiveness of the goals of the National Culture Plan based on national, regional, and local indicators that quantify the supply and demand for goods, services, and content, the levels of work, income, and access to culture, of institutionalization and cultural management, of economic-cultural development, and of the sustainable implementation of cultural equipment” (Article 8), the same Law established the National System of Information and Cultural Indicators - SNIIC (Article 9), stipulating that it should be permanently updated (Article 10).

The Law dedicates a significant part of its Annex to the dynamics linked to the cultural economy and cultural work. In its Chapter 1, it states that it is up to the State to “STRUCTURE AND REGULATE THE CULTURAL ECONOMY, building sustainable models, stimulating the solidarity economy, and formalizing production chains, expanding the job market, employment, and income generation, promoting regional balance, and fair competition among agents, especially in fields where culture interacts with the market, the production and distribution of internationalized cultural goods and content.”

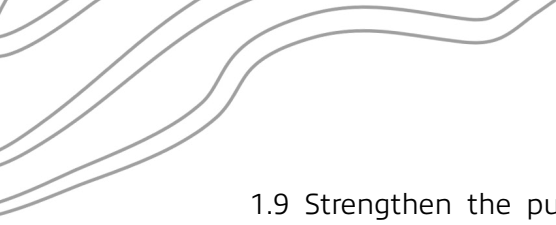
To this end, as strategies and actions, it provides, among other items, some that are especially relevant to small municipalities (such as the formation of intermunicipal consortia, regional production, and copyrights). For example, it highlights:

1.3.1 Encourage the formation of **intermunicipal consortia** to increase the efficiency and effectiveness of planning and implementing regional cultural policies.

1.3.2 Develop, in partnership with **banks and credit agencies**, financing models for the arts and cultural manifestations that take into account the particularities and dynamics of their activities.

1.3.3 Promote investment in research, innovation, and **independent and regional cultural production**.

1.3.4 Enter into agreements with banks and public and private financing funds to offer **special credit lines** for artistic and cultural production, enabling its production and commercial circulation.



1.9 Strengthen the public management of **copyrights**, through the expansion and modernization of the competent bodies and the promotion of a balance between respect for these rights and the expansion of access to culture.

However, it is in Chapter IV of the Annex that the necessary conditions for a cultural economy oriented towards sustainable development are defined, especially in the following articles (emphasis added):

4.1.3 Offer technical support to initiatives of **associativism and cooperativism** and promote incubators of cultural enterprises in partnership with public authorities, social organizations, educational institutions, international agencies, and the private sector, among others.

4.1.4 Stimulate small and medium-sized cultural entrepreneurs and the implementation of **Local Productive Arrangements** for cultural production.

4.2 Contribute to the **formalization** of the labor market, in order to value the worker and strengthen the economic cycle of the cultural sectors.

4.2.1 Carry out, in partnership with the competent bodies and authorities, proposals to adapt labor legislation, aiming to reduce the **informality** of artistic work, technicians, producers, and other cultural agents, stimulating the recognition of professions and the formal registration of these workers and expanding access to social and social security benefits.

4.2.2 Disseminate, among employers and contractors in the public and private sectors, information on the existing **legal rights and obligations** in formal labor relations in culture.

4.2.3 Encourage the formal organization of the cultural sectors in unions, associations, federations, and other representative entities, supporting the structuring of pension and **property insurance plans for agents** involved in artistic and cultural activities.

4.2.4 Encourage the adhesion of artists, authors, technicians, producers, and other cultural workers to programs that offer public and supplementary **pension plans** specific to this segment.

4.3.2 Carry out cultural-economic zoning with the objective of identifying **local cultural vocations**.

4.4 Advance in the **qualification** of the cultural worker, ensuring working conditions, employment, and income, promoting the professionalization of the sector, paying attention to areas of social vulnerability and urban precariousness, and to marginalized population segments.

4.4.1 Develop and manage integrated training and capacity-building programs for artists, authors, technicians, managers, producers, and other cultural agents, stimulating professionalization, **entrepreneurship**, the use of information and communication technologies, and the strengthening of the cultural economy.

4.4.5 Promote information and training for cultural managers and workers on **intellectual property** instruments in the cultural sector, such as collective and

certification marks, geographical indications, collective property, patents, public domain, and copyright.

4.1.2 - EMERGENCY LAWS

[Law No. 14.017/2020](#) (Lei Aldir Blanc - LAB) was created to support cultural workers and cultural spaces that suffered from the restrictions imposed by the Covid-19 pandemic as emergency aid. It enables the launch of calls for proposals, awards, and subsidies for projects, courses, and research, with cultural workers and cultural spaces as beneficiaries.

The LAB established the mechanisms and criteria for Law No. [14.399/2022](#), which institutes the Aldir Blanc National Policy for the Promotion of Culture (PNAB), with the objective of supporting Brazilian culture for five years (2023-2027). In 2023, states and the Federal District collectively received R\$1.5 billion, as did municipalities. This same amount will be maintained annually, until 2027.

In the case of both states and municipalities, the budgetary allocation is made by dedicating 20% and 80% of the total to them, respectively, according to the distribution criteria of the Participation Fund (of the States and the Federal District; or of the Municipalities); and proportionally to the population.



02

QUAIS OS PRINCIPAIS OBJETIVOS DA PNAB?

- ▶ Estimular o fomento à cultura pela União, Estados, Distrito Federal e Municípios;
- ▶ Garantir o financiamento e a manutenção de agentes, espaços e ações artístico-culturais;
- ▶ Democratizar o acesso e a produção artística nos Estados, no Distrito Federal e nos Municípios, inclusive em suas áreas periféricas, urbanas e rurais.

16

ESPAÇOS, AMBIENTES E INICIATIVAS ARTÍSTICO-CULTURAIS PRECISAM DE ALGUM CADASTRO PARA RECEBIMENTO DOS RECURSOS DA PNAB?

Poderão receber o benefício os espaços, as iniciativas artístico-culturais e os ambientes culturais que comprovarem atividade regular de acesso público e a sua inscrição e respectiva homologação em, pelo menos, um dos seguintes cadastros:

- Cadastros Estaduais de Cultura;
- Cadastros Municipais de Cultura;
- Cadastro Distrital de Cultura;
- Cadastro Nacional de Pontos e Pontões de Cultura;
- Cadastros Estaduais de Pontos e Pontões de Cultura;
- Sistema Nacional de Informações e Indicadores Culturais (Sniic);
- Sistema de Informações Cadastrais do Artesanato Brasileiro (Sicab);

• outros cadastros existentes ou que venham a ser criados nos entes federativos referentes a atividades e a identidades culturais e comunitárias, bem como a projetos culturais apoiados nos termos da Lei nº 8.313, de 23 de dezembro de 1991, e em leis de incentivo estaduais, distritais ou municipais, nos 24 (vinte e quatro) meses imediatamente anteriores à data de publicação da PNAB.

10

QUEM PODE RECEBER RECURSOS E DESENVOLVER PROJETOS PELA POLÍTICA NACIONAL ALDIR BLANC (PNAB)?

Podem inscrever projetos em Editais publicados pelo entes federativos e receber recursos da PNAB os/as trabalhadore(s) da cultura, as entidades, pessoas físicas e jurídicas que atuem na produção, na difusão, na promoção, na preservação e na aquisição de bens, produtos ou serviços artísticos e culturais, inclusive o

Source: [PNAB](#) Booklet

Article 4 defines cultural workers as “individuals who participate in the production chain of artistic and cultural segments,” including “artists, storytellers, producers, technicians, curators, workshop facilitators, and art and capoeira school teachers.” Exceptions apply to the upper limit of family income and taxable income in 2018. Additionally, it is required that they be registered, with the respective registration homologation, in at least one of the registries provided for in the first paragraph of Article 7 of this Law. This demand is particularly relevant to offer a detailed mapping of workers, entities, and individuals, at least in this socioeconomic classification bracket.

To facilitate the implementation of the Law, the Ministry of Culture has distributed an [explanatory booklet](#).

Finally, [Complementary Law No. 195/2022](#) (Paulo Gustavo Law) authorizes the allocation, in 2023, to States, the Federal District, and Municipalities, of R\$3.862 billion, following the same distribution criteria adopted by the Aldir Blanc Law. In return, the federated entities that receive resources commit to strengthening or implementing their culture systems, including a council, a plan, and a fund, as provided for in the Constitution.

The budget, originating from the revenue sources linked to the National Culture Fund (FNC), is largely constituted by the Audiovisual Sectoral Fund (FSA). Therefore, the Paulo Gustavo Law reserves R\$2.797 billion for the audiovisual sector, which constitutes the largest direct investment in the history of the sector.

4.1.3 - NATIONAL CULTURE SYSTEM

In 2024, [Law No. 14.835/24](#) came into force, establishing the National Culture System (SNC). The text has been nicknamed the SUS of Culture, in reference to the Unified Health System, due to the fact that it defines a shared strategy among the Union, states, municipalities, and civil society for the management of public cultural policies.

In the same year, [Law 14.903/24](#) was enacted, establishing the Regulatory Framework for the Promotion of Culture. The text removes the culture sector from the New Public Procurement Law, allowing the Union to execute cultural promotion following its own regimes and others established in specific legislation. Five types of legal instruments are defined, three of which involve the transfer of public funds - cultural execution, cultural awards, and cultural scholarships - and two without - cultural occupation and cultural cooperation.

The text is of particular interest due to its Article 47, § 3, which advocates that the execution of training and capacity-building activities should prioritize the democratization of access to cultural funding resources, with a focus on **territorial decentralization**, reducing inequalities, and promoting racial justice and **diversity**. (emphasis added)

4.2 - STATE LEGISLATION

Although state cultural legislation does not specifically address the rights of cultural workers, there are some laws or creative economy plans of interest to our theme.

In **Rio de Janeiro**, [Law No. 8.353/2019](#) establishes the Program to Encourage Sustainable, Circular, and Creative Economy Poles (PESCC), promoting sustainable and creative districts in the state. Worthy of note is the paragraph that establishes priority access to credit and

financing for certain categories of creative entrepreneurs, such as small and medium-sized enterprises; those organized in associations, cooperatives, local productive arrangements, and productive systems and networks; holders of quality, origin, and production certifications; those who promote technical assistance and managerial training for the development of talent in the sector; among others.

In **Minas Gerais**, the [State Plan for the Development of the Economics of Creativity](#) (not available) was announced in June 2023. Developed by the State Secretariat of Culture and Tourism and members of the State Council of Cultural Policy, it was delivered to the State Legislative Assembly. In May 2024, the [Minas Criativa](#) platform was launched, but by the end of the same year, it did not have a significant number of registered users.

In **Mato Grosso do Sul**, the [State Plan for the Development of the Creative Economy](#), developed collectively, includes two axes relevant to the rights of cultural workers, for each of which actions have been suggested. These are number 1, which aims to combat informality among small creative entrepreneurs, including incentives and specific legislation; and number 6, aimed at developing specific laws for creative economy products.

In **Rio Grande do Sul**, the [RS Criativo](#) program was based on five pillars: Research and information; Market and circulation with an international scope; Creative Territories; Promotion and investment; and Training and residency for the strengthening of the local business ecosystem. Carried out by the Secretariat of Culture, it had a range of partnerships with other secretariats. The initiative was reoriented due to the floods that ravaged the state in May 2024.

In summary and as a general analysis, it is understood that the law establishing the National Culture Plan, in particular, addresses several of the key issues for promoting the rights of cultural workers to decent work, including in small municipalities, such as through the encouragement of the formation of intermunicipal consortia, associativism, and cooperativism. It also emphasizes the importance of formalization actions, the adaptation of labor legislation, the expansion of access to social security, the promotion of entrepreneurship actions, and information on intellectual property rights (which, in addition to copyrights, include trademarks, geographical indications, industrial designs, and patents, the first two being of particular relevance to local contexts).

The fact that the law is already almost 15 years old reinforces the importance of strengthening definitions regarding the governance of the implementation of the Creative Economy Bill. Furthermore, at the federal level, emergency laws, as the name implies, have the specific function of enabling the subsistence of cultural workers in adverse cycles, through funding. However, they are not aimed at strengthening workers' conditions to enter national and international labor flows in the cultural sectors, structuring economic chains, or institutionalizing mechanisms for organizing the market. Therefore, it is not only opportune but fundamental to take advantage of the momentum offered by emergency laws to resolve and mature these basic issues before the end of their validity period - in the case of the PNAB, 2027.

On the other hand, at the state level, no legal instruments were found that shed light on the rights of cultural workers, nor were any reference examples identified among small municipalities.

05

ANALYSIS OF THE
INTERVIEWS WITH
NATIONAL STAKEHOLDERS

5) ANALYSIS OF THE INTERVIEWS WITH NATIONAL STAKEHOLDERS

5.1 - OBJECTIVES OF THE INTERVIEWS AND PROFILE OF THE INTERVIEWEES

For the conduct of qualitative and semi-structured interviews, three professional profiles were defined, whose roles and readings on the rights of cultural workers in Brazil are complementary: federal executive managers; federal legislators; and researchers.

To deepen the information, the eight interviews initially planned in the project were expanded to 11.

5.1.1 - EXECUTIVE MANAGERS

Federal executive managers, highlighted for their position in agencies potentially interested in cultural workers residing in small municipalities.

Main objectives:

- a) To understand the definition given to “cultural worker”.
- b) To verify the existence of past, current, or future programs (and, in this case, their formats and results), benefiting cultural workers and/or residents of small municipalities - and, therefore, the attention given to them.
- c) To analyze the relationships between federal agencies, regarding programs aimed at cultural workers.
- d) To raise potential recommendations for the Creative Economy Bill.

5.1.2 - LEGISLATORS

Members of the National Congress involved with the Creative Economy Bill.

Main objectives:

- a) To understand the state of the art of the Bill, in its scope and in its legislative process.
- b) To verify how the legislature interprets the governance of the implementation of the future law.

5.1.3 - RESEARCHERS

Professionals from the technical staff of institutions that produce relevant data and studies in the national scenario.

Main objectives:

- a) To understand the definition given to “cultural worker”.
- b) To identify the existence of statistics or studies aimed at cultural workers and/or residents of small municipalities.
- c) To discuss potential research designs aimed at these audiences.

5.2 - SELECTED INTERVIEWEES

- **Alexandre Schirmer Kieling**, Coordinator of the Professional Master's Degree in Communication and Innovation in the Creative Economy at the Catholic University of Brasília - UCB
- **Andréa Guimarães**, Director of Cultural Economy Development at the Ministry of Culture
- **Daniele Canedo**, Director of the Creative Economy Observatory of the Federal University of Bahia and Professor at the Center of Culture, Languages and Applied Technologies at the Federal University of the Recôncavo Baiano
- **Deryk Santana**, Director of Policies for Cultural Workers at the Ministry of Culture
- **Francisco Tadeu Barbosa de Alencar**, Executive Secretary of the Ministry of Entrepreneurship, Microenterprise and Small Businesses
- **Frederico Barbosa**, Senior researcher at Institute for Applied Economic Research
- **Jáder Rosa**, Superintendent of Itaú Cultural
- **Julia Zardo**, Manager of the Entrepreneurial Culture Program at the Genesis Institute of PUC-Rio
- **Leonardo Athias**, Researcher at the Brazilian Institute of Geography and Statistics - IBGE
- **Lidice da Mata e Souza**, Federal Deputy, President of the Joint Parliamentary Front for the Creative Economy and co-author of the Creative Economy Bill 2.732/22
- **Magno Rogério Lavigne**, Secretary of Job Training, Employment and Income at the Ministry of Labor

5.3 - SUMMARY

5.3.1 - DEFINITION OF CULTURAL WORKERS

Among federal public managers, there is no homogeneous vision of a "cultural worker". Interpretations differ regarding the sectors that can be classified as cultural, such as functional ones (e.g., design, fashion, advertising, gastronomy), as well as creations that use digital technologies to generate content. The mention of the "symbolic" does not exhaust the debate, as its own meaning is the subject of discussion.

Similarly, the concept of "cultural work" is not consensual. The need for remuneration for the activity is not always a criterion for characterizing work, nor is the proportion of income from a cultural source in total income, or the number of hours dedicated to cultural work. Finally, the opinion on which ministries would be responsible for workers in shared areas - such as cultural tourism or artistic education - is fluid.

Although self-declaration generates controversies - recognizing that the cultural worker himself often does not understand himself as such -, this tends to be assumed as a legitimate criterion for classification.

Among research professionals, the existence of an international classification promotes convergence. For them, the biggest difficulties are of a formal nature, such as the classification of professionals in random rubrics (such as those who register as microentrepreneurs in non-cultural rubrics, due to the lack of those related to the real occupation); the high rate of informality; and the impossibility of stratifying samples to the point of representing the sectoral, regional, and social (age, gender, and race) filigrees of cultural workers.

5.3.2 - FRAGILITIES OF CULTURAL WORKERS IN GENERAL

There is a common understanding of the factors that contribute to the precariousness of cultural work. The most mentioned is informality in the sector. For Deryk Santana, of the 7 to 9 million cultural workers (depending on the research), between 36% and 42% are informal; of the formal, 40% are Individual Microentrepreneurs - MEI. Informality and classification as MEI make it impossible to access the social benefit network, starting with social security, and subject cultural workers to accepting adverse conditions of remuneration, hours, and working conditions in general, such as intermittence.

A relevant point is the need to consider cultural workers in their spectrum of diversity - which seems to reproduce and even exacerbate the income inequalities that characterize the national economy. Jáder Rosa exposes that, among formalized cultural workers, the highest remunerations are for those working in the technology sector, dominated by white men - with the gaming industry at its extreme. Black cultural workers, on the other hand, are proportionally more active in artistic endeavors, with a focus on women.

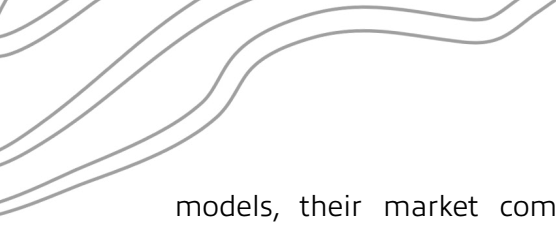
Additionally, it is common to mention gaps in the training of professionals, especially in career and business management, including key and essential topics of cultural work, such as pricing of works and copyrights. This occurs both among workers with a low level of formal education and among graduates, who usually finish university courses technically prepared but without managerial and career knowledge.

Another weakness pointed out by most of the managers interviewed is the dependence on public resources. The issue is multifactorial, ranging from ideological obstacles (the worker's resistance to being associated with the market and/or being called an "entrepreneur", which for some contradicts the freedom of creation); to the existence, among those who would like to not depend on public and even private grants, of barriers to accessing the market, such as bottlenecks in the visibility of work and the distribution of works. In general, however, there is a recognition that, given the finitude of government resources, it is relevant to strengthen professionals who could undertake in the market, without this detracting from the quality or legitimacy of their creation.

5.3.3 - DATA AND SURVEYS

There is a consensus regarding the lack of data necessary for the formulation and monitoring of public policies. There are no consistent and comparable statistics over time among the databases of research institutes. The Emergency Aid Law for Culture, known as Aldir Blanc Law, exposed the government's lack of information about these professionals - who they are, how they are organized, where they are registered, where and how they work, their business models, and their vulnerabilities. On the one hand, public agencies at different levels have shown to have outdated records; on the other hand, the disorganization of the cultural sectors was made explicit, and therefore, the limited access of workers to their rights.

Except, partially, for Itaú Cultural and IPEA (which is about to release a new study), other data sources do not allow for the disaggregation of data on cultural workers by gender or age group, much less at the municipal level. There are gaps in understanding their management



models, their market comprehension, and the impact of their work on dimensions complementary to culture - such as economic, tourism, territorial development, promotion of the territory's image at the national and international levels, and therefore, the leveraging of their products and services.

Additionally, there is little understanding of the value chains of the cultural sectors, with the exception of a few, such as games, audiovisual, and music. For the others, there is a lack of in-depth analysis of their structure, the possibilities for workers and economic agents to work collectively (cooperatives, associations, with shared services), the links in the chain downstream of creation (with emphasis on sales and distribution channels), general bottlenecks and opportunities, and synergies between cultural chains.

5.3.4 - THE IMPORTANCE OF GIVING A SPECIFIC APPROACH TO SMALL-SIZED MUNICIPALITIES

All interviewees acknowledged the importance of taking a unique look at small municipalities. It is understood that if labor laws and cultural incentive laws have a national scope, the difficulties that cultural workers encounter in small cities are more acute than those of residents in larger municipalities - including in terms of the lack of public resources, linked to a lack of innovation in cultural languages. The greater difficulty of cultural professionals in small municipalities in understanding and accessing the market, especially in municipalities that do not stand out as tourist destinations, was also recognized. The acknowledgment that these municipalities tend to be bastions of diversity and cultural identity was also unanimous.

The importance of working on equity is evident. It is understood that, beyond the difficulty of accessing resources, the smaller the municipalities, the further away cultural workers are from technical assistance for business models, support, infrastructure, access to microcredit, the possibility of integrating and working in networks and collective business models, even due to a matter of scale.

Finally, it was raised that, although municipal cultural managers in large municipalities are not always technically prepared, the situation is more critical in small ones - both due to the lack of personnel and the low remuneration offered. As a consequence, there is greater difficulty in formulating and implementing a consistent cultural policy in this context, which is visible even in the difficulty of formatting or participating in calls for proposals.

Nonetheless, the non-prioritization for municipalities with smaller populations in public policies aimed at cultural workers is still a reality. The Ministry of Culture has some projects in gestation or early development, initially aimed at training or educating cultural professionals. Foundational issues to leverage the cultural market, the visibility of cultural products and services, the organization of chains, the independence of resources from public funding or private grants were not mentioned in the horizon of planned programs.

5.3.5 - PUBLIC POLICIES TO BE CONSIDERED

The interviewees referenced some ongoing programs. In addition to the information raised during the interviews, the Living of Culture team mapped and systematized reports and other data from secondary sources related to the mentioned initiatives, with emphasis on

four, all of them from the Ministry of Culture: the Aldir Blanc National Policy; the inclusion of Creative Territories in the Federal Incentive Law, Lei Rouanet; projects derived from the strategy of the Directorate of Rights of Cultural Workers of the Ministry of Culture; the actions prioritized in the 4th National Culture Conference.

▪ **Aldir Blanc National Policy**

The [Aldir Blanc Law \(14.017/2020\)](#) was an emergency law, based on the transfer of resources to cultural workers, as well as to cultural spaces, microenterprises, and small businesses, in the face of the impact of the pandemic on the cultural sector. For the purposes of the law, cultural workers were considered to be people who participate in the production chain of artistic and cultural segments, including artists, storytellers, producers, technicians, curators, workshop facilitators, and art and capoeira school teachers, without a professional link, active in the 24 months prior to the granting of resources, without access to a social security benefit and with an income limit.

The R\$3 billion made available by the Law was transferred by the Union, with states and municipalities being responsible for distributing R\$1.5 billion, respectively, to each level of government, upon presentation of a work plan.

The Aldir Blanc Law was converted into the [Aldir Blanc National Policy - PNAB](#) through which, starting in 2023 and for a period of five years, the same annual resources of R\$3 billion will be made available. The transfer of the budget received from the Union continues to be made by the states, the Federal District, and the municipalities, after the completion of the stages of their respective calls for proposals. The federative entities then transfer the resources to the cultural workers selected by the calls for proposals, as long as they work in the production, dissemination, promotion, preservation, and acquisition of artistic and cultural goods, products, or services, including cultural heritage, material or immaterial.

Beyond the dynamization of projects, programs, and cultural spaces through the transferred resources, it is estimated that the PNAB will allow for the collection of unprecedentedly capillary data on the profile, quantity, and activities of cultural workers in the national territory, with municipal capillarity.

▪ **Creative Territories in the Rouanet Law**

In June 2024, the category of “Creative Territories” became eligible for the use of resources from the fiscal financing of the Rouanet Law, through [Normative Instruction 13/2024](#).

According to the Ministry of Culture, the cultural agents themselves of a territory with any geographic scope, with a “creative vocation”, will define the priorities and objectives, control the resources, and manage the infrastructures dynamized with resources from the federal law of incentive to culture.

As defined by the Normative Instruction, creative territories can be districts, neighborhoods, basins, which have their economic dynamics focused on the development of the creative economy of these spaces. According to Andréa Guimarães, “the focus is on the development of regions that have always been behind in the distribution of resources from public policies.” However, for this, it is necessary for companies or individuals to have an

interest in the specific region, as is the case in any project financed with resources from the Lei Rouanet.

This is the case of the pilot project, Kariri Criativo, in Ceará, proposed by a Ceará-based production company, articulated with the Ceará Secretariat of Culture, which, through the Ministry of Culture, received sponsorship from the Banco do Nordeste do Brasil. It is a four-year project aimed at preserving popular culture and qualifying cultural agents, to strengthen a creative ecosystem, in addition to possible research. Consisting of nine municipalities, the project provides for training activities (in open courses), but no distribution, visibility, or internationalization actions for cultural production are foreseen.

▪ **Projects arising from the strategy of the Directorate of Rights of Cultural Workers**

Reestablished by [Decree 11,336](#), of 01/01/2023, the Ministry of Culture has among its competences the regulation of copyrights; and the economic development of culture and the creative economy policy.

To these ends, it includes in its structure a Secretariat of Copyright and Intellectual Property; and a Secretariat of Creative Economy and Cultural Promotion with four directorates, including the Directorate of Policies for Cultural Workers. It is up to this:

I - to formulate, implement, and evaluate the professional training and qualification program to expand the training processes of technical sectors that support cultural activities;

II - to formulate, implement, and evaluate the young artists and culture program, which aims to support young people between the ages of eighteen and twenty-nine who work, study, or are involved in the field of culture, through the distribution of scholarships;

III - to build proposals for the regulation of cultural professions, of all languages and segments, in partnership with the Ministry of Labor and Employment; and

IV - to manage the Worker's Culture Program, established by Law No. 12,761, of December 27, 2012, which in its first article aims to provide workers with the means to exercise cultural rights and access to the sources of culture. For the purposes of the Law, the sectors covered are visual arts; performing arts; audiovisual; literature, humanities, and information; music; and cultural heritage.

With this in mind, some actions that have been carried out were mentioned. This is the case of training in technical courses, including shorter ones, through the Solano Trindade School of Artistic, Technical, and Cultural Training and Qualification, the [EsCult](#). It is an on-line platform for training and qualification courses for the world of work in culture, through the offer of free courses, initial and continuing education, and specialization.



Source: [Solano Trindade School of Artistic, Technical, and Cultural Training and Qualification](#)

Another important initiative is the update of recognized cultural occupations. Since the recognition, formalization, and regulation of cultural workers are fundamental for the generation and monitoring of public policies aimed at their rights, the Directorate opened a [public consultation](#), between May and August 2024, to update the [annex](#) to [Law 6,533](#), of 1978, which deals with the occupations of artists and entertainment technicians.

In parallel, the Institute of Applied Economic Research was requested to conduct a survey to update the Brazilian Classification of Occupations - CBO, including cultural occupations that exist but are not considered (from traditional ones, such as samba school drumline masters, to those linked to the digital world and others that have emerged since the 1970s), as well as the review of those that have fallen into disuse.

▪ 4th National Culture Conference

With the theme “Democracy and the Right to Culture,” the [4th National Culture Conference](#) - CNC was held in Brasília in March 2024, with the participation of 1,201 pre-registered delegates (810 from civil society and 309 public managers). The CNC was preceded by other participatory stages, organized at the municipal, state, and Federal District levels, as well as sectoral and thematic meetings.

Its programmatic strategy was based on six axes:

- 1: Institutionalization, Legal Frameworks, and National Culture System
- 2: Democratization of Access to Culture and Social Participation
- 3: Identity, Heritage, and Memory
- 4: Cultural Diversity and Gender, Race, and Accessibility Transversality in Cultural Policy
- 5: Creative Economy, Work, Income, and Sustainability
- 6: Right to Arts and Digital Languages

As a result of the CNC, 84 proposals were approved, of which 30 (five per axis) were prioritized.

Of particular relevance to Living of Culture are axes 1 and 5, from whose base texts and prioritized actions the most relevant excerpts are highlighted below.

Axis 1

- Introduction text

The discussion base text emphasized that “it is necessary to pay close attention to the multiple demands of territories, considering the many specificities and regional differences of the country, in which 70.6% of municipalities have less than 20,000 inhabitants”. (p.9)



Source: [4th NCC - Final Report](#)

- Prioritized Actions

Of the five prioritized actions, four primarily refer to funding and financial resources (the first being dedicated to the Amazon, due to the recognition of the so-called Amazon Factor).

The fifth action (or fourth, in order of prioritization by the delegates' vote) concerns guaranteeing and ensuring the full functioning of the National Culture System, in a myriad of aspects. To this end, it provides for technical and financial support for the process of institutionalization and implementation of its components; restructuring and strengthening of the National Council of Cultural Policy; holding the national, state, and municipal conferences every four years; standardization of the federative pact in the management of cultural policies; implementation of the national program for the training of cultural agents; strengthening of the MinC offices in the states; implementation of sectoral culture systems and plans and revision of existing ones.

Of particular note for Living of Culture are the guidelines aimed at:

- simplifying and streamlining the legal frameworks;
- strengthening the National Information and Cultural Indicators System, including

the creation of the Unified Cultural Registry; and
- implementing a national program for the qualification of agents and supporting the structuring of management bodies.

Axis 5

- Introduction text

The discussion base text, it is worth noting, in its text mixes the concepts of the culture economy, creative economy, and solidarity economy; and emphasizes the cultural sustainability of peripheral cultural agents and masters of traditional knowledge. Thus, "Investment in the creative and solidarity economies must be anchored in sustainable development, the reduction of inequalities, and the valorization of our cultural diversity. Policies for the sector must seek the financial sustainability of cultural agents, especially peripheral ones, from the countryside, and masters of traditional knowledge - always with attention to popular and community perspectives. Only then is it possible to guarantee cultural rights." (p.16)



Source: [4th NCC - Final Report](#)

In programmatic terms, it highlights the pillars of *professional regulation and formalization* of jobs, especially in labor, social security, and social protection matters; *training and qualification* of workers and entrepreneurs, in artistic, technical, and management knowledge; and the funding of culture, integrated with civil society and other public policies.

- Prioritized Actions

In this axis, five proposals were approved, all of them prioritized. Each proposal is quite comprehensive, encompassing more than a dozen guidelines per proposal, including some as broad as "establishing and adapting the legal frameworks of the Brazilian creative economy",

Therefore, the following are the main topics of the five proposals of Axis 5, relevant to Living of Culture:

Proposal 1 - Guarantee labor, social, social security, and tax rights. The proposal includes updating the National Classification of Economic Activities (CNAE) and the Brazilian Classification of Occupations (CBO); and also the establishment of the Culture Branch in the structure of the Ministry of Labor and Employment (MTE).

Proposal 2 - Guarantee, improve, and strengthen public policies to support, promote, and finance the creative economy and culture among the federative entities, in order to contemplate territorial and identity diversities and the specificities of the creative sectors. The proposal includes the creation of a National Agency for the Promotion of Culture and the Creative Economy, specific funds, tax exemptions, and a minimum quota of local workers in projects.

Proposal 3 - Implement the training programs in the area of Culture provided for in the law of the National Culture System, in a regionalized and decentralized manner.

Proposal 4 - Develop and implement the National Creative Economy Policy, with intersectoral programs, mapping, and systematization of indicators. Among the 11 guidelines of the action, the following stand out:

- “focus on creative entrepreneurship”, with priority given to traditional communities, cooperatives, and cultural associations, masters, Afro-Indigenous culture, and the like;
- “restoration of the tax exemption of the Vale Cultura and readjustment of its value, including new audiences”; and
- “valorization of the workforce of the public sector of culture, including career plans that value technical preparation, training, experience, and recognized knowledge”.

Proposal 5 - Strengthen the National System of Information and Cultural Indicators (SNIIC), integrated with the corresponding state, district, and municipal systems.

Full proposals of Axis 5 - Creative Economy, Work, Income and Sustainability

<p>1^o Criar um Sistema de Proteção Social para as/os trabalhadoras/es da cultura considerando as especificidades étnico-raciais, sociais, de acessibilidade, de pessoas com deficiência, culturais, artísticas e técnicas de cada região dentro da diversidade territorial, inclusive o Fator Amazônico, a partir da implementação de um cadastro único da cultura e atualização da Lei nº 6.353/79 e Lei nº 13.180/2015 para inclusão das novas atividades ainda não registradas; por meio do mapeamento e cadastramento das/os agentes culturais para atualização da Classificação Nacional de Atividades Econômicas (CNAE) e da Classificação Brasileira de Ocupações (CBO), com a intenção de incluir as categorias não abarcadas no Microempreendedor Individual (MEI); instituir o Ramo da Cultura na estrutura do Ministério do Trabalho e Emprego (MTE), visando maior organização das/os trabalhadoras/es. Garantir os direitos trabalhistas, sociais, previdenciários e tributários, com aposentadoria especial às categorias que, no exercício da profissão, estão expostas à sazonalidade, intermitência, instabilidades, periculosidades e calamidades, viabilizando, ainda, algumas ações, como: fiscalização da atividade trabalhista, fomento, renda básica, plano de carreira, seguro desemprego, assistência social, habitacional e cuidados de saúde, incluindo trabalhadores formais e informais e de notório saber, das culturas, das artes, das áreas técnicas, do artesanato, do patrimônio cultural, da memória e dos museus.</p>	<p>Nº de votos 76</p>	<p>3^o Implementar os programas de formação na área da Cultura previstos na lei do Sistema Nacional de Cultura de forma regionalizada e descentralizada, com uma oferta formativa ampla, flexível e diversificada, a ser realizada em rede, em espaços formais e informais em todos os territórios brasileiros. O programa deve ser elaborado com a participação efetiva de representantes de instituições de ensino e pesquisa da sociedade civil e da diversidade das áreas e segmentos técnicos, artísticos, culturais e da economia criativa, considerando a acessibilidade plena e a equidade social, étnico-racial, de gênero e territorial.</p>	<p>Nº de votos 61</p>
<p>2^o Garantir, aprimorar e fortalecer políticas públicas de apoio, fomento e financiamento à economia criativa e à cultura entre os entes federados, de modo a assegurar que sejam contempladas as diversidades territoriais e identitárias, incluindo o Fator Amazônico, assim como as especificidades dos setores criativos, nas diferentes etapas das cadeias produtivas do setor cultural e de tipo, porte (tamanho) e modelos de negócio, resguardando a atuação dos/as trabalhadoras/es da arte e cultura, das áreas técnicas, do artesanato, das culturas itinerantes, do patrimônio, da memória e dos museus, mestres e mestras dos saberes originários, populares e tradicionais, bem como as demais áreas e setores da cultura, garantindo a desburocratização e a simplificação dos processos, considerando as singularidades culturais, étnico-raciais-sociais, de gênero e sexualidade e de acessibilidade para todos/as. Para tanto, nesta proposta elencamos as seguintes estratégias: (a) revisão de legislações para o desenvolvimento de políticas permanentes e estruturantes, ampliando a participação dos setores criativos supracitados no PIB do país, garantindo empregabilidade, geração de renda e, ainda, a estabilidade e sustentabilidade de grupos, agentes culturais e territórios; (b) criação da Agência Nacional de Fomento à Cultura e Economia Criativa, para viabilizar a acessibilidade e o financiamento de equipamentos para o desenvolvimento de produtos culturais e da economia criativa nos setores criativos supracitados; (c) criação de fundos específicos para a economia criativa e aprimoramento dos Fundos de Cultura, repasses fundos a fundo, mecanismos de isenção fiscal e criação de linhas de crédito que considerem as especificidades dos setores criativos supracitados, a juros baixos, com carência mínima de (01) um ano, incluindo parcerias público-privadas e sugerindo a participação dos bancos públicos, privados e comunitários, a exemplo de uma proposta de arrecadação direta e indireta de tributos da Rota Bioceânica, estabelecendo um corredor para a produção cultural ligada ao turismo e ao desenvolvimento socioeconômico do país e à diplomacia cultural e integração da América do Sul, contemplando a facilitação das condições</p>	<p>Nº de votos 71</p>	<p>4^o Elaborar e implementar a Política Nacional de Economia Criativa, com instância de participação, incluindo fóruns, colegiados e conselhos. A política deverá contemplar programas intersetoriais de economia criativa com pactuação das responsabilidades e competências entre os entes federados, em consonância com o Sistema Nacional de Cultura. A política deve estruturar programas voltados para os mapeamentos e a sistemização de indicadores que atendam às especificidades do setor cultural e seus impactos econômicos, de forma a trazer subsídios ao poder público, auxiliando-o numa gestão compartilhada mais eficaz e plural de financiamento, além de proteger as inúmeras linguagens, comprovando seu real impacto financeiro na economia, dando atenção às seguintes diretrizes: (a) inclusão do artesanato nas políticas e ações do plano, garantindo financiamento, mapeamento, formação e contemplação de artesãos e artêsãs em seus respectivos territórios e segmentos; (b) criação de mecanismos para desonerar as taxas de impostos às Organizações da Sociedade Civil (OSC) e associações, para que estejam totalmente legalizadas e possibilitando, assim, que as mesmas busquem as empresas privadas para investir em projetos e arte; (c) estabelecimento e adequação dos marcos legais da economia criativa brasileira; (d) garantia dos direitos trabalhistas, previdenciários, administrativos, comerciais e de propriedade intelectual dos trabalhadores, profissionais e empreendedores das artes e da cultura; (e) redução dos entraves à circulação e à exportação de bens e serviços culturais; (f) sustentabilidade na perspectiva do bem viver; (g) democratização do acesso à arte e à cultura nas diversas regiões, garantindo a participação equitativa de todos os estados e as múltiplas configurações territoriais, levando em consideração o Fator Amazônico; (h) foco no empreendedorismo criativo, tendo como prioridade facilitar e desburocratizar o acesso à política por parte de comunidades tradicionais, cooperativas e associações culturais, agricultores familiares, agentes da cultura alimentar, mestres/as populares, produtores, técnicos e fazedores de cultura, culturas afro-brasileiras, afro-indígenas e povos de comunidades tradicionais, culturas itinerantes e brincantes; (i) retomada da isenção fiscal do Vale Cultura e reajuste de seu valor, incluindo novos públicos, priorizando juventudes, idosos, estudantes, servidores e funcionários públicos e beneficiários de programas sociais dos governos federais, estaduais,</p>	<p>Nº de votos 55</p>
<p>para exportação de bens e serviços culturais ao mercado internacional, contribuindo para a inserção do país no fluxo do comércio exterior; (d) contratação de percentual mínimo obrigatório de 50% de artistas, produtores e técnicos locais nos projetos culturais financiados através de leis e editais de incentivo cultural; (e) isenção fiscal para aquisição de material para execução, aprimoramento, preservação, conservação e restauro, estudo, seja de natureza física ou digital, aparelhos/máquina tecnológica ou instrumentos que provenham do exterior, como partituras, livros, maquinaria, matérias-primas, instrumentos musicais e outros, desde que não haja similares nacionais, de modo a democratizar o acesso a estes e desenvolvendo o setor e o fazedor de cultura em toda a sua potencialidade.</p>	<p>Nº de votos 39</p>	<p>municipais e do Distrito Federal, garantindo a estruturação e formalização das cadeias produtivas da cultura e o acesso à arte e a cultura. (j) valorização da força de trabalho do setor público da cultura com a realização de concursos públicos nas esferas municipal, distrital, estadual e federal, conjuntamente com a consolidação de planos de carreiras que possam valorizar o preparo técnico, formação, experiência e o notório saber (inclusive a oralidade dos mestres/as quilombolas e indígenas, entre outros); (k) criação de políticas setoriais para a economia das artes, do patrimônio cultural, da memória e dos museus, entre outros setores criativos.</p>	<p>Nº de votos 39</p>

Source: 4th CNC - Final Report

06

EXPLORATORY RESEARCH
WITH MANAGERS AND
CULTURE PROFESSIONALS
IN SMALL MUNICIPALITIES

6) EXPLORATORY RESEARCH WITH MANAGERS AND CULTURE PROFESSIONALS IN SMALL MUNICIPALITIES

6.1 - MOTIVATION

Given:

- a) the unanimity among interviewees regarding the importance of deepening the understanding of the situation of culture workers in small municipalities, especially the subgroups of women and young people; and
- b) the absence of strategies, programs, projects or concrete data regarding the same, the Living of Culture team considered it enriching to gather information that would allow a more nuanced understanding of the situation of these professionals.

To this end, two complementary exploratory studies were carried out, the results of which should therefore be taken as indicative.

The first involved semi-structured interviews with current and former municipal culture managers, with the aim of obtaining their reading of the profile of local culture workers, as well as the challenges faced and the contributions offered by these professionals to their municipalities.

The second study encompassed a case study with culture professionals from a set of municipalities in a specific region, in order to understand how these professionals analyze their work context.

6.2 - INTERVIEWS WITH FORMER OR CURRENT PUBLIC CULTURE MANAGERS

6.2.1 - METHODOLOGY

Current and former municipal culture managers from municipalities with up to 50,000 inhabitants, from various regions of Brazil, with a prevalence of São Paulo, Bahia and Amazonas, were contacted. Identified from the Living of Culture team's network, all of them met two criteria: technical training; and proven track record.

The questionnaire, sent via WhatsApp, was answered in the second half of November 2024, covering four questions:

1. What is the profile of culture workers in your municipality - by gender, age group, sector of activity?
2. What are the main programs, projects or actions of your municipality aimed at these workers?
3. What are the three biggest challenges these workers face to make a living from their profession?
4. What is the contribution of these workers to your municipality?

The final sample was composed of 20 individual respondents and two people responsible for a set of municipalities in very different states: Amazonas (comprising 50 small municipalities) and the Vale do Ribeira region in São Paulo (comprising 20 small municipalities), in order to bring greater diversity to the group addressed.

6.2.2 - MUNICIPALITIES COVERED AND MANAGERS INTERVIEWED

- Individual responses (20)

Andaraí/BA - Emílio Tapioca; Areias/SP - Gabriel Fonseca; Bananal/SP - Minuca Maciel; Campos do Jordão/SP - Benilson Toniolo; Cavalcante/GO - Edymara Diniz; Iguape/SP - Carlos Alberto Pereira Jr.; Itariri/SP - Nancy Ezidio; Jarinu/SP - Renata Cabrera de Moraes; Lavrinhas/SP - Patrick Gonçalves Ribeiro; Lençóis/BA - Paola Publio; Mucugê/BA - Welliton Camandaroba; Naviraí/MS - Telma Minari; Palmeiras/BA - Ricardo Rocha; Paraty/RJ - Paula Fabricante; Pariquera-Açu/SP - Vera Vasconcelos dos Santos; Queluz/SP - Augusto Corrupt; Rio Quente/GO - Tônico Alvarenga; São José do Barreiro/SP - Dalton Branco; São Pedro de Alcântara/SC - Daniel Silveira; Seabra/BA - Pitágoras Luna

- Group of municipalities of the State of Amazonas (50)

Alvarães, Amaturá, Anamá, Anori, Apuí, Atalaia do Norte, Autazes, Barcelos, Barreirinha, Benjamin Constant, Beruri, Boa Vista do Ramos, Boca do Acre, Borba, Caapiranga, Canutama, Careiro, Careiro da Várzea, Carauari, Codajás, Eirunepé, Envira, Fonte Boa, Guajará, Ipixuna, Itamarati, Itapiranga, Japurá, Juruá, Jutaí, Lábrea, Manaquiri, Maraã, Nhamundá, Nova Olinda do Norte, Novo Airão, Novo Aripuanã, Pauini, Presidente Figueiredo, Rio Preto da Eva, Santa Isabel do Rio Negro, Santo Antônio do Içá, São Paulo de Olivença, São Sebastião do Uatumã, Silves, Tapauá, Tonantins, Uarini, Urucará, Urucurituba

Respondent: Marcelo Campos Lucena Dias, regional representative of the Ministry of Culture

- Group of municipalities of the Vale do Ribeira, State of São Paulo (20)

Apiaí, Barra do Chapéu, Barra do Turvo, Cajati, Cananeia, Eldorado, Guapiara, Ilha Comprida, Iporanga, Itaoca, Itapirapuã Paulista, Jacupiranga, Juquiá, Miracatu, Pedro de Toledo, Ribeira, Ribeirão Branco, Ribeirão Grande, Sete Barras, Tapiraí

Respondent: Wilber Rossini, former Director of CODIVAR - Intermunicipal Development Consortium of Vale do Ribeira and Southern Coast and Vice-President of Visit Vale do Ribeira


6.2.3 - ANALYSIS

1) What is the profile of cultural workers in your municipality, broken down by gender, age group, and field of work?

Generally, the interviewed managers rely on their personal knowledge of the workers, not having official surveys about these professionals. It is expected that, with the PNAB, municipal registries will be formalized and/or updated.

Given this caveat regarding the lack of consistent data on culture workers, if we restrict ourselves to the information provided by managers, we note a significant majority of women among culture professionals, especially those over 30 years of age.

In municipalities with a significant presence of indigenous, quilombola, caiçara, ribeirinho or caipira communities, there is a special mention of the universe of traditional knowledge, practices, and festivals, understood jointly. This is a relevant issue to be considered



in future surveys and studies, which usually involve sectoral categories.

Even in the context of traditional communities, the cultural sector with the highest number of culture workers is crafts, decorative or utilitarian. This includes artisanal fashion, such as pieces made of embroidery, lace, and other manual techniques.

In second place, music stands out, with additional mentions of performing arts (especially associated with traditional festivals and festivities), literature, and audiovisual.

2) What are the key municipal programs, projects, or activities designed for these workers?

When asked about programs and projects, it is interesting to note that most of the answers refer to funding transfers, especially federal ones. In other words, the actions developed in the municipalities are not defined by continuous or structured municipal public policy, but rather reflect the guidelines of federal or state calls for proposals.

Among the municipalities that mentioned the implementation of programs on their own initiative, basic technical training workshops, fairs and events, especially municipal festivals, stand out. It should be noted that these may or may not involve the payment of fees to culture workers.

3) What are the top three challenges these workers face in making a living from their profession?

The vast majority of responses point to the distribution of cultural products and services as the biggest challenge. Young managers tend to emphasize that the difficulty refers to both physical channels and the digital presence of businesses, even when connectivity is not a local problem.

The second challenge, also mentioned massively, is the lack of access to microcredit, both as an initial investment (first productions, organization of digital presence and communication in general, visits to potential buyers and participation in relevant fairs), and for working capital. The situation becomes even more dramatic given the report of several managers who do not have a municipal budget, not even to remunerate the professionals hired by the city hall itself to participate in local events.

In third place, the lack of access to technical training (in project formatting for calls for proposals and in in-depth cultural techniques) stands out, followed by training in business management, with an emphasis on positioning, pricing and business models (associative and in networks), which help to combat the precariousness, intermittence, and informality of work.

4) What's the contribution of these workers to their municipalities?

The unanimous response of the managers refers to the contribution of culture workers as pillars of local identity maintenance, collective records, and practices, whether in municipalities with a greater presence of traditional communities or not. Their work is seen as essential for the maintenance and dissemination of local histories and for reinterpretations of what one wants to be.

The structuring of local identity and the strengthening of the sense of belonging are also considered essential for social cohesion, the formation of community ties, and the valuation of the territory by those who constitute it. Culture professionals thus act as guardians, in their symbolic dimension but also as agents of transformation, impacting the possibilities of local development. The economic impact is mentioned by practically all municipalities and emphasized in those that have established themselves or aspire to be tourist destinations. In addition to generating jobs and income along the chains of the cultural sectors, culture professionals favor the financial sustainability of those working in traditional sectors, by contributing to the attraction of investments and, therefore, to urban development.

In some cases, the importance of culture professionals for the projection of local visibility at the national and international levels was highlighted, strengthening the municipality's image and creating cultural, economic, and tourist opportunities.

In third place, the importance of culture workers for the human development of the population is mentioned, involving the expansion of horizons and skills such as creativity, imagination, innovation, and respect for diversity.

When contrasting the answers to question three - the challenges faced by culture workers - with the answers to question four - their contribution to the municipality - the imbalance is flagrant. To equalize the perception of the impact of culture workers with the offer of more dignified working conditions, it is essential to make their contribution explicit to professionals from other sectors and the community in general. From communication campaigns to heritage education programs in schools, through the conduct and dissemination of economic impact studies, it is urgent to develop a policy of valuing culture professionals.

6.3 - CASE STUDY WITH CULTURE WORKERS

6.3.1 - METHODOLOGY

For the case study with culture professionals, the Bahian municipality of Palmeiras was chosen. With a population of 10,339 (2022 Census), the location is part of the Chapada Diamantina, whose development is a result of the 19th-century diamond mining cycle. Its cultural diversity ranges from the traditions of quilombola communities to contemporary production by Brazilians who have migrated from other states and even some foreign professionals.

During the month of November 2024, 14 culture workers were interviewed, working in the sectors of crafts (palm and wood); performing arts (theater and circus); cultural tourism; gastronomy; Afro-Brazilian manifestations and rituals; music; visual arts; cultural production; audiovisual; and digital culture.

The semi-structured interviews covered questions related to local cultural policy, challenges and contributions of culture workers to the municipality, and were supplemented with personal information (name, email, age), about the cultural language of activity and the economic dependence of the cultural activity (primary or secondary source of income).

6.3.2 - INTERVIEWED PROFESSIONALS

- **Vanilda Araújo Damascena** ("Mestra Dinha") - 45-year-old woman, makes crafts with licuri palm.

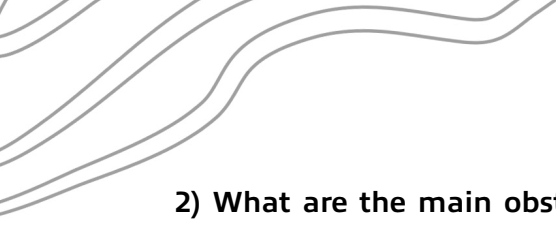
- **Silvandır Ferreira Soares de Jesus** - 69-year-old man, is a bricklayer and retired rural worker. In his spare time, he crafts with wood.
- **Ari Vinicius Pessoa** - 48-year-old man, is a flautist, composer of soundtracks and shares a recording studio with his 25-year-old son. He lives exclusively from music.
- **Vilma Novais** - 45-year-old woman, is the Vice-president of the Quilombola Association of the Corcovado Community. She works with traditional manifestations but her main source of income is working as Director of the Farmers' Union.
- **Clarissa Caballero** - 37-year-old woman, works in digital culture, creating content for the two largest portals of the Chapada Diamantina. Her main source of income comes from managing a guesthouse.
- **Rafael Lage** - 45-year-old man, is a photographer, cultural researcher, screenwriter, and film director. He lives mainly from working as a tour guide.
- **Leonardo Motta Abreu** - 39-year-old man, was the owner of a local gastronomy restaurant in the municipality and chef of some others. His main income is his tourism company, operating nationally.
- **Flavio Fucs** - 52-year-old man, owns a guesthouse located in a region with a good flow of cultural tourism.
- **Edmare "Ninha" Almeida** - 39-year-old woman, is an award-winning circus artist. She lives exclusively from her cultural activity, through tour tickets, grants, and circus classes.
- **Heloisa Andrade** - 74-year-old woman, retired, worked at the cultural center and carried out projects in public schools, with dramaturgy, scripts, and theater classes.
- **Maryanne Dutra Galinski** - 64-year-old woman, is responsible for the cultural center. She lives from the cultural center (including its grants) and the revenue of a clothing store.
- **Edmara Rocha** - 39-year-old woman, is a circus artist. She works as a circus teacher and has a small hostel.
- **Yara Gonçalves** - 45-year-old woman, is the Director of a state school and Vice-President of the Cultural Association ARCA.
- **Samba Chula and Reisado Group of the Quilombola Community of Corcovado** - formed by two masters and three mistresses of popular culture, aged between 80 and 94, who have lived in the Quilombo de Corcovado for over 40 years. The group keeps alive the traditional rituals and manifestations but its members live on rural retirement and Bolsa Família.

6.3.3 - ANALYSIS

1) What are the key cultural programs, projects and actions in your municipality?

None of the interviewees remembered specific cultural actions of the municipality; on the contrary, they unanimously declared that they depend on informal and sporadic resources such as income from cultural work. Among them, they mentioned the support of small establishments, crowdfunding campaigns on social networks, and grants that, although important, are not enough to sustain them.

For them, one of the factors that hinders access to grants, especially in visual and performing arts, is the criterion for distributing resources from the Ministry of Culture, which is based on the number of inhabitants of the municipalities.



2) What are the main obstacles you encounter in making a living from your cultural work?

Most of the interviewees - with emphasis on those who work with crafts and popular culture - see the lack of technical training to write projects and participate in public calls for proposals as the biggest difficulty.

In second place, the inability to guarantee a good digital presence, as a way to access other markets, stands out.

Among workers with higher formal education, there are numerous mentions of the lack of microcredit and municipal incentive policies.

3) How do culture workers contribute most significantly to municipality?

Professionals with higher formal education emphasize first the symbolic and social aspects of their work, in a very elaborate way. They highlight the strengthening of the territory's identity, the expansion of the sense of belonging, and the valorization of local culture. They also mention the regional economic impact on work and income, driven by culture and cultural tourism, emphasizing that the tourist flow of the Chapada Diamantina combines ecological and cultural aspects.

Among workers in crafts and popular culture, the answers focus on creating dialogue, social cohesion, and strengthening the community, including through the dissemination of the heritage of knowledge and practices. Phrases such as "making beautiful things that are unique to their people", "participating in courses together" stand out.

In this group, there is a very recent perception that cultural work is both work and has cultural value. Statements such as "a few years ago we thought that our creation was a way to play, to pass the time of the fatigue of work" are common. This awakening seems to have been driven by the participation in training in the solidarity economy, offered at the time by the Secretariat of Labor, Income, Employment and Sports of Bahia, which reportedly acted strongly in the region.

07

REFLECTIONS AND
SUGGESTIONS

7) REFLECTIONS AND SUGGESTIONS

Since it was filed by Deputies Lídice da Mata and Marcelo Calero in November 2022, [Bill 2.732](#), which establishes the National Policy for the Development of the Creative Economy, has already climbed some steps. After being assigned a rapporteur, Deputy Lucas Ramos, the text was approved, with a substitute, by the Science, Technology, and Innovation Committee. At the time of publication of this report, following the [procedural steps](#), it would still be considered by the Culture, Communication, and Constitution and Justice and Citizenship Committees. As its progress depends on the prioritization of analyses and this is affected by unforeseen agendas, there is no estimate of when the Bill will actually be voted on.

This process, however, offers the ideal opportunity for the various stakeholders (Executive branches, private associations and representations, academia, researchers, and cultural professionals) to join this debate, make themselves heard, and monitor the progress of the Bill. Its importance far exceeds the Legislative scope, considering that it closely dialogues with the cultural policies of the Executive, even to define how, as an interministerial policy, its implementation will be carried out.

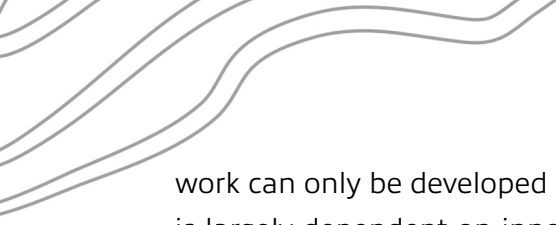
Complementary to the work already underway in the Federal Government - such as the expansion of codes of the National Classification of Economic Activities (CNAE) and the Brazilian Classification of Occupations (CBO) for inclusion as Individual Microentrepreneurs (MEI) - there is room for more to be done. As advocated in each step of the Living of Culture project, which is now finalizing its mission, strengthening the conditions for cultural workers to be self-sustaining, reducing their dependence on public funds and increasing the recognition of their importance by society, is fundamental to making them less vulnerable - to economic and ideological upheavals.

1) Definition of the Profile of the Cultural Worker

The first issue worthy of discussion is which profile of cultural worker the Bill is aimed at. Beyond the heterogeneity of occupations in the cultural sectors, the levels of professional training, and their socioeconomic situation, there are different profiles, forms of positioning, and relationships with the market.

At one extreme, there are professionals who declare themselves entrepreneurs. Regardless of whether they are formalized or not, their ideal is to offer their cultural services or products to the market. They see themselves as economic actors within chains and ecosystems - from fashion to crafts, from communication to literature. At the other extreme, there are professionals who feel uncomfortable and, eventually, offended when identified by terms from the business universe - cultural entrepreneurship, cultural economy, cultural products. They refer with some distrust to the market and argue that the only way to live from culture is through public funds. Between these caricatured antipodes, there is clearly a myriad of positions, including those who would like to be less dependent on calls for proposals but cannot survive without them.

One of the interviewees drew a parallel with the field of science, involving professionals dedicated to applied science, focused on the market, and others dedicated to pure science, whose



work can only be developed with public resources. The comparison is flawed. Applied science is largely dependent on innovations generated by pure science, which is essentially fostered in academia or public institutions. The analogy, however, brings with it the understanding that there are professionals who choose different paths, without their scientific quality being questioned.

Former Minister Gilberto Gil wisely presented three dimensions of culture: the symbolic, the citizen, and the economic. All three are fundamental and need to be recognized by the State, including with regard to the rights of cultural workers. Since the Bill refers to the creative economy, it seems logical that its main audience of attention are cultural professionals who seek self-sustainability. When we think about the situation of these workers in small Brazilian municipalities, especially women and young professionals, being able to live from culture often means deciding between migrating to larger centers or staying where they would like to be. Inserting them into the economic dynamics of culture is a large part of the solution to this dilemma.

More than conceptual, the debate brings with it the definition of what the Bill itself will seek to guarantee. In the case of entrepreneurs, micro or small cultural entrepreneurs, the demand is not necessarily for an increase in calls for proposals but rather for imperative issues for the survival or expansion of their cultural business, such as access to microcredit with subsidized rates; technical, managerial, and/or new technology training, including artificial intelligence; insertion into physical and/or digital distribution channels; national and/or international visibility; understanding of chains and trends; and related issues.

As an additional note, given the impossibility of even the largest public budgets doing justice to Brazilian cultural diversity, it is understood that it would be pertinent to define the profiles of projects that genuinely require permanent public resources - such as those of a socio-educational nature or those for the maintenance of cultural spaces. For the others, criteria such as the gradual decrease in the percentage of waiver used throughout the editions of their realization could apply - since they would already be structured and consolidated -, encouraging them to raise resources in the market and thus freeing up part of the public budget for new projects that need to strengthen themselves.

2) Transversality and Multiple Impacts of Culture

To expand the possibilities of realizing cultural projects and businesses in the market, it is essential to broaden the perception of the multiple impacts of culture, promoting public policies that integrate different bodies.

In this regard, there are inspiring and viable initiatives, showing how culture can be a guiding thread to articulate a public policy governance. Former Secretary of Culture of Louveira (SP), Felipe Hass, promoted throughout 2021 a series of [practical workshops](#) aimed at police officers, firefighters, and public managers from other departments, with the theme being the relationships between culture and what interested everyone: urban transformation. Through this common theme and the discussion of real cases, participants not only expanded their understanding of the transversality of culture but also of the role of each one in the realization

of the impacts of culture and the revitalization of the rights of cultural workers.

In 2020, the Secretariat of Culture and Creative Economy of the State of São Paulo began to request that proponents of its calls estimate the economic impact of the presented projects. Faced with the difficulty common to most cultural professionals in meeting this demand, Garimpo de Soluções and ASAS Arte e Tecnologia joined expertises and proposed a project to one of the calls. This is how the first economic impact calculator for cultural projects - and, as far as is known, unique in the world -, on-line and free, was created. The [Cultural Calculator](#), simple and intuitive, helps São Paulo proponents to shape their projects, in order to have ex ante greater coherence with the objectives defined by themselves; as well as to evaluate the ex post impacts obtained by the realized projects.

Faced with the concern that proponents of projects with less potential for attracting tourists - and, consequently, with less economic impact - could feel discouraged, a second tool was created within the same calculator. Cultural DNA helps the proponent to explore the relationships between their cultural project and other dimensions - education, environment, urban transformation, the SDGs, etc. -, expanding their perception of the multiple impacts that can be generated.

Both experiences attest to the relevance of including two objectives in the Bill of the National Policy for the Development of the Creative Economy. The first, to provide for mechanisms to stimulate the formation of effective governance for the implementation of public policies in municipalities - such as an online course for managers of departments that interface with culture, especially aimed at those who work in small municipalities, where training options are scarcer. The second, to develop online tools that help public and private managers to understand in a systemic way the multiple impacts of cultural projects, contributing to generate greater synergy between policies.

3) Territorializing Programs and Resources

Acting in a territorialized manner in countries and even in states with the diversity and complexity of Brazil represents a great challenge for the cultural agenda. Federal laws have the potential to play an important educational role with states and municipalities, especially in themes that are still poorly understood, as the creative economy tends to be. As exposed throughout this publication, there is a huge lack of data, understanding of the chains and economic ecosystems of culture in Brazilian territories, particularly in those encompassing small municipalities. Faced with this black box, it seems ineffective to adopt generic solutions, such as favoring the North, Northeast, and Midwest macro-regions, in an attempt to spread resources that, following the economic dynamics, naturally reproduce their regional concentration in the South and Southeast.

Establishing apportionments and prioritizations by the number of workers in a territory or by income in the cultural sectors incurs the same risk. As Frederico Barbosa, IPEA researcher and reference in cultural studies, says, "the cultural work indicator expresses the dynamics of the sector and cultural professions in their interrelationships with other important aggregates of the economy. Especially important in the description is the territorial distribution of dynamics. It is not appropriate to dissimulate ingenuities related to the level

of data aggregation; although the Brazilian cultural labor market is dynamic, it is cleaved in multiple directions by inequalities and dynamic insufficiencies, especially in regional and territorial terms.”³

The criterion for distributing cultural programs and resources by population contingent motivates criticism from many cultural professionals residing in small municipalities. In these, after all, the economic dynamics in the sector, access to training, the possibility of partnerships with the private sector, and cultural infrastructure are usually weaker than in larger markets. Likewise, adopting solely an apportionment by Municipal HDI, as was mentioned by some, would not bring the filigree of intra-municipal disparities, putting on equal footing the most vibrant and most marginalized areas of the same capital, for example, São Paulo, Salvador, or Manaus are many in one.

The Bill of the National Policy for the Development of the Creative Economy presents the opportunity to exhort the creation of a more sophisticated battery of indicators, following a territorial decoding inspired by the learnings of sectors such as health and technical assistance to rural units, complemented by more innovative and interconnected criteria.

4) Communication and Awareness

Cultural professionals understand that, in general, their work is poorly understood by society as being actual work. Part of this lack of recognition still seems to be associated with stereotypes involving the creation process and the artists themselves, whose work would require more talent than effort, discipline, training, or commitment.

However, there is also the widespread lack of knowledge, first, of the perception of the contribution of arts and culture to national wealth. A study conducted by [FEBRABAN/IPESPE](#) in mid-2023 reveals that while agribusiness is seen as the sector that generates the most wealth in the country (47%, varying from 45% in the Northeast to 55% in the South), arts are seen as contributing only 1%.

It is not surprising that, even today, when a teenager announces wanting to dedicate themselves professionally to the arts, literature, or music, the immediate concern of parents refers to their financial sustainability and the possibility of having a comfortable future. And it's not just for parents. The same study shows that only 26% of Generation Z (born between 1995 and the early 2010s) think that the profession of artist will be important in the future - practically the same percentage attributed by Generations Y (born between 1982 and 1994) or X (between 1965 and 1981), 27% and 25%, respectively.

Secondly, there is no knowledge of the wide variety of professionals who work, directly or connectedly, in the chains of arts and culture. Hearing that a lawyer, an economist, an accountant or manager, an electrical technician, carpenter, or sound operator is a cultural professional still causes strangeness - including, not infrequently, among legislators and public administrators.

If we truly want to enforce the rights of cultural workers in the country, it is important to promote an effort to value these professions, which does justice to their effective contribution to society, the economy, and the dynamization of territories. Inserting this agenda into economics, business, and education subjects is urgent. Showing the number and diversity of

³“O mercado de trabalho cultural no Brasil”

professionals involved in successful icons of national cultural production - from the Parintins Carnival to Rock'n Rio - is fundamental. How many people, and of what profiles and training, worked on "I'm Still Here" - from the costume designer to the press officer, from the screenwriter to the catering provider, from the security guards to the social media managers?

In projects sponsored with incentive laws and parliamentary amendments, in addition to presenting the amount of resources moved, it would be opportune to disclose the number of workers involved, their performance, and distribution in the territory, offering data and information for a permanent communication line.

It is suggested that the Creative Economy Bill contributes to embracing this aspiration.

5) National Creative Intelligence Instance

Several of the issues discussed to consolidate the rights of cultural workers require the support of data, studies, mappings, and other subsidies, including for the continuous monitoring and evaluation of public policy actions, whether current or future.

It is proposed that the Bill determine the creation of a national creative intelligence instance, of an independent, non-partisan, and permanent nature, involving professionals from different backgrounds and led by academia, to assist and feed the public and private sectors in strengthening the creative economy and the rights of its professionals.

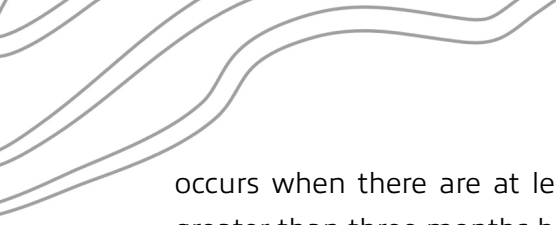
The responsibilities of this independent Creative Economy Observatory or Creative Entrepreneurship Observatory include, among others, the management and analysis of data from the cultural and creative sectors; the conception of methodologies for decoding the singularities and potentialities of these industries; the permanent dialogue with knowledge instances in Brazil and abroad; the mapping and analysis of trends that feed and inspire the actors and enterprises of the cultural and creative industries; the definition of markers to compare the sector's performance in Brazil with other countries; the suggestion of innovative business models; the promotion of knowledge exchange.

6) Labor and Social Security Issues

With regard to specifically labor and social security issues in culture and the creative economy, although they fall under the regulatory framework of each country, it is worth mentioning some interesting and potentially inspiring instruments for debates in Brazil.

In [Chile](#), the pursuit of awareness and respect for the rights of cultural professionals motivated the creation of an explanatory guide to labor and social security issues in the sector. The document is aimed at professionals and service providers as a Legal Entity or under the CLT regime, in individual or collective contracts. The solution, quite simple, has the merit of being concise and didactic.

In Uruguay, the [Artist Statute](#) of 2008, regulated in 2009, creates the National Regime of Artists and confers special recognition upon them for social security benefits purposes. Aimed at music and performing arts professionals, including related trades (costume, makeup, set design, lighting, sound technicians, etc.), it creates a form of compensation for the time invested in rehearsals and preparation. To this end, when performances in the same contract are no more than 15 days apart, the entire period is considered working time; when there are a minimum of 150 days of performance in the year, one year of work is considered; the same



occurs when there are at least four performances in a year, provided that there is no gap greater than three months between them.

Argentina adopted legislation in similar molds in 2015. The [Actors Law](#), passed unanimously in the Senate, establishes that theater artists (actors, directors, chorus members, assistants, dance troupes, and other professionals) with 120 days⁴ of consecutive or non-consecutive work are considered, for the purpose of calculating labor rights (retirement, contributions, etc.), as having one year of service rendered.

In Portugal, as detailed in the international benchmark chapter, the [Statute of Professionals in the Cultural Area](#) (EPAC), created in 2021, establishes a special social protection regime for professionals in the sector, respecting the intermittence and income variation that characterize it. As in other countries, the statute covers professionals registered in a specific registry - in this case, the Registry of Professionals in the Cultural Area (RPAC). The country also has a [Special Social Security Fund for Professionals in the Cultural Area](#), which subsidizes workers registered in the RPAC during periods of professional inactivity.

It is understood that the Bill of the National Policy for the Development of the Creative Economy can instigate and reinforce the work underway in the Federal Government to adapt labor standards to the needs of the cultural sector, including the creation of special social protection regimes, the promotion of collective bargaining, and the fight against informality. Themes that only become more pressing in the face of the challenges posed by the digital economy and new forms of work, which are gaining increasing momentum in the contemporary economy.

⁴ <https://www.ilo.org/sites/default/files/2025-01/wp28%20sp.pdf>

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