

QUESTIONNAIRE ON THE STATUS OF THE ARTIST

Introduction

The General Conference at its eighteenth session asked the Director-General, in consultation with the International Labour Organisation, to carry out a preliminary study on the status and social position of the artist.

This study which will deal with the technical, legal and administrative aspects of the problem, will be submitted to the General Conference at its nineteenth session so that it may decide whether an international instrument should be adopted on the subject.

The General Conference specified that this study should "take account of the recommendations of the intergovernmental conferences on cultural policies and of the international symposium of creative artists organized in 1974".

The first Intergovernmental Conference of Ministers of Culture, held in Venice in August-September 1970, had indeed emphasized the importance of the freedom of the artist as an integral part of the right to culture. The report of the Venice Conference states: "Particular care should be given to ensuring the freedom of the artist and over this, refused its assent and the adage that 'he who pays the piper calls the tune'. Artists should have their say in the bodies where cultural policy is decided".

The report goes on: "The freedom of the artist is a fundamental human right but it also serves the common good as an antidote to sterile bureaucratization and in fostering creative criticism, initiative and innovation in the society".

The participants in the Venice Conference also emphasized that "the freedom of the artist and of artistic expression is not only a legal conception but to be effective presupposes material conditions which allow the artist to work".

Accordingly, the Conference recommended Member States to associate creative artists with the formulation and implementation of their cultural policies. The passage reads: "Artists and workers in cultural activities should be closely associated with the administration of culture. This could be done either by inviting them to serve on administrative committees or by arranging for close co-operation between the administrators and the unions of artists, where these exist". Lastly, the Conference recommended Member States to "explore means by which creative artists can be helped to develop their talents".

Freedom of the artist, freedom of artistic creation, participation by artists in the shaping and implementation of cultural policies, encouragement for artistic creation through legal, economic and social measures, the endeavour to find ways of improving relations between the artist and the public - such were the key themes of the Venice Conference.

In June 1972, the European Ministers of Culture, meeting in Helsinki, recommended firstly that European Member States ensure "the integration and active participation of all groups of society, and of the artist in particular" and secondly "that artists, with their creative vision of the future of the human environment, should be genuinely associated" with the improvement of the environment etc.

organizations need not provide official texts such as laws and regulations which are to be communicated by the ministries concerned. If certain official texts have already appeared in Unesco or ILO publications, it will be sufficient to provide a reference to such publications.

Preliminary Explanations

7. Please reply in as much detail as possible to the questions, in each case making such distinctions as you deem necessary:
- (a) according to the profession and the conditions for exercising it;
 - (b) according to the field of art and culture;
 - (c) according to the type of functions within the profession, or the nature of the work;
 - (d) according to the employment status (salaried, self-employed, etc.);
 - (e) according to the basis of employment (permanent, temporary, full-time, part-time, outside collaboration, etc.);
 - (f) according to types of problem;
 - (g) according to the employment sector (public, private, semi-public).
8. You are also asked to reply to questions as fully as possible by describing not only de facto and de jure situations but also the problems which arise in practice, and any ideas which have been put forward in this connexion, or demands made by the professional organizations concerned.
9. In addition, you are requested to deal with any questions other than those below which you feel ought to have been covered in the questionnaire.

QUESTIONS

General Policy

10. Please provide any information and comments which you consider relevant for the proposed study concerning general policy with regard to the arts and culture, the proportion of the national budget which is set aside for this policy, its place in economic plans and programmes, its major lines of emphasis, etc.
11. What are the public or private bodies concerned with the professions under consideration at various levels and particularly at ministerial level or the equivalent and what ministries are involved? How are such bodies composed, what are their terms of reference, what are their means of action?
12. Please specify the rôle played by the central services and the local communities in defining, promoting and applying the policy for the arts and culture.

Training

13. What is the national policy with regard to artistic training: responsible authorities, percentage of capital and operating expenditure in national and local budgets and in expenditure on general education; objectives and methods of the forms of instruction provided; official definition of programme content; official recognition of studies; public assistance, etc.

skills, to establishing, equipping or expanding national projects and institutions for research, preservation, documentation and the presentation of their traditional cultural heritages; (2) undertake a study by experts to prepare specifications of architectural plans and equipment for various types of premises suitable for the public presentation of the arts, keeping in view local social and climatic conditions, and make this documentation available to Member States on request".

These recommendations were endorsed by the artists who were convened by Unesco to a symposium held in Paris in July 1974; it is likely that the Ministers of Culture of Africa, who are to meet in Accra in October-November 1975, and the Ministers of Culture of the countries of Latin America and the Caribbean, who are to meet in 1977, will put forward similar recommendations and will ask the international community to provide assistance in this respect.

These recommendations and decisions are a very considerable advance over the International Conference of Artists which was held in Venice in 1952 under the auspices of Unesco. Indeed, although the participants in that Conference recognized the need to protect the artist, to assist him and guarantee the independence of his art and to preserve the originality and sovereignty of his talent, and although they recognized that it was incumbent on the State to encourage the arts but without taking control of them, and although they were evidently well aware of the situation of the artist in the society of that time, they did not clearly define the rôle of the artist in modern society. They clearly identified the main obstacles encountered by artists in the exercise of their art, but they barely glimpsed the remedies and practical solutions which might be applied.

For this reason, at a time when we are witnessing a new approach to culture and when a number of countries are addressing themselves to the task of drawing up cultural policies of wide scope, it is both normal and significant that the General Conference of Unesco should wish to study this question and try to answer it in a realistic and positive manner.

- (f) the number of artists completing training each year; including breakdown by type of work content (for example, theatre, cinema, television, etc.)
19. To what functions and types of employment or work may the studies mentioned in paragraph 18 lead?
20. For purposes of training students and/or practising artists, what are the relationships established between such schools, academies or conservatoires and the corresponding cultural institutions: universities, museums, theatres, operatic centres, radio and television organizations (probationership, half-time employment, participation in rehearsals, retraining, etc.).
21. Is the diploma obtained in such institutions required: (a) for entry to the profession; (b) for entry to a specific branch of the profession?
22. Which are the authorities empowered to lay down the training requirements for the exercise of the profession? Are the members of the profession concerned represented on this authority and, if so, how?
23. Are the existing training facilities considered satisfactory, quantitatively and qualitatively? If not, please say how the needs are met and indicate what are the shortcomings conceded and what measures are being taken or are contemplated to remedy them.
24. Is there a life-long education policy (refresher courses and further training) for the artistic professions? If so, please describe this policy and give examples of its application in practice.
25. Is there a policy with regard to the equivalence or reciprocal recognition of diplomas between countries for the artistic professions? If so, please describe the policy and an outline of the problems which arise in this respect and the measures contemplated or advocated in order to solve them..

Professional Organization

26. Are the professions covered by the present questionnaire recognized officially as such? If so, please provide all information concerning such official recognition, its terms and condition, the problems which arise in connexion with its effective application and its consequences. If not, please indicate the problems arising in practice from the non-recognition of the artistic professions as such and any measures which may be contemplated or advocated in order to overcome them. Please provide also any useful information on the organizational trends in the artistic professions (progression, stagnation, regression) and on trends in the professional structuration of the various disciplines.
27. How and to what extent are artists associated with the decisions which determine their situation:
- (a) at the level of the policies and dispositions reserved of the State authorities, and, in particular, within the bodies mentioned in paragraph 11?
 - (b) at the level of the sectors of professional activity?
 - (c) at the level of the establishment providing employment?

ANNEX

QUESTIONNAIRE ON THE STATUS OF THE ARTIST

Purpose of the Questionnaire

1. The present questionnaire has been prepared jointly by the International Labour Office and Unesco with a view to compiling information for the preparation of a study on the social situation and status of the artist. This study is to be submitted to the nineteenth session of the General Conference of Unesco in 1976 for a decision by the Conference as to whether this matter should be the subject of an international regulation.
2. The proposed study will cover all the problems of the economic, social, professional and moral circumstance of the artist in the broadest sense of the term.
3. The term "artist", as used here, embraces all artists in the broadest sense of the term whether their functions are those of creation, interpretation, execution, (1) teaching, management or artistic direction, etc. (painters, sculptors, engravers, composers, writers, musicians, actors, dancers, choreographers, critics, editors, translators, (2) variety artists, architects, decorators, engravers, etc.).
4. All the categories covered by the preceding paragraph are included for the purposes of the present questionnaire whatever their employment situation - salaried, self-employed, under contract - and in whatever sector they are employed (public, private, semi-public).

Provision of Documentation

5. You are requested to provide all the documentation on which your replies to the questions below are based.
 6. Please will you also provide any documentation of a general nature concerning the legal, economic, social, professional and ethical position of artists which you consider relevant to the proposed study: laws and statutes, reports and other official documents, collective conventions, employment contracts and other contracts or agreements, special studies or inquiries, press cuttings, magazine articles on general or specific topics, etc. Professional and non-governmental
- (1) Artists whose functions are those of interpretation or execution include, in particular, artists described as "performers" by the Convention for the protection of performers, producers of phonograms, and broadcasting organizations concluded under the joint auspices of ILO, Unesco and IBERD (known as the "Rome Convention"). Any measures which may be adopted as a sequel to the proposed study, would, of course, be without prejudice to the protection already granted to the workers concerned under this Convention.
 - (2) With regard to translators, and in view of the fact that the General Conference of Unesco at its eighteenth session (October-November 1974) adopted a resolution (6.13) deciding to lay the foundations at international level for the protection of the profession of translator by means of a recommendation to be adopted by the nineteenth session of the General Conference in 1976, it goes without saying that any decision that may subsequently be taken with regard to translators within the framework of the general protection accorded to artists will need to be without prejudice to any measures which may be adopted by States as a sequel to the said recommendation of the General Conference of Unesco.

Lastly, the European Ministers of Culture recommended to the European Member States that they: "(1) promote conditions which allow artists to develop their talents to the full and, through their creative activity, enrich the national and universal cultural heritages; (2) in particular, give encouragement to artists engaged, through their work, in promoting the ideas of peace, and study the possibility of founding national and European literary and art prizes to be awarded periodically to writers and artists who in their works best express the ideas of peaceful coexistence and co-operation between the countries and peoples of Europe; (3) give artists, through their associations or as individuals, a substantial rôle in formulating and implementing the cultural policies of their countries; (4) seek means of improving contacts between artists and society as a whole; (5) provide the necessary material conditions to enable young people with artistic ability to receive suitable artistic training, without discrimination; (6) provide artists with material conditions which will enable them to do creative work in freedom from constraint and take appropriate measures to ensure the effective protection of their moral and material rights; (7) earmark a certain percentage of the cost of public buildings for the inclusion of works of art; (8) recognize the copyright of the artists concerned on all public sales of their works; (9) organize social security for artists; (10) take appropriate fiscal measures to encourage public corporations and individuals to buy and hand on works of contemporary art, by donations or legacies; (11) arouse public interest in works of art by providing the most comprehensive information and education possible, in particular by educational policies which will awaken children's artistic appreciation at a very early age, and give everyone, by means of life-long education, an equal chance of access to art".

The Helsinki Conference further recommended that Unesco "continue to make a comprehensive study of the problems of artistic creation and distribute information on useful experience acquired by individual countries in solving these problems; make provision in its programme for holding an international symposium on 'The contemporary rôle of artists in formulating and implementing cultural policy, and their responsibility towards society'; seek a common definition of the criteria on which the profession of the artist is based; provide a larger number of travel fellowships for European artists".

Lastly, the Conference appealed to all men of culture: "to intensify their activities in spreading knowledge and appreciation of the treasures of national cultures and of the world's cultural heritage; to contribute, by their artistic activities, to reinforcing and developing European cultural co-operation in the interests of peace and international understanding".

In its turn, the Conference of Ministers of Culture, which met in Yogyakarta in December 1973, recommended to Asian Member States that they: "(1) study, and if appropriate, launch new policies and institutional safeguards for ensuring greater social security for the artist; (2) study the possibility of establishing more schools, museums and children's centres in the arts which could serve as effective means of cultural education for children of all ages; (3) initiate measures, where this has not already been done, to identify and list individuals, groups, or classes of notable masters and practitioners of all traditional and folk arts and skills and by providing suitable incentives ensure ways and means for their continuance in these arts and skills; (4) initiate suitable projects and institute suitable facilities, where this has not already been done, for the collection, documentation, preservation and circulation of typical products of traditional or folk cultural and artistic endeavour, and give them prominence in inter-State or international cultural exchange programmes".

The Conference further recommended to Unesco that it: "(1) provide through speedy and simplified procedures all facilities within its competence to Member States in Asia and Oceania by way of equipment and technical and methodological

14. What measures designed to promote artistic and literary training are taken at national, regional or municipal level or by the private sector (foundations, etc.) such as fellowships for study abroad, study tours, residential facilities in universities for artists or writers, etc.? Special mention should be made of any experimental laboratories.
15. In what branches of artistic and literary activity are there schools, academies, conservatoires or training courses, whether public or private?
16. Please provide all available information, by discipline, on:
- (a) the number of arts training establishments and courses;
 - (b) the system of institution;
 - (c) whether they are public or private;
 - (d) their sources of finance and the relative importance of the various sources if there is more than one;
 - (e) their enrolment capacity;
 - (f) actual number of students;
 - (g) whether studies are free of charge or not.
17. What is the social origin of the students, in general and by discipline? What material assistance is available to them (scholarships, travel expenses, etc.)? What are the sources and total amounts of such grants-in-aid, and how many students receive them, in absolute terms and in relation to the total enrolment?
18. Please provide all available information, by discipline and by type of institution (private, public) on:
- (a) criteria and conditions for admission to courses of study;⁽¹⁾
 - (b) syllabuses recommended or in use,⁽²⁾ their content and duration;
 - (c) teachers (including practising artists), their number and training and the teacher/student ratio;
 - (d) certificates awarded in respect of studies or equivalent experience, whether they are officially recognized or otherwise;
 - (e) their equivalence with officially recognized diplomas;
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- (1) For example, are there oral or written examinations or performance tests? Is an assessment made of previous experience or professional achievement? Is there a general education requirement? Is there an assessment of aptitudes?
- (2) For example, is the training of actors restricted to acting techniques or does it include a general grounding in the arts of the theatre? The study of traditional styles, (national, regional, or of other regions of the world)? Contemporary forms and styles including those for the media of mass education? Does the training include a practice attachment?

28. What professional organizations and bodies represent and defend the economic, social, professional and moral interests of artists (orders, professional associations, trade union organizations, etc.)? Please give information as to their nature, how they are financed, the number and professional composition of their membership, their claims, the means which they employ in order to defend the interests of their members and on any other points which you think worth mentioning.
29. What are the particular categories with little or no organization for the protection of their interests, or which are badly or inadequately organized? Please provide details of the attention given to this problem, of any efforts which have been made by those concerned to organize themselves and of any obstacles there may be to the successful outcome of such efforts.
30. Are there any legal barriers to freedom of association, trade union freedom, the right to collective bargaining and the right to strike as far as artists are concerned? If so, please specify.

Employment and Unemployment

31. How many artists are there practising as such:
- (a) according to artistic or literary field or discipline;
 - (b) according to type of employer or employing establishment;
 - (c) according to employment sector, public (national level, local communities) or private;
 - (d) employment status (salaried, self-employed, etc.)⁽¹⁾
32. In view of the wide range of professions covered by the present questionnaire, please provide for each such profession the fullest possible details on the particular conditions of that profession's pursuit, and in particular, with regard to:
- (a) the type of employer, the type of working relationships which may exist (staff employer, contractor, collaborator, etc.), and the resulting types of contract (contract of employment, commission, publishing contract, agency contract, industrial hire contract, etc.);
 - (b) the localization of the work and the frequency of changes of residence;
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- (1) For example: for actors, information on whether there exist national theatres, troupes, companies, etc. (for theatre, cinema, television or radio). The number of performers they employ on a full-time basis. The approximate number of students from national schools whom they recruit annually on a permanent basis. The number of students recruited in the private sector (radio, television, cinema, commercial theatre, etc.). Other private or public sectors such as education, administration, promotional activities. For architects, what is the number of architects (officially recognized by an order of architects, a professional association, etc.) in relation to the population of your country? What percentage of such architects are self-employed and what percentage are salaried? Who are the main employers of architects in your country? (Architectural agencies, firms government, etc.)? What proportion of overall construction activities entails work by architects? Indicate, as far as possible, what percentage of buildings are architect-designed.

- (c) the type of work setting;
 - (d) the functions which may be performed and the manner in which they may be affected by the contractual status of the artist and by the context in which he works;
 - (e) hardships (constraints, length of working hours, night work, working environment, etc.);
 - (f) the continuity or otherwise of employment;
 - (g) the length and nature of the career.
33. Is there a directory of artistic careers? If not, are there plans for preparing one?
34. To the extent that artists also have other occupations than that of artist, what are the occupations concerned and what proportion of the professional working time of artists is taken up with them?
35. Do graduates from national art colleges have priority with regard to employment in the public or semi-public sector?
36. To what extent does the national employment service concern itself with placing artists in search of contracts or salaried posts?
37. Are there private agencies, which either charge a fee or are non-profit making concerned with the placement of artists in searching contracts or salaried posts? If so, please indicate the regulations applicable to the activities of such agencies and the terms they offer, including scales of charges.
38. What percentage of temporary employment agencies are concerned with the placement of artists? What regulations govern their activities?
39. What are the dispositions applicable to foreign artists taking up temporary posts in the country or desirous of taking up permanent residence?
40. Please provide all available information on facilities currently available to artists with regard to contacts and exchanges with foreign countries.
41. Please provide all available data on inactivity or unemployment among artists (unemployment rates, ages of unemployed, average duration, etc.), and on their causes.
42. What are the existing dispositions or initiatives designed to assist unemployed artists, apart from placement arrangements or for the payment of unemployment benefits.
43. What are the forecasts with regard to the balance of manpower supply and demand and the types of openings in the artistic professions over the next few years?
44. Is any research being done on the channels for the redeployment of artists who are unable to work in their artistic profession? If so, what are the findings of such research and in what ways are they taken into account in practice?

45. What measures have been taken or are contemplated to promote the development of artistic and cultural activities which can help to increase the possibilities of remunerative work for the categories concerned: the creation of bodies to stimulate or intensify the activities of existing bodies; special allocations of funds or earnings;⁽¹⁾ fiscal and other appropriate relief for patrons; encouraging the dissemination of works of art by means of appropriate regulations, including customs regulations, the allocation of resources derived from works which have fallen into the public domain or which have reverted to the State by escheat to assist contemporary art? Are such measures to be credited to the public authorities (national, regional or local), to the private sector (industry⁽²⁾ or non-profit making bodies, foundations, etc.) or those actually concerned? What impact do they make in practice (number of artists who have been beneficiaries of such schemes, the sums of money disbursed, etc.)?

46. What measures have been taken or are contemplated to promote the exercise of artistic professions under suitable group arrangements, in co-operative lines (theatre, film-making, promotion of cultural activities, publishing, etc.) or otherwise? Please provide information on existing groupings and on their problems.

Employment Régime

47. What is the régime applying to salaried artistic activity? General labour legislation, special statutes, collective agreements, employment contract? Please describe the situation and indicate, if possible, the proportion of artists working under these different arrangements.

48. What, in particular, are the dispositions applicable to salaried artists over employment contracts - the form of the contract, required content, conditions of engagement, probationary period, advance notice of dismissal or resignation, safeguards providing security of tenure, etc.

49. Are there model contracts for the various artistic professions which are exercised on a salaried basis? In the affirmative, please summarize the main provisions of such contracts and indicate to what extent they are applied in practice.

50. Are there special arrangements applying to salaried artists employed on a temporary or occasional basis - either as supernumeraries or otherwise - or on a seasonal basis; if not, are such employees covered by special provisions in the texts applicable to salaried artists?

51. - Please reply to the questions raised in the previous paragraph, but in respect of salaried artists employed on a part-time basis.

52. What are the various types of independent service contract (under which neither part is subordinate to the other) which are applicable to artists; for example, contracts concerning royalties, contracts between impresario and performers or fee contracts, freelance agreements, etc.?

(1) For example, the law under which one per cent of construction funds in France is set aside for works of art in school and university buildings, for the provision of professional premises, etc.

(2) For example, encouraging the placing of sculptures or the provision of coloured decorations in factories, the purchase of works of art, the funding of fellowships, commission work, etc.

52bis. Describe also mixed contracts such as those which apply, in particular, to publishing and the contracts known as performance contracts relating to architecture, sculpture, etc.

53. Please give information if possible on how widespread such independent types of service contract are in the various fields of artistic activity, attaching any model contracts which you consider appropriate.

The General Situation with Regard to Artistic Activity

54. What is the position of salaried artists as regards the following:

- (a) (i) the length of the normal working week;
- (ii) the length of actual working time;
- (iii) the system of overtime;
- (b) (i) night work;
- (ii) weekly holiday;
- (iii) week-end work;
- (iv) time off for public holidays;
- (v) work on public holidays;
- (c) paid annual leave;
- (d) sick leave;
- (e) maternity leave.

55. What rights are enjoyed by salaried artists employed on a part-time basis in the fields listed in paragraph 54?

56. What rights are enjoyed by artists employed on a temporary basis, part-time or intermittently in the fields listed in paragraph 54?

Remuneration

Copyright: pecuniary rights

57. What are the pecuniary rights of artists as authors? Please answer this question (a) with regard to self-employed artists and (b) with regard to artists who are employees.

58. Are there gaps in the existing legislation with regard to the protection of artist-authors against unauthorized use of the product of their work which may be financially detrimental to them? Please specify problems which occur in this respect, including those relating to the use of creative art work abroad.

58bis. What, in particular, is the system with regard to residual rights?

59. What measures have been taken or are envisaged to counter such risks of infringement in applying the dispositions regarding the pecuniary rights of

authors? Please supply details, in particular, concerning arrangements, contractual or otherwise, either existing or desirable, calculated to avoid such abuses including the measures which should enable artist-authors to satisfy themselves that their pecuniary rights have been calculated accurately and equitably and to check that these sums have in fact been paid to them.

60. What is the machinery for distribution to individuals in cases of group collection of moneys due in respect of the publication, reproduction, sale or resale, hire, loan, performance or distribution of a work by an artist-author?
61. If such machinery does not already exist, are there plans for its introduction? If so, what kinds of machinery are contemplated and what problems are posed by their introduction?
62. If possible, please indicate the totals of royalties received by artists by giving appropriate examples and, in so far as this is possible, indicate average earnings calculated per year.
- 62bis. What system is applied with regard to rights which have reverted by escheat?

Salaried earnings

63. Please provide all available information on the remuneration of artists working on salary: (a) nature; (b) composition; (c) total; (d) conditions of payment; (e) modes of determination.
64. Are salaries adjusted to match the cost of living? If so, please describe the adjustment machinery and indicate the problems which arise in this domain.
65. What allowances are payable in addition to basic salaries (travel allowances, other allowances)? Are such allowances adjusted to match changes in the cost of living? If so, please say how.

Other earnings

66. What are the pecuniary rights of performers and executants who are not authors (apart from their right to remuneration under the terms of a salaried employment contract)? To what extent are these rights formally laid down, in particular as regards the utilization of such rendering including use abroad?
67. What is the situation with regard to performers and executants who are also authors?
68. What problems arise in practice in securing and enforcing the rights covered by the two preceding paragraphs?
69. What is the machinery for individual distribution when the pecuniary royalties covered by this section are recovered under group arrangements?
70. If such machinery does not yet exist, are there plans to introduce it? If so, what machinery is contemplated and what problems does it raise?
71. Please provide examples of the earnings of artists bound by an independent job contract other than a contract concerned with copyright.
72. Please provide also full information on the ways and means of remunerating artists working as self-employed professionals and not covered by the preceding

questions. For example, what are the laws or rules for the remuneration of self-employed professional architects? Are there scales laying down fees chargeable? Please quote such scales if they exist and provide information on the actual earnings of those concerned.

Tax arrangements

73. What tax arrangement obtains in respect of earnings from artistic activities according to their nature or source (type and rate of tax, procedure for establishing and defining the sums taxable, the possibility of spreading taxable earnings over more than one year, deductible professional expenses, etc.)?
74. Is this tax system regarded as satisfactory from the point of view of fair assessment? What problems does it raise? What reforms, if any, are envisaged or advocated?
75. What are the dispositions regarding earnings abroad and foreign artists' earnings in your country? Are there international conventions relating to double taxation and tax relief in respect of such earnings? In replying to this latter question, please leave out sums earned as royalties.⁽¹⁾
76. Please provide examples of the impact of taxation on the net earnings of artists according to the type or origin of such earnings.

Moral and Professional Rights⁽²⁾

77. What are the moral and professional obligations to which the artist is subject in respect of (a) salaried contracts and (b) commissions of fee contracts?
78. To what extent do these dispositions pose problems in practice and what measures are envisaged to remedy the latter?
- 78bis. How is the moral right of the originator over his work defined, protected and applied in legislation on royalties, jurisprudence or by other such measures, in particular in compliance with existing international conventions?
79. Apart from the dispositions considered in the preceding paragraph, what are the dispositions for protecting the moral and professional rights of artists, in contracts (a) for work against a fee and (b) for salaried employment?
- 79bis. In particular, what are the means whereby the performer or executant can control the use made of his interpretation or performance (including secondary

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- (1) It will be recalled that Unesco has begun the preparation of a draft international agreement designed to avoid the double taxation of copyright royalties remitted from one country to another. It would therefore be superfluous to answer here the questions included in the questionnaire on "taxes levied on copyright royalties and on the double taxation of such royalties when they are transferred from one country to another", which has been sent out by the Unesco Office of International Standards and Legal Affairs.
- (2) Recognition of the name, patrimonial rights, rights concerning the utilization of the results of the work, restrictions on exclusion clauses, reservation of certain rights, rights of option in case of engagement for multiple services, reservation of particular rights, definition of professional prerogatives, elimination of conditions likely to be an obstacle to creativity or the expression of talent, rights to terminate a contract, limitation of the duration of the contract, etc.

utilizations) and ensure that not only his pecuniary rights but also his moral rights are respected in the case of such use?

80. To what extent does the protection (and a contrario the non-protection) of moral and professional rights affect the earnings of artists?

Social Security

81. Which categories of artists are protected by social security?

82. What risks are covered (sickness, maternity, injury at work and occupational illnesses, disablement, old age, death of the breadwinner, unemployment, family expenses)?

83. For each of the risks covered, are the various categories of artists subject to:

- (a) a general or a special system;
- (b) a compulsory system or an optional system;
- (c) supplementary systems?

84. If the social insurance of artists is different from that of other salaried or self-employed workers, why and how does it differ and, in each case, what is the degree of the protection afforded (scope of assistance in kind and in cash, conditions for its award, level and duration of assistance)?

85. What are the methods of financing (sources, rates of contributions)?

86. What special problems arise with regard to artists' social security? How, in particular, is artists' social security affected by the fact that two systems, that of salaried and that of free lance employment exist side by side? What are the consequences of applying the criterion of the principal employment calculated on the basis of a given period of service?