

(Revised 16 September 2005 and 14 June 2015 at the Freemuse General Assembly)

I Name and Status

1.1 The name of the organisation is: FREEMUSE – Freedom of Musical Expression. The Secretariat is based in Copenhagen, Denmark. Hereafter in this Charter the organisation shall be referred to as Freemuse.

1.2 Freemuse is an association as defined by Danish law. Freemuse is a non-partisan and non-profit membership organisation dedicated to the welfare of the community, and no part of its net income shall accrue to the benefit of any private organisation or individual.

1.3 Freemuse may establish bases in other countries.

1.4 The secretariat may be moved to another country following a two-thirds majority decision by the Executive Committee.

1.5 For the purposes of this Charter, and the organisation, a musician is defined as anyone in any country active in the performance and/or composition of music or music lyrics, including participants in the dissemination and distribution, in any form, of public performance or over any media.

II Objectives

2.1 The objective of Freemuse is to advocate and defend musicians' rights to freedom of musical creation, performance and publishing and citizens' access to musical expressions as protected in the Universal Declaration of Human Rights, especially articles 19 and 27, and under articles 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR), and in accordance with the recommendations made in the UN Special Rapporteur in the field of cultural rights' report, 'The right to freedom of artistic expression and creativity'. The content of these articles and recommendations is cited in Appendix II to this Charter.

2.2 Freemuse seeks to advance and defend freedom of musical and artistic expression and creativity through documenting, analysing, monitoring and publishing incidents of censorship and persecution of musicians. Freemuse seeks to assist musicians under threat through alert actions, observations of trials and reporting of violations to relevant international bodies.

2.3 Freemuse aims at serving as a focal point for a network of concerned musicians, individuals, organisations, institutions and media promoting rights to freedom of artistic expression and creativity.

III Membership

3.1 Membership of Freemuse is open to all individuals, national, regional and international organisations, and institutions concerned with freedom of musical expression and artistic creativity that further and respect the aims and objectives of Freemuse.

3.2 Members can be:

- a) paying members, who pay an annual fee;
- b) supporting members who are supporting Freemuse, but do not pay a fee; or
- c) honorary members, i.e. individuals who have made exceptional contributions to further the work of Freemuse. Honorary members do not pay a fee.

3.3 Members shall advance the interests of the organisation and avoid any action, which might discredit or damage the organisation or interfere with the achievement of its aims. The Executive Committee, with two-thirds majority, may exclude any member deemed to have violated the Charter and interests of Freemuse.

3.4 Members are obliged to inform the Freemuse secretariat of their current contact details.

3.5 The amount of the dues paid by paying members shall be determined by the Executive Committee. The Executive Committee has the right to change the amount of dues after ninety (90) days' notice to the membership.

3.6 Dues paid by paying members will be designated for Freemuse activities and actions.

IV Constituent Bodies and Meetings

4.1 The constituent bodies are a General Assembly, an Executive Committee, an Executive Director, a Board of Advisors, Ambassadors and a Secretariat. The authorities, responsibilities and procedures of these bodies are further specified in Appendix I to this Charter.

4.2 General Assembly

- a) A General Assembly meeting is comprised of paying members in good standing.
- b) An ordinary General Assembly meeting shall be held at least once every third year, on such date, time and place as shall be determined by the Executive Committee. The Executive Committee may also call an extraordinary General Assembly meeting when deemed necessary.
- c) The paying members shall be notified of the date of a General Assembly meeting at least three [3] months before the date of the meeting. An agenda, including proposed motions, shall be sent to the paying members no less than four [4] weeks before the General Assembly meeting.
- d) At least eight [8] of the paying members in good standing shall constitute a quorum at a General Assembly meeting. At least three [3] members of the Executive Committee must be present. Participants in the General Assembly can be physically present at the venue or present through a telecommunication medium.
- e) Paying members, whether individuals, institutions or organizations, shall each have one vote in the General Assembly meetings or at specially organized ballots, with decisions reached by simple majority, except when amending this Charter, which requires two-thirds majority. In the result of a tie, the Chair of the Executive Committee shall have the casting vote.
- f) The authorities of the General Assembly meetings are:
 - i. to debate and vote on motions to amend this Charter;
 - ii. to debate and vote on other motions that have been put forward; and
 - iii. to vote on motions to appoint honorary members.
- g) Motions to amend this Charter can be put forward by the Executive Committee or through a written proposal by a group of at least ten [10] paying members in good standing.
- h) Other motions to the General Assembly may be put forward by any paying member or group of paying members in good standing.
- i) All motions shall be submitted to the Executive Committee no later than eight [8] weeks prior to the Assembly in order to be included in the agenda.
- j) Urgent motions may be presented at a General Assembly meeting at the discretion of the Executive Committee.
- k) Any proposal to amend this Charter, approved by a two-thirds majority in a General Assembly meeting, shall stand adopted upon ratification by a simple majority of votes by paying members in good standing, received in a subsequent postal or electronic ballot organised within eight [8] weeks.

4.3 Executive Committee

a) The members of the Executive Committee shall be elected by the paying members in good standing by means of a postal or electronic ballot and simple majority. The Executive Committee and paying members in good standing can nominate candidates for elections of the Executive Committee. All nominations for the composition of the Executive Committee, other than those made by the Executive Committee, must reach the Secretariat in writing at least three [3] months before a General Assembly to be included in the postal or electronic ballot, which shall take place in the two [2] months preceding each ordinary meeting of the General Assembly. The results of the election shall be announced in the General Assembly meeting.

b) The elected Executive Committee shall be comprised of five [5] members. The members should, as far as possible, represent many facets of the purposes of Freemuse and reflect gender balance.

c) The Executive Committee can co-opt up to two [2] members, who will serve until the next General Assembly.

d) Members of the Executive Committee shall be elected for a term lasting to the second ordinary General Assembly after their term has begun with the possibility of re-election only twice.

e) In the event of the death or resignation of any of its members, the Executive Committee may appoint a substitute to fill the vacancy until the next ordinary General Assembly.

f) The Executive Committee shall hold at least one meeting annually. A quorum is two-thirds of the Executive Committee's membership. Meetings may be in person or by telephone conference call or by a comparable and legally valid communication means. The Executive Director takes part in the meeting, except when the Executive Committee discusses matters related to the performance and/or appointment of the Executive Director.

g) Decisions by the Executive Committee are made by simple majority vote, with the exception of reversions of decisions made by the Executive Director, which requires two-thirds majority and removal of the Executive Director, which requires three-quarters majority. In the case of a tie, the Chair of the Executive Committee shall have the casting vote.

4.4 Executive Director

a) The Executive Director shall be the chief official of Freemuse and has the right to sign in the name of Freemuse any contracts, documents or instruments requiring the signature of the organisation. All contracts, documents and instruments in writing so signed shall be binding upon Freemuse without any further authorisation or formality.

b) The Executive Director shall be responsible for the daily running and activities of the organisation within the framework laid down by the General Assembly and the Executive Committee. In such cases where immediate action is required and there is insufficient time for detailed consultation with the Executive Committee, he/she shall have the authority to make such decisions, which will later be subject to ratification by the Executive Committee.

V Minutes

With the exception of confidential items, the minutes of the General Assembly and the Executive Committee shall be available to paying members of Freemuse.

VI Audit

Auditing of Freemuse will be provided by a chartered accountant in accordance with internationally accepted audit standards.

VII Error of Notification

No error or omission in giving notice of any annual, general or special meeting or any adjourned meeting, whether annual, general or special, of the members of Freemuse shall invalidate such meeting or make void any proceedings. Any member may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings. Members and other concerned parties shall be contacted at their last address recorded in the records of Freemuse.

VIII Indemnification

Every Executive Director and Executive Committee member of Freemuse or other person who is undertaking any liability on behalf of Freemuse according to the rules, this Charter shall be indemnified and saved harmless out of the funds of Freemuse for all costs incurred in any action brought against the individual, or in respect of any action done or permitted by the individual, in the execution of his/her duties, except such expenses as are occasioned by the Executive Director's or individual's own neglect or deliberate default.

IX Dissolution

9.1 Freemuse may be dissolved through decisions by two-thirds majority at two separate meetings of the General Assembly with no less than six months between them.

9.2 Should Freemuse be dissolved, the Executive Committee shall have the sole authority to decide what to do with existing funds and where the documentation, collected materials and archives should be deposited.

Appendix I

Authorities, Responsibilities and Procedures of the Executive Committee, Executive Director, Secretariat, Board of Advisors and Ambassadors other than those specified in the Freemuse Charter

1 Executive Committee

1.1 The Executive Committee shall have the following authorities, responsibilities and procedures:

- a) elect a Chair and a Vice-chair of the Executive Committee from its members;
- b) formulate policies and supervise the implementation of these policies and other affairs of Freemuse;
- c) decide an Annual Activity Plan, a Plan of Action and a Budget, including approval of all remuneration of staff at the Secretariat;
- d) appoint and set the terms and salary of the Executive Director;
- e) ratify decisions made by the Executive Director;
- f) reverse decisions made by the Executive Director with a two-thirds majority vote;
- g) in cooperation with the Executive Director, take all decisions regarding the raising of funds to support the core funding and activities of Freemuse;
- h) remove the Executive Director with a three-quarter majority vote;
- i) appoint and remove members of the Board of Advisors and Ambassadors;
- j) establish Freemuse bases in other countries; and
- k) suspend a member of the Executive Committee should he/she not fulfil his/her obligations.

1.2 The Chair chairs Executive Committee meetings. In the absence of the Chair, the Vice-chair chairs Executive Committee meetings or mandates a member of the committee to do so. The Chair, in consultation with the other members of the Executive Committee and the Executive Director, will be in charge of the Agenda. Neither the chair nor the members may prevent an item from appearing on the Agenda.

1.3 Any three members of the Executive Committee may call a meeting with a minimum notice of two weeks.

1.4 Minutes shall be distributed to all members of the Executive Committee and the Executive Director within fourteen (14) business days after each Executive Committee meeting, except when the Executive Committee specifies otherwise.

1.5 The Chair of the Executive Committee shall, in the absence of the Executive Director, have the power to perform all the duties of the Executive Director.

1.6 Only the Chair and the Executive Director may issue statements on behalf of Freemuse, and delegate this task to other members of the Executive Committee.

1.7 The Executive Committee shall be paid no salary, though it is understood that all reasonable travel and hotel expenses, along with a per diem, will be provided by Freemuse.

1.8 The Executive Committee may amend the content of this Appendix by a three-quarter majority vote.

2 Executive Director

2.1 The Executive Director shall have the following responsibilities:

- a) daily implementation of Freemuse's policies and activities;
- b) in co-operation with the Executive Committee, hire staff or consultants;
- c) in consultation with the Executive Committee, delegate specific responsibilities to staff at the Secretariat or to members of Freemuse;
- d) by formal resolution to delegate his/her right to sign in the name of Freemuse to a designated member of the Executive Committee, or in urgent situations, to the head of administration; and
- e) along with the Executive Committee, have responsibility for taking all decisions regarding the raising of funds to support the funding and activities of Freemuse.

2.2 The Executive Director may not vote at the General Assembly.

2.3 The position is salaried.

3 Secretariat

3.1 The Secretariat shall be the operating bureau of Freemuse and shall be made up of the Executive Director and such professional, administrative and clerical employees of the organisation as may be required from time to time.

3.2 The Secretariat implements the activities as lined out in the Charter and decided by the Executive Committee through the Annual Activity Plan, the Plan of Action or otherwise.

3.3 The working language of the Secretariat shall be English.

4 Board of Advisors and Ambassadors

4.1 The Board of Advisors and Ambassadors shall aid in realising the aims and objectives of Freemuse. It is also expected that the Board and Ambassadors will facilitate the furthering of Freemuse's relationships with its affiliates and help it reach governmental and non-governmental agencies with influence over the issues with which Freemuse is concerned.

4.2 The members of the Board of Advisors and the Ambassadors shall be selected from the widest possible range of disciplines that represent the issues to be addressed by Freemuse. The aim is that the Board shall represent the broadest possible ethnic, geographical and cultural diversity.

4.3 The members of the Board of Advisors shall not have voting rights in the General Assembly unless they are paying members of Freemuse.

4.4 The Board of Advisors shall not be remunerated.

APPENDIX II

Articles in United Nations documents referred to in section 2.1 of the Freemuse Charter

Universal Declaration of Human Rights

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

- a) To take part in cultural life;
- b) To enjoy the benefits of scientific progress and its applications;
- c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

International Covenant on Civil and Political Rights (ICCPR)

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Recommendations made in The UN Special Rapporteur in the field of cultural rights' report, 'The right to freedom of artistic expression and creativity'

89. The Special Rapporteur recommends that:

a) Artists and all those engaged in artistic activities should only be subject to general laws that apply to all people. Such laws shall be formulated with sufficient precision and in accordance with international human rights standards. They shall be made easily accessible to the public, and implemented with transparency, consistency and in a non-discriminatory manner. Decisions on restrictions should clearly indicate motives and be subject to appeal before a court of law;

b) States should abolish prior-censorship bodies or systems where they exist and use subsequent imposition of liability only when necessary under article 19 (3) and 20 of ICCPR. Such

liability should be imposed exclusively by a court of law. Prior censorship should be a highly exceptional measure, undertaken only to prevent the imminent threat of grave irreparable harm to human life or property. Avenues for the appeal before an independent entity of any decision to exercise prior restraint should be guaranteed;

c) Classification bodies or procedures may be resorted to for the sole purpose of informing parents and regulating unsupervised access by children to particular content, and only in the areas of artistic creation where this is strictly necessary due in particular to easy access by children. States shall ensure that (a) classification bodies are independent; (b) their membership includes representatives of the arts field; (c) their terms of reference, rules of procedure and activities are made public; and (d) effective appeal mechanisms are established. Particular attention should be paid to ensuring that the regulation of access by children does not result in prohibiting or disproportionately restricting access for adults;

d) Decision makers, including judges, when resorting to possible limitations to artistic freedoms, should take into consideration the nature of artistic creativity (as opposed to its value or merit), as well as the right of artists to dissent, to use political, religious and economic symbols as a counter-discourse to dominant powers, and to express their own belief and world vision. The use of the imaginary and fiction must be understood and respected as a crucial element of the freedom indispensable for creative activities;

e) States should abide by their obligation to protect artists and all persons participating in artistic activities or dissemination of artistic expressions and creations from violence by third parties. States should de-escalate tensions when these arise, maintain the rule of law and protect artistic freedoms. The police should not charge artists and cultural institutions for the costs of their protection;

f) States should address issues regarding the use of public space for artistic performances or displays. Regulation of public art may be acceptable where it conflicts with other public uses of the space, but such regulation should not discriminate arbitrarily against specific artists or content. Cultural events deserve the same level of protection as political protests. States, private institutions and donors are encouraged to find creative solutions so as to enable artists to display or perform in public space, through, for example, offering open spaces to artists. Where relevant, in particular for permanent visual artworks, States should facilitate dialogue and understanding with the local communities;

g) States should review their visa issuance system and adjust it to the specific difficulties encountered by touring artists, their host organizations and tour organizers;

h) States should ensure the participation of representatives of independent associations of artists in decision-making related to art, and refrain from nominating or appointing cultural administrators or directors of cultural institutions on the basis of their political, religious or corporate affiliation.

90. The Special Rapporteur recommends that States and other stakeholders assess and address more comprehensively restrictions to artistic freedoms imposed by corporations, as well as the impact on

artistic freedoms of aggressive market strategies and situations of monopolies or quasi-monopolies in the area of media and culture. The support provided to cultural industries should be revisited from the perspective of the right to artistic freedom. The Special Rapporteur recommends in particular that States:

- a) Enact and/or implement anti-trust legislation and legislation against monopolies in the area of media and culture;
- b) Support securing the survival of independent bookstores, music stores and cinemas threatened by megastores, multiplexes and global distributors;
- c) Ensure that measures established to support private sponsorship of the arts do not negatively impact on artistic freedoms;
- d) Establish a clear national legal framework prohibiting coercive contracts under which creators sign away their rights to their creation;
- e) Support the establishment of non-profit collective societies mandated to collect and distribute income from artistic creations and performances, with a majority of artists sitting on their board;
- f) Encourage initiatives to support free legal representation for artists or other forms of legal aid;
- g) Assess and address comprehensively the impact of current intellectual property rights regimes, especially of copyrights and authors' rights, on artistic freedoms;
- h) Fully support artistic creativity and the establishment of cultural institutions accessible to all. Public agencies should function as a financial backup for programmes that do not attract corporate sponsors, based on the understanding that they cannot interfere with contents. Various systems of State support can be envisaged, including delegating decisions on funding to independent peer-review bodies, which should act in conformity with transparent terms of reference and rules of procedure. These bodies' decisions should be motivated and subject to appeal;
- i) Fully implement the UNESCO Recommendation Concerning the Status of the Artist;
- j) Develop and enhance arts education in schools and communities, instilling respect for, appreciation and understanding of artistic creativity, including evolving concepts of acceptability, awakening the ability to be artistically creative. Arts education should give students a historical perspective of the constant evolution of mentalities on what is acceptable and what is controversial.

91. The Special Rapporteur recommends that national human rights institutions and non-governmental organisations:

- a) Document more systematically violations of the right to freedom of artistic expression and creativity;
- b) Submit their findings to relevant national and international bodies, in particular the Committee on Economic, Social and Cultural Rights and the Human Rights Committee;
- c) Support artists who are threatened through in particular legal support.