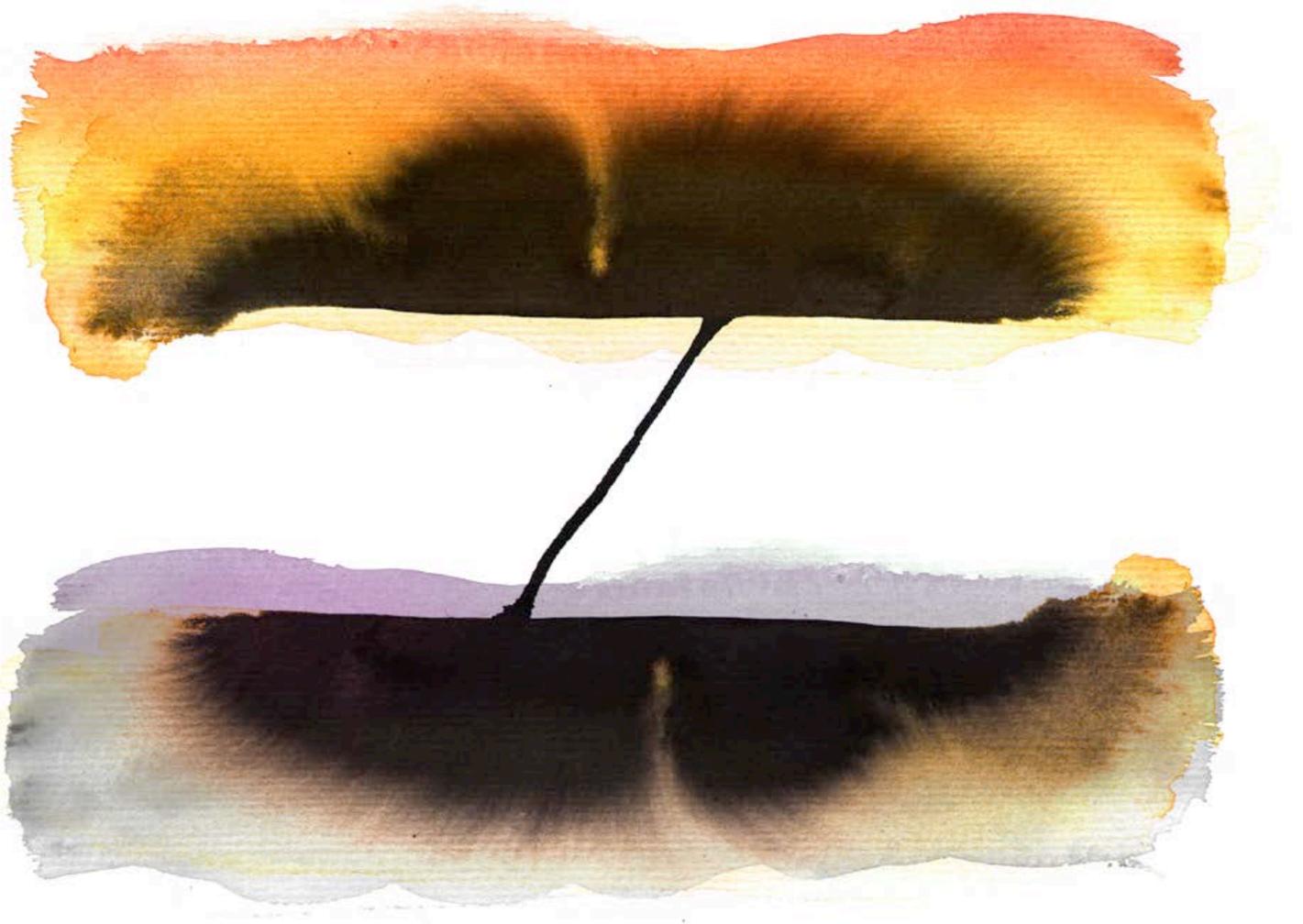


**CREATIVITY WRONGED:**  
HOW WOMEN'S RIGHT TO ARTISTIC  
FREEDOM IS DENIED AND MARGINALISED



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FREEMUSE IS AN  
INDEPENDENT  
INTERNATIONAL HUMAN  
RIGHTS ORGANISATION  
**DEFENDING THE  
RIGHT TO FREEDOM OF  
ARTISTIC EXPRESSION**  
AND CREATIVITY  
AS ENSHRINED IN  
INTERNATIONAL HUMAN  
RIGHTS STANDARDS. THE  
ORGANISATION HAS HAD  
A SPECIAL CONSULTATIVE  
STATUS WITH THE UNITED  
NATIONS SINCE 2012.

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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of November 2018. Nevertheless, Freemuse cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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**CREATIVITY WRONGED:**  
HOW WOMEN'S RIGHT TO ARTISTIC  
FREEDOM IS DENIED AND MARGINALISED



**FREEMUSE**

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“I FEEL LIKE AT EVERY STEP OF THE WAY WOMEN ARE SORT OF BEING SENT THE MESSAGE THAT THEY ARE SECOND-CLASS CITIZENS, THAT THEIR JOB IS TO SERVICE MEN... YOU HAVE TO LISTEN TO WHAT THE PATRIARCHAL FIGURE IN YOUR LIFE SAYS—YOUR FATHER, BROTHER, THEN YOUR HUSBAND AND LATER YOUR SON. **YOU HAVE TO PUT EVERYONE ELSE IN THE FAMILY BEFORE YOU.**”

INDIAN FILMMAKER ALANKRITA SHRIVASTAVA, *FREEMUSE* INTERVIEW, 6 SEPTEMBER 2018

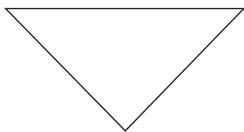
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# CREATIVITY WRONGED

## HOW WOMEN'S RIGHT TO ARTISTIC FREEDOM IS DENIED AND MARGINALISED: **AN INTRODUCTION**



**OVER THE LAST 100 YEARS,** women have been fighting for equality to gain the same legal and human rights as men—the right to vote, the right to own land, the right to an education, and many more. It was less than 40 years ago that an international treaty was enacted to eliminate all forms of discrimination against women.

Change remains slow. In 2018, globally, women continue to face unequal treatment, frequent harassment and have limited access to—or are simply completely shut off from—particular practices and experiences.

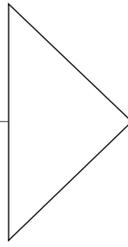
These inequalities stretch significantly into the artistic world for women. Women who perform wearing 'inappropriate' clothing or express 'indecent' words or thoughts are imprisoned in some countries. Others are censored, prosecuted, fined, fired, harassed, attacked or, in the very worst circumstances, killed. Women all over the world are forced continually to walk a fine line, balancing on

the edge of vague definitions made by family, social groups, religious groups, fundamentalist groups and governments, which, if crossed, have significant consequences. Women artists have to suffer that daily negotiation, not because they are artists, but because they are women.

### **Research questions**

When you ask three-year-old girls to draw pictures of their families, it is easy to appreciate that the pictures would look beautiful in their own ways. The pictures come out of the children's experiences, interpretations of reality around them, and expression through colour pencils as they see and feel them. It is not difficult to agree that there is no right and wrong in their drawings. When we grow up and draw, through the same process of experiencing, interpreting and expressing through various art forms, some of our drawings

are now right and some are wrong. This research probes the emergence of the social construction of right and wrong artistic expression in our societies. It asks how the state restricts free artistic expression by making some right and some wrong, some appropriate and some indecent, some hurting religious feelings, and some acts of terrorism and therefore threats to society. More specifically, this research asks how these social constructs affect the artistic and cultural life of women and women artists. While both men and women are affected by these restrictions, is there any evidence that women are affected more or differently? To what extent do these social constructs conform or violate international human rights laws which guarantee the right to freedom of artistic expression and outline the state's responsibilities to realise women's artistic freedom? And finally, the report asks what can be done to improve the situation so that women and women artists can create without fear of being wrong or face harmful consequences.



To answer these questions, Freemuse has examined over 90 cases of violations of women's artistic freedom in the past five years, taking advantage of having monitored, registered and documented these cases as part of research for the annual State of Artistic Freedom Report and previously, annual statistics on censorship and attacks on artistic freedom reports. Freemuse has interviewed dozens of women artists, experts and civil society members to listen to their first-hand experiences and understand the context and impact of these restrictions on women's expression.

This report adopts a human rights analysis, guided by the human rights principle of due diligence. This concept places the duty on and obligation of states to guarantee and safeguard human rights. The main guiding actionable points which then transform into accountability arguments, enforced through advocacy, are:

- \* The state must **respect** human rights, and thus not become a violator itself.
- \* The state must **protect** human rights from violations by non-state actors and other entities.
- \* The state must **fulfil** human rights by adopting and enforcing credible measures and practices.

This principle has been extensively developed over a number of international instruments, both by international and regional bodies. It is also often used in reports authored by the United Nations' Special Procedures. The due diligence framework used in this report is a further developed set of guidelines known as "the 5Ps": the state obligations to prevent, protect, prosecute, punish and provide redress and reparation for human rights violations.

## Highlights of report findings

### 1. Women's right to freedom of artistic expression is protected under international law

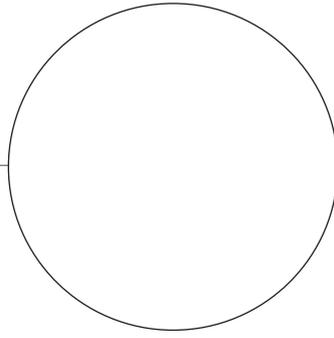
Although international law does not recognise women artists as a particularly protected group, a number of core human rights and fundamental freedom instruments guarantee their "right to have access to, participate in and contribute to all aspects of cultural life". Through different UN mechanisms women are guaranteed the right to freedom of expression and participation in cultural life, as well as protection from any form of gender-based discrimination. These rights are further affirmed in regional and

national legal systems, while their importance has been additionally stressed through the establishment of several international, specialised bodies fighting for gender equality and adoption of conventions and resolutions pledging women's right to equal participation in the public sphere, including arts and culture.

Despite these binding and non-binding documents, women artists have been marginalised in practice, while being censored and in other ways stifled on the grounds of religion, tradition and other social constructs arising from the legacy of centuries-long patriarchal systems. With the awareness about the reality in which women, both in the global North and South, exercise their right to freedom of artistic expression, in the 21st century additional efforts have been invested at various levels aiming to reaffirm the legal protection of women artists' rights and combat the practice of their suppression due to some states' claims on cultural relativism.

### 2. Creative expressions are wronged by traditional practices, hard-line religious interpretation and perceptions of indecency

There is evidence of gender-based discrimination and violation of women's artistic freedom by



traditional values, religious beliefs, as well as perceptions of indecency. These limitations are gendered by targeting portrayals of women that are found inappropriate for the sake of protecting traditions, religious beliefs and avoiding representations considered indecent. These considerations are also used to justify bans and cancellations of performances by women artists because of their gender.

Art and performances can be considered as contrasting traditional values. Therefore, such artistic expressions are explicitly banned or censored, and artists' experiences are being threatened because they challenge the often prevailing patriarchal gender roles that determine how women should behave. The numerous cases of violations of artistic freedom show that women are prohibited from certain expressions by means of protecting traditions that are found fundamental to the culture in question.

Religious interpretation can dominate women's opportunities to express themselves through art by regarding considerations for religious feelings and beliefs as of a higher priority than allowing for expressions that challenge such feelings and beliefs. Some religious interpretations involve fixed expectations of women's behaviour, which are sometimes censored or banned if not complied with.

Artworks and women artists experience pushback for being labelled as 'indecent'. Indecent representations are found to not only be inappropriate but also harm public morals. As a consequence, such artistic expressions are prohibited by means of 'protecting' viewers and avoiding further harm. All the above are clear violations of international standards of human and cultural rights. However, they are found to be challenged by nationally or locally enforced laws, or even socially constructed practices. The approaches to making sure women are allowed to freely express themselves are context specific and involve different levels of actors.

### **3. Women artists become targets of attacks for calling for respect for women rights**

Through their artwork, women artists often tackle various social problems and in this way instigate or engage in discussion about social and political issues. Despite protection from international human rights instruments, this research finds that over the last five years, there are cases of censorship and legal prosecution against women artists whose artworks raise awareness on women's rights and 'sensitive' social and political issues. While arts and culture have been used as powerful tools for inspiring and supporting positive changes, the role of women artists as human rights defenders is yet to be recognised

and further reaffirmed. It is high time that women artists are included as human rights defenders so that they can be protected under existing protection and reporting mechanisms of UN and regional agencies.

### **4. National contexts of making women's creativity wronged**

This research examines key challenges for women artists in 11 selected countries. The countries have been chosen based on relevant women-related cases documented by Freemuse from 2013 to 2018. Each chapter presents the wider context in which women artists experience limitations of artistic freedom that are specific to the country in question.

After reviewing these country-focused cases, it was found that women art and artists are experiencing pushback in various ways and from various actors depending on the controlling mechanisms prevailing in each of the countries. The justifications for prohibiting artistic expressions are thus highly context specific, not only to countries but sometimes to communities within them. Examples of challenges are traditional norms and gender roles, patriarchal values, religious beliefs and interpretations, and expectations to women's representation. Some artists who differ from such expectations experience being censored, banned, threatened or even killed.

# What is not in this report

Challenges and issues related to women and artistic freedom are numerous, and are beyond the scope of one research project. This research chooses to focus on discrimination against women in participation in cultural life and gender-based violations against women and women artists, using state's human rights responsibility as the analytical framework. There are three specific groups of challenges and issues that Freemuse has come across in this research, which will be further examined and published as follow-ups and part of this gender research series.

First, there is an increased need to monitor censorship, restrictions and harassment of women artists either via the internet and social media, or specifically by multi-national digital services—such as Facebook, Instagram and Twitter—whose community guidelines and practices often fall way outside international human rights standards related to freedom of expression guarantees.

Second, sexual harassment continues to be a constant and disturbing reality for many women—whether they are artists or simply enjoying cultural events—in every corner of the world. A reality that is exponentially troubling due to the fact that many of the cases brought forth by women are simply not taken seriously, or violators are often allowed to operate with impunity.

Third, under-representation of women and women artists in the arts and culture industry is at an alarming level. Indications suggest an association between under-representation of women artists and

the subtle and systemic displays of a patriarchal society that drives and sustains a male-dominant arts and culture industry—from gender roles preventing girls and women attending arts schools to access to platforms to work and show their artwork.

## Report structure

This report begins by listening to the stories of six women artists who told Freemuse about the discrimination, physical and emotional harassment, death threats and legal consequences they have suffered for being women who create art. In this perpetual state of fear, they tell their stories of never giving up and continuing in their passion to be women who create art. Included in this are visual stories highlighting key facts and figures from reviewing cases of violations of women's artistic freedom in the past five years.

Chapter 2 aims to establish an understanding of relevant international human rights laws women artists are operating in. It notes the human rights they are entitled to, including the right to take part in all dimensions of cultural life and the right to express themselves artistically. These international laws set up the framework by which all national governments are accountable to ensure that the right to equality and non-discrimination of women is upheld in all circumstances. These include the state's responsibility to respect, protect and fulfil cultural rights and artistic freedom. Emphasis is made on the due diligence framework which outlines the state's 5Ps responsibility: prevent, protect,

investigate and prosecute, punish, and provide redress and reparation.

Chapter 3 focuses on gender-based discrimination and violations of women's artistic freedom including in law and practice. It examines cases of gender-based violations by non-state actors including fundamentalist groups and professional associations. These violations, by the state and non-state actors, take place in the context of the interrelatedness of tradition, religion and indecency.

Chapter 4 looks into the experiences of women artists as human rights defenders in relation to the state's responsibility to respect and protect them. It shines a light on the particular struggle of women artists, as women and as artists, when they use arts and culture as a tool to defend human rights of others and themselves. These human rights defenders are often singled out and targeted for their powerful expression in holding society, religion and governments to account, especially when they call for greater respect and protection of women rights.

In Chapter 5 the report highlights 11 countries of concern that exhibit troubling practices in their treatment of women artists. These countries are: Afghanistan, Bolivia, Cambodia, Egypt, India, Iran, Japan, Nigeria, Pakistan, Saudi Arabia and Turkey.

Finally, Freemuse offers several concrete and practical recommendations to the state, international governmental organisations, civil society and non-governmental organisations for responsibly ensuring that the human rights of women and women artists are implemented, and that violators no longer operate with impunity.

# CHAPTER 1

VOICES OF WOMEN ARTISTS



---

“I THINK WE ALL HAVE  
NARRATIVES, AND WHETHER  
IT’S BEING SHOWN IN A VULGAR  
OR UGLY WAY, **WE STILL HAVE  
TO TELL OUR STORY.**”

SOUTH AFRICAN ARTIST ALKA DASS, *FREEMUSE* INTERVIEW, 3 AUGUST 2018

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# ALANKRITA SHRIVASTAVA

INDIAN FILMMAKER

“MANY MORE WOMEN NEED TO BE ENCOURAGED TO BELIEVE IN THEIR OWN VOICES AND ACTUALLY TELL STORIES AND MAKE FILMS AND WRITE BOOKS AND PAINT AND EVERYTHING **SO THAT THEIR THOUGHTS ARE EXPRESSED AS MUCH AS THE THOUGHTS OF MEN.**”

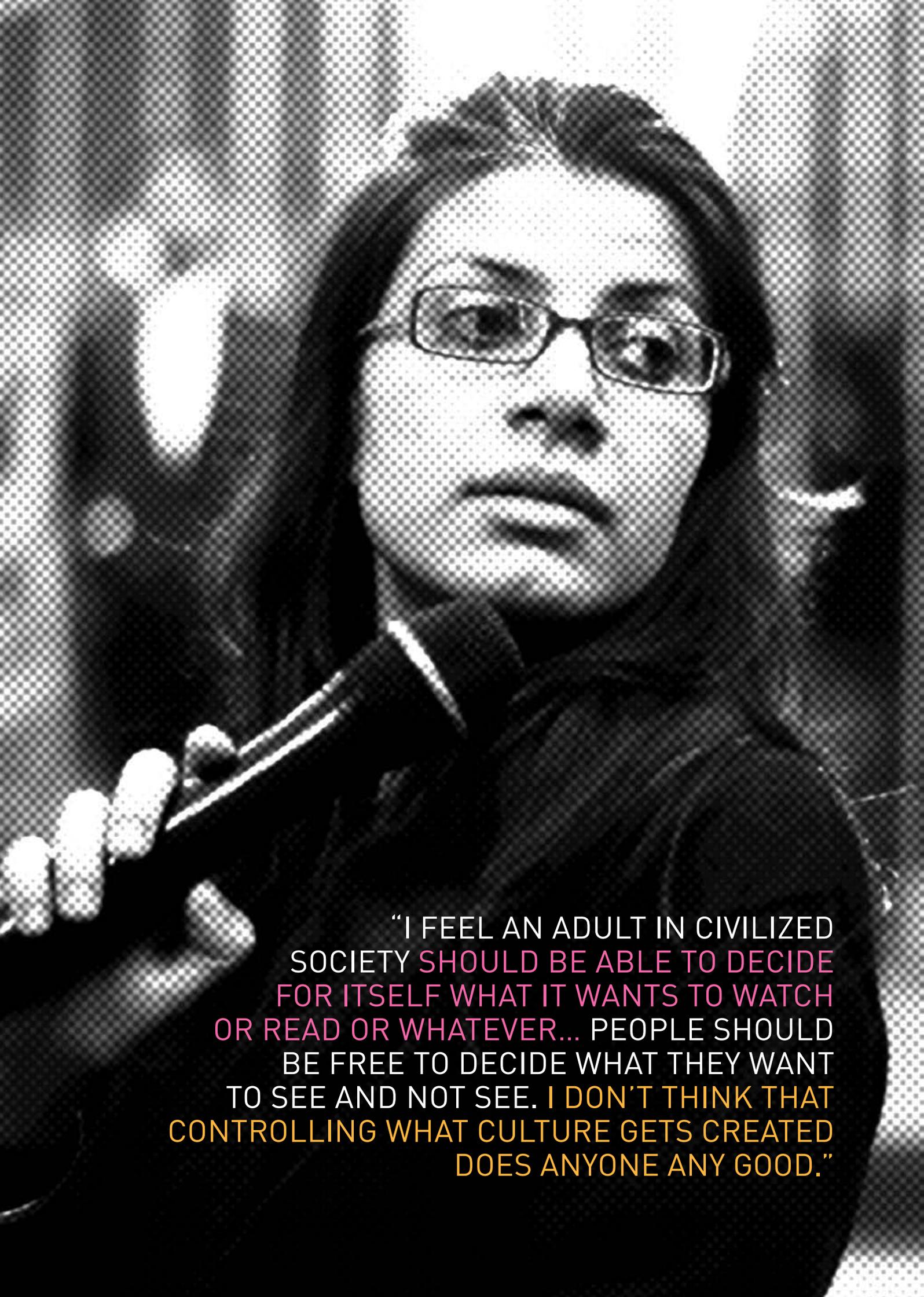
Film certification in India normally takes less than a week, but for director Alankrita Shrivastava it was a six-month-long battle. Her black comedy *Lipstick Under My Burkha* follows four women living secret lives and searching for freedom. It was initially denied release in January 2017 by the government-controlled Central Board of Film Certification stating the film is “lady oriented” and contains “sexual scenes, abusive words, audio pornography and a bit sensitive touch (sic) about one particular section of society”. After appeal, the censorship decision was reversed in June 2017.



Alankrita felt nobody took her seriously when making her first feature film, she had to fight to get the right equipment and decent studio time slots. It was hard to get distribution for both her films, she said. “Everything is very, very difficult, you have to keep pushing your way to tell the stories that you want to tell,” she said. “You feel like you’re constantly fighting an environment which somehow doesn’t want you to tell your story from your point of view.”

Fewer than 10 per cent of film directors in India are women. Alankrita pushes an alternative narrative with her feature films, even though that means she has to fight for certification and distribution. She encourages other women to believe in their own voices and tell their own important stories.

**“I DID FEEL THERE WAS A LOT OF DISCRIMINATION, BECAUSE IT’S NOT LIKE FILMS IN INDIA DON’T SHOW SEXUALITY, IT’S JUST THEY SHOW SEX IN A WAY THAT EVERYTHING IS THERE FOR THE PLEASURE OF MEN, IT IS NEVER FROM THE FEMALE POINT OF VIEW, WHICH IS WHY I FOUND THERE ARE DOUBLE STANDARDS. WHY IS A FEMALE POINT OF VIEW NOT RELEVANT WHEN HALF THE COUNTRY IS MADE UP OF WOMEN?”**



“I FEEL AN ADULT IN CIVILIZED SOCIETY SHOULD BE ABLE TO DECIDE FOR ITSELF WHAT IT WANTS TO WATCH OR READ OR WHATEVER... PEOPLE SHOULD BE FREE TO DECIDE WHAT THEY WANT TO SEE AND NOT SEE. I DON'T THINK THAT CONTROLLING WHAT CULTURE GETS CREATED DOES ANYONE ANY GOOD.”

# BAHIA SHEHAB

EGYPTIAN ARTIST AND ISLAMIC ART HISTORIAN



“THE UNITED NATIONS AND EVERYBODY IN THE WORLD HAS BEEN COMING OUT AND SAYING TO OUR GOVERNMENT, ‘OH, WHAT YOU’RE DOING IS WRONG.’ BUT PEOPLE IN POWER DON’T CARE ABOUT SPEECHES; IT’S A MILITARY REGIME. THEY KILL US ON THE STREET. **WHAT THEY CARE ABOUT IS FUNDING, STOP THEIR FUNDING, CRIPPLE THEIR ECONOMY THEN THEY MIGHT LISTEN. IN A MILITARY DICTATORSHIP MONEY SPEAKS LOUDER THAN WORDS.**”



# BORGHILDUR INDRIÐADÓTTIR

ICELANDIC ARTIST

**“I AM ACTUALLY DEALING WITH A LITTLE BIT OF PARANOIA AFTER THIS PROJECT. I ACTUALLY WENT AWAY FROM ICELAND AND I CLOSED ALL MY SOCIAL MEDIA ACCOUNTS.”**

Borghildur Indriðadóttir watched as her 1500 Facebook friends disappeared and some of her personal pictures, likes and comments were deleted right before her eyes. It happened after she'd shared a promo of her *DEMONCRAZY* exhibition that included photos of topless young women standing defiantly in front of portraits and statues of older men in public buildings.

The project ran from 1-15 June 2018 as part of the Reykjavik Arts Festival, with an accompanying performance piece *DEMONCRAZY – Drosophila*, on 3 June, where topless women walked from the Icelandic parliament building to the Reykjavik Art Museum Hafnarhús. After the performance, the Reykjavik Arts Festival Facebook page was also temporarily shut down.

Her controversial artwork also caused quite a stir in parliament, with one Icelandic MP demanding details of the photo shoot through five questions submitted to the president of the parliament.

Borghildur is swift to separate her work from Free the Nipple and #MeToo movements, explaining that she wanted her art to make people question why there are so many “paintings of men that used to rule in power positions” in public buildings.





“THERE WERE A LOT OF PEOPLE TAKING PICTURES OR VIDEOS, STREAMING ONLINE, AND THEY WERE ALL CUT OFF IMMEDIATELY. SO IT FELT THAT WE WERE BEING WATCHED AT THIS VERY SECOND. ANYTHING WITH THE HASHTAG #DEMONCRAZY WAS JUST DELETED.”

“WHAT I WANTED TO COME ACROSS WITH MY PERFORMANCE IS THAT **I DON'T WANT THIS FEAR TO RULE** AND I'M WILLING TO ENGAGE IN A SOCIETY WHERE WE ARE BEING WATCHED AND WE ARE NOT FEARFUL.”

# MONIRAH HASHEMI

ARTIST FROM AFGHANISTAN

“BEING A FEMALE ARTIST IN AFGHANISTAN MEANS THAT YOU ARE IN A CONSTANT WAR COMING FROM DIFFERENT DIRECTIONS AND YOU HAVE TO FIGHT THEM ALL. YOU CANNOT PRIORITISE, YOU CANNOT CHOOSE ONE BATTLE, YOU HAVE TO FIGHT BACK ALL OF THEM.”

In Afghanistan, only family members may call a woman by her first name. When colleagues or acquaintances do so, it indicates they have a more intimate relationship. In 2004, trouble started brewing for young film actress Monirah Hashemi the moment her male colleagues began calling out her name on the streets of Herat.

One morning, dozens of abusive letters appeared in the 20-year-old's backyard and all over town, saying she was “not a good girl”, “has a lot of intimate relationships”, and that “she is a shame to the whole neighbourhood”.

Determined not to be defeated by the people who had written the letters,

Monirah headed out to work, but the moment she was outside people holding copies of the letter were looking “angrily” at her. Monirah shook as she heard someone running after her, who ended up being her father who asked her to come back home because he said those people looked like “wolves” and were ready to attack her.

She spent the next three months shut off from the world, not talking to anyone, not seeing friends or colleagues. It took some tough talking from her mother—who told her not to be “frightened from the society” and to chase her dream with their support—for Monirah to find the motivation she needed to continue her career in the arts.

In 2005 Monirah founded the Simorgh Film Association of Culture and Art (SFACA), where she produces theatre and film. She moved to Sweden in 2013.

**“IN OUR SOCIETY, WHEN A WOMAN IS HARASSED OR SEXUALLY ABUSED SHE IS SUPPOSED TO SHUT DOWN AND SHUT UP AND BE SILENT AND NOT TALK ABOUT THESE THINGS BECAUSE THE SHAME IS ON HER. BUT I REFUSED TO TAKE THE SHAME ON ME. IF SOMEBODY HARASSED, INSULTED OR IN ANY WAY TRIED TO ABUSE ME, I WAS NAMING THOSE PEOPLE. SO THEY WERE AFRAID.”**

“HOW CAN YOU CHANGE THE MENTALITY OF THE PEOPLE WHILE YOU ARE IGNORING THE MOST IMPORTANT PART OF IT, WHICH IS ART. PEOPLE WHO HAVE BEEN LIVING IN DECADES OF WAR, THEY NEED ART, SOMETHING TO HEAL THEIR SOUL.”



# SAHAR MOUSA

PALESTINIAN POET, WRITER AND MAGAZINE EDITOR

**“I THINK WOMEN AREN'T ACCEPTED TO BE ACTIVE AT ALL, NOT ONLY IN ART. IN ART YOU ARE DISCLOSING ALL YOUR INNER THOUGHTS AND YOUR INNER DESIRES, SO IT GOES TO THE EXTREME IN REFUSING THE ACT FOR WOMEN IN THIS FIELD.”**

Palestinian writer Sahar Mousa left Gaza in 2016 after receiving a death threat purportedly from Islamic State. The former magazine editor and 15 other writers, male and female, were told they would be killed if they didn't stop writing. Initially they thought it was a joke, but when they realised it was serious Sahar didn't leave her house for three months.

Sahar is unsure whether the letter came from IS and believes it could have come “from the government itself to stop some writers speaking their political thoughts” as she has had many problems with government over the last six years. She believes she was also targeted by the Islamic militant Hamas for being a woman, “because in my writing and my poetry I speak about myself as a woman, I speak about my desires as a woman, my body as a woman”.

It's easier for Hamas to silence a female artist more than a male artist by creating extra pressure from society and family, telling them: “Your daughter is shaming you, your daughter is saying things that make you look bad”.

Sahar describes a culture of sexual harassment and abuse within the artistic community that starts with marginalising and underestimating women's work, and in extreme cases ends with sexual abuse.

**“IN THE WRITING FIELD, SOME OF OUR COLLEAGUES DEAL WITH US AS JUST EASY GIRLS TO APPROACH TO TRY TO PRESSURE TO GET SEXUAL BENEFITS.”**



”أخيراً ندرك أن ”تفاحتنا السوداء  
تفاحةً مسمومة

، وأنّ الدّم يغلي في رأسها تماماً مثلما يغلي في رؤوس الأندال الحقيقيين  
أنا شخصٌ سيء“  
،”وسيني أوضح وأكبر من كل شيء

## To the defaulted within me

*Not for one night, the bombs have stopped from falling after the war ended,*

*I only stopped speaking as my chest is filled with smoke,*

*I did not lose my eyes in the war,*

*You did not lose your face either,*

*And here we are, trapped in our fully-formed corpses.*

*Words are wrapped around our necks like a noose;*

*We cannot speak,*

*We can't die!*

وأنتِ

”رجلٌ إفريقيّ بنيك الحرُّ رأسه“  
،وتتمايل أمامه غوايةً بدينة

،قلبي يضحك بخلاعةٍ \_

يدخن مارجوانا جيدة \_

..صدقيني“

”...أنا

ثم نتقيّ بالتناوب بجانب السرير

ونسقط

,

,

”إذاً“الله لم يغفر خطيئةَ الشيطان حين قال لا

،و خطيئتي مبدوءةٌ بـ لا كبيرة

،كيوبيد إلهُ طفلٍ ومزاجي

،وأنا مطرودةٌ من رحمتهِ

،ولأنني أعرفُ ذلك

أهمردٌ وأغضب

،كيوبيد الغبي، الملعون، يحب الأشياء اللامعة والجميلة“

”كيوبيد الأحمق

هذا العالم مقرف، هذه الأشياء التي تهتز في صدري أوساخٌ غبية

,

،يغلي الدّم في رأسي

ويسقط الملاك

”Wings of The Desire“ سقوطاً لا يشبه أيُّ شيءٍ نعرفه من فيلم

،”عندما كان الطفلُ طفلاً“

،كان يمكن أن تثني أطرافه بخفةٍ ليتلاءم داخل صندوقٍ خشبي صغير

لم لا، كان مجرد طفلٍ

،وكان انطوائياً

،شاحباً

!وأستلته مربية

...

،كان عالمه الصغيرُ بشعاً

،كان القبحُ أول شيءٍ رآه حين فتح عينيه

The Perfume ومحاكاةً ل

،منذ ذلك الحين تطورت لديه غريزةٌ غريبة وصار يحبُّ مضغ الأشياء الجميلة

! تخيل أن ترى فراشةً وأن تشعر برغبة هائلة في وضعها بين أسنانك ومن ثم مضغها ببطئٍ شديدٍ ومتعةٍ هائلة

ذلك لم يكن فيلماً على أي حال

...

،كان للطفل أحلامه السرية أيضاً

،كان يريد أن يشوّه العالم، وأن يعيّن نفسه ملكاً على العالم المشوه

..في أحلامه كان يحمل سكيناً حاداً/ يبدأ دائماً بشق بطن أمه/ وينتهي بإشعال حريقٍ يصل إلى السماء

...

“UNTIL NOW IT IS STILL HARD FOR A MAN TO ACCEPT THAT A WOMAN IS EQUAL.  
EVEN IF HE ACCEPTS IT BY HOLDING THE THOUGHT, WHEN IT COMES TO BE  
APPLIED IT'S HARD TO JUST DEAL WITH THAT.”

# ZERE ASYLBEK

KYRGYZ SOCIAL ACTIVIST AND SINGER

“EVERY DAY THERE ARE CASES OF DISCRIMINATION, CASES OF DOUBLE STANDARDS. I CAN SAY THAT ALMOST ANY GIRL IN MY COUNTRY HAS HAD **AT LEAST ONE KIND OF VIOLATION OR HARASSMENT OR DISCRIMINATION.**”

After years of taking part in small, social activist projects, 19-year-old Zere Asylbek decided she needed to do something big that would turn the whole of Kyrgyzstan upside down. So she turned to music for the first time and wrote a song—*Kyz (Girl)*—to spark public debate on gender inequality and women’s rights in Kyrgyzstan.

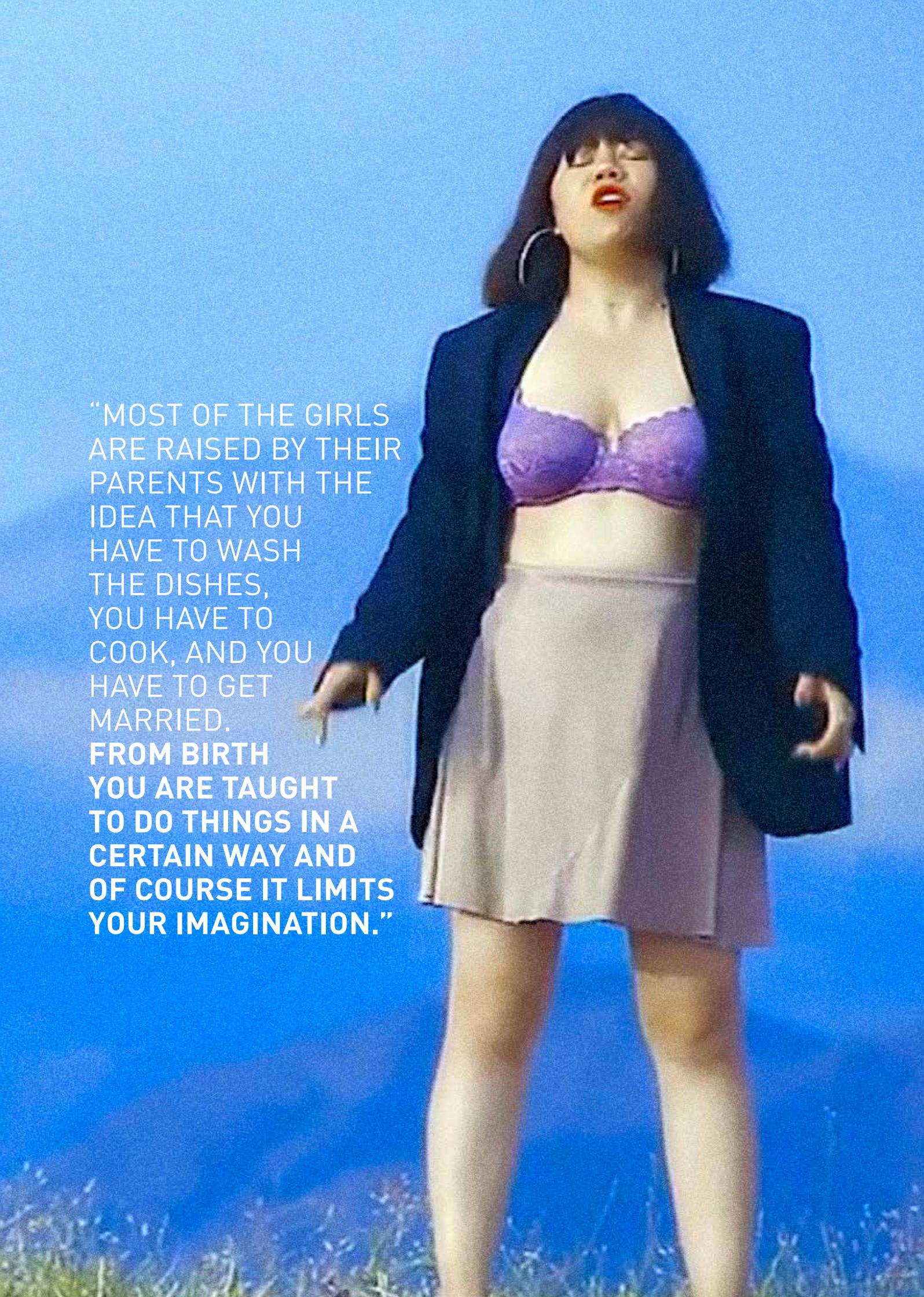
Zere was partly motivated to write the feminist pop song after a young Kyrgyz woman was ‘bride kidnapped’ and brutally murdered by a man who wanted to force her into marriage.

She decided that the music video should be “provocative” because she needed to get people to speak about the topic.

In the video, released in September 2018, she wears a short skirt, bra and jacket, while women covered from head to toe stand in formation behind her. It went viral and people started talking about her and shamed her body and appearance. It wasn’t long before Zere received a series of death threats on social media for her choice of clothing.

She immediately shared screen shots of the threats and informed the police. Despite these hostile attacks, Zere remains positive and wants to continue impacting her country as she feels she achieved her goals with her first music project.

“A LOT OF GIRLS, THEY THINK THAT IT’S OKAY TO BE TREATED THAT WAY. AND MOREOVER, A LOT OF THEM ARE STUCK IN SOME KIND OF **A COMPETITION TO BE LIKED BY THE PUBLIC AND BE LIKED BY MEN AND GET MARRIED SUCCESSFULLY.**”

A woman with dark hair and bangs, wearing a purple lace bralette, a white pleated skirt, and a black blazer, stands in a field of purple flowers. She has her eyes closed and a serene expression. The background is a clear blue sky.

“MOST OF THE GIRLS  
ARE RAISED BY THEIR  
PARENTS WITH THE  
IDEA THAT YOU  
HAVE TO WASH  
THE DISHES,  
YOU HAVE TO  
COOK, AND YOU  
HAVE TO GET  
MARRIED.  
**FROM BIRTH  
YOU ARE TAUGHT  
TO DO THINGS IN A  
CERTAIN WAY AND  
OF COURSE IT LIMITS  
YOUR IMAGINATION.”**

# WOMEN DENIED RIGHTS TO ARTISTIC FREEDOM

IN IRAN WOMEN CANNOT PERFORM SOLO, IN FRONT OF MEN OR PRODUCE THEIR OWN ALBUMS

IN GHANA, BURUNDI AND AUSTRALIA WOMEN ARE FORBIDDEN FROM PLAYING CERTAIN INSTRUMENTS, SUCH AS THE XYLOPHONE, DRUM, AND DIDGERIDOO

A woman's **right to freedom of artistic expression** is limited in many countries, silencing women to varying degrees, enabled by a dangerous combination of national legislations that run against international human rights standards; social norms and traditions that are allowed to remain in practice unchecked; and religious practices that are permitted to be implemented on an equal or higher level than the law.

IN INDIA IT IS PROHIBITED BY LAW TO REPRESENT WOMEN INDECENTLY THROUGH ART

INDECENCY AND RELIGION ARE THE MAIN RATIONALES FOR SILENCING WOMEN'S ARTISTIC VOICES:

64%

INDECENCY

Egypt, India, Iran, Afghanistan, Turkey and the UK are some of the countries that most frequently silence women on the ground of indecency.

19%

RELIGION

Iran, India and Turkey are some of the countries that most frequently silence women in the name of religion.

CENSORSHIP BY ART FORM:

43% VISUAL ARTS  
33% MUSIC  
11% FILM  
5% LITERATURE  
5% THEATRE  
3% DANCE

VIOLATIONS AGAINST WOMEN ARTISTS: CENSORSHIP

40%

65% government agencies  
16% social media platforms  
11% artistic community (festivals and galleries)  
8% private education institutions

Eighteen-year-old Thai popstar Lumyai Hai Thongkam was **forced by soldiers** in 2017 to cover herself up during a performance after they were sent to "check for appropriateness".

A concert by the Tehran Symphony Orchestra was **cancelled** at the last minute in 2015 because some of the musicians were female.

In 2013, the Jeu de Paume art museum's Facebook account was **blocked** for 24 hours, following a decision by Facebook to remove a photograph of a naked woman from one of its exhibitions.

Prominent Nigerian actress Rahama Sadau was **banned** in 2016 from performing in the film industry after she played a character holding hands and "cuddling" with a male singer in one of his music videos.

## ART FORMS IN WHICH WOMEN ARTISTS AND CONTENT FEATURING WOMEN WERE SILENCED

### MUSIC: 40%

A majority of cases occurred in Egypt, Iran, India, Afghanistan, Lebanon and Turkey, while some cases also happened in Cambodia, Indonesia, South Korea, Mauritania, Morocco, Pakistan, Poland, Saudi Arabia, Somalia, Thailand, Uganda and in the digital space.

### VISUAL ARTS: 27%

A majority of cases occurred in the UK, India, China and in the digital space, while some cases also happened in Australia, Bolivia, Iran, Denmark, Italy, Japan, New Zealand, Peru, South Africa, Tajikistan and Uzbekistan.

### DANCE, THEATRE AND LITERATURE: 19%

A majority of cases occurred in Egypt, India, Iran, Saudi Arabia, Afghanistan, China, Turkey, Nigeria and in the digital space.

### FILM: 14%

A majority of cases occurred in India, Iran, Egypt, Pakistan, Morocco and Nigeria.

## UNSAFE DIGITAL SPACE

Women artists suffer being silenced not only by governments and religious structures, but also by social media platforms, such as **Facebook, Instagram, Twitter** and **YouTube**. These companies increasingly remove content they deem indecent or by request from authorities. Threats through social media on women artists are also on the rise.

**22%**

of all violations against women artists happened in the digital space.

**60%**

of cases in the digital space are threats received online.

**30%**

of cases in the digital space were censorship by a social media platform.

**16%**

of censorship cases were done by social media and online platforms

SEVERE VIOLATIONS:

**60%**

MAIN VIOLATORS IN SEVERE CASES AGAINST WOMEN ARTISTS SINCE 2013

**41%**  
GOVERNMENT AGENCIES

**16%**  
ARTISTIC COMMUNITY (ARTIST UNIONS, ASSOCIATIONS, AND SYNDICATES)

**37%**  
UNKNOWN OR UNIDENTIFIED INDIVIDUALS/ GROUPS ATTACKED AND THREATENED WOMEN ARTISTS

34% of women artists were **threatened, harassed or persecuted**

17% of women artists were **imprisoned or detained**

3% of women artists were **attacked**

3% of women artists were **prosecuted, sanctioned or fined**

2% of artworks featuring women or made by women were **destroyed or damaged**

1% of women artists were **killed**

Egyptian musician Laila Amer was handed a **two-year prison sentence** by Egyptian authorities in 2018 for "inciting debauchery and immorality" with her "suggestive gestures and dancing" in a music video.

Lebanese-Serbian pop star and model Myriam Klink and Lebanese singer Jad Khalife were **interrogated for over six hours** over her music video that authorities **banned** for being "indecent".

Moroccan actress Lubna Abidar **received threats and was violently attacked** in Morocco by a knife-wielding gang over her role in the film *Zin li fik (Much Loved)*.

# CHAPTER 2

INTERNATIONAL FRAMEWORK OF PROTECTION  
OF WOMEN'S RIGHTS TO ARTISTIC FREEDOM AND  
CULTURAL EXPRESSION

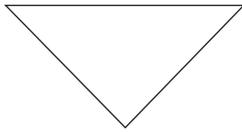


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“STATES SHOULD CONDEMN  
VIOLENCE AGAINST WOMEN  
AND SHOULD NOT INVOKE  
ANY CUSTOM, TRADITION OR  
RELIGIOUS CONSIDERATION TO  
**AVOID THEIR OBLIGATIONS WITH  
RESPECT TO ITS ELIMINATION**”.

DEVAW, ARTICLE 4.

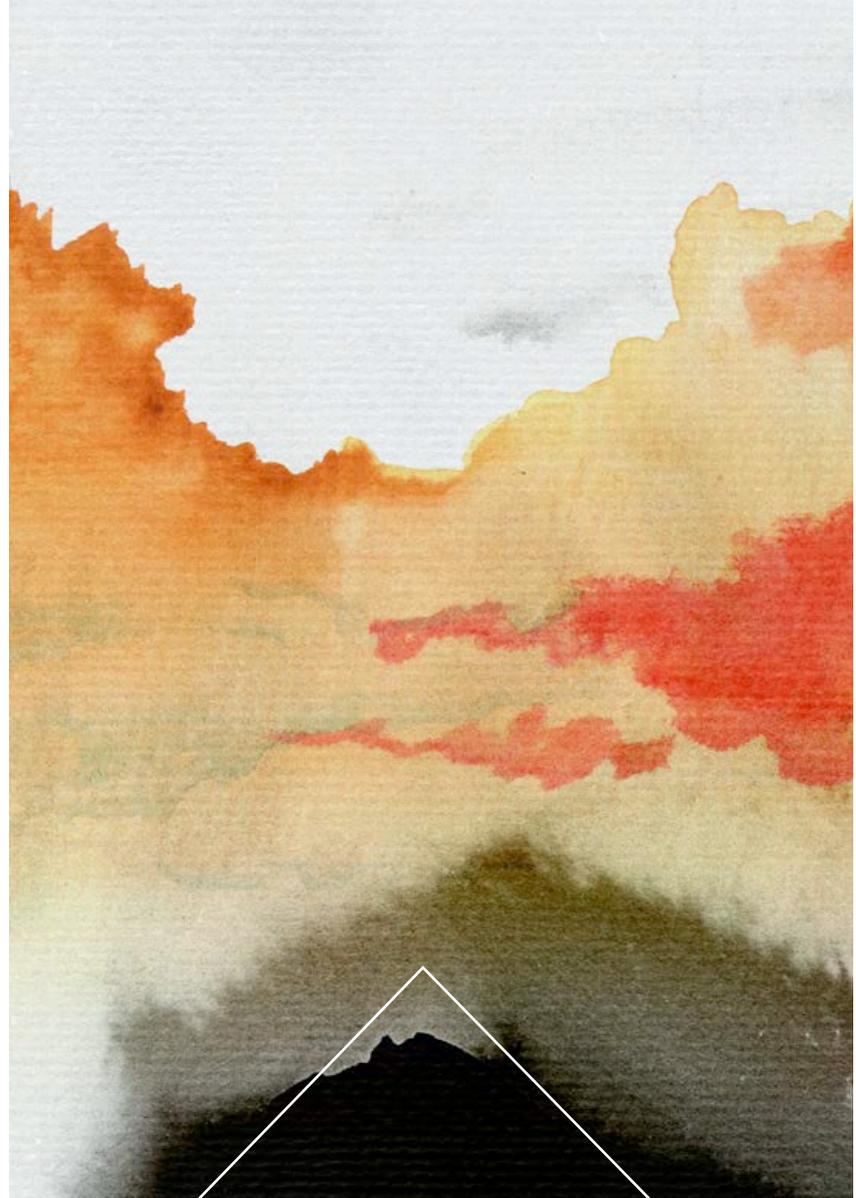
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## INTERNATIONAL LAWS

do not recognise women artists as a particularly protected group, but a number of international instruments have been adopted to guarantee their right to freedom of expression and participation in cultural life, as well as protect them from any form of gender-specific violations of human rights. Since the principle of non-discrimination is the basis for the universality of human rights in general, any restrictions imposed on women artists that are incorporated in domestic legal systems are against international standards. Through the well-established standard for everyone's enjoyment of cultural rights without discrimination, women are guaranteed equal access to cultural content both as audience members as well as creators of such content, regardless of local cultural policies, religious practices and traditional customs.

Despite that, in many countries women are restricted from exercising their right to artistic freedom and cultural rights in various ways, not because of the physical differences between men and women, but because of the socially constructed roles that are tied to gender and justified by referring to the protection of culture, religion and traditions.<sup>1</sup> The violations of women artists' rights that Freemuse has registered



over the last five years, back up the finding of the UN Special Rapporteur in the field of cultural rights that the principle of "equality" has been insufficient to ensure the equal participation of men and women in cultural life.<sup>2</sup> Due to the continuing development of human rights, in the past two decades the international community started addressing this particular challenge, which resulted in an introduction of a set of recommendations for fighting gender-based discrimination in cultural spheres.

Recently inaugurated measures on the protection of women artists derive from the increase in the number of international instruments regulating gender equality in

general. Such an influx of new approaches to this issue has been of enormous importance, having in mind that the status of women artists is principally a reflection of the general position of women in society. Apart from documents policing the status of women artists through the perspective of freedom of expression and participation in cultural life, the adoption of regulations related to other aspects, such as freedom of movement, association, religion, protection from attacks on physical integrity, and participation in social, economic and political life, as well as in decision-making processes, also have positive effects on the quality of legal guarantees for women's position in cultural life.

“WOMEN ARTISTS AND AUDIENCES ARE AT PARTICULAR RISK IN SOME COMMUNITIES, AND ARE PROHIBITED FROM PERFORMING ARTS ALTOGETHER, FROM SOLO PERFORMANCES BEFORE MIXED AUDIENCES, OR FROM PERFORMING WITH MEN. IN A NUMBER OF COUNTRIES, MANY WOMEN MAKING A LIVING AS ARTISTS, OR WISHING TO ENGAGE IN ARTISTIC CAREERS, PARTICULARLY IN THE AREA OF CINEMA, THEATRE, DANCE AND MUSIC, **CONTINUE TO BE LABELLED AS ‘LOOSE’ OR ‘PROSTITUTES’.**”

UN HUMAN RIGHTS COUNCIL, ‘REPORT OF THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS, FARIDA SHAHEED’, 14 MARCH 2013, A/HRC/23/34, PARA. 43

## International framework: Enjoying freedom of artistic expression without gender-based discrimination

Neither binding nor non-binding international instruments guarantee freedom of artistic expression as such, but already in 1948 when the Universal Declaration of Human Rights (UDHR) was adopted, it called for the right of everyone to “participate in the cultural life of the community and to enjoy the arts”.<sup>3</sup> This right was further affirmed in 1966 with Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR),

which guarantees the right for everyone to take part in cultural life, and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) pledging the right to freedom of expression.

These core human rights and fundamental freedoms instruments provide legal protection to artists for expressing themselves through arts and culture, but neither of them address women artists as a specifically protected group. Nevertheless, due to the prohibition of any form of gender-based discrimination,<sup>4</sup> women artists have the right to enjoy the freedom of artistic and cultural expression and creativity in the same way as men. Although different instruments, mostly depending on the time of the adoption, refer to the discrimination women face as either violations grounded in sex or gender-specific characteristics, this report

rather focuses on gender-based discrimination.<sup>5</sup>

The principle of non-discrimination has been one of the most fundamental principles underlining international human rights laws. Only a year after the Organization of the United Nations was established in 1945, the Economic and Social Council (ECOSOC) created the Commission on the Status of Women dedicated to promoting gender equality and women empowerment. Despite this, it was soon realised that initial documents adopted within the United Nations framework did not provide sufficient solutions for women’s equal participation in political, social, economic and cultural life. Reality showed that women were not only under-represented in public spheres, but they also faced gender-specific violations of their rights as prescribed in laws or through the discriminatory implementation of them.



With the awareness of gender-based discrimination still being a systematic challenge, on 18 December 1979 the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This treaty, ratified by almost every country in the world with exception of the United States, Iran, Palau, Somalia, Sudan and Tonga, has been commonly known as the “women’s bill of rights”. It calls for states to take appropriate measures to enable women to enjoy the rights and freedoms on a basis of equality with men in political, social, economic and cultural fields<sup>6</sup> and the right to equally participate in recreational activities, sports and all aspects of cultural life.<sup>7</sup>

The end of the 20th and the beginning of the 21st century brought a new wave of acts in the international arena aiming to remedy challenges women face in enjoying their human rights in different public spheres. In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women (DEVAW), followed by the establishment of the UN Special Rapporteur on violence against women one year later. The commitment to ensuring the realization of women’s rights was further fortified in 2010, when the Human Rights Council established a Working Group on the issue of discrimination against women in

law and practice with the intention of identifying, promoting and exchanging views on the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact.<sup>8</sup> This took place in parallel with the merging of four UN women-related agencies and offices into the UN Entity for Gender Equality and the Empowerment of Women, known as UN Women, which focuses on gender dimensions of development and human rights issues.

In 1995, during the 4th World Conference on Women held in Beijing, a platform for action was created with a five-yearly review of specific actions prescribed to ensure the respect of women’s rights. The review process focuses on 12 critical areas of concern, which include the “human rights of women” as an

“inalienable, integral and indivisible part of universal human rights”.<sup>9</sup> The last review from 2015 found that, despite some progress registered in certain fields, discrimination against women remained, both in law and practice, in countries where non-discrimination laws exist.<sup>10</sup>

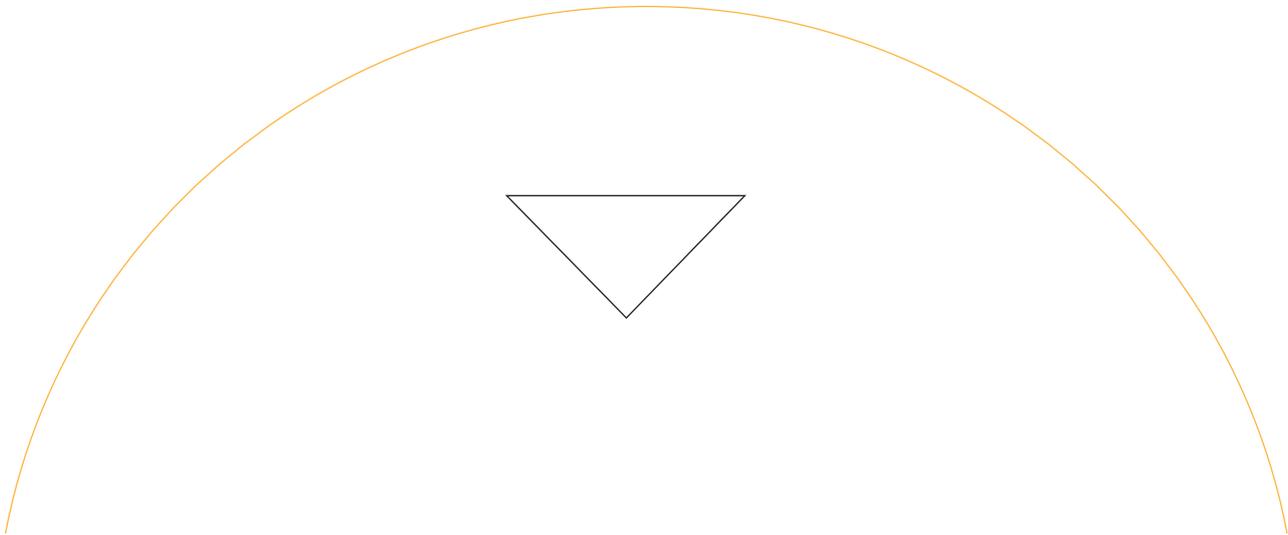
Furthermore, in September 2015 the Sustainable Development Goal (SDG) 5 was introduced as an additional measure for achieving gender equality and empowering all women and girls. The fifth goal aims to “end all forms of discrimination against all women and girls everywhere”, “eliminate all forms of violence against all women and girls in the public and private spheres”, and “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels”.<sup>11</sup>

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**“GENDER EQUALITY IS CENTRAL TO THE SDGS [SUSTAINABLE DEVELOPMENT GOALS], AND IF IT IS NOT ACHIEVED, THE IMPLEMENTATION OF ALL THE GOALS WILL BE COMPROMISED.”**

UN WOMEN, ‘TURNING PROMISES INTO ACTION: GENDER EQUALITY IN THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT’, 2018, P. 74-75.

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Parallel to these global efforts by different stakeholders to provide women with better opportunities to exercise their rights, different regional instruments<sup>12</sup> were also developed, which positively affected domestic legislation in many national contexts. All these instruments were intended to strengthen the legal protection of women in different spheres of political, social, economic and cultural life in general. Still it took decades for the international community to recognise gender as a specific problem for artistic freedom that needed to be addressed separately. It was only in the 2000s that international human rights bodies started working on fighting gender-based discrimination related to the enjoyment of cultural rights and artistic freedoms.

## International efforts to protect women artists' right to freedom of expression

UNESCO has been at the forefront of promoting artistic freedom and gender equality for artists. Article III(6) of its 1980 Recommendation Concerning the Status of the Artist reads that “freedom of expression

**“REALISING WOMEN’S CULTURAL RIGHTS, WHICH ENCOMPASS THE RIGHT TO TRANSFORM EXISTING CULTURAL PATTERNS AND THINKING, IS ESSENTIAL FOR REALISING WOMEN’S HUMAN RIGHTS MORE GENERALLY.”**

UNITED NATIONS GENERAL ASSEMBLY. ‘REPORT OF THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS, FARIDA SHAHEED’. 10 AUGUST 2012, A/67/287, PARA. 38

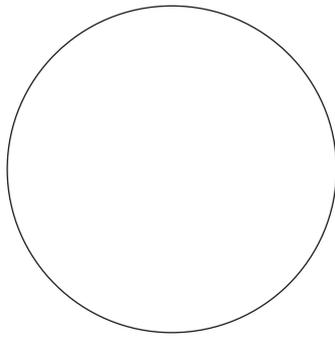
and communication is the essential prerequisite for all artistic activities” and that “Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation”. Article III(8) calls for Member States to ensure that all individuals, irrespective of sex and other personal characteristics, have the same opportunities to “acquire and develop the skills necessary for the complete development and exercise of their artistic talents, to obtain employment, and to exercise their profession without discrimination”.<sup>13</sup>

In addition, Article 7 of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005 UNESCO Convention) emphasises the status and role of women in society and the need to consider the “special circumstances and needs of women”. In 2015, a UNESCO report highlighted how “both the letter and the spirit of the

Convention uphold the principle of gender equality as a cornerstone of human rights in general and cultural rights in particular”.<sup>14</sup>

The institution of the UN Special Rapporteur in the field of cultural rights has significantly contributed to raising awareness about gender discrimination in the cultural sphere and in shaping norms on women’s cultural expression and artistic freedom. When in 2009 the Human Rights Council introduced the independent expert in the field of cultural rights and in 2012 extended its mandate, it called for the integration of the gender perspective into the work of the Special Rapporteur.<sup>15</sup>

Some of the Special Rapporteur’s annual reports are of crucial importance for understanding the position of women artists. In 2012, Special Rapporteur Farida Shaheed dedicated the report to women’s cultural rights. In this report, she underlined women’s



right to have access to, participate in and contribute to all aspects of cultural life.<sup>16</sup> In 2013, she put forward a seminal report outlining different approaches to ensuring the increased recognition of freedom of artistic expression and creativity in international human rights law. These approaches also extend to the discrimination against women artists and audience members.<sup>17</sup> The Special Rapporteur's 2017 report on the impact of fundamentalism and extremism on the cultural rights of women notes that states have a responsibility to design programmes aimed at creating conditions that allow women to access, participate in and contribute to cultural life without discrimination.<sup>18</sup>

Standards set at an international level impose different obligations for national states in this regard. Under international human rights law, states are obliged to respect, protect and fulfil women's rights to artistic freedom. The 2005 UNESCO Convention encourages state parties to adopt measures and programs to promote a comprehensive approach to women's artistic freedom. This primarily means that states must restrain themselves from violating women artists' rights to freedom of expression by introducing domestic legislations that are in line with international standards and eliminating laws, regulations and practices that restrict women from equally participating in cultural life. States must also prevent individuals

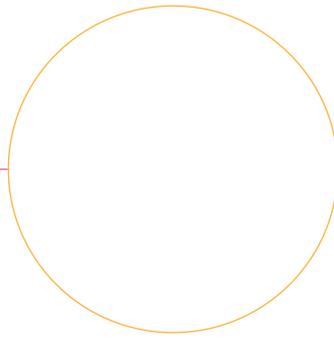
**“STATES ARE UNDER A POSITIVE OBLIGATION TO ERADICATE ALL FORMS OF STRUCTURAL AND SYSTEMIC DISCRIMINATION THAT MAY OBSTRUCT WOMEN'S ENJOYMENT OF THEIR RIGHT TO TAKE PART IN CULTURAL LIFE.”**

UNITED NATIONS GENERAL ASSEMBLY. 'REPORT OF THE SPECIAL RAPPOREUR IN THE FIELD OF CULTURAL RIGHTS, FARIDA SHAHEED'. 10 AUGUST 2012, A/67/287, PARA. 44

and groups from violating artistic freedoms through their application of laws, policies or practices. Under the 2005 UNESCO Declaration, they are obliged to exercise “due diligence”, in preventing, investigating and punishing abuses of women's rights in relation to their artistic freedom even if not carried out directly by agents of the state. By precluding and properly sanctioning any state or non-state actor attempting to censor or in other way prevent women from expressing themselves through art, they create an atmosphere in which such actions are recognised as wrongful and against international standards in the field of cultural rights and artistic freedoms. Finally, states must take action to ensure the enjoyment of women's rights to artistic freedom through the creation of appropriate programs, resources and environments. All these measures have been introduced to calculate the degree of effort a state exercises to implement rights in practice and hold it accountable for its actions or inactions.”<sup>19</sup>

## Limitations of the right to artistic freedom affecting women artists

International human rights standards allow restrictions of freedom of expression and subsequently artistic expression for some types of content under strictly defined conditions. Some international instruments define the restrictions related to content,<sup>20</sup> which are commonly applied in national legal systems. In 2011, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression at the time, Frank La Rue, recommended to clearly distinguish between expressions that amount to criminal offences, civil or administrative offences and offences that harm only tolerance, civility and respect for the rights of



others.<sup>21</sup> La Rue also listed so-called exceptional types of expression that states are required to prohibit under international law. These are: child pornography,<sup>22</sup> direct and public incitement to commit genocide,<sup>23</sup> advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,<sup>24</sup> and incitement to terrorism.<sup>25</sup>

The Committee on Economic, Social and Cultural Rights requires that, apart from being inscribed in laws, limitations must be proportionate, meaning that the least restrictive measures must be taken when several types of limitations are imposed.<sup>26</sup> Article 19(3) of the ICCPR allows restrictions on freedom of expression as long as they are lawful and necessary for the respect of the rights or reputations of others or for the protection of national security, public order, public health or morals. When the Human Rights Committee analysed the application of this provision, they underlined that possible restrictions must conform

to the strict tests of necessity for legitimate purposes and conform to the principle of proportionality.<sup>27</sup> The restrictions must be proportionate to the interest to be protected and as little intrusive as possible to achieve the desired result. It is also stressed that only substantive law, and not traditional, religious or other customary law, may be the basis of such restrictions.<sup>28</sup>

These limitations have been set under the international framework and as such they are applicable to any form of artistic creation, regardless of gender. Conversely, the limitations of women artists' expressions that Freemuse has registered are triggered by discriminatory actions performed by different stakeholders, grounded in patriarchy, traditions, religion and other cultural norms which differ from one society to another. Cultural relativism has often been used as an argument by states when restricting women's rights to artistic freedom and justifying their non-compliance to international laws. Relativists

argue that international human rights laws tend to impose certain values on societies that are not found immanent to their own local system of values. They believe that local cultural, religious, political and legal practices should rather determine the existence and scope of civil and political rights enjoyed by individuals in a given society.<sup>29</sup>

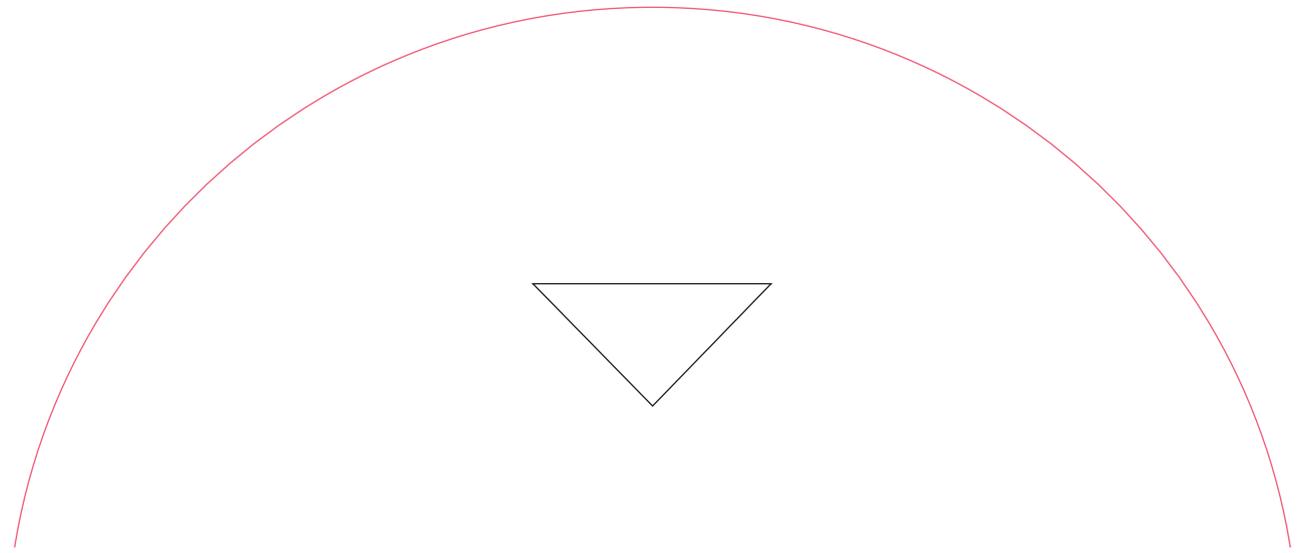
This Freemuse report reflects on a number of countries in which cultural relativism is used for opposing the application of the international standards protecting women artists' rights. This practice has also been seen in a number of reservations during the ratification of international instruments, especially to the ratification of the CEDAW. Bangladesh reserved the provisions of Article 2, as they are in conflict with Sharia law based on the Holy Koran and Sunna;<sup>30</sup> Oman reserved all provisions of the Convention for not being "in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman";<sup>31</sup> while Saudi Arabia refused

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**“STATES PARTIES SHALL TAKE ALL APPROPRIATE MEASURES TO MODIFY THE SOCIAL AND CULTURAL PATTERNS OF CONDUCT OF MEN AND WOMEN, WITH A VIEW TO ACHIEVING THE ELIMINATION OF PREJUDICES AND CUSTOMARY AND ALL OTHER PRACTICES WHICH ARE BASED ON THE **IDEA OF THE INFERIORITY OR THE SUPERIORITY OF EITHER OF THE SEXES OR ON STEREOTYPED ROLES FOR MEN AND WOMEN.**”**

CEDAW, A/RES/34/180, ARTICLE 5 (A)

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to observe the Convention in case of contradiction between any terms of the Convention and norms of Islamic law.<sup>32</sup> With such reservations, states are able to put their religious laws and religion above the elimination of gender-based discrimination. The reasoning behind these reservations has been directly opposed by the very heart of international human rights law, which holds that human rights are universal and not dependent on culture, while obliging states to eliminate violations and harmful practices.

## Conclusion

Despite standards, measures and regulations set at the international level, different challenging contexts in which women artists exercise their right to freedom of artistic expression indicate that gender equality has not been achieved in the field of arts and culture. Women remain outnumbered in the cultural sector, stifled in the name of religion or tradition, restricted by strict domestic legislations, and exposed to sexist and misogynist comments and various forms of harassment. These violations show that the protection guaranteed to women artists globally has not yet met the satisfactory level of implementation in national contexts, while a number of states still remain tied to discriminatory laws.

Although women's right to freedom of artistic expression is promoted through a number of internationally adopted provisions, particular states consistently refrain from applying them due to considerations for local traditions and customs, which restrict women from freely expressing themselves through different artforms or accessing certain cultural performances. One important note is namely that women's challenges and needs are often context-specific and thus vary between regions, countries and even communities. As such, the adoption of a single international instrument would not be sufficient to promote the rights of all women. However, apart from states where religion plays an important role in defining domestic laws and policies, patriarchal norms seriously influence the status of women artists in almost all societies, whether in the global North or South.

In order to combat the systematic discrimination women face in the cultural sector, besides eliminating all discriminatory legislation and practices, states need to fight the consequences of the centuries-long patriarchy, which has marginalised women in the public sphere. Although the general pre-conditions for gender equality have been determined through international human rights law, it still needs to be applied at national and local levels, as well as accepted by the majority of people, including women themselves. In many societies across the globe women's transformative initiatives referring to the cultural sector are yet to be embraced. Because human rights constantly evolve, international and national stakeholders must continuously contribute to ensuring these rights on a contemporary basis.

**SPECIAL RAPPORTEUR RECOMMENDS THAT STATES “ENSURE THAT RESPECT FOR CULTURAL DIVERSITY DOES NOT TRANSLATE INTO A PLURALISTIC LEGAL SYSTEM ALLOWING FOR CUSTOMARY LAWS, TRADITIONS OR PRACTICES THAT CONTRAVENE WOMEN’S HUMAN RIGHTS, INCLUDING THEIR CULTURAL RIGHTS.”**

UNITED NATIONS GENERAL ASSEMBLY. 'REPORT OF THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS, FARIDA SHAHEED'. 10 AUGUST 2012, A/67/287, P.23

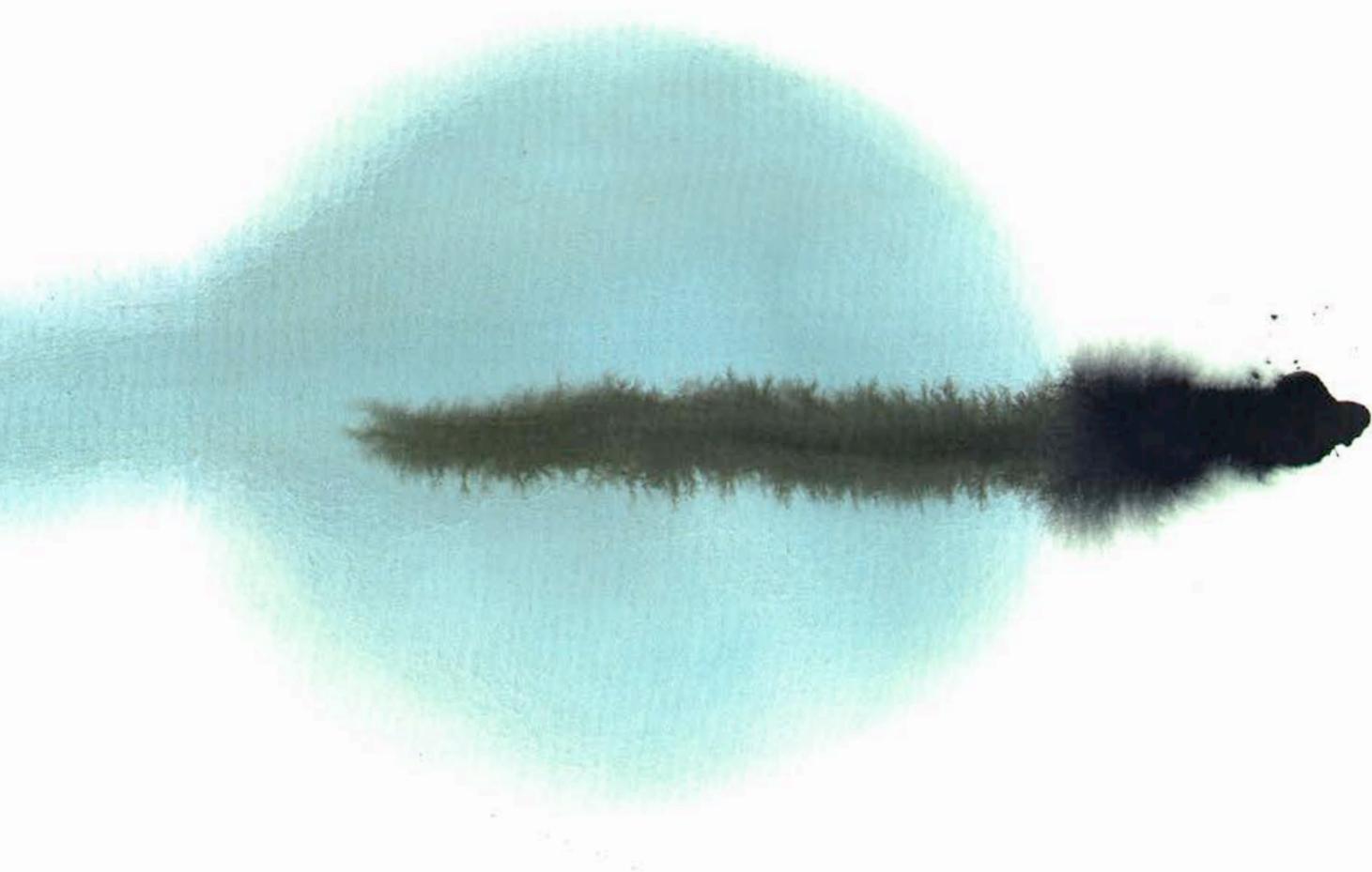


*Chinese performance artist Yan Yinhong says she tries to question society using her own language—art. In 2013 she was assaulted by two men during her performance of *One Person's Battlefield*, a piece intended to highlight sexual violence against women.*

PHOTO COURTESY OF THE ARTIST

# CHAPTER 3

DISCRIMINATION AGAINST WOMEN AND  
VIOLATIONS OF WOMEN'S RIGHT TO ARTISTIC  
FREEDOM



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“THE CRITICAL ISSUE, FROM THE HUMAN RIGHTS PERSPECTIVE, IS NOT WHETHER AND HOW RELIGION, CULTURE AND TRADITION PREVAIL OVER WOMEN’S HUMAN RIGHTS, BUT **HOW TO ARRIVE AT A POINT AT WHICH WOMEN OWN BOTH THEIR CULTURE (AND RELIGION AND TRADITION) AND THEIR HUMAN RIGHTS**”.

UNITED NATIONS GENERAL ASSEMBLY. 'REPORT OF THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS, FARIDA SHAHEED'. 10 AUGUST 2012, A/67/287, PARA. 4

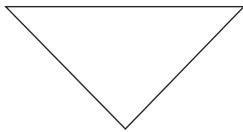
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“CULTURES ARE SHARED OUTCOMES OF CRITICAL REFLECTION AND CONTINUOUS ENGAGEMENTS OF HUMAN BEINGS IN RESPONSE TO AN EVER-CHANGING WORLD. THE TASK AT HAND IS TO IDENTIFY HOW HUMAN RIGHTS IN GENERAL, AND EQUAL CULTURAL RIGHTS IN PARTICULAR, CAN ENABLE WOMEN **‘TO FIND PATHS THROUGH WHICH WE MAY VIEW TRADITION WITH NEW EYES, IN SUCH A WAY THAT IT WILL NOT VIOLATE OUR RIGHTS AND RESTORE DIGNITY TO... WOMEN... [AND] CHANGE THOSE TRADITIONS WHICH DIMINISH OUR DIGNITY’**”.

UNITED NATIONS GENERAL ASSEMBLY. 'REPORT OF THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS, FARIDA SHAHEED'.  
10 AUGUST 2012, A/67/287, PARA. 4

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## WOMEN AND WOMEN

artists face various forms of discrimination across every region in the world because of their gender. Many of these forms of gender discrimination are endemic and pervasive, creating serious obstacles to the full enjoyment of women's human rights. All people regardless of gender, race and cultural backgrounds possess human rights. Some of the human rights principles are namely that they are universal, inalienable and indivisible.<sup>1</sup> Among these are cultural rights, which are an expression of and prerequisite for human dignity and important factors for both universality and cultural diversity.<sup>2</sup>

This chapter exposes a particular form of gendered discrimination, which extends into also restricting women's access, full participation in and contribution to cultural activities. Women face specific limits on their artistic freedom and expression simply because they are women. For instance, women are prohibited from playing specific musical instruments or from performing on stage with men. Their

artistic work is also subjected to censorship. They face prosecution, imprisonment, attacks, as well as threats to their life in pursuit of their artistic expression. Identity-based forms of discrimination can be meted out to them by both state and non-state actors, and, as documented cases show, in the name of protecting tradition and religion, as well as protecting 'morality'. This discrimination can also be witnessed in the gender segregation that has been enforced on women in relation to musical instruments. Evidence shows that perpetrators of such abuses can range from governments to non-state actors such as professional organisations, art galleries and audiences.

### States' responsibilities to end discrimination against women's rights to artistic freedom

According to international human rights law, discrimination against women refers to "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the

political, economic, social, cultural, civil or any other field".<sup>3</sup>

Furthermore, state parties of the Covenant on the Elimination of All Forms of Discrimination Against Women (CEDAW) have a responsibility to "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women"<sup>4</sup> and "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".<sup>5</sup>

International law institutes a clear responsibility on states that extends beyond violations by those acting on behalf of the state and its bodies. And it is the due diligence framework which has increasingly been used to fully grasp and comprehend the state's obligations on women rights. This framework places the state at the center of analysis examining how states have met their obligation in preventing violations, protecting vulnerable groups, prosecuting and punishing perpetrators as well as providing redress and reparation for victims of women's rights violations.



Feminist activist artists Guerrilla Girls' 2015 project calling out Iceland's National Film Centre by asking why 87% of its funding has gone to men.

PHOTO COURTESY OF GUERRILLA GIRLS

## The Due Diligence Framework and the State's Obligations

- \* **Prevention** covers the state's obligation to counteract discrimination against women by challenging the cultural narrative and norms that contribute to the discrimination. This includes challenging root causes such as structural discrimination, taboos and gender stereotypes. It requires a multi-pronged approach to dismantle discriminatory gender norms through, for example, developing programs designed at transforming attitudes and behaviours and eliminating risk factors by strengthening women's access to economic and legal rights. It also requires establishing partnerships with other actors to enhance positive change. It involves formulating comprehensive laws that tackle gender discrimination in all its forms and amending existing laws that facilitate gender discrimination.
- \* **Protection** entails a responsibility on the state to ensure accessible, prompt and timely delivery of services focusing on the short, medium and long-term needs and protection of women.
- \* The state also has a duty to investigate and **prosecute cases** of all forms of discrimination against women. Plural legal systems should similarly be harmonised with and incorporate international human rights norms and standards.
- \* Furthermore, the state has an obligation to provide certainty of **punishment** and eradicate impunity, excuses and justification for gender discrimination against women—all based on an understanding of how systemic and structural inequalities operate to undermine women's rights.
- \* Finally, the state must **provide redress and reparation** of harm and loss suffered by women. The state is obligated to eliminate or mitigate the effects of gender discrimination through different measures, including but not limited to, compensation and public apologies.

SOURCE: THE DUE DILIGENCE PRINCIPLE AND THE ROLE OF THE STATE: DISCRIMINATION AGAINST WOMEN IN FAMILY AND CULTURAL LIFE, Submission to the United Nations Working Group on Discrimination Against Women in Law and in Practice, Zarizana Abdul Aziz and Janine Moussa, *Due Diligence Project (DDP)*, January 2015, p. 24-25

The term ‘discrimination’ used in this report refers to gender-based discrimination rather than sex-based discrimination.<sup>6</sup> Gender-based discrimination differs from sex-based discrimination: Gender based discrimination is based on the roles attributed by society to men and women rather than simply on the basis of their biological sex.<sup>7</sup> This report on women artists and access to cultural rights is in part an attempt to address this gap in information and to start shaping appropriate forms of advocacy and campaigning. Investigative research and information on gender-based discrimination against women in the artistic field is rare and sporadic in nature. Whilst literature discussing censorship and freedom of expression in various cultural and social contexts exists, there are virtually no studies offering an examination or analysis of how abuses of the rights of women artists—which we are witnessing across the globe—violate international human rights standards and law. However, with the launch of the Sustainable Development Goals (SDGs), which included a gender equality goal and targets about ensuring equal participation, the understanding of women rights have gained more attention. Combining this with a greater inclusion of the cultural rights framework will similarly provide a better understanding of how governments can ensure that everyone, including women, can fully engage in cultural spheres without gender-based discrimination.

This chapter demonstrates the pattern of how governments fail to respect and promote women’s rights to artistic freedom and cultural expression. It focuses on how domestic legal frameworks, regulations and statutory bodies

work to specifically restrict women from accessing and enjoying their artistic and creative freedom and expression in various countries. It reflects on how the state has failed to exercise due diligence in preventing attacks on women, to effectively investigate violations of women’s rights, appropriately punish non-state actors and provide the necessary help for women to carry out their legitimate activities. Instead, some women are confronted with further discrimination from the state machinery and pushed to conform to gender stereotypes, which decree that women should not question the status quo and thereby undermine societal norms.

### 3.1 Gender-based discrimination and violations by the state

Societies across the world often perceive women to be custodians of culture and family and community honour. And it is this preservation of socially constructed gender norms that is also often leveraged by sections of the community to prevent women from participating in cultural activities and fully expressing themselves artistically. The UN Special Rapporteur in the field of cultural rights highlights that cultural rights must be understood as also relating to “who in the community holds the power to define its collective identity”.<sup>8</sup> This means that challenging the status quo and promoting women’s rights in the cultural sphere are complex undertakings, requiring a systematic and in-depth analysis of how these communities operate at several levels.



*In 2015 composer and conductor Ali Rahbari refused authorities’ orders to exclude only the women part of the Tehran Symphony Orchestra from a performance. Instead he decided to cancel it.*

CREDIT: PHOTO BY JAN ZASLAWSKI

Freemuse has found a pattern of deliberate marginalisation and gender discrimination specifically targeted at women artists in its research. This discrimination operates at several levels. In a majority of cases it has acted to limit women’s rights to accessing their artistic expression. Through prohibitions it has also often coerced women into conforming to patriarchal norms across many parts of the world. When women actively demand the right to perform and to exercise their rights in expressing themselves artistically, some community members or societies view them as threatening prevailing cultural norms and therefore seek to limit these choices. Equal possibilities to contribute to a full cultural life entails the ability to “use imagination and intellect in both experiencing and producing works and events of one’s own choice: spiritual and material, intellectual and emotional, including in all forms of artistic creativity, for example music and literature”.<sup>9</sup> Access to these set of rights is restricted for some women artists and as a result, the range of perspectives and artistic styles in the art world is being limited.

## Burundi: Law banning women from beating drums

In Burundi, sacred drums are often played during traditional dance rituals. The importance of the ritual dance of the royal drum was reflected in 2014 when it was inscribed on UNESCO's list of Intangible Cultural Heritage of Humanity. UNESCO describes the ritual as a spectacle combining powerful, synchronised drumming with dancing, heroic poetry and traditional songs. Many Burundians see it as a fundamental part of their heritage and identity—an art form that is intrinsically part of their collective and individual identity.<sup>10</sup> However, in 2017 women were officially banned from beating the drums.

For centuries, the drums have been played and viewed by Burundians as a deeply significant and sacred ceremony that symbolises a united kingdom.<sup>11</sup> In the country's Kirundi language, the word for drum (ingoma) means kingdom. The ritual used to only be performed at the royal courts, but as times have progressed, it has become a part of daily life. As a result, an increasing number of groups perform using these drums as entertainment during social festivities such as weddings, graduation ceremonies and birth celebrations. Nonetheless, those holding traditional ideas believe the idea of women beating this particular drum is unacceptable and in addition,

anyone who performs with them at weddings or for entertainment is violating cultural norms.<sup>12</sup> Others believe women should not beat drums because the drum is thought to symbolise a woman's body. Various parts of the drum are named after the female body and drumsticks are thought have phallic connotations.<sup>13</sup>

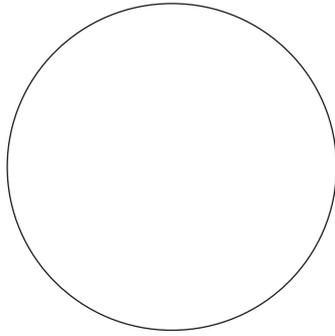
In this context, Burundi's president, Pierre Nkurunziza, officially banned female drummers when he signed Presidential Decree No 100/0196 of 20 October 2017, named *Regulating the Exploitation of the Drum at*

*National and International Levels*.<sup>14</sup> The decree states: "It is strictly forbidden for women to beat the drum. In accompaniment to the drumming, they can nevertheless perform female folk dances".<sup>15</sup> In addition, it was made obligatory for drumming groups to register with the Ministry of Culture and be given authorisation from the ministry before performing at any events. Performers must, however, also pay the treasury a fee equivalent to about 245 euros, imposing further restrictions on drummers.<sup>16</sup>



Traditional Burundian drummers perform at a public event in Burundi's capital, Bujumbura.

CREDIT: PHOTO BY ANDREAS31



According to Jean Bosco Hitimana, the then Minister of Culture, the decree has not been framed to act as a prohibition, but instead protect and promote the national culture of drumming in Burundi.<sup>17</sup> However Freemuse believes that this ban is discriminatory in intent and nature, affecting the right of women to play this instrument in public. Observers and feminists on the ground have also responded to this measure by asserting that it is in fact preserving and protecting a male-dominant culture and tradition of drumming in Burundi. Historically, drums have most often been played by men when preparing themselves spiritually for battle,<sup>18</sup> yet the decree legally reinforces an entrenched discrimination directed at women. Even in parts of the West, where gender discrimination is not associated with stark forms of gender segregation, the drums are still associated with male power, strength and confidence. Observers have also noted how women wishing to play the drums are often met with derisory comments and attitudes—often judged not just for their skills, but also their looks.<sup>19</sup>

Veronica Doubleday is one of the academics whose work has focused on understanding the gendered nature and segregation of musical instruments. In *Sounds of Power: an overview of musical instruments and gender*, she argues that: “Male musicianship is intimately connected

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**“MALE MUSICIANSHIP IS INTIMATELY CONNECTED WITH MASCULINITY, AND WHEN MEN MAINTAIN MUSICAL INSTRUMENTS AS THEIR EXCLUSIVE CULTURAL PROPERTY, THEY MAKE ASSERTIONS ABOUT MASCULINE IDENTITIES AND ROLES.”**

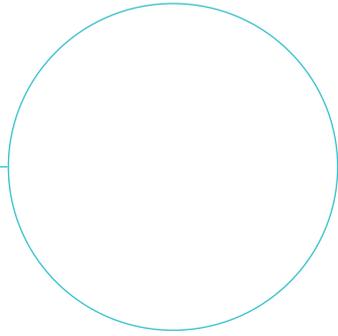
ACADEMIC VERONICA DOUBLEDAY, ‘SOUNDS OF POWER: AN OVERVIEW OF MUSICAL INSTRUMENTS AND GENDER’

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with masculinity, and when men maintain musical instruments as their exclusive cultural property, they make assertions about masculine identities and roles”.<sup>20</sup> Also in Burundi, drum beating is symbolically associated with masculinity and women are limited to other instruments and thus expressions, which is a clear violation of their cultural rights.

The example provided highlights how an outright ban on women playing the drums has violated their cultural rights. Freemuse has also witnessed how taboos and myths have been leveraged to prevent women from playing not only drums but also other instruments by invoking ideas of fertility, infertility and menstrual dirtiness. By assigning gendered perceptions to instruments and performers, the patriarchal tradition of allowing only men to play particular musical instruments sustains and enhances images of male authority and leadership.

According to Article 1 of CEDAW, the Burundian decree is a legal impediment and constitutes an act of discrimination against women: The ban acts as a distinction, exclusion and restriction made on the basis of sex, which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women’s rights to cultural expression and freedom of artistic expression. Furthermore, the requirements to seek authorisation and pay a fee create additional restrictions on women artists—who may be less able to afford these fees—and individuals who have the right to learn and take part in cultural life. The Burundi President and his government have legal obligations to amend or annul the decree in compliance with CEDAW, which Burundi ratified in January 1992.



## 3.2 Gender-based discrimination and violation by non-state actors

Gender-based discrimination and violations of women’s artistic freedom by non-state actors are widespread in many countries across all regions of the world. This includes violations based on discriminatory values and practices based on conservative notions of tradition and religion. Perpetrators include religious authorities, religious fundamentalist groups,<sup>21</sup> and audiences, amongst others. Under international laws and the due diligence framework, the state has legal responsibility to prevent, protect, investigate and prosecute, punish, redress and reparation to women and women artists from harm perpetrated by

non-state actors. This section will focus on violations and discriminatory practices based on conservative interpretations of traditions and religion by society or authorities.<sup>22</sup>

### 3.2.1 Discriminatory practices by traditions and societies

#### Ghana: No access to the poetic xylophone for women

In the upper west region of Ghana, the xylophone (gyil) has a prominent role in Dagarti festivals, religious worship and funeral celebrations. The xylophone functions both as a communication medium, and more critically, as a transmitter of what are commonly known as ‘poetic texts’. People who play the instrument are called xylophone poets, as they recite poetry and texts that convey moral values to the community while playing the xylophone.<sup>23</sup> The

musician is therefore considered to be not only a poet, but also an entertainer, social commentator, critic and moralist.<sup>24</sup>

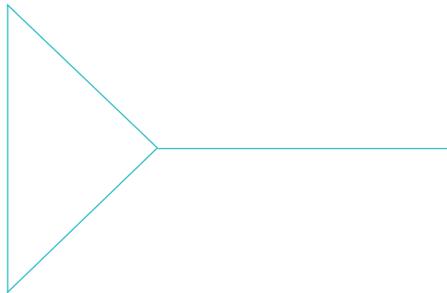
However, despite its prominence in cultural practice across parts of Ghana, the gyil is only played by men.<sup>25</sup> Social custom and folklore have worked together to ensure a form of gender segregation as to who can play this instrument. Dagaare myth and folklore hold that women who play this instrument become sterile.<sup>26</sup> Infertility carries huge social stigma in Ghana, where childbearing is seen as vital to marital success for a woman, and the responsibility for it is borne by women.<sup>27</sup> However, in their defiance of these cultural norms, a handful of Dagarti women have tried to overcome these myths by attempting to mimic its sound by hitting or stretching the cloth of their dresses in varying angles between their legs and thus produce the tones similar to the xylophone.<sup>28</sup>

This discriminatory practice against women has no constitutional or legal basis. It remains the government’s responsibility to protect women from discrimination and violation of their cultural expression and artistic freedom. CEDAW requires that its state parties “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.<sup>29</sup>



When the music video for *Hwages (Concerns)* was released in December 2016, YouTube viewers called it “disgusting” and “extremely inappropriate”. Read more on page 90.

CREDIT: YOUTUBE



## Australia: Women excluded from playing the didgeridoo

The practice of gender segregation vis-a-vis musical instruments is also found in Australia. The didgeridoo—a wind instrument—can only be played by Aboriginal men. Dr Mark Rose, who in 2007 advocated for the pulping of a book in 2007 that encourages girls to play the didgeridoo, insists that the instrument—pivotal to ancient Aboriginal ceremonies—is solely a man’s instrument. Those thought to be encouraging women and girls to play the instrument have been labelled as ignorant of Aboriginal traditions and disrespectful of ancient norms. The instrument is shrouded in taboos, and those advocating for this form of gender segregation have argued that women or girls will become infertile if they play it.<sup>30</sup> Advocates have vigorously upheld these ideas even when mainstream and internationally recognised women artists have played this instrument.<sup>31</sup> The Special Rapporteur in the field of cultural rights has clearly illustrated that cultures are constantly changing and are not fixed. Realising women’s cultural rights encompasses the right to transform existing cultural patterns and thinking, and is “essential for realising women’s human rights more generally”.<sup>32</sup> Therefore, all discussions about cultural norms should be encouraged since healthy discussions within

“WE KNOW VERY CLEARLY THAT THERE IS A RANGE OF CONSEQUENCES FOR FEMALES TOUCHING A DIDGERIDOO (...). IN OUR TIMES THERE ARE MEN’S BUSINESS AND WOMEN’S BUSINESS, AND **THE DIDGERIDOO IS DEFINITELY A MEN’S BUSINESS CEREMONIAL TOOL.**”

DR MARK ROSE, *ABC NEWS*, 3 SEPTEMBER 2008



*Didgeridoo*

CREDIT: GRAHAM CRUMB/Imagicity.com

societies are essential to its well-being. This custom, which is evidently discriminatory, cannot be justified under obligations that states have as party to international standards. With regards to cultural rights, it is recommended from an international level that states adopt measures “to ensure that women participate, on an equal basis with men, in identifying and selecting what constitutes cultural heritage, in assigning meaning to such heritage and in the decisions relating to what should be transmitted to future generations”.<sup>33</sup>

Furthermore, states should respect and protect the freedom of women to critique existing cultural norms and traditional practices, and to create new cultural meaning and norms of behaviour.<sup>34</sup> However, several cases show that challenging the status quo is not easy in societies where patriarchal traditions have dominated. Opportunities for women to culturally express themselves on equal terms are rare.

## Brazil: A stand taken by an all women drum group

Success stories about efforts of reframing patriarchal cultural norms are beginning to emerge. The attempt to reframe cultural norms, which have traditionally excluded women from drumming in Brazil, have been pushed back and challenged by women themselves. An all-female drum group, Banda Didá, which has received international recognition and is hugely popular in Brazil, was intentionally set up by women to challenge gender roles around drumming.<sup>35</sup> The Banda Didá performance requires the musician playing the heavy bass drum (surdos) to swing the drum up into the air, balancing it above their head with one arm. This act is seen to embody a direct challenge to social and patriarchal notions around drumming in Brazil, which has traditionally been associated with men and male physique. Many believe that fixed

beliefs about a woman's role and place in society, where musical performances are considered too time-consuming and dangerous for women, have historically prevented women in Brazil from fully participating in cultural spaces traditionally dominated by men.<sup>36</sup>

Banda Didá was founded by a male percussionist and musician Neginho do Samba, which shows that men can and should be part of reframing cultural norms that negatively affect women. It also illustrates that artists can directly challenge exclusion, expand the boundaries of women's freedom of artistic expression and contribute to reshaping cultural norms. Among the Afro-Brazilian drumming traditions which are usually performed by bands composed almost exclusively of men, the existence and performance of Banda Didá is continuing to re-frame discriminatory notions of what women can and cannot do.



*Banda Dida at Carnaval Campo Grande Bahia. Salvador, Brazil 2018*

CREDIT: @bandadida ON FACEBOOK

## 3.2.2 Violations and restrictions related to religious beliefs

Violations of women's cultural and artistic expression in the name of religion continue to be prevalent. Under international law, violation of freedom of artistic expression as means by which to protect certain religious feelings is illegitimate and prohibited. The International Covenant on Civil and Political Rights (ICCPR) general comments 34 states: "Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant"<sup>37</sup> except in circumstances where such displays incur "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".<sup>38</sup> In a 2018 report, the UN Special Rapporteur on freedom of religion and belief reiterated that freedom of religion or belief can never be used to legitimise violations of the rights of women and girls: "It can no longer be taboo to demand that women's rights take priority over intolerant beliefs used to justify gender discrimination".<sup>39</sup> It also asserts that one set of rights, i.e. women's rights, should not be undermined on the basis of claims made in defence of the right to freedom of religion or belief.<sup>40</sup>

However, concerns have been raised that attempts to use human rights law to eliminate harmful traditions and religious practices may create and strengthen a duality between modernity and tradition. At the same time it can support the

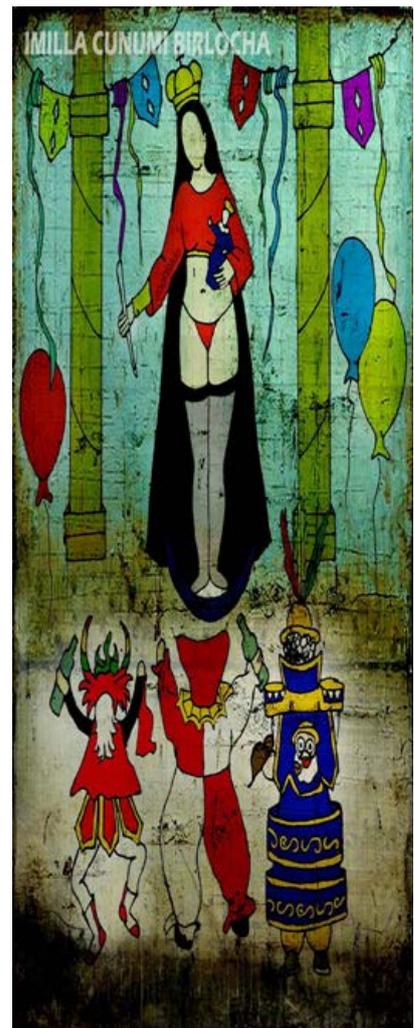
notion that it serves to liberate the 'victimised' women of these cultures, while not taking into consideration the "economic and political underpinnings of their subordination and the construction of culture within the dynamics of power relations at local, national and global levels".<sup>41</sup>

In the same vein, the UN Special Rapporteur warns us against a tendency of cultural essentialism, which ignores the agency of women in the developing world and the trajectories of their resistance to violence and oppression. "Essentialist portraits of culture often depict culturally dominant norms as central components of 'cultural identity'. Viewing culture and attendant beliefs, including customs, traditions and religious interpretations, as 'static' obstructs the realisation of women's human rights because it presupposes that particular values, practices and beliefs are 'intrinsic' to a given culture and, therefore, immutable."<sup>42</sup> Like all social constructions, concepts of gender change over time, and according to socioeconomic and geographical contexts. Resisting cultural essentialism requires "the cultivation of a critical stance that 'restores history and politics' to prevailing as historical pictures of 'culture'".<sup>43</sup>

In this context, it is essential to understand that religions are all influenced by the historic, geo-political contexts in which they operate. Because they are subject to interpretation, their normative

measures on what is considered appropriate varies between countries and communities. Social norms and ideas are often interpreted to uphold and enforce patriarchal notions of what is considered insulting, indecent and threatening to culture.

Fundamentalist and extremist groups also seek to punish cultural expressions that contradict their own interpretations of religion. Diverse religious fundamentalists are said to have sought to punish cultural expression that contradicts their interpretations of religion, which particularly affects women. This includes through blasphemy laws and gender discriminatory family laws, which themselves are often in violation of international human rights standards.<sup>44</sup> These groups have affected artistic freedom of women substantially. The UN Special Rapporteur in the field of cultural rights highlights that: "At the heart of fundamentalist and extremist paradigms are rejections of the equality and universality of human rights, both of which are critical to ensuring women's cultural rights and making the unwavering defence of those principles the touchstone of a gender inclusive human rights response".<sup>45</sup>



In 2018 Bolivian visual artist Rilda Paco received rape and death threats after depicting the Virgin of Socavón wearing stockings and a thong. For more see page 75.

COURTESY OF RILDA PACO ALVARADO

## India: 46 Muslim clerics tried to stop woman singing in public

In March 2017, Muslim clerics attempted to prevent the 16-year-old prize-winning singer, Nahid Afrin, from performing in India by issuing a fatwa (religious decree) against her.<sup>46</sup> Afrin, one of the finalists of the 2015 edition of *Indian Idol Junior*, was issued with the fatwa for an event due to be held near an Islamic burial ground. She was told to call it off “because singing, like dancing and magic shows, is a un-Shariat activity”.<sup>47</sup> The clerics demanded she refrain from performing at the event and suggested that the event be boycotted. They further wrote that anti-Sharia acts like musical nights would attract “the wrath of Allah”. The controversy around this performance clearly shows how music elicits different understandings of what constitutes acceptable religious practise: Afrin believes her ability to sing is solely because she has been blessed by Allah.<sup>48</sup> Each state in India has its own political context, religious composition and therefore understandings. As such, reactions

and attitudes towards a performance can vary depending on where it is held.

The fatwa issued against her had no constitutional and legal basis. Yet the negative social connotations and pressure of having a fatwa issued against musicians is immense and can prevent artists from performing because of fears for their safety. The police reportedly investigated the threats and Chief Minister of Assam, Sarbananda Sonowal, assured Afrin of security during the scheduled performance. The Chief Minister’s response was in this instance unfettered in its support for artistic expression—on Twitter he said: “Freedom of artists are essence of democracy”.<sup>49</sup>

A different case in India depicts a Muslim woman being deliberately targeted: In 2017, 22 year-old Suhana Syed was threatened by radical Islamists for singing a Hindu devotional song during her participation in a reality TV show.<sup>50</sup> Despite the positive response from the audience and judges, her intention to improve the friendship between Hindu and Muslim communities in the country

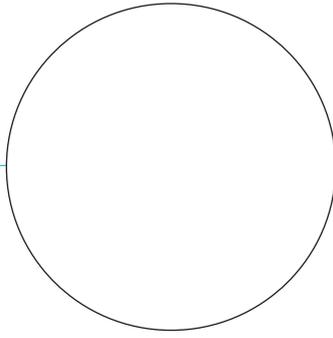
backfired on social media where she was criticised for not respecting the Muslim community especially because she was singing in front of men. For some, Syed’s action was regarded as a symbol of unity, but for others it was seen as a betrayal of her own religion, including now being responsible for her parents not going to heaven.

## Somaliland: Performance cancelled for allegedly not being in accordance with law, religion or culture

In August 2016, a concert including a performance by female singer Nasteexo Indho with performer DJ Subeer was planned to take place in Hargeisa, the capital of the self-declared country Somaliland.<sup>51</sup> Prior to the concert, however, religious leaders approached the minister of religion, Sheikh Khalil Abdilahi Ahmed, to show him recordings of the singer’s previous performances in Europe. This was done to encourage a cancellation of the show, and the religious leaders said they would have to take matters into their own hands and preach in their mosques if the government did nothing about her scheduled performance.<sup>52</sup> According to the Constitution of the Republic of Somaliland, the state should “promote knowledge and literature”, and “encourage creativity and research”. However, the state should also promote “modest culture of the society” and “eradicate customs which damage religion, development, culture and the health of the society”.<sup>53</sup> Following his exchange with religious leaders, and in line with provisions contained within the constitution, the minister deemed the performances “objectionable”. He decided to cancel the concert, citing the way Nasteexo Indho sings



Nahid Afrin, one of the finalists of the 2015-version of *Indian Idol Junior*.  
CREDIT: NAHID AFRIN ON FACEBOOK



as not to be in accordance with the law, religion or culture in the country. Armed soldiers are reported to have been deployed to communicate the ban to Indho and that if she went on stage she would be arrested. The singer decided not to perform. This kind of restriction of artistic expression is not limited to any one region, but is under attack in all continents. As emphasised by the UN Special Rapporteur in the field of cultural rights: “Motivations for restrictions stem from political, religious, cultural, moral or economic interests, and disturbing cases of violations are found on all continents”.<sup>54</sup>



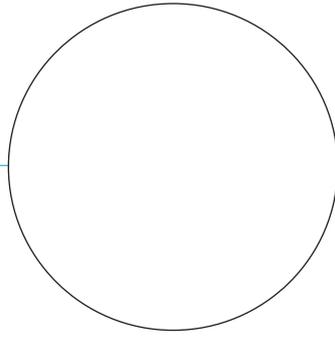
*Pussy Riot performing at Moscow's Red Square in 2012.*  
CREDIT: DENIS BOCHKAREV (DENNOT) ON FACEBOOK

## Blasphemy

Blasphemy is defined as the act of expressing contempt or a lack of reverence for God or sacred things.<sup>55</sup> Laws that prohibit blasphemy are said to inappropriately position governments as arbiters of truth or religious rightness, as they empower officials to enforce particular religious views against individuals, minorities and dissenters.<sup>56</sup> Findings of a recent study shows that blasphemy laws are found in 71 countries from all regions in the world, and the majority of these laws are vaguely worded, do not fully respect international standards of freedom of opinion and expression, and contain disproportionate criminal punishments ranging from prison

sentences to the death penalty.<sup>57</sup> As an example, a 2017 study measuring the world's blasphemy laws, published by the United States Commission on International Religious Freedom, shows that Iran and Pakistan include the death penalty as punishment for “insulting the Prophet Mohamed”, constituting the most severe punishment when it comes to blasphemy laws.<sup>58</sup> These laws can place limits on free speech and expression including different forms of artistic expression. When women appear in ways that do not align with certain religious values, blasphemy has become an increasingly potent tool by which to control women's rights across all parts of the world.

Notably, the Russian blasphemy law, which came into force in 2013 and allows punishments for “offending religious feelings”, was inspired by punk band Pussy Riot's 2012 performance of the song *Punk Prayer* in Moscow's Cathedral of Christ the Saviour. Three Pussy Riot members—Nadezhda Tolokonnikova, Maria Alyokhina, and Yekaterina Samutsevich—were not charged with any formal blasphemy law, as no such law existed at the time of their trial. Instead, they were convicted of hooliganism said to be motivated by religious hatred, and each sentenced to two years in prison. The case is particularly important as many people in Russia called their performance blasphemous. Among



the critics was prosecutor Alexander Nikiforov, who claimed that the performance in the cathedral was a planned action aimed at offending feelings of Christians.<sup>59</sup> This incident became one of the key reference points and reasons for drafting the blasphemy law. Six years after the trial, the European Court of Human Rights criticised Russia for its “exceptionally severe” treatment of the punk band following the group’s protest performance.<sup>60</sup>

In many parts of the world, patriarchal notions are upheld and religious texts and edicts are construed and interpreted in such a way to suggest that these roles are assigned to men and women from birth. The use of religious texts in this way often grants those radical groups espousing and imposing this ultra-conservatism undue immunity from informed discussion. These groups are clear in their agenda of enmeshing a problematic gendered narrative deeper into society’s psyche, creating an often emotionally driven debate about acts deemed to be moral, immoral, decent and indecent. Fundamentalist groups actively promote these deeply conservative ideas vis-a-vis the role women should and are expected to play in society. Within this construct, the idea of autonomy—whether it is exercised through her choice of clothes, the public arenas in which she wishes to participate, the profession she wishes to pursue—are

all subjected to social, customary, and, in some countries, legal pressures.<sup>61</sup> When women do not comply with these norms, attempts are made to punitively tarnish her reputation through invoking ideas of acceptable norms of conduct, morality and decency. Gendered realities mean this tarnishing bears more significant repercussions for women.

### The Religious Police

Several countries including Iran, Saudi Arabia, Sudan, and Malaysia have institutionalised bodies to enforce strict state interpretations of Islamic morality.<sup>62</sup> These entities act as a religious police force and are sometimes perceived as oppressive given that they are mandated to interfere in people’s private lives.<sup>63</sup> In some countries, Muslims who do not act in accordance with the rules and regulations stipulated by the authorities and their interpretation of moral and immoral behaviour, are at risk of being arrested and imprisoned.

In Iran, the Gasht-e Ershad is an agency that exists to enforce the country’s Islamic code of conduct in public spaces. It is mainly seen as “a scourge for urban women who try to push the boundaries of the dress code”.<sup>64</sup> This agency has great power and Iran’s constitution contributes to making sure that not

even President Hassan Rouhani has no authority over it despite having expressed opposition to it.<sup>65</sup> The presence of such bodies and their arbitrary powers—which may or not be codified—has the ability to impose a sense of moral awareness and behaviour, which has the potential of limiting true creative freedom.

### Saudi Arabia: Artist receives death threats for challenging women’s subordination

Haifaa al-Mansour, the first female film director in Saudi Arabia, has experienced considerable hurdles because of social norms and customs about the role women should play in society. Films—and film productions—were previously considered more controversial in the country until the recent lifting of a 30-year ban on cinemas in 2018. Despite this progress, being a woman director in Saudi Arabia is controversial. Given this reality, al-Mansour was compelled into directing her film *Wadjda* (Who) out of sight in a van, while communicating via a walkie-talkie in order to avoid public outrage.<sup>66</sup> The storyline of the movie *Wadjda*—which won several international awards—follows a young girl’s desire to buy a bike and the social obstacles she faces from her family and wider community. According to al-Mansour, the 11-year-old girl playing the lead role has only received permission



Haifaa al-Mansour, 2011.

from her family to act until she is 16-years-old; after that she has to have a “respectable” profession.<sup>67</sup> Following the launch of the movie, al-Mansour started receiving death threats and hate mail. The threats all suggested that al-Mansour failed to respect her own culture. Several of the threats also said al-Mansour was not religious, not only because she was a film director but also because of the film’s topic and message.<sup>68</sup> Al-Mansour did not break any laws in the making of this movie, yet she has faced entrenched patriarchal ideas present in many sectors of the country. Artistic expression in Saudi Arabia that confronts acceptable social norms has often been perceived as dishonouring traditional religious values. This poses a threat to human rights and the progressive realisation of women’s rights. It can also have the potential to create fear among other female artists and coerce them into not pursuing artistic aspirations.

### Covering up for religious leaders

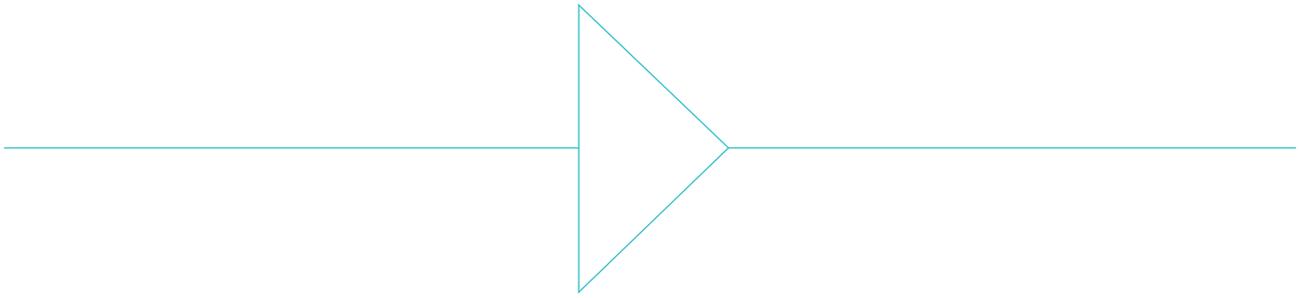
Some public institutions decided to cover up their art work such as statues and paintings with women bodies when they have religious leaders visit them. In early 2016, the Iranian president, Hassan Rouhani, was visiting Rome to meet the then

Italian prime minister, Matteo Renzi. When they visited the Capitoline Museums, nude statues of Venus and other female figures were covered with white panels. Many observers saw this as an attempt to avoid offending the Iranian president, especially now that Italian businesses are signing deals with Iranian companies worth multiple billions.<sup>69</sup> The decision prompted outrage from some commentators and politicians and considered embarrassing because Italy is bowing down to the Iranians by hiding art normally visible at the museum<sup>70</sup> and at the same time de-valuing the right to freedom of artistic expression in Italy. For some, the act of covering up the statues reflects an act of cultural subjection by using censorship to accommodate what the president might regard as inappropriate portrayal of women according to Muslim values.



Nude statues covered in Rome in 2016 so as not to offend Iranian president.

CREDIT: POSTED BY EURONEWS ON YOUTUBE.COM ON 27 JANUARY 2016



Based on the same rationale, the Novosibirsk State University of Architecture, Design and Arts in Russia decided to cover up its antique nude sculptures in August 2018 when Orthodox Christian priests participated in a panel discussion on campus. The sculptures were covered with cloths to avoid upsetting the visitors<sup>71</sup> and similarly, the case shows how protecting religious feelings through censorship was done at the expense of the freedom of artistic expression.

### 3.3 Violations in the name of Indecency

There are no international legal definitions of what constitutes indecency, but ideas of what it involves varies considerably between contexts. Broadly, indecency can be understood as not conforming to generally accepted standards of behaviour and expression. The concept and its legal and policy implications have a number of serious flaws, posing serious questions on how it can be used and is increasingly used as a rationale for suppressing women's rights to artistic freedom and cultural expression:

#### 1. High subjectivity and discretion:

As mentioned above, there is no agreement on a universal definition of indecency at international or national levels. Some countries regulate indecency-related matters through national laws, whilst others rely on unwritten rules subject to personal interpretations of law enforcement. These differing interpretations of what constitutes indecency makes laws on indecency, inappropriateness and public morals highly subjective and open to influence from contemporary social norms. However, codifying such laws requires that law makers also pay attention to their obligations under international human rights law governing freedom of expression; it is generally accepted that “[a] law must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly”.<sup>72</sup> In addition, “a law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution”.<sup>73</sup>

**2. The test of necessity:** Laws that restrict freedom of expression on the grounds of indecency and protecting public morals can potentially fail the test of necessity for restriction of freedom of expression under the ICCPR. Provisions contained in the

ICCPR require that limitations to freedom of expression can only be subject to certain restrictions if provided by law and are necessary.<sup>74</sup> Therefore, prohibiting art considered indecent cannot be achieved by other measures and complete bans of films on grounds of protecting public morals fails the test of necessity under international law, because artistic expressions considered indecent do not impair the rights of others, nor do they weaken the protection of national security or of public order—both requirements for restrictions being considered necessary.<sup>75</sup> Education on diversity and public campaigns to increase tolerance in societies are one of the useful tools that can be leveraged to promote and protect healthy public morals.

**3. Indecency laws weaken the core of freedom of expression:** One of the purposes of the arts is to question values that societies hold dear, including religious and political values. Some artists may, in the course of their work, wish to deliberately challenge the mainstream interpretation of what constitutes indecency. Artists should be able to examine these values through their work and express views deemed contrary to popular opinion. In fact, this contrariness is often seen as being at the heart of

“ONE OF THE REASONS I’VE BEEN PAINTING THESE NUDE PORTRAITS ACTUALLY IS BECAUSE I THINK ITS **TOTALLY CRAZY THAT WE’RE NOW LIVING IN A TIME WHEN NUDITY IS EQUALED WITH HYPER SEXUALITY.**”

ALEJANDRA HERNANDEZ, FREEMUSE INTERVIEW, 9 AUGUST 2018

arts and culture. Consistently imposing laws and restrictions in a severe manner on artworks challenging notions of indecency can be seen as eroding the core value of the right to freedom of artistic expression. This too could violate international human rights standards as ICCPR general comment 34 says: “States should always be guided by the principle that the restrictions must not impair the essence of the right...; the relation between right and restriction, between norm and exception, must not be reversed”.<sup>76</sup>

Despite these incompatibilities with international human rights standards, national laws on indecency continue to be used against artists of all genders. Female artists are particularly vulnerable to accusations of indecency and consequently their right to artistic freedom is undermined in all sectors of the arts. Movies containing scenes deemed indecent are partially or fully censored,<sup>77</sup> actresses are forbidden to play roles which are perceived as indecent,<sup>78</sup> visual art exhibitions have been cancelled,<sup>79</sup> and singers are banned from performing songs containing indecent lyrics.<sup>80</sup> Wherever there is a female artist, there is a potential threat of her work being subjected to charges of indecency and her work or even her personal safety being threatened.



Poster from Tijana Grujić's exhibition "Autoportretisanje – Maske su pale". The exhibition was cancelled in 2017 in the Serbian National Theatre Club because some audience members considered a scene indecent because of nudity.

CREDIT: KLUB NARODNOG POZORISTA ON FACEBOOK

## Indecency and Female bodies

Art portraying or depicting female bodies partially or completely nude are most commonly associated with notions of indecency. Sixty-four per cent of cases in which the right to artistic freedom was violated—as documented by Freemuse between the year 2013 and 2018—were motivated by perceptions surrounding indecency. This includes the portrayal of the female body or parts of it, and artists or artworks that may not necessarily appear in contexts that are sexualised. Full nudity is

frequently censored both in the global South and North. Cayman artist Ronald Gregory Kynes faced trial in 2017 after he erected four sculptures consisting of nude women. The artist had created the work to convey a pro-gay rights message. He was charged under section 157(1)(a) of the penal code (2017 Revision) for “obscene publication”. Although the sculptures and artworks were in his property, the press release issued by the state asserts they could be seen “in plain view of the public”.<sup>81</sup> In this case, directly policing what people have and are doing in their own homes ensures that indecent works of art are prohibited.



The Mangahua exhibition photo in Levin's library and cultural centre (Te Takeretanga o Kura-hau-po) from where Mariana Waculicz's picture was removed.

CREDIT: TE TAKERETANGA O KURA-HAU-PŌ ON FACEBOOK, 2017

Furthermore, notions of what constitutes indecency extends to visuals containing female chests—specifically nipples—which are seen as problematic. In February 2016, the Indian National School of Drama banned a Polish theatre group from performing their play *Sonaka* because a scene featured a topless woman.<sup>82</sup> In New Zealand in 2017, a photograph of a nude woman taken

“NOW I WILL ALWAYS BE MORE CAREFUL IN THAT AREA. BUT I DO WANT TO GO AHEAD AND DO MORE EXHIBITS AND SHOW MORE NAKED PEOPLE BECAUSE I DO WANT THIS TO END. I THINK IT’S PART OF THE FREEDOM IS ALSO BEING, IT’S HOW YOU CAME INTO THE WORLD, YOU KNOW, **THERE’S NO PROBLEM WITH THAT.**”

MARIANA WACULICZ, FREEMUSE INTERVIEW, 22 AUGUST 2018

by photographer Mariana Waculicz was removed from an exhibition in Levin's Library and Cultural Centre after complaints from members of the public. Men's nipples appearing in the other photos on display were not censored.<sup>83</sup>

In 2015, municipal authorities in Denmark denied photographer Mathilde Grafström the authorisation for an exhibition displaying nude female photographs in an outdoor square in Copenhagen on the grounds of indecency.<sup>84</sup> The exhibition was intended to question issues relating to female self-image.

Similarly in April 2018, US artist Kristin Harsma's art exhibition *Beauty in Every BODY* displayed nude paintings as well as body painting on a live model. The model wore nipple coverings and underwear, yet a complaint filed by a resident of a live-work facility called Artspace Jackson Flats in Minneapolis, in which the exhibition took place, claimed the model was nude.<sup>85</sup> Harsma had organised the exhibition to encourage positive messages about the female body and contribute to positive attitude towards gender, sexuality and self-image. However, due to the complaint, the manager of



“Female Beauty 2016 - nude in the public space” exhibition, Copenhagen, Denmark.

CREDIT: PHOTO BY MATHILDE GRAFSTRÖM <https://www.mathildegrafstrom.com>

Artspace demanded the removal of any works depicting nudes. Harsma also discovered that someone had covered her other works by taping paper directly to the canvas. “I feel that by taking down the works initially, it reinforced our negative ideas about our bodies,” Harsma said.<sup>86</sup> The National Coalition Against Censorship (NCAC) has since consistently criticised Artspace for censoring works exhibited by residents on their premises. In a letter to Artspace administrators, NCAC has called on the live-work facility for transparency in its exhibition policy.<sup>87</sup>

In May 2018, Indian actress Dhanya (Rafiya Banu) received anonymous death threats on her phone for performing in the nude for a role in a movie called *18.5.2009*.<sup>88</sup> According to the actress, the man said her life would be in big danger after the release of the movie and asked how she could get herself to act nude in it. She submitted a complaint to the city police, which was taken to a cyber-crime unit to trace the perpetrator.<sup>89</sup> Furthermore, artists facing threats to their personal safety increases the likelihood of them invoking forms of self-censorship.

In another example, Indian painter Radha Binod Sharma’s artwork *Anubhav* was removed in 2016 by a group of protesters who attacked the artist and vandalised a painting because it depicted a semi-naked woman.<sup>90</sup> The attackers were reportedly members of Rashtriya Hindu Ekta Manch (RHEM), which has nationalist right wing leanings, and women’s organisation Lal Shakti. Shortly after the incident the leader of RHEM was arrested by authorities. The leader of Lal Shakti fled after pulling down the painting and justifying her actions expressing that “vulgarity is not a form of art”.<sup>91</sup> Abstract nudity in religious settings also puts artworks at risk: in July



One of Francky Criquet’s works.

CREDIT: FRANCKY CRIQUET @ARTSITEFRANCKYCRIQUET ON FACEBOOK

2017, French painter Francky Criquet’s exhibition at Saint-Pierre-en-Vaux—a church located in Saint-Georges-des-Sept-Voies—was cancelled after a group of visitors complained about its non-figurative paintings, which were alleged to represent naked bodies.<sup>92</sup> Also in 2017, M1 Singapore Fringe Festival cancelled Ming Poon’s *Undressing Room* and Thea Fitz-James’ *Naked Ladies* performances because they allegedly featured “excessive nudity”.<sup>93</sup>

### Authorities enforcing indecency laws and regulations

This section focuses on how statutory bodies exercise their legal authority to reaffirm patriarchal norms which violate the right of women’s artists restricting their right to freedom of movement. It also highlights how predominant cultural (patriarchal) narratives play out in various ways. Various government agencies

take it upon themselves to act as adjudicators as to what constitutes indecency and decency, often imposing these notions on women artists and severely curtailing their artistic freedom. For instance, Zambia—a deeply devout Christian nation—deported South African dancer Zodwa Wabantu in 2018, citing that her scheduled performance would “undermine national values”.<sup>94</sup> Wabantu is known for performing without underwear, which is in contrast with the conservative values prevailing in the country. The National Arts Council of Zambia—a statutory body—informed Wabantu that her application to perform in Lusaka had been rejected on grounds that her performances were not “in the public interest”.<sup>95</sup> The promotion company that was to host her in Zambia said Zodwa was deported by immigration officials.<sup>96</sup> The National Guidance and Religious Affairs Minister, Godfridah Sumaili, declared that the singer would not be allowed

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# NAKED LADIES

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Poster for *Naked Ladies* performance in Toronto, 2015.

CREDIT: THEA FITZ-JAMES ON FACEBOOK

to “strut her stuff anywhere in the country” and said: “It is clear we are a Christian nation and we uphold the values of morality and ethics... as a nation, we cannot allow such. I mean, someone performing without underwear, there’s no morality there”.<sup>97</sup>

In 2017, the Culture and Islamic Guidance Minister of Iran banned the dance-aerobics program Zumba.<sup>98</sup> Ten movies were banned from being screened at the 35th annual Tehran Fajr International Film Festival in 2017 by claiming they dealt with

“feminist and inappropriate themes” including discussing issues pertinent in the country such as the hijab and domestic violence<sup>99</sup>—both cases affecting the right to freedom of artistic expression related to women’s rights issues in Iran.

In 2016, singer Déesse Major was arrested following a complaint from the Senegalese Committee for the Defence of Moral Values, which consists of religious and civil society associations.<sup>100</sup> The complaint was filed due to her wearing “provocative”

clothes in public and behaving “contrary to good manners”.<sup>101</sup> She was released from detention after three days, when the committee requested the prosecutor withdraw the complaint. In its letter to the prosecutor, the committee argued that the arrest of Déesse Major “served as a warning to all those who tend to flout our religious and moral values” and stated that the committee has forgiven the singer and is thus willing to withdraw the complaint.<sup>102</sup> Catherine M. Appert writes in her book *In Hip Hop Time* that “although several male rappers, notably older ones like Keyti of Rap’Adio, came to her defense on social media, younger male artists had publicly critiqued her behaviour for years prior”.<sup>103</sup> Such criticism of female rappers is reinforced by traditional gender norms and an idea that female rap artists have morals that are incompatible with traditional values of motherhood and modesty. Déesse Major’s case therefore shows that the discrimination faced by women in Senegal comes not just from statutory or religious bodies, but also from within the music industry itself.



Senegalese rapper Déesse Major.

CREDIT: @DEESSE\_MAJOR ON INSTAGRAM, 20 JANUARY 2017

Courts of justice play their roles in upholding notions of indecency and decency in arts. As an example, the Tokyo High Court fined visual artist Rokudenashiko in 2017 on grounds of obscenity for distributing material related to her ‘vagina art’, namely digital data that can be used to make 3D prints of her vagina.<sup>104</sup> Rokudenashiko was the first woman in Japanese history who was tried under Article 175 of the *Criminal Code of Japan*—a law that prohibits obscene objects. The court decided that her reproduction and interpretation were inconsistent with the law and “produced a strong sexual stimulus”. The artist reflected that: “I believe sexual arousal is a personal feeling, but by wresting control over the freedom to experience those personal feelings, the state takes further control over the people. The state taking control of sexual proclivities is much more frightening than whatever I am doing”.<sup>105</sup> In an interview with *Glamour* magazine she highlighted the role of the courts in adjudicating in this matter, “the judicial courts have this idiosyncratic concept of the vagina as something that will arouse men when they see it no matter what”.<sup>106</sup> On the contrary, the male organ is actively celebrated in the country and not subject to allegations of having violated domestic laws on obscenity: The Kanamara Matsuri (Steel Phallus



Rokudenashiko  
POSTED BY GALLIESINARTS ON INSTAGRAM

Festival) is held each year in the city of Kawasaki with a parade to celebrate the penis and fertility.<sup>107</sup> In 2018, Sudanese singer Mona Magdi Salim was detained by police after an old photo of her wearing trousers while singing at an event resurfaced on social media. Her clothing was considered indecent. Her trial was indefinitely postponed in October, but is due to be judged under Article 152 of the *Sudanese Penal Code*,

which prohibits wearing obscene outfits. Several actors and observers condemned the trial, alleging that the charges brought against her undermine her human rights and personal freedoms.<sup>108</sup> It is clear that, since men are not detained regularly for wearing trousers, the detention of Salim reflects a highly gendered form of discrimination, and with the law being more oriented towards public feelings, women are disproportionately limited by it.

**“A PERSON WHO DISTRIBUTES, SELLS OR DISPLAYS IN PUBLIC AN OBSCENE DOCUMENT, DRAWING OR OTHER OBJECTS SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS, A FINE OF NOT MORE THAN 2,500,000 YEN OR A PETTY FINE. THE SAME SHALL APPLY TO A PERSON WHO POSSESSES THE SAME FOR THE PURPOSE OF SALE.”**

ARTICLE 175 OF THE CRIMINAL CODE OF JAPAN (TENTATIVE TRANSLATION) - ACT NO. 45 OF APRIL 24, 1907

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## “152 OBSCENE AND INDECENT ACTS:

**(1) WHOEVER DOES IN A PUBLIC PLACE AN INDECENT ACT OR AN ACT CONTRARY TO PUBLIC MORALS OR WEARS AN OBSCENE OUTFIT OR CONTRARY TO PUBLIC MORALS OR CAUSING AN ANNOYANCE TO PUBLIC FEELINGS SHALL BE PUNISHED WITH FLOGGING WHICH MAY NOT EXCEED FORTY LASHES OR WITH FINE OR WITH BOTH. (2) THE ACT SHALL BE CONTRARY TO PUBLIC MORALS IF IT IS REGARDED AS SUCH ACCORDING TO THE STANDARD OF THE PERSON’S RELIGION OR THE CUSTOM OF THE COUNTRY WHERE THE ACT TAKES PLACE.”**

ARTICLE 152 OF THE SUDANESE PENAL CODE, 1991

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According to CEDAW it is important that state parties take appropriate measures to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.<sup>109</sup>

Women tend to often be told what to wear or what not to wear. As an example, singer Jennifer Lopez was criticized by a Member of the Parliament of Morocco for “suggestive poses” and “scanty” clothes during the first broadcast of her show on public television in 2015.<sup>110</sup> The minister also requested the television channel, 2M, to sanction her with a lawsuit, but his request was rejected by the Moroccan High Audiovisual Communication Authority.<sup>111</sup> In 2017 the state-run press agency Iranian Labour News Agency covered and later blurred actress Charlize Theron’s shoulders and chest when it broadcast the 2017 Oscars ceremony.<sup>112</sup>

Censorship boards also exercise their mandates to intervene on matters they view as relating to indecency. Censorship boards are often under

considerable pressure to intervene in films thought to overstep boundaries. Censorship, however, is not necessarily regulated or subjected to standardised—nor transparent—systems or guidelines about what constitutes indecency. This makes the application of existing regulations very arbitrary and inconsistent.

However, in most cases, portraying nudity will not be approved by a censorship board. For example, in 2015, the Central Board of Film Certification (CBFC) of India asked the director of *The Painted House* to cut three scenes from the film that contain nudity.<sup>113</sup> In Pakistan, the Film and Censor Board refused

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**“THIS FILM (VEERE DI WEDDING) IS NOT ACCEPTABLE IN OUR SOCIETY DUE TO ITS VULGARITY AND SEXUAL DIALOGUES SPOKEN BY THE FOUR GIRLS AND SO, WE DECIDED TO BAN IT.”**

SENIOR OFFICIAL FROM THE PAKISTANI CENTRAL BOARD OF FILM CENSORS, 30 MAY 2018

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A scene from the Malayalam film “Chayam Poosiyaa Veedu” (*The Painted House*) directed by Satish Babusen and Santhosh Babusen was censored in 2016 in India for depicting nudity. CREDIT: TAMIL NEW MOVIES 2016 FULL MOVIE | VAANAM POOSIYA VEEDU | ROMANTIC MOVIE 2016, POSTED BY VISAGAAR TALKIES

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“I THINK PATRIARCHY HAS ALWAYS BEEN USING WOMEN TO FURTHER ITS OWN CAUSE. SO IT’S JUST LIKE THESE WOMEN (ON THE CENTRAL BOARD OF FILM CERTIFICATION) ARE NOT THINKING ABOUT THINGS FROM THE FEMALE POINT OF VIEW. **I THINK THE KIND OF POPULAR CULTURE THAT EXISTS IN INDIA IS COMPLETELY CREATED FROM THE MALE POINT OF VIEW.** AND EVEN HOW WOMEN CONSUME THAT CULTURE, WATCH THESE FILMS, IS FROM A MALE POINT OF VIEW.”

ALANKRITA SHRIVASTAVA, FREEMUSE INTERVIEW, 6 SEPTEMBER 2018

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certification for *Verna* as it depicts “a governor’s son involved in a rape case—which was the biggest objection. Secondly, it includes many bold dialogues and scenes. The general plot of the movie revolves around rape, which we consider to be unacceptable”.<sup>114</sup> In 2016, the censor board in Pakistan banned the comedy series *Kyaa Kool Hain Hum 3* as it was found unsuitable for public viewing due to its vulgar dialogues and nudity.<sup>115</sup> In 2018, the board banned Bollywood film *Veere Di Wedding* due to vulgar language and “objectionable sexual dialogues”.<sup>116</sup>

In January 2017, CBFC refused to grant certification to director Alankrita Shrivastava for her film *Lipstick Under My Burkha* despite it gaining international recognition, winning prizes and the Oxfam Award for the Best Film on Gender Equality. The film deals directly with topics such as gender equality, sexual autonomy and personal fulfilment. The film was censored because the CBFC saw the story as being “lady-oriented” and involving “contagious sexual scenes”. Shrivastava defended her movie, pointing to the honesty in the plot revolving around ordinary women. In an interview with *Quint*, she relays how she believes that the resistance to release the film is due to it presenting an alternative point of view rarely seen in Indian culture where men, according to her, systematically control “the popular narrative to perpetuate a culture



Alankrita Shrivastava

CREDIT: FILMS DE FEMMES INTERNATIONAL FESTIVAL, FRANCE

where women are objectified, sidelined or demeaned”. She questions why women should not be portrayed as autonomous beings with agency over their bodies.<sup>117</sup> The following April, the Film Certification Appellate Tribunal overturned the decision to censor the film with the reason that it was misdirected: “There cannot be any embargo on a film being women oriented or containing sexual fantasies and expression of the inner desires of women”.<sup>118</sup> The film was edited and cuts were made to eliminate sex scenes and a scene that referred to prostitutes. It was then given an adult certificate meaning it was regarded as suitable for viewers aged 18 and over.

Violations imposed by censorship boards in relation to women’s freedom of artistic expression are often based on the construction of rigid gender roles. Cultural rights involve the right of women to have access to, participate in and contribute to all aspects of cultural life,<sup>119</sup> which sometimes means freedom from ideologies marked by strongly enforced patriarchal systems that limit these rights. Portraying women as independent autonomous beings exercising their sexual agency can in some cases be seen as undermining existing social (patriarchal) norms. It challenges the mainstream belief in India that one of the most important missions of any girl is to get a good husband and then take care of family, as opposed to living the lives of their own choices, Alankrita told Freemuse during an interview.<sup>120</sup>

Syndicates also wield significant power in relation to women’s rights and the ability of women to truly and freely artistically express themselves. This power plays out at times by denying women artists of their right to earn a livelihood as professional artists. In a number of countries, governments have issued regulations that require artists to be members of syndicates in order to perform

their arts. These syndicates have the mandate to exert considerable power in the lives of artists. In some cases, their mandates mean that artists have to seek authorisation from these bodies before being allowed to perform. While syndicates' authority applies to both men and women artists, women artists are subjected to sanctions on grounds of indecency. In particular, women artists are subjected to increased scrutiny about how they are dressed and move their bodies. The criteria for offences committed by members and punitive measures that can be invoked against them are vague and often dependent on and subjective to individual interpretation by those heading these syndicates. These regulations put female artists' careers at the mercy of syndicates. Without accepting a human rights based approach to their internal policy and decision making—which ensures transparency—or appropriate checks and balances, and ensuring the right to appeal and grievance processes, these institutions risk serving as governmental agencies imposing restrictions to artistic freedom at will.

These syndicates again uphold patriarchal notions of morality. In 2016, the Motion Picture Practitioners Association of Nigeria imposed a lifetime acting ban on actress Rahama Sadau. She was accused of making an “immoral appearance” in a music video with a male singer.<sup>121</sup> The ban was lifted in 2018,<sup>122</sup> after her career was put on hold for two years. In 2016, Tunisian singer Hana al Zughlami, aka Tunisian Naglaa, was banned from working in Tunisia by the Musicians Syndicate for promoting “vice and immorality” in the music video of her single *La Ykhebbesh Wala Ydebbish*.<sup>123</sup>

Dina El-Gharib is a Cairo-based Egyptian collage artist whose mixed



*In 2016, Nigerian actress Rahama Sadau was banned for life from acting for her “immoral appearance” in a music video with a male singer.*

CREDIT: RAHAMA SADAU (@OFFICIALRAHAMA ON FACEBOOK)

media works combine painting and media clippings. In an interview with Freemuse she pointed out that the ongoing crackdown on artistic freedom in Egypt is being carried out by the regime rather than the syndicate itself, which has prompted many artists to resort to self-censorship. “Any artistic works with political connotations are considered taboo and put artists at risk of prosecution and imprisonment,” she said. As a result, gallery owners have also become increasingly reluctant to display art works depicting nude figures for fear of state reprisals.<sup>124</sup>

Similarly, Yasmine El Baramawy, a musician and composer also based in Cairo, told Freemuse in November 2018 that the Musicians Syndicate has become increasingly strict.

“The Musicians Syndicate has been flexing its muscles: Censorship of music is at its worst in Egypt right now. Musicians are asked to hand over their lyrics for review prior to a performance and very often, parts of a song are removed or entire songs are banned,” she said. While this has not touched her directly—El Baramawy is an oud player—she said that this has repeatedly happened in the last two or three years to some of her friends. Some have been barred from singing altogether while others have been imprisoned for their art, she told Freemuse during her interview.<sup>125</sup>

# CHAPTER 4

WOMEN ARTISTS AS HUMAN RIGHTS DEFENDERS

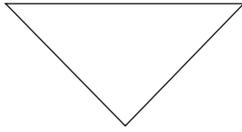


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“STATES MUST STOP  
CRIMINALISING WOMEN FOR  
THEIR WORK AS HUMAN  
RIGHTS DEFENDERS AND  
**DEVELOP MEASURES TO  
ATTACK THE ROOT CAUSES  
OF DISCRIMINATION AGAINST  
WOMEN** AND ENSURE THE  
PROTECTION OF HUMAN RIGHTS  
DEFENDERS IN A MANNER THAT  
SYSTEMATICALLY INTEGRATES A  
GENDER PERSPECTIVE.”

ALDA FACIO, CHAIR OF THE UN WORKING GROUP ON DISCRIMINATION AGAINST WOMEN

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## IN EVERY REGION,

women artists stand up and fight for the human rights of others. They campaign for women rights, migrants and other disadvantaged and vulnerable groups in society. They take actions for social justice and use artistic expression to engage with people and deliver their messages. As a result, many are arrested, detained, tortured and sometimes imprisoned.

According to the 1998 UN Declaration on Human Rights Defenders, human rights defenders are any “individuals, groups and associations (...) contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals (...)”.<sup>1</sup> As such, a woman artist who contributes to human rights should be included and be protected as a human rights defender.

Yet women artists and their human rights work are often invisible. Some artists prefer not to be seen or labelled as human rights defenders for safety reasons. Civil society organisations often see them as artists with goodwill who may contribute to the betterment of society, but not human rights defenders in a classical sense. Given this reality, they are often excluded from calls for protection at the international and regional levels. Except for high-profile artists whose names are recognised internationally, artists

“PROTECTING HUMAN RIGHTS DEFENDERS IS NOT A MATTER OF CREATING NEW RIGHTS. IT IS ABOUT STATES’ COMMITMENTS TO ENABLE DEFENDERS TO DO THEIR LEGITIMATE AND VITAL WORK IN OUR COMMUNITIES **WITHOUT FEAR OF REPRISALS OR ATTACK.**”

MARISA VIANA, ASSOCIATION FOR WOMEN’S RIGHTS IN DEVELOPMENT



*Feminist Five were arrested in Beijing on the eve of their planned peaceful performance to protest against sexual harassment on public transportation.*

PHOTO COURTESY OF LI MAIZI

are hardly mentioned in civil society organisations’ reports on human rights defenders and largely omitted in submissions to the UN Special Rapporteur on the situation of human rights defenders. As a result, the Special Rapporteur hardly mentions artists for human rights in his or her annual reports to the UN General Assembly. A failure to recognise artists as human rights defenders results in a failure to protect them, their art and their activism.

This chapter is aimed at taking a step towards breaking this cycle and highlighting the failure by states to protect women artists. It identifies and analyses patterns of violations against women artists from various parts of world. It highlights governments’ shortcomings in respecting and protecting the human rights of women artists, and calls for their better protection.

## Repercussions on women artists' calls for women rights

In many countries women artists actively engage in social and political activism raising awareness about gender inequality. They use their artistic expression to reach out and engage with their audience. Yet their artistic expression is stifled as they face censorship, physical violence and legal prosecution in retaliation for their activism. In some cases, they face systematic state persecution.



*Kubra Khademi's performance piece in Kabul highlighted problems of sexual harassment faced by women in Afghanistan. Read more on page 72.*

PHOTO BY NAIM KARIMI

### Iran: A female cartoonist imprisoned for artistic expression on women's reproductive rights

The case of Atena Farghadani—an Iranian artist—provides one of the most striking examples of the extent to which the state attempts to penalise women artists for their art and their activism.

Incensed by the possible introduction of new regulations that would severely curtail women's reproductive rights and reverse family planning laws in Iran, Farghadani drew a cartoon depicting

members of the Iranian Parliament as animals.<sup>2</sup> The discussions on the possible introduction of voluntary sterilisation, whilst restricting access to contraceptives and tightening divorce laws, prompted outrage among many women rights activists and organisations.

In September 2014, Iran's Islamic Revolutionary Guard Corps (IRGC)—a branch of its armed forces—arrested Farghadani at her family house after she posted her cartoon on Facebook. She spent several weeks in detention, including time in solitary confinement, and was subjected to brutal interrogation. A few weeks after her release in December 2014, Farghadani posted a video on YouTube where she spoke of the ill treatment she was subjected to while in detention, as well as the inhumane conditions in which prisoners are held. She was then rearrested and shortly afterwards went on hunger strike to protest the poor prison conditions. At the end of February 2015, Farghadani suffered a heart attack in prison as a result of the hunger strike. In June 2015, the Revolutionary Court sentenced her to 12 years and nine months in prison for "gathering and colluding against national security", "spreading propaganda against the system", "insulting members of parliament through paintings" and "insulting her interrogators".

Farghadani and her male attorney Mohammad Moghimi were also detained and prosecuted for their handshake while he visited her in prison. The charges were later dropped.

In 2016, under strong international pressure, an appeals court in Tehran reduced her sentence to 18 months for “spreading propaganda against the system”. Her nine-month prison sentence for “insulting members of parliament through paintings”, “insulting the president” and “insulting prison officials” was commuted to a fine. She was subsequently released from prison on 3 May 2016, since she had already served most of her 18-month sentence. But due to a four-year suspension of the sentence for “insulting Iran’s leader” she could be imprisoned again at any point until May 2020.<sup>3</sup>

Farghadani told Amnesty International in an interview that she was subjected to a “pregnancy test” and a “virginity test” after the incident with her attorney. “It was invasive and degrading. It was a way of putting pressure on me. It’s a tactic they use sometimes against political prisoners—particularly young, unmarried women.” In the same interview she testified about how she was forcibly stopped in prison from exercising her right to freedom of artistic expression. Farghadani used alternative materials, such as flower petals and twigs found in the prison yard, to paint on paper cups in which guards

were bringing her milk. When those paintings were spotted, she was once again interrogated and allegedly beaten when she refused to consent to naked body searches in order to determine if she was hiding any materials.<sup>4</sup>

Despite systematic persecution, Farghadani continued to raise awareness about the social and

political issues in Iran. In an interview given to British newspaper The Independent she stated: “I believe that ‘criticism’ serves art. So, I have decided to use my art to challenge social issues as I have done before, like the cartoon I drew after I was released as an objection to the dean of Al-Zahra University, who expelled me and many other students”.<sup>5</sup>

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**“DESPITE SUFFERING THREATS AND INTIMIDATION FOR THEIR WORK, THESE WOMEN ACTIVISTS, CONTINUE TO FIGHT ON THE FRONTLINES OF SOCIAL JUSTICE, DEMOCRACY AND RIGHTS BATTLES... THEY ARE USING SOCIAL MEDIA AND CREATIVE ARTS AS STRATEGIES TO ACCESS INFORMATION, DEBATE FEMINIST IDEAS AND MOBILISE ACTION FOR CHANGE.”**

WINNET SHAMUYARIRA, JUST ASSOCIATES SOUTHERN AFRICA

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*The cartoon that led to Atena Farghadani's arrest.*  
IMAGE COURTESY OF ATENA FARGHADANI

## China: Women artists face prosecution for feminist activism

In recent years, Freemuse has documented several cases of legal prosecution of women artists in China. Most of them have been prosecuted because of their feminism-related activism, following a wider pattern of arbitrary detentions and prosecutions of human rights defenders across the country, including women rights activists exercising their rights to freedom of speech and expression.

Since 2015 Chinese authorities have substantially controlled feminist campaigns, ironically warning activist groups to refrain from organising any actions in the wake of the 20th anniversary of the UN's Fourth Conference on Women. The clampdown on women rights activists parallels measures by the Chinese authorities encouraging women to "go home and live well" and take care of their families;<sup>6</sup> all of this taking place in a context where women remain vulnerable to harassment.<sup>7</sup>

In early March 2015, a group of performance artists known as the Feminist Five planned a peaceful performance to protest against sexual harassment on public transportation. However, they were arrested in Beijing on the eve of

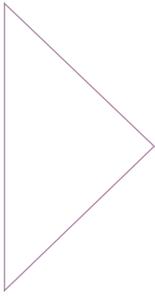


*Free the Five by Badiucao. The Feminist Five were detained for over a month and were only released following calls from the international community.*

IMAGE COURTESY OF THE ARTIST

International Women's Day, before they were able to take action.<sup>8</sup> The artists remained in detention for over a month and were only released on 13 April following calls for their release from the international community. The shadow of state surveillance, however, loomed over them for much longer. For instance, one of the group members, Wu Rongrong, was denied the opportunity to study for her law degree at Hong Kong University—where she was already enrolled—because of a ten-year travel ban that was imposed on her. Travel bans in China usually do not last more than six months, but Rongrong was informed that she could not leave the country because of 'unresolved legal cases'.<sup>9</sup>

In November 2015 an art exhibition due to be hosted at Beijing's Jinge Art Gallery on the UN's International Day for the Elimination of Violence against Women was closed down by Chinese authorities.<sup>10</sup> The reasons for the ban have not been made known publicly, but artists involved in the exhibition, which was highlighting violence against women and gender discrimination, claimed that it happened due to its 'sensitive' content. One piece depicted a bra sewn over crumpled Chinese currency featuring the face of Mao Zedong, while the other portrayed a woman protesting against the sexual abuse of children.<sup>11</sup>



Sri Reddy protesting in April 2018.  
CREDIT: RANI CHANNEL YOUTUBE



**“IF PEOPLE IN THE INDUSTRY CAN DEMAND THAT I SEND THEM MY NUDE PICTURES, WHY CAN’T I STRIP IN PUBLIC?”**

SRI REDDY

## India: Losing artist membership for raising awareness on sexual harassment

In the context of what is starting to be referred to as “the #MeToo era”, which was initiated by women in the US film industry, women artists in India have begun finding the space to speak out. The Indian film industry has been burdened with allegations of sexual harassment for years, but many of these allegations went unpunished due to the power that violators often yield. Despite some sporadic attempts for initiating public debate on this issue, silence still prevails and the casting couch remains an open secret.

Radhika Apte and Usha Jadhav, among other actresses, spoke about their experiences with sexual harassment in the BBC documentary *Bollywood’s Dark Secret*. The documentary, which was broadcast on 28 April 2018, zoomed in on the

Bollywood industry’s reluctance to deal with this widespread problem.<sup>12</sup>

The case of actress Sri Reddy, who took action to raise awareness about the degrading treatment of women in local film industry, exemplifies what can happen to those who speak up. Opposed to the degrading treatment of women, Reddy protested in the nude outside the Telugu Film Chamber of Commerce in early April 2018. As a result, she was denied membership to the Movie Artists Association (MAA).<sup>13</sup> In addition, the MAA issued a statement threatening legal action against anyone working with her. Reddy found this reaction inconsistent with her experiences working in the film industry; in an interview to the BBC she commented, “If people in the industry can demand that I send them my nude pictures, why can’t I strip in public?”<sup>14</sup>

The ban on her membership was later lifted after an intervention by the National Human Rights

Commission.<sup>15</sup> Although Reddy regained the right to exercise freedom of artistic expression, the MAA hesitated to address her claims on sexual harassment. “If she has any complaints, she can go to the police and they can deal with the situation separately. The association has nothing to do in this matter. And while we welcome Sri Reddy, we can’t guarantee that she will be flooded with roles. Ultimately, it is the producer or director who decides whom to cast in their film,” MAA President Sivaji Raja said.<sup>16</sup> Nevertheless, it was announced that the MAA Committee against Sexual Harassment would be established in the following months—a pledge that was initially received as a promising advance in the local film industry, but does not seem to have materialised in any substantial way.

## Poland: Women artists censored for opposing a law banning abortion

Artistic expression of women artists has been challenged in Poland in recent years in the wake of moves by the government to introduce tougher restrictions on abortion laws. The protests, first sparked in 2016, have continued with thousands of women taking action in cities across the country. Many women artists who have participated in marches defending women's reproductive rights have been subjected to censorship.

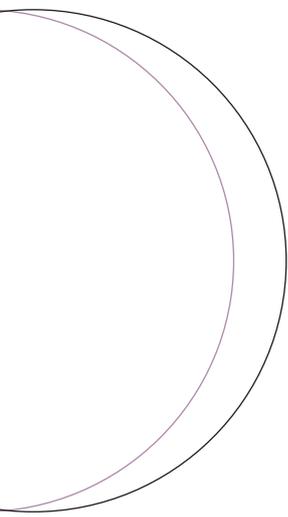
In 2017, the National Festival of Polish Song traditionally held in Opole was cancelled after a controversy over an alleged artist blacklist created by broadcaster Polish Television (Telewizja Polska, TVP).<sup>17</sup> TVP, which had organised and sponsored the festival, is known to be under strong influence of the ruling right-wing party, Law and Justice (PiS, in its Polish acronym). The controversy began when popular pop singer Kayah was reportedly banned from the festival due to her political activism in anti-government demonstrations and opposition to the proposed law banning abortion. Although TVP president Jacek Kurski denied the existence of a blacklist and allegations from Polish media that he said Kayah would perform "over his dead body", the singer decided against performing.<sup>18</sup> She wanted to act in solidarity with other musicians who were also barred. This had a domino effect, with 20 artists, a festival director and a host boycotting the event.<sup>19</sup>

The trouble at the Opole festival continued in 2018, when it was once again a target of attempted censorship. The band Girls on Fire and their song *Sita kobiet* (Strength of Women) were at the center of the controversy. Those opposing their participation in the festival claimed that the lyrics, music and video for this song were "politically involved and promoted homosexual relationships, communism, hatred of Christianity and abortion on request".<sup>20</sup> The band denied connections with any political movement. Anna Sobiecka, a representative of PiS, in an open letter addressed to the TVP president claimed that the Girls on Fire song was used as "an unofficial hymn of black protests which focused on supporters of killing unborn children".<sup>21</sup>

On 7 June 2018, in response to pressure from PiS, the TVP's legal office issued a statement confirming their opinion that the song selection for the Opole festival did not contradict the provisions of the Act on Radio and Television, nor violated other rights or offended anyone's feelings.<sup>22</sup> Despite this, TVP fired Piotr Pałka, member of the Artistic Council of the Festival, the body in charge of choosing songs to perform at the festival. He was allegedly sacked for his negligence in predicting the song would cause public controversy. Ultimately, the band participated in the festival and won an award for best debut act, but Marta Dzwonkowska from Girls on Fire claimed that national broadcaster TVP did not report on it.<sup>23</sup>

Girls on Fire's music video for *Sita kobiet* (Strength of Women)  
CREDIT: SZYSZKA STUDIO YOUTUBE





## Malaysia, Kenya, UK: Lesbian artists and artworks under attack

Women artists are often targeted when addressing gender-related topics, either in general or through their art. The hostility demonstrated towards LGBT individuals and those defending their rights is often particularly vitriolic. For example, Hong Kong pop star Denise Ho, who is openly gay and also outspoken on LGBTI issues, was informed by the Malaysian authorities in March 2018 that she had been denied entry into the country. Ho was due to perform at a concert in Kuala Lumpur the following month.<sup>24</sup> The official letter from the authorities did not specify the reasons for the rejection but it was noted that all shows in Malaysia needed to be in accordance with “local law and values”.<sup>25</sup> Soon after, Ho posted an apology to her fans on Facebook for cancelling the show. In her post she also referred to a phone call she had received from officials informing her that the cancellation was “because she is an active supporter of the LGBTI community”. In August 2018, the Malaysian Minister of Islamic Affairs ordered that portraits of LGBTI activists be taken down from a photo exhibition at the George Town Festival. The exhibition—held to commemorate 60 years of Malaysian independence—featured Malaysian people posing



*The portrait of transgender activist Nisha Ayub that was removed from Mooreyameen Mohamad's Stripes and Strokes photography exhibition at the George Town Festival in Malaysia.*

PHOTO COURTESY OF MOOREYAMEEN MOHAMAD

with the country's flag. But the minister opposed two portraits, including that of transgender activist Nisha Ayub.<sup>26</sup>

*Rafiki* (Friend), the first Kenyan film to premiere at the Cannes Film Festival, was banned in its own country. In April 2018, the Kenya Film Classification Board refused to approve the release of the film that features a love story between two young women, “due to its homosexual theme and clear intent to promote lesbianism in Kenya

contrary to the law”.<sup>27</sup> The film did not align with Kenya's legislation, which punishes homosexuality with sanctions of up to 14 years in prison. “It was made by Kenyans, it was made for Kenyans, and now Kenyans can't watch it,” director Wanuri Kahiu told the BBC. On 21 September 2018 the ban was temporarily lifted by the High Court of Kenya. Judge Wilfrida Okwany delivered the ruling in which she argued: “I am not convinced that Kenya is such a weak society that its moral foundation will be shaken by seeing such a film”.<sup>28</sup>

**“I AM NOT CONVINCED THAT KENYA IS SUCH A WEAK SOCIETY THAT ITS MORAL FOUNDATION WILL BE SHAKEN BY SEEING SUCH A FILM.”**

JUDGE WILFRIDA OKWANY, ON RAFIKI

In the United Kingdom, the Laurence Jackson School in Guisborough—a public educational institution—placed seven censor stickers on a student’s artwork depicting same-sex love, in order to avoid “upsetting” younger students.<sup>29</sup> The student artist, Megan Angus, explained that stickers were used to cover images of women holding hands, kissing and some partial nudity. The school later apologised for what Angus described as a “homophobic” act, but insisted that “sexually explicit” images are usually censored.

The cases presented above show the tendencies of political regimes and certain sectors of civil society and the lengths they are willing to go in order to criticise and punish women artists who address issues concerning women’s position in society. These cases are just the tip of the iceberg, as there are many more which never make it to the public sphere. This is why it is important to ensure that women artists have a voice and a space where they can express themselves. Bringing gender issues

to the forefront is necessary so that women have the same possibilities to express themselves and make their political, social and religious views heard without fear of repression.

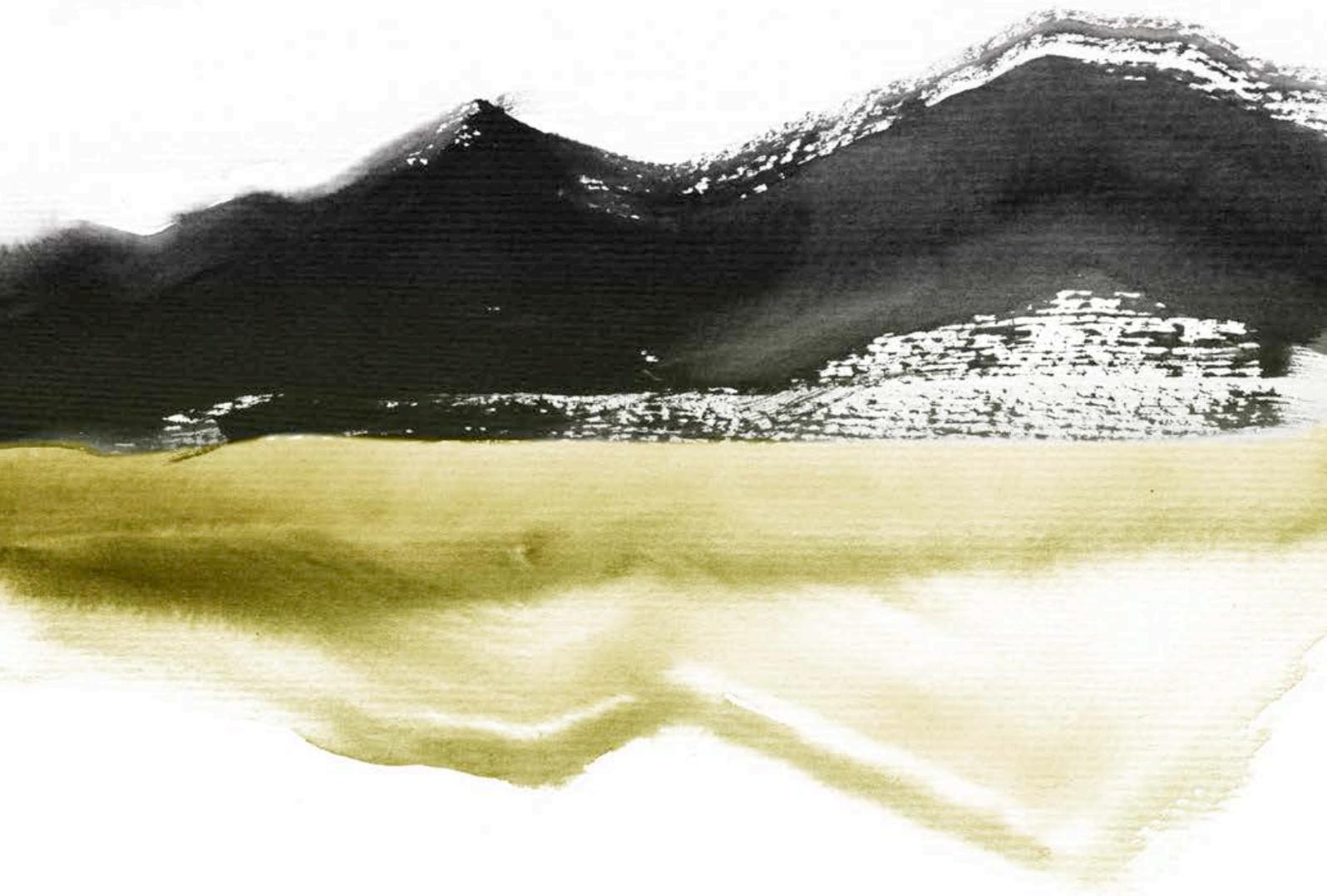
In too many places, women who express themselves through art see that this fundamental right is turned into a liability against them—either because they speak publicly about issues they find significant in local communities, or when they use art as a tool to initiate discussion and trigger social change. Such repercussions on women artists when they express their views or create platforms for debates on these pressing issues show that many governments are yet to live up to their responsibility to respect and protect these women rights defenders.



Megan Angus's artwork depicting same-sex love was censored by her school. IMAGE OF THE ARTWORK COURTESY OF MEGAN ANGUS

# CHAPTER 5

COUNTRIES OF CONCERN



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“DESPITE THE FACT THAT WE HAVE SO MANY WOMEN GALLERISTS AND ARTISTS, THE ONES WHO ARE TAKEN MORE SERIOUSLY ARE THE MEN. **AS A SOCIETY, WE TAKE WOMEN LESS SERIOUSLY.**”

ART CRITIC DEEPANJANA PAL, *SHE THE PEOPLE*, 9 AUGUST 2014

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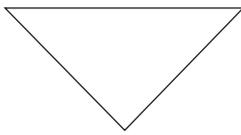
“WHEN I WAS ANNOUNCING ON THE STAGE AT THE MUSIC FESTIVAL... **PEOPLE THREW STONES AT ME.**”

FESTIVAL ORGANISER ZAHRA HOSSAINI, *FREEMUSE* INTERVIEW, 1 AUGUST 2018

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# AFGHANISTAN

**THREATS** AS THE MAIN TOOL TO SILENCE WOMEN ARTISTS



- \* WOMEN ARTISTS ARE BEING SILENCED WITH THREATS AND HARASSMENTS FOR ‘INDECENT’ PERFORMANCES
- \* MUSIC IS THE MOST SILENCED ART FORM (75% OF ALL WOMEN-RELATED CASES DOCUMENTED IN AFGHANISTAN BY FREEMUSE DURING 2013-2018)
- \* ISLAMIC SCHOLARS USE ‘SECURITY ISSUES’ AS GROUNDS FOR PROMOTING CENSORSHIP ON WOMEN ARTISTS

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Music was banned for being sinful under the hardline Islamic Taliban regime in Afghanistan, decimating the country’s music scene. Although cultural life has been slowly recovering following the ousting of the Taliban in 2001, women artists are suppressed by conservative family attitudes and silenced by religious actors who remain loyal

to the Taliban’s ideology. Today, it is still regarded as inappropriate by most sections of Afghan society for women to perform in public. Women artists who challenge the status quo are often targeted and threatened by non-state actors. Some women artists are physically attacked during performances while others are entirely prevented from enjoying their artistic freedom. Conservative groups and the Ulema Council (a body of Islamic scholars who influence government decisions) continue to prevent women from participating in cultural activities. These contributing factors inevitably lead to women artists having to flee the country and those who remain are unable to freely express themselves through their art. After the Taliban was removed from power, Hamid Karzai became the first democratically elected president of Afghanistan in 2004. Although the country’s constitution guarantees its citizens fundamental rights, the impact of the insurgency continues to undermine the government’s full control over the country.<sup>1</sup>

Paradise Sorouri, the first Afghan woman rapper—well known for lyrics that protest violence against women

in post-Taliban Afghanistan—has been on the receiving end of a series of threats of rape and death. In 2009, Paradise was ambushed by a group of men on motorcycles who beat her with wooden rods. “They were shouting at me and saying I was a bad influence on other women by trying to make music,” Paradise said.<sup>2</sup> In 2014, the year after she was recognised by the United Nations for promoting human rights,<sup>3</sup> Paradise said: “Some religious sources started calling us prostitution promoters, Satanists and that we were running from the purpose of Islam”.<sup>4</sup> After receiving daily death threats and realising their lives were in danger, Paradise and her partner and fellow musician Diverse left Afghanistan in 2015.

Kubra Khademi, an Afghan performance artist whose work focuses on exploring her life as a refugee and a woman, performed a piece on the streets of Kabul in February 2015, where she wore a metal suit that accentuated her breasts and buttocks. The piece was intended to highlight problems of sexual harassment faced by women in Afghanistan. Her planned 10-minute walk was cut short by a

mob of men, some of whom threw stones at her and surrounded her car when she tried to leave. Afterwards, the artist received death threats by phone and email from Islamic fundamentalists.<sup>5</sup>

In 2017, members of the Zohra orchestra, the first all-women Afghan orchestra, defied death threats to perform at the World Economic Forum. The death threats came from family members and their communities who accused the musicians of 'dishonouring' them. One of the group's founders, Nazira, had to disguise herself when visiting her family in Afghanistan to avoid being recognized by other villagers who had threatened to kill her. Another founding group member, Negin, was forced to leave her village in her eagerness to gain an education. She wants to be a professional conductor and enrolled in music school, however she has faced great obstacles in fulfilling her dream. Access to mainstream education for girls in Afghanistan is limited and still frowned upon in some parts of the country. In an interview, Negin reported on how "the people in our province, they're always saying that whenever we see you, we will kill you". "But I'm not scared. I will continue my studies, because if we stay in the home, the

new generation will also stay in the home. If we open the door for other generations, it will be good."<sup>6</sup>

Aryana Sayeed is an award-winning Afghan singer, songwriter and TV personality who is renowned for her music that highlights the rights of Afghan women and their plight. Her courage and outspokenness has been met with ire from religious extremists who have targeted her several times and issued fatwas (religious decrees) calling for her death. Although the artist is loved by many liberal Afghans who admire her for her dedication and love for her home country, the predominantly conservative section of the Afghan society labels her as a disgrace for dancing on stage, refusing to cover her hair and wearing "indecent" Western clothes, which are deemed un-Islamic. In May 2017, the singer performed to a sold-out concert in Paris where she wore a nude-colored dress. As a result, she was accused of being naked on stage and bringing shame to the people of Afghanistan whilst abroad. In reaction to the widespread condemnations, the artist burned the dress in a video uploaded to her Facebook page.<sup>7</sup> One of her concerts, scheduled to take place on 19 August 2017 to commemorate Afghanistan's Independence Day in the biggest stadium in Kabul, had to be cancelled

because of pressure from religious clerics. The Ulema Council reportedly opposed the concert, leading to its cancellation. The authorities claimed it had to be cancelled due to security issues.<sup>8</sup>

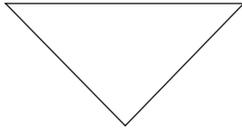
Violence against women artists in Afghanistan and denial of their right to exercise artistic freedom constitute violations of international human rights laws. Afghanistan ratified the International Covenant on Civil and Political Rights in January 1983; it ratified the International Covenant on Economic, Social and Cultural Rights in January 1983; and signed the Convention on Elimination of all forms of Discrimination against Women in August 1980, which was ratified in March 2003.<sup>9</sup> Under the provisions of these international human rights instruments, Afghan authorities are obligated to protect women artists against gender-based violence and ensure their freedom to express themselves through different forms of art. To reduce the number of violations, authorities in Afghanistan need to engage religious leaders and Islamic scholars to educate their followers and Afghan citizens for reorientation and new attitudes towards women's opportunities in the country.

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**"PEOPLE THINK THAT WOMEN ARTISTS ARE USING THEIR BODIES FOR SOME SEXUAL ISSUE... THAT THEY ARE PROSTITUTES OR SELLING THEIR BODIES."**

FESTIVAL ORGANISER ZAHRA HOSSAINI, *FREEMUSE* INTERVIEW, 1 AUGUST 2018

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# BOLIVIA

## FEMINIST ARTS AT THE CROSSROADS OF RELIGIOUS VALUES AND STATE INTOLERANCE

- \* GENDER INEQUALITY PERVADES IN BOLIVIA AND WOMEN ARTISTS ARE LIMITED BY SOCIO-CULTURAL NORMS AND TRADITIONS
- \* ARTS DEEMED CRITICAL OF THE STATE AND THE CHURCH ARE VANDALISED WITH IMPUNITY
- \* WOMEN ARTISTS WITH FEMINIST VIEWS ARE PERSECUTED BY AUTHORITIES AND CRITICISED BY THE PUBLIC

Bolivia is a deeply devout country where 77 per cent of its citizens identify as Roman Catholics,<sup>10</sup> while as much as half of the country's 10 million citizens are Indigenous.<sup>11</sup> The great variety of cultures and ethnicities leads to different sociopolitical points of view and traditions,<sup>12</sup> which generates disagreements about political priorities. Improving the situation for under-represented groups has long been a prominent focus for Bolivia's first Indigenous and current president Evo Morales and his government's efforts by enhancing the representation of Indigenous peoples and women. However, concerns are raised about laws specifically implemented with

the intention to protect women from harassment and political violence because of a clear lack of active enforcement and allocation of resources.<sup>13</sup> Furthermore, more than half of Bolivian women are believed to suffer from domestic violence at some point during their lives.<sup>14</sup> Such cases of violence and harassment towards women as well as lack of freedom of expression, basic rights of Indigenous peoples and institutionalised corruption remain deeply contentious issues in the country.

Gender inequality is pervasive in Bolivia; cultural traditions and norms shape how men and women should think and behave, and often perpetuate the inequalities existing between the genders. Americas Researcher at Amnesty International Fernanda Doz Costa said in 2015: "Bolivia has made great progress on protecting women's rights in the past 10 years, including passing new laws to guarantee gender equality and to protect women from violence. But there's still a very long way to go to live up to these commitments, and the lack of effective action and financial investment means that women and girls, particularly Indigenous women and those living in poverty, are still suffering abuse."<sup>15</sup>

The arts scene in Bolivia remains male-oriented and male-dominated, where male counterparts do not consider female artists as peers.

Bolivian street artist Knorke Leaf said a lot of male artists are always "testing" women artists' limits, skills and personalities. "For example, they were always not inviting me to events or maybe giving me the smallest spot (to paint)," she said. "Things like that are subtle but make a lot of limitations on your work."

This attitude largely reflects the reality of the wider misogynistic culture that subjects women to be dependent on others and subordinate in society. Women are often confronted with machismo, a concept associated with an exaggerated masculinity where it is believed that only the man is charged with the responsibility of providing for, protecting and defending his family. In response to this prevailing misogyny, women's artistic expression in Bolivia has focused largely on creating feminist works of arts that address gender inequalities and the suppression of women. However, these artists often face repression and are threatened with violence by those influenced and motivated by the desire to make sure religious values are not offended. Although the influence of Catholicism has declined in recent years in Bolivia, new generation churches such as Pentecostals are on the rise and attempt to fracture the feminist discourse and movement by promising women in Bolivia greater freedom than they currently have compared to other branches of Christianity.

In March 2018, Bolivian artist Rilda Paco faced public outcry and received death threats over her painting depicting the Virgin of Socavon in red underwear and black stockings surrounded by people in colorful costumes dancing with alcohol bottles in their hands. According to the artist, her intention was to create a painting as a form of protest against the objectification of women in Bolivia. “I have not committed any crime; I am not a murderer; I am not a violator; I have not beaten anyone,” Paco said.<sup>16</sup> The art was specifically intended to protest against a religious festival known as Carnaval de Oruro which is known to bring with it problems of harassment and femicide. Paco wanted to protest how during the festival men commonly drink, party, and engage in the objectification of women, yet claim to be religious and protective of religious values.

The artist was reportedly declared *persona non grata* by authorities in Oruro, and thus officially regarded as a public enemy.<sup>17</sup> It is clear that the subsequent death threats Paco and her family received because of her painting makes it difficult for her to continue to use art without fear of being persecuted or threatened in any way.

In October 2016, a mural was created and displayed on the façade of the Museo Nacional de Arte (National Art Museum) in La Paz by Mujeres Creando—a Bolivian art collective and social movement working to confront sexism and homophobia. The mural comprised of two paintings: in the first, the group of artists depicted the misogyny promoted by the Catholic Church by painting sexually explicit images

denouncing the exploitation that women suffer in the country; in the second painting the artists painted a Bolivian national emblem redesigned with the phrase: “Bolivia in destruction”, intended to once again question the Church’s misogyny by drawing a large, sexually explicit image. A day after its display, a group of unidentified individuals painted over the mural because it focused on feminism and criticised the Catholic Church and the state.<sup>18</sup> The vandalism of the controversial mural reflects how some portrayals that are critical towards religion are unwanted in a so-called “conservative society, which refuses to open important debates”.<sup>19</sup> Similar to the debate that followed Rilda Paco’s painting, supporters of the mural made by Mujeres Creando also emphasise the hypocrisy reflected in the reactions of Bolivians, who are outraged by the artwork yet do not seem to be scandalised by news of women being murdered.<sup>20</sup>

Despite being party to both the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of all forms of Discrimination Against Women, the Bolivian authorities have substantial shortcomings in promotion and protection of the rights of women artists. Bolivian authorities, in fulfilling their obligations under the provisions of the above ratified international human rights instruments, must deliver accountability for crimes committed against women and women artists and ensure their safety, as well as launch criminal investigations into threats experienced by them. Authorities should protect the right to freedom of expression and combat the impunity often granted to individuals belonging to religious groups who threaten the lives of artists and vandalise works of art because of feminist views.

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“IN BOLIVIA THE DIFFICULTY WAS I WAS THE WOMAN NOBODY KNEW, THE WOMAN WHO WANTED TO PAINT ON THE STREETS, **BUT THE STREETS BELONG TO MEN.**”

“THE ARTISTS HERE ARE STILL IN A CLOUD OF CONFORMISM OR MAYBE SCARED. THEY ARE STILL DOING EXHIBITIONS ABOUT WHAT PEOPLE WANT TO SEE... **STILL REALLY CONSERVATIVE.**”

STREET ARTIST KNORKE LEAF, *FREEMUSE* INTERVIEW, 30 JULY 2018.

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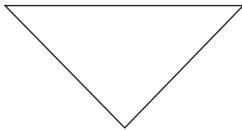
“WHEN I HAD MY FIRST EXHIBITION, NO ONE IN MY FAMILY SUPPORTED ME. **THEY THOUGHT THAT BEING A GOOD GIRL WAS BETTER—LEARNING TO COOK, SITTING IN THE RIGHT WAY, NOT LAUGHING TOO LOUD.** SO MANY TIMES I WAS TOLD “STOP LAUGHING SO LOUD. REMEMBER THE CHBAB SREY.”

CONTEMPORARY ARTIST OEUR SOKUNTEVY, *CULTURE TRIP*, 28 NOVEMBER 2016

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# CAMBODIA

## CHALLENGING THE ‘GOOD GIRL’ NARRATIVE OF KHMER CULTURE



- \* WOMEN ARTISTS PRESENTING THEMSELVES ‘IMMODESTLY’ ARE CONSIDERED UNEDUCATED AND INAPPROPRIATE TO TRADITIONAL CAMBODIAN CULTURE
- \* THE GOVERNMENT IS THE MAIN VIOLATOR OF WOMEN’S ARTISTIC FREEDOM IN CAMBODIA
- \* TABOOS AND STATE AUTHORITIES’ INCREASING INTOLERANCE TOWARDS CRITICISM RESULT IN WOMEN ARTISTS BEING CENSORED

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Artistic expression in Cambodia has a complicated history. In the late 1970s, most of the country’s art scene was destroyed during the communist Khmer Rouge regime that targeted intellectuals, artists and musicians as undesirables. A

great number of them were killed because they did not fit into Khmer Rouge leader Pol Pot’s idea of an agrarian utopia.<sup>21</sup>

Compared to then, art has now blossomed in the country. Yet in recent years the government has become increasingly repressive under the leadership of Prime Minister Hun Sen. Constraints on different forms of expression are officially justified by the desire to avoid having good mores and customs of society negatively affected. This inevitably influences women’s freedom of artistic expression, which makes Cambodia a country important to monitor.

Cambodian citizens are formally guaranteed the freedom to express their personal opinions according to Article 41 of the Constitution of the Kingdom of Cambodia. It states: “No one can take abusively advantage of these rights to impinge on dignity of others, to affect the good mores and custom of society, public order and national security.”<sup>22</sup> However, expressing oneself within these

bounds is a fragile and precarious balancing act that can easily be overstepped by not aligning with what Cambodian authorities perceive to be the country’s traditional culture. Given this context, songs and videos are actively and consistently censored to promote what are deemed to be the right Cambodian values.

Women’s artistic freedom in Cambodia is limited to content that is not considered obscene or indecent. For instance, in 2017 the Ministry of Culture and Fine Arts suspended music video actress Denny Kwan from working in the entertainment industry for an entire year because of the costumes she wore in her videos, which were seen as being too sexy.<sup>23</sup> Her suspension followed a written promise made to the ministry a year earlier in which she had committed that she would become “educated” about her attire and not wear revealing outfits. Being a public figure means Kwan loses the right to wear whatever she wants, a spokesperson for the Ministry of Women’s Affairs said, and suggested that Kwan should be more

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## “THERE ARE CERTAIN EXPECTATIONS THAT CAMBODIAN WOMEN ARE EXPECTED TO ABIDE BY. **WE ARE EXPECTED TO BE DEMURE, RESERVED, AND TO FOCUS OUR EFFORTS ON OUR FAMILY.**”

THE FORMER LEAD SINGER OF CAMBODIAN SPACE PROJECT, CHANTTHY KAK, *KHMER TIMES*, 7 MARCH 2018

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“careful” with her representation of Cambodian culture. According to the Cambodian Ministry of Culture,<sup>24</sup> the sanction was in accordance with its *Artists’ Ethical Code of Conduct*, which “encourages artists to dress with their personal dignity and national identity in mind”.<sup>25</sup>

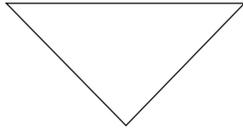
In 2016, the Cambodian Ministry of Information banned two songs with titles and meanings labelled as too sexy and vulgar for broadcast. The songs contained a slang Khmer word to denote ‘eat’ that could be interpreted sexually. “The two songs do not have hidden meanings encouraging social morality and education, but rather the meanings affect the honour and value of Khmer women,”<sup>26</sup> Information Minister Khieu Kanharith said in a statement. The singer of one of the songs later apologised for the “improper words” and for having affected people’s feelings. As such, works that indicate sex or sexuality are considered inappropriate, even when there is only a slight possibility of people interpreting them in such a way. It was additionally stated that in general, songs containing any sexual connotations “have a huge impact on the national culture’s value, and the meanings deviate seriously from Khmer morality”.<sup>27</sup> Censorship has become a convenient measure to prevent artistic creativity that is perceived as threatening cultural traditions to which women are expected to conform.

Deep gender inequalities persist to this day in Cambodian society. The role that women and girls are expected to play in society is preserved in a renowned code of conduct which has been passed down from generation to generation. This traditional custom is codified in the form of a poem called the *Chbab Srey* (Rules for Girls). It presents and instructs the behaviours and attitudes women are required to have towards their more “valuable” husbands. The poem was taught in primary schools as part of the school curriculum until 2007, yet its message remains influential to this day—the ideal woman is regarded as unassertive, diligent and pure, and is expected to always accept the authority of her husband.<sup>28</sup> According to the poem, women are responsible for the household and family, and should refrain from pursuing certain careers out of the home. By international standards, the code of conduct is regarded as a barrier to gender equality legitimising discrimination against women and impeding women’s full enjoyment of their human rights.<sup>29</sup>

In Cambodia, women who want to express themselves through art are more likely to experience censorship if they do not adhere to ideals around female virtue and modesty required by the authorities. Em Riem, a painter and fashion designer in Phnom Penh, says the control that is exerted over all artists

limits Cambodians in their creativity. “If they tell us how to behave and what to wear, there will be fewer and fewer artists,” she said.<sup>30</sup> However, young artists challenging women’s traditional role in society are now starting to emerge and art is becoming a tool to express dissatisfaction with the constraints imposed by the *Chbab Srey*. There are also increasing numbers of women artists, which in itself reflects changing attitudes and a societal shift currently happening in the country.<sup>31</sup>

Although Cambodia has guaranteed the right to freedom of expression under various international human rights treaties incorporated into its national legislation,<sup>32</sup> the enforcement of this right is challenged by the country’s perception of women and women’s independence. Confronting such beliefs through raising awareness and expressing injustices have the potential to improve the situation for women artists in the country.



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# EGYPT

## GOVERNMENT TIGHTENING ITS GRIP ON WOMEN ARTISTS AND OPPOSITION VOICES

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- \* IN EGYPT, FREEMUSE HAS DOCUMENTED THE HIGHEST NUMBER OF WOMEN-RELATED VIOLATIONS OF FREEDOM OF ARTISTIC EXPRESSION (20% OF ALL VIOLATIONS WORLDWIDE)
  - \* 89% OF THESE VIOLATIONS ARE BASED ON WOMEN'S ARTISTIC PERFORMANCES BEING REGARDED AS INDECENT
  - \* THE MUSICIANS SYNDICATE HAS THE AUTHORITY TO BAN SONGS THAT DO NOT COMPLY WITH ITS PERCEPTION OF MORALS AND CUSTOMS
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Several violations of human rights happen in Egypt. The Egyptian government persecutes NGOs, journalists, peaceful protesters, artists and human rights defenders in order to silence voices critical of it. Egyptian authorities are known to use arbitrary arrests, enforced disappearances, torture, as well as extrajudicial executions against dissidents. The violations are often carried out with relative impunity; accountability is scant. Religious minorities, the LGBTI community and women remain particularly vulnerable to abuse and are subject

to multiple forms of discrimination. Women's rights and morality issues are caught up in the political battle between the president, Abdel Fattah el-Sisi, and the top institution of Islamic clerics, Al-Azhar. The president proposes religious discourses to be modernised whereas the Al-Azhar has no interest in changing its teaching to counter militant thoughts that are known to breed jihadi movements and violence.<sup>33</sup>

Sexual harassment and violence against women is extensive and part of everyday life in Egypt. Despite political incentives to combat the issues, prosecution of perpetrators is rare.<sup>34</sup> In this context, it is clear that women artists have become particularly vulnerable to charges related to their art, which are often justified by accusations of indecency and violating public morals.

Article 178 of the Egypt Penal Code—which defines indecency—states that anyone producing or possessing material “against public morals” will be punished with a fine of 10,000 Egyptian pounds (about 490 euros) and/or imprisonment for up to two years.<sup>35</sup> Only the Public Prosecution has the right to bring criminal charges and sue artists, however, in certain cases citizens file lawsuits directly to the relevant courts through ‘direct misdemeanours’, which is unconstitutional yet still practiced and results in artists’ rights to creativity being jeopardised.<sup>36</sup>

In 2016 the Musicians Syndicate in Egypt was granted judicial police powers by Justice Minister Ahmed al-Zend, enabling it to issue bans making it illegal for an artist to work. The syndicate has led a vehement campaign—that is enforced by the police—to control what is branded as ‘morally degrading art’. It is also the body responsible for granting membership and temporary permits to musicians. Performing without such authorisation is punishable by a fine and/or can lead to imprisonment. Artists can be banned for any reason considered valid by the syndicate’s head,<sup>37</sup> which means that the verdicts are often subjective and based on personal moral judgements.

In August 2015, the Musicians Syndicate issued a series of guidelines on appropriate forms of dress—specifically for female artists—and put in measures to restrict lyrics and gestures that “do not comply with the country’s morals and customs”.<sup>38</sup> In September 2017 the syndicate declared it “stands against all abnormal art”.<sup>39</sup>

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### “ANY FORM OF OPPOSITION IS BEING REPRESSED IN EGYPT.”

BAHIA SHEHAB, *FREEMUSE* INTERVIEW, 22 JULY 2018

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“DETENTION SHALL BE THE PENALTY INFLICTED ON WHOEVER MAKES OR HOLDS FOR THE PURPOSE OF TRADE, DISTRIBUTION, RENTAL, PASTING, OR DISPLAYING PICTURES THAT ARE **LIABLE TO OFFEND AGAINST THE COUNTRY’S REPUTE**, WHETHER BY DEPARTING FROM THE FACT, GIVING AN INCORRECT DESCRIPTION, EMPHASISING IMPROPER ASPECTS, OR BY ANY OTHER MEANS.”

ARTICLE 178 OF THE PENAL CODE IN EGYPT

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Documented violations of artistic freedom indicate ‘abnormality’ means performances or lyrics that challenge the political or social status quo and address issues of sexism, homophobia, religion and politics.<sup>40</sup> Over time, Musician Syndicate and the Egyptian Censorship Board have been given an increased role in monitoring the work of artists and their work for anything deemed to be indecent.

As a result, criminal proceedings are becoming more common in the context of political developments. In September 2015, belly dancers Suha Mohammed and Dalia Kamal Youssef were sentenced to six months in prison for “inciting debauchery” through their video performances. The pair was said to have promoted nudity in their music videos and harmed the image of Egyptian women.<sup>41</sup> These cases illustrate how women are often seen as the custodians of what is morally correct and culturally appropriate when becoming victims of discrimination and imprisonment for performances deemed indecent.

In January 2016, film producer Rana Al Subki was sentenced to one year in jail and fined 10,000 Egyptian pounds (about 490 euros) by a Misdemeanours Court in Giza for promoting and releasing “racy” images in a film.<sup>42</sup> Pop singer Shaima Ahmad (Shyma) was convicted in December 2017 of “inciting debauchery” in a music video showing her licking an apple

and suggestively eating a banana in a classroom. The video resulted in Ahmad being sentenced to two years in prison and fined 10,000 Egyptian pounds (about 490 euros), which was later reduced to one year in jail upon appeal.<sup>43</sup>

Ahmad’s case led to new measures being introduced in 2017 where writers are now obligated to submit the lyrics of each song to the Egyptian Censorship Board for review. Once approved, the writer and composer are provided a permit for each song, allowing them to record it. Citizens are also allowed to send notices to the censorship board calling for legal actions against artists who they believe have violated society’s morals.<sup>44</sup> The censorship board is susceptible to public pressure, which itself is taking on a more rigid conservative idea of what constitutes morality.

It is clear that sexual undertones are especially perceived as provocative and used to justify arrests—singer and dancer Fatima, known as Eghraa, was arrested in December 2017 for dancing “provocatively in revealing

clothing” in a music video, thus “inciting debauchery” and “violating public decency”.<sup>45</sup> The same grounds led to the arrest of singer Laila Amer in January 2018 for making “provocative gestures” and belly dancing in a music video.<sup>46</sup> The video was called “an insult to the Egyptian people” by the head of the Musicians Syndicate, Hany Shaker, who then cancelled Amer’s membership.<sup>47</sup>

On multiple instances the syndicate has cancelled work permits for female artists believed to have negatively affected “the public common sense” through their performances. Cancelling artists’ memberships is said to be done to protect the values and traditions of the Egyptian society.<sup>48</sup> The space for women’s artistic expression in Egypt is rapidly shrinking; the strands of discussion that are being leveraged about morality and indecency, modernity and tradition feed into a troubling narrative, which directly impinges on women’s right to freedom of expression and clearly illustrates the patriarchal nature of moral policing.

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**“WE KNOW THAT OUR ALL OF OUR COMMUNICATION MIGHT BE TAPPED AND THAT WHAT WE SAY IS MONITORED. I’M VERY CAREFUL WITH WHAT I COMMUNICATE AND HOW MUCH I COMMUNICATE ONLINE.”**

BAHIA SHEHAB, *FREEMUSE* INTERVIEW, 22 JULY 2018

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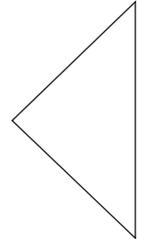
**“THE IDEA DAWNED ON ME TO USE MY ART TO GIVE VOICE TO THE EVERYDAY STRUGGLES OF THE INDIAN WOMAN. I WANTED TO USE MY PAINTING TO EXPRESS HER EMOTIONS AND THE ISSUES THAT SHE FACES FROM BIRTH THROUGHOUT THE REST OF HER LIFE. I KNEW THAT IF I DID IT RIGHT, MY ART COULD HAVE A STRONG INFLUENCE.”**

ARTIST DIPTI KULKARNI, *BROWN GIRL MAGAZINE*, 8 OCTOBER 2014

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# INDIA

## THE BATTLEGROUND ON VISUALS OF WOMEN’S BODIES



- \* INDECENCY AND RELIGION ARE THE MAIN CHALLENGES TO WOMEN’S ARTISTIC FREEDOM (72% OF THE WOMEN-RELATED CASES DOCUMENTED BY FREEMUSE IN INDIA BETWEEN 2013-2018)
- \* THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT 1986 PROVIDES GROUNDS FOR WIDESPREAD GENDER-RELATED CENSORSHIP
- \* FILM AND MUSIC REMAIN MAIN TARGETS OF CENSORSHIP

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In India, women are promised equality between genders as a constitutional right, and officially, all citizens have the right to freedom of speech and expression.<sup>49</sup> Since the Bharatiya Janata Party (BJP), led by Narendra Modi, was voted into power in 2014, the right to freedom of expression has come under considerable duress.<sup>50</sup> Senior BJP leaders have been found to publicly promote Hindu supremacy and ultra-nationalism encouraging

violence, and at the same time failed to credibly investigate attacks on religious minorities, marginalised communities and people critical of the government.<sup>51</sup> There are vaguely defined limits imposed on the freedom of expression through the Indian Penal Code: anyone found offending religious sensitivities can be fined and/or imprisoned for up to three years.<sup>52</sup> Mainstream media, journalists, eminent human rights defenders and NGOs expressing dissent have all been labelled as anti-national. Yet these are not the only groups targeted.

Different forms of artistic expression have all come under increased scrutiny and there have been attempts to censor films, photographs and other genres of art in an effort to control cultural norms and moral values. More troubling have been the attempts to place restrictions on female artists and their physical presentation. Existing gender roles and norms already place considerable pressure on women to conform. However, this is compounded by existing regulations which seek to define and shape the portrayal of women in Indian society. *The Indecent Representation of Women (Prohibition) act 1986* is one such act.

The act prohibits the “indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto.”<sup>53</sup> This act not only constrains the way women can be presented in various art forms, the official meaning of what constitutes indecent representation within the act is so vague and broad that it grants authorities wide discretion. It states that indecent representation of women means “the depiction in any manner of the figure of a woman; her form or body or any part thereof in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals.”<sup>54</sup> As such, prohibiting women from exercising their artistic freedom is seen as necessary to maintaining good public morals.

The protection of moral values—a burden shouldered disproportionately by women—is similarly the focal point by which the Central Board of Film Certification (CBFC) censors movies in India. The board follows guidelines provided within *The Cinematograph Act 1952*, which empowers the central government to

establish a censor board to vet films intended for public viewing. This inevitably means the government is highly involved in deciding which films can and cannot be shown. In 2015, the board decided the film *Chaayam Poosiya Veedu* (The Painted House) could not be screened in India unless nude scenes were deleted, in order to avoid setting off a “dangerous trend” for future Indian filmmakers shooting nude scenes. The directors protested the decision—arguing the scenes were integral to the theme of the film—and refused to make the changes, so the movie was effectively banned from screening.<sup>55</sup>

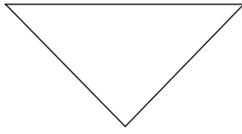
The board’s vetting process ensures the government plays a significant role in deciding what people can watch, what is deemed suitable and unsuitable, and whether films are accessible to audiences. The impact of such decisions plays out in rural areas more so than the urban centres of India where film plays a more significant role in shaping an understanding of the world. As a consequence, many observers believe the board has become a tool for “disbursing political patronage and as a vehicle for furthering the ideological, cultural or political agenda of the ruling party”.<sup>56</sup> Given this reality, artistic freedom is subjected to the country’s patriarchal sensitivities where notions of sexual autonomy and agency of women—for example depicting nudity, kissing or same-sex relationships on camera—

are furthermore often met with varying degrees of disapproval and censorship.

Perceptions of what is offensive to see in public spaces differs depending on whether it deals with visuals of—and objects belonging to—men or women. As an example, Indian visual artist Rupali Patil produced an image in which she depicted washed clothes hanging to dry in the sun. The practice of ‘hiding’ female underwear is common practice in the country. Patil’s image reflected this reality and deliberately covered the female underwear while the male undergarments were left untouched and in full display. The photograph was due to be displayed at the Pune Biennale Foundation before it was deemed offensive and subsequently censored.<sup>57</sup> Patil creates politically and culturally provocative artwork, some of which attempts to fight cultural norms that require women not to provoke men to ensure their own safety.<sup>58</sup> Through her artwork she highlights the differences in the way men and women are treated. As such, the limit to what can be portrayed in artworks is therefore narrow, particularly for women, since regulation on the representation of men does not exist nor is it readily found to be offensive.

The desire to control how women should present themselves reaches many different branches and does

not only happen top-down from the government—some parts of the general population also find it provocative when women’s appearances do not align with their own expectations of modesty. One can imagine that such perceptions create a climate of fear, and that women are less likely to display artworks or even engage in art that involves the risk of offending people. On the international level, the United Nations expressed concerns in 2017 about the Indian government and its unwillingness to accept a number of recommendations such as ensuring freedom of expression and peaceful assembly. This further emphasises the need for the country to take active steps towards fulfilling international standards of human rights<sup>59</sup> as well as supporting and protecting artists who speak up about injustices experienced in the country.



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# IRAN

## WHERE WOMEN ARE **BANNED** FROM PERFORMING SOLO

- \* FEMALE ARTISTS FACE SEVERE RESTRICTIONS ON WHOM THEY CAN PERFORM WITH AND FOR
- \* WOMEN ARTISTS' RIGHT TO CULTURAL EXPRESSION IS RESTRICTED BY LOCAL AUTHORITIES WHO OFTEN BOW TO PRESSURE FROM RELIGIOUS CONSERVATIVES
- \* 50% OF WOMEN-RELATED CASES DOCUMENTED BY FREEMUSE IN IRAN BETWEEN 2013-2018 HAPPENED IN THE MUSIC INDUSTRY

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Women artists' rights in Iran are a reflection of women's rights in the country: very limited and precarious. With the Islamic Revolution of 1979, the Islamic Republic of Iran was created. The constitution is based on the *velayat-e faqih* (Guardianship of the Islamic Jurisprudence). This doctrine is a system of governance requiring all national laws and regulations respect Islamic standards.<sup>60</sup>

After the revolution, the Islamisation of both the state and society led to a clear deterioration of women's rights through the establishment of gender segregation regulations in certain

public spaces and the imposition of the hijab (head covering) on women and girls in all public spaces.<sup>61</sup> Such regulations are enforced by the so-called morality police and have fundamentally corroded the right to freedom of expression, including the right to artistic freedom. Key drivers and factors affecting women's artistic freedom include the following.

First, there are discrepancies between political promises on cultural rights and artistic freedom and what is actually happening at national and local levels. President Hassan Rouhani has been accused of being too liberal in his cultural and social policies by his hardliner opponents. Such hardliners and Muslim clerics are often found to be powerful on the local level, and they want to actively prevent Rouhani from fulfilling his promises to relax cultural restrictions on a national level as a way of avoiding moral corruption to be spread.<sup>62</sup> The central government stated it needs to write clear guidelines on musical performances to ensure consistency in local officials applying the rules.<sup>63</sup> This could be an opportunity for the government to modernise its policy on cultural diversity and expression. It is, however, unclear when the government will enact such guidelines and how open and supportive the guidelines would be to cultural communities and women artists in particular.

Second, local authorities restrict cultural expression largely at will. With strong local authorities and inconsistent policy framework and guidelines from the central government, art communities and women artists face the discretion of local authorities. As a result, in recent years dozens of concerts and cultural performances have been cancelled in Iran due to pressure and intimidation by hardliners who consider such events as undermining Islamic values.<sup>64</sup>

In January 2018, female members of the Isfahan National Orchestra were not allowed to play in their own city of Isfahan and the orchestra had to appear without them.<sup>65</sup> A month earlier, cellist Melanie Avanesian was prevented from performing on stage in Tehran in pop singer Benyamin's band. In January 2017, the Kurdish band Dayrak Khatoon was simply banned from performing at a music festival in Kermanshah (western Iran) because it included women singing solo.<sup>66</sup>

A high-profile performance by the Tehran Symphony Orchestra in November 2015 was cancelled by artistic director Ali Rahbari when authorities objected at the eleventh hour to having female musicians on stage. It has been suggested the decision was made due to the women musicians not being adequately covered as they lacked the hijab. Rahbari refused to perform without

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## “I AM A PROFESSIONAL IRANIAN SINGER BUT I AM **ONLY ALLOWED TO WORK IF I PERFORM WITH A MAN**, WHICH IS SOMETHING I HAVE NEVER WANTED TO DO.”

FEMALE VOCALIST SEPIDEH JANDAGHI, *CENTER FOR HUMAN RIGHTS IN IRAN*, 24 JANUARY 2018

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them.<sup>67</sup> This incident demonstrates how law enforcement agents take women off the stage and cancel their concerts at the last minute despite artists having official authorisation from the Ministry of Culture and Islamic Guidance. In August 2017, about 500 virtuosos and musicians protested the rise of “illegal cancellations of licensed and scheduled concerts” in an open letter to the ministry. “These politically motivated cancellations, while used as an instrument to put the government under pressure, are a heavy burden on musicians’ shoulder,” the letter said.<sup>68</sup>

Universities also exercise discrepancies in setting up rules based on their interpretation of what is appropriate at the cost of women’s choices of self-expression. For example, the bylaws of the University of Kashan (central Iran) require female musicians performing among others to be married, to not wear headbands, short-sleeve shirts or vivid colours, and to avoid moving beyond what is absolutely necessary.<sup>69</sup> According to these bylaws, two of the six conditions by which “classy” music is allowed to be performed are that the performance does not induce undesirable emotions such as lust and debauchery nor can it encourage unwanted feelings such as despair.<sup>70</sup>

Third, the imposition of the hijab severely restricts women and their

cultural expression. In September 2017, 20 Iranian actresses were banned from appearing on the government-run Islamic Republic of Iran Broadcaster after publishing photos of themselves without wearing a hijab.<sup>71</sup> In September 2018, screenwriter Amir Mehdi Juleh shed light on the industry, saying women acting in soap operas are not allowed to “shout, whistle, laugh out loud, or make certain jokes”. In one recent television show, women were not allowed to eat cucumbers, he said, and censors objected to the size of an actress’s ears beneath her scarf during the filming of 2005 satirical soap *Barareh Nights*.<sup>72</sup>

Women are only allowed to sing solo in concerts alongside other female musicians and in front of a female audience.<sup>73</sup> This and other restrictions on women are inconsistent with international treaties including the International Covenant on Economic, Social and Cultural Rights, which was ratified by Iran in 1975.<sup>74</sup> Article 3 of the ICESCR

states countries must “undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights”.

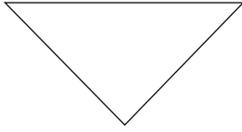
Despite President Hassan Rouhani’s public position to expand women’s rights,<sup>75</sup> there are few if any signs of substantial improvement coming from the government. Women’s limited social, political and legal rights generate the core foundations of the gender-based discrimination and inequality that remain strong in Iran. However, there are continuously renewed and highly publicised waves of protests by Iranian women for their rights, including the imposition on the hijab.<sup>76</sup> Whether women’s rights to express themselves artistically and culturally will be expanded and realised is yet to be seen.

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## “**POLICE AND OFFICIAL FORCES MAKE NO EFFORT TO PROTECT WOMEN’S RIGHTS AGAINST QUASI-FORCES**, STANDING IN VIOLATION OF THE GOVERNMENT’S INTERNATIONAL COMMITMENTS TO PREVENT OR PROSECUTE ACTIONS THAT VIOLATE HUMAN RIGHTS.”

*JUSTICE FOR IRAN REPORT ‘THIRTY-FIVE YEARS OF FORCED HIJAB: THE WIDESPREAD AND SYSTEMATIC VIOLATION OF WOMEN’S RIGHTS IN IRAN’ (2014) P52.*

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# JAPAN

## CHALLENGES FOR ARTISTIC DEMYSTIFICATION OF FEMALE GENITALIA AND THE PAST SEXUAL EXPLOITATION OF WOMEN

- \* INCONSISTENCY IN THE APPLICATION OF OBSCENITY LAWS IN JAPAN HAS BEEN USED TO SPECIFICALLY PREVENT WOMEN FROM ARTISTICALLY EXPRESSING THEIR SEXUALITY
- \* VISUAL ARTWORK CREATED TO COMMEMORATE 'COMFORT WOMEN' ARE CENSORED MOST FREQUENTLY
- \* 'COMFORT WOMEN' ALSO AMONG THE KEY TOPICS FOR ARTISTS' SELF-CENSORSHIP

Japanese authorities' attempts to suppress women's artistic expression are widespread—from prosecuting a visual artist who created artwork depicting her vagina to removing statues dedicated to the memory of 'comfort women'. These statues were depicting the systematic sexual exploitation of women from a number of countries<sup>77</sup> by the Imperial Japanese Army before and during World War II, and have been consistently censored by Japanese authorities. Over the last decade, women's artistic freedom has also been challenged by ambiguous legal concepts defining obscenity and adopted in national legislation.

In July 2014, visual artist Megumi Igarashi aka Rokudenashiko was detained under such vague obscenity laws because of her crowdfunded artwork where she sent people 3D-scanned data of her vagina in exchange for funds to build a fully functional kayak modelled on her vagina. Igarashi was prosecuted and on 9 May 2016 the Tokyo District Court fined the artist 400,000 yen (about 3,100 euros) for distributing "obscene" information as part of the art project.<sup>78</sup> On 13 April 2017, the appeal court upheld the verdict and sentence.<sup>79</sup>

Rokudenashiko creates her artworks to demystify female genitalia in Japan—a country with a pop culture that sometimes celebrates male genitals yet punishes public displays of female reproductive organs. Commenting on Rokudenashiko's arrest, professor of Asian Art at the Fordham University Midori Yamamura said: "In Japan, we are not used to the feminist art scene, but what she is doing is very feminist because she became quite political and she is really trying to change people's perception about vaginas".<sup>80</sup> Her prosecution left many questioning the authorities' hypocrisy given that the country celebrates fertility and the penis as a symbolic part of its religious traditions. For example, Kawasaki, a city in the greater Tokyo area, has been hosting the famous fertility festival Kanamara Matsuri (Steel Phallus Festival) for

more than 40 years, which continues to be revered rather than quizzed on grounds of obscenity.<sup>81</sup>

Furthermore, incessant attempts by authorities to censor any artworks related to the gender specific violations suffered by 'comfort women' exposes the pervasive patriarchy that continues to suppress women's rights and feminist art in the country. These women were held captive by the Imperial Japanese Army and repeatedly raped, tortured and mistreated. As a way of honouring these women and girls, dozens of memorials—known as "Statues of Peace"—have been erected in South Korea, the United States, Canada, Australia and Germany. However, the appearance of such statues has been met with hostile resistance from the Japanese authorities.

When in 2011 the first statue dedicated to 'comfort women' was placed in front of the Japanese embassy in South Korean capital Seoul, it sparked outcry from the Japanese government. The dispute between the two countries initially appeared to have been resolved in 2015 when Japan expressed an apology and promised to invest 1 billion yen (about 7.8m euros) to a fund dedicated to victims of sexual abuses.<sup>82</sup> However, this pledge of funds was promised on the condition that municipal authorities in Seoul removed the Statue of Peace. Public

pressure in South Korea ensured that the statue has not been removed.

Japan's relations with other countries that have built memorials to honour 'comfort women' have all similarly come under duress. The 60-year-long relationship between sister cities of San Francisco and Osaka was tested in November 2017 when the American city erected a memorial for 'comfort women'. The statue, which shows three figures holding hands on a pedestal to represent girls from the Philippines, Korea and China, caused controversy between the two cities with the mayor of Osaka, Hirofumi Yoshimura, stating the relationship of trust had been completely destroyed.<sup>83</sup> The same month, Japan managed to prevent the "Voices of the Comfort Women" initiative from being inscribed into the UNESCO's Memory of the World Register.<sup>84</sup>

As such, 'comfort women', along with other issues related to Japan's responsibility for crimes committed during World War II, have been key topics for artists' self-censorship due to worries about reactions.<sup>85</sup> The country has also objected to projects produced by foreign artists, for example in May 2012 South Korean photographer Ahn Sehong's exhibition *Layer by Layer: Korean women left behind in China who were comfort women of the Japanese military* was cancelled weeks before its scheduled opening at the Nikon Salon in Tokyo because of "the show's political intentions—to lobby the Japanese government for a formal apology".<sup>86</sup> One month later

the Tokyo District Court ruled that the Nikon Corporation's reasons for the cancellation were insufficient and ordered its opening as planned. However, the exhibition sparked demonstrations with protesters opposing the 'defamation' of Japanese people and claiming the stories about 'comfort women' were the "biggest fabrication in history".<sup>87</sup>

In the last couple of years, a number of international and human rights organisations, including 'comfort women' survivors associations, have put pressure on Japan to properly address the issue. In 2018, the Office of the United Nations High Commissioner for Human Rights recommended taking concrete measures for dealing with the problem, emphasising the need for ensuring the public's right to information on the matter.<sup>88</sup> In order to avoid further criticism in the international arena, Japan needs to publically recognise the systematic sexual violence which is estimated to have affected over 200,000 victims and undertake a comprehensive approach to the

'comfort women' legacy. In order to reflect its commitment to Article 19 of the International Covenant on Civil and Political Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights, both ratified in 1978, Japan must refrain from censoring art projects exhibited on its own territory and internationally created to pay respect to female victims of past atrocities.

Although Japan has been perceived by international human rights organisations as a "strong democracy with rule of law and an active civil society,"<sup>89</sup> women and women artists still face gender-related challenges. In terms of women's freedom of artistic expression, Japan must support artists' contributions and revise the concept of obscenity in national legislation in order to eliminate discriminatory treatment.

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**"THE JUDICIAL COURTS HAVE THIS IDIOSYNCRATIC CONCEPT OF THE VAGINA AS SOMETHING THAT WILL AROUSE MEN WHEN THEY SEE IT NO MATTER WHAT. I BELIEVE SEXUAL AROUSAL IS A PERSONAL FEELING, BUT BY WRESTING CONTROL OVER THE FREEDOM TO EXPERIENCE THOSE PERSONAL FEELINGS, THE STATE TAKES FURTHER CONTROL OVER THE PEOPLE."**

ARTIST MEGUMI IGARASHI AKA ROKUDENASHIKO, *GLAMOUR*, 19 JUNE 2017

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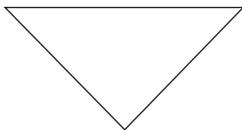
**“THE DJ SCENE IN NIGERIA IS OBVIOUSLY MALE-DOMINATED. A LOT OF THEM ARE JUST SCARED, TO BE HONEST, OF WHAT POTENTIALLY A WOMAN COULD DO.”**

OBIANUJU CATHERINE UDEH AKA DJ SWITCH, CNN INTERVIEW, 31 JULY 2018

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# NIGERIA

**WOMEN BATTLE FOR ARTISTIC FREEDOM IN THE FACE OF VIOLENT INTIMIDATION, SEXUAL HARASSMENT AND DISCRIMINATORY CENSORSHIP**



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\* WOMEN FILM PRODUCERS AND DIRECTORS ARE DISPROPORTIONATELY AFFECTED BY INTIMIDATION AND VIOLENT ATTACKS ON FILM SETS AT THE HANDS OF ‘AREA BOYS’. IN 2017, 100% OF REPORTED CASES IN LAGOS DIRECTLY TARGETED WOMEN AS THEIR PRIMARY VICTIMS

\* SEXUAL HARASSMENT IN NIGERIA’S ENTERTAINMENT INDUSTRY IS RIFE AND JUSTICE FOR VICTIMS OF SEXUAL HARASSMENT REMAINS EVASIVE

\* WOMEN FACE DISCRIMINATION WITH THE IMPLEMENTATION OF ULTRACONSERVATIVE INTERPRETATIONS OF ISLAM AND CHRISTIANITY

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A complex climate of religious influences and violent militant groups undermines human rights, including the right to freedom of expression in Nigeria, and creates obstacles for women pursuing careers as artists. Nigeria is divided along religious and ethnic lines: patriarchal customs and traditions play a major role in the largely Christian south, while the predominantly Muslim north is faced with an increasingly conservative interpretation of Islamic law and official sharia enforcers called Hisbah monitor artistic content for indecency and immorality.

Boko Haram and its splinter group Islamic State in West Africa have wreaked havoc across northeast Nigeria in recent years in a quest to establish a sharia state. Since the Boko Haram insurgency against the Nigerian government started in 2009, tens of thousands of people have been killed and millions have been internally displaced.<sup>90</sup> And as the Nigerian military recaptures territory that was under the control of Boko Haram, it has allegedly carried out widespread abuse including torture,

starvation and sexual violence against women who had been trapped in these areas.<sup>91</sup>

While the Constitution of the Federal Republic of Nigeria explicitly prohibits discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties<sup>92</sup>, the authorities have failed to pass additional legislation specifically protecting women’s rights. In March 2016, the Nigerian Senate rejected *The Gender and Equal Opportunity Bill* after some lawmakers objected to it on religious grounds—both Christian and Islamic.<sup>93</sup> The bill called for equality for women in marriage, divorce, inheritance, education, employment and politics.

Strict government censorship continues to dominate freedom of expression under the leadership of President Muhammadu Buhari. Government officials publicly criticise, harass and arrest journalists who cover topics such as corruption scandals and human rights violations.<sup>94</sup> Broadcasting is heavily controlled by the National

Broadcasting Commission watchdog, which regularly releases lists of breaches made by radio and TV stations that play music allegedly containing “vulgar” and “indecent” lyrics.<sup>95</sup> And in July 2017, Nigeria’s Minister of Information and Culture indicated the government might ban artists from shooting videos outside the country because it allegedly has a negative impact on Nigeria’s economy.<sup>96</sup>

In Lagos, women filmmakers are often targeted by gangs of young men—known as ‘area boys’—who engage in petty extortion. These boys intimidate women artists to extract payment for permission to shoot films, even though the filmmakers already hold valid permits from the relevant authorities. Existing legislation designed to prohibit this practice have so far lacked implementation.<sup>97</sup> Sometimes, artists who refuse to pay are violently attacked. For example, actress Kemi Afolabi miscarried after she was punched in the stomach during an attack by ‘area boys’ who demanded money on the set of a new movie in March 2017.<sup>98</sup>

For many years the Nigerian entertainment scene has been rife with allegations of sexual harassment. In August 2017, Nollywood actress Juliet Patrick Odigwe said a popular movie producer asked her for “six rounds of sex for six movie roles”.<sup>99</sup> A handful of Nigerian artists have also started speaking out as part of the #MeToo movement. Nollywood actress

Steph-Nora Okere disclosed she had been sexually harassed by a famous producer who held a knife to her neck and demanded she strip. The actress said she decided to keep the experience secret for years because her family advised her to do so.<sup>100</sup> Although some actresses have publicly talked about their experiences, they often refuse to name culprits for fear of not being able to secure future work.

More generally, men holding powerful positions in the entertainment industry in Nigeria can make difficulties for their female colleagues. In 2016, Nollywood filmmaker Seun Egbegbe reportedly vowed to end the career of actress Toyin Aimakhu—his partner at the time—after she accused him of kidnapping her, which he vehemently denied. “No producer must deal with her again. Any producer that doesn’t heed the warning will find him or herself to blame. It’s not a threat, it’s a promise,” Egbegbe said.<sup>101</sup> Aimakhu stated his threats “affected her business, as colleagues and producers were afraid of inviting her

for movie shoots because they were aware of his violent nature”.<sup>102</sup>

The Motion Pictures Practitioners Association of Nigeria (MOPPAN), governs the conduct of actors and actresses in northern Nigeria. In October 2016, the association expelled popular actress Rahama Sadau from Kannywood—the Hausa-language film industry which is based in Kano—after the 22-year-old allegedly acted inappropriately in a music video with male rapper ClassiQ. In a statement, MOPPAN said Sadau had been expelled for her recent “immoral appearance”. “The leadership hopes that this will serve as a deterrent to the actors and actresses to check their public behaviour as they are expected to be good ambassadors to the society they represent,” MOPPAN said.<sup>103</sup> Sadau was compelled into issuing an apology. ClassiQ, however, has neither faced reprimand or expulsion and continues to produce music. Sadau’s treatment demonstrates that women disproportionately bear the brunt of social norms and customs governing decency and morality.

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**“MEN HAVE TO BE ON BOARD. I THINK YOU CAN CHANGE WOMEN ALL YOU WANT, IF YOU DON’T CHANGE MEN, NOTHING CHANGES... I ALSO THINK, SADLY, THAT WE LIVE IN A WORLD WHERE MEN ARE MORE LIKELY TO LISTEN TO MEN.”**

NIGERIAN AUTHOR CHIMAMANDA NGOZI ADICHIE DISCUSSING FEMINISM IN AN INTERVIEW WITH *THE DAILY SHOW’S* TREVOR NOAH, 7 JUNE 2018

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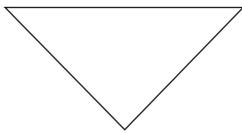
“I AM PROUD OF WHAT I DID. I DRUGGED HER FIRST, THEN I KILLED HER. **SHE WAS BRINGING DISHONOUR TO OUR FAMILY**”.

WASEEM AZEEM ADMITTED ‘HONOUR KILLING’ HIS SISTER QANDEEL BALOCH

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# PAKISTAN

## HONOUR KILLINGS AND GENDER-BASED VIOLENCE SHRINKING THE SPACE FOR ARTISTIC FREEDOM



- \* WOMEN ARTISTS ARE TARGETED AND BRUTALLY KILLED BY RELATIVES FOR BRINGING ‘DISHONOUR’ TO THE FAMILY BY PERFORMING ART IN PUBLIC
- \* MALE SUPPORTERS AND MEMBERS OF THE ARTISTIC COMMUNITY ARE TARGETING AND KILLING WOMEN ARTISTS FOR REFUSING DIRECTIVES ABOUT WHEN, WHERE AND HOW TO PERFORM
- \* THE CONCEPT OF HONOUR IS USED TO VALIDATE VIOLENCE AGAINST WOMEN AND TO PREVENT WOMEN FROM PERFORMING IN PUBLIC

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Across Pakistan, violence against women is manifesting in various ways. In particular, honour killings are proliferating across the country with the Taliban stronghold of Khyber

Pakhtunkhwa considered one of the most challenging places for women, due to the limitations imposed by traditional patriarchal norms and Taliban practices. These norms and practices include preventing women from performing in public and engaging in the arts, and have led to the death of at least two women artists in 2018 and thousands of women across Pakistan. Specifically, human rights organisations in Pakistan have estimated there are approximately more than 1,000 honour killings per year, and whilst this is a high number it is expected to be much higher due to the challenge of obtaining information on these killings.<sup>104</sup>

In response to these killings, in October 2016 the Pakistani Parliament passed an anti-honour killing bill with the aim of curbing the amount of honour killings and prosecuting the perpetrators. The law affirms that those conducting honour killings can be punished by a mandatory imprisonment of 12 years and six months and/or the death penalty, with a pardon from the

victim’s family the only possible way to overturn the ruling. Yet despite the law, victims’ families often accept the loss of a life to ‘save the family’ from further ‘dishonour’, especially when the motivation for killing is to punish the person for the ‘shame’ brought to the whole family.

In 2012, one of the most famous and influential Pashto singers in the region, Ghazala Javed, was shot and killed by her ex-husband after she refused his order to stop performing in public. In December 2013, he was convicted of her murder and sentenced to two death penalties and fined 71 million Pakistani rupee (about 470,000 euros).<sup>105</sup> However, he was acquitted by the Peshawar High Court in May 2014 on the grounds that a settlement with Javed’s family had been reached.

In July 2016, singer, actress and social media celebrity Qandeel Baloch was murdered by her brother. Years prior to her death, Qandeel Baloch tried to defy social norms and customs concerning female sexuality through online platforms,

and constantly received death threats as a result. These death threats became more pronounced following a selfie video she shot with the religious cleric Mufti Qavi, who sits on Pakistan's religious council. The video created a national furore on mainstream media and led to his suspension from the council. Qandeel Baloch was strangled to death at her family home in Multan, a conservative part of Punjab province, and after her brothers' arrest he confessed to the crime on TV saying: "I am proud of what I did. I drugged her first, then I killed her. She was bringing dishonour to our family".<sup>106</sup> In May 2018, five other suspects were arrested over her death, including Mufti Qavi, who was accused of inciting Waseem Baloch to murder his sister.<sup>107</sup>

In Pakistan, the trend of persecuting, prosecuting and murdering women artists transcends personal connections. Perpetrators of violence towards women artists are often men who consider women artists have defied their wishes about how to behave and perform in public. This reason alone is often considered enough for men in Pakistan to initiate violence, something that was seen in February 2018 when three men shot and killed theatre actor Sumbul Khan after she refused to perform for them at a private event in the Khyber Pakhtunkhwa province.<sup>108</sup> In another incident, Pashto singer Samina Samoon (also known as Samina

Sindhu), was shot by a male fan for refusing to stand and dance whilst performing at a wedding ceremony in the Sindh province in 2018. Samoon was pregnant at the time.<sup>109</sup>

In November 2016, theatre actress Kismat Baig was shot dead by unidentified gunmen in Lahore, the capital of the Punjab province, after returning to her house following a performance in a stage play. According to Baig's driver, one of the gunmen reportedly said: "Kismat, now you will not be able to dance", after shooting her.<sup>110</sup> Investigations into the shooting revealed that a man from the show business industry had ordered the attack; he later confessed that he had asked Baig to participate in a stage drama in Faisalabad but she refused his offer.

In response, he sponsored the attack with the aim of hurting her, but she died of profuse bleeding.<sup>111</sup> After a criminal investigation, a settlement was reached with the suspect to end the case due to the financial burden on the family.

According to Amnesty International's 2017/2018 report on Pakistan, the Pakistani law that introduced penalties for honour crimes—including the death penalty—has "proved ineffective" because it allows judges to decide whether a crime is honour-based. "In some cases in 2017, the accused successfully claimed another motive and was pardoned by the victim's family under *qisas* and *diyat* laws, which allow for 'blood money' and forgiveness instead of punishment."<sup>112</sup>

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**"I FEEL LIKE ALL OF US ARE STRUGGLING WITH IDENTITY 99 PER CENT OF THE TIME, BECAUSE IT'S JUST NOT ACCEPTABLE TO BE YOURSELF. WHEN SOMETHING GOES AGAINST THE GRAIN, IT REALLY HITS A NERVE."**

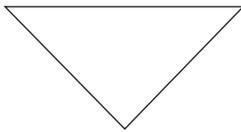
VISUAL ARTIST SHEHZIL MALIK TALKING ABOUT INEQUALITY IN PAKISTAN, *CNN*, 22 JANUARY 2018

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# SAUDI ARABIA

## SHARIA LAW STRICTLY SHAPING WOMEN ARTISTS' EVERYDAY LIVES



- \* WOMEN, INCLUDING WOMEN ARTISTS, ARE LIMITED BY RESTRICTIVE LAWS AND DEMEANING SOCIAL VIEWS
- \* ARTWORKS ARE CENSORED IF DEEMED TO BE INDECENT AND SEEN TO VIOLATE RELIGIOUS NORMS
- \* DESPITE POSITIVE CHANGES INTRODUCED THROUGH 'SAUDI VISION 2030', WOMEN ARTISTS STAY RESTRICTED UNDER THE GUARDIANSHIP SYSTEM

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Women artists and audiences in Saudi Arabia have been facing multiple forms of discrimination, with some restrictions being among the most severe on a global level. Strict religious beliefs, conservative values firmly established in Saudi society and rigid state legislation have strong impacts on the enjoyment of cultural rights both in general and especially for women. Women are exposed to strict rules for obtaining education in arts and culture and pursuing professional careers in the cultural industry, and are often censored due to content being deemed inappropriate from a religious perspective or by contradicting social norms. Although Crown

Prince Mohammed bin Salman, who came to power in mid-2017, initially brought a wave of hope concerning better prospects for women and consequently women artists, women remain trapped by restrictive laws and demeaning social views.

One of the key obstacles for women to accomplish professional careers in arts and culture in Saudi Arabia is the male guardianship system, which makes a woman 'legally dependent' on a chaperone regardless of her social, educational or marital status. The interpretation of Sharia law requires women to obtain consent by an approved male relative to pursue any opportunity related to freedom of movement, education, marriage, etc.<sup>113</sup> Should a male family member determine that he does not want his daughter, wife, sister or other female relative to take part in arts, she cannot do it. Without support, many women are uneager to engage in arts.

This affects the conditions under which those who choose arts and culture as their profession produce their artworks. Saudi Arabia's first female film director, Haifaa al-Mansour, testified how she worked on her film *Wajda* from a van, communicating with the crew via a walkie-talkie.<sup>114</sup> Due to strict control over women's appearance in public spheres and thus in cultural scenes, the space for engaging in artistic forms has been critically reduced.

Some forms of public entertainment, such as cinemas and concerts, are considered against the tenets of Islam within the country. Local regulations require government approval for organising such events, which are rarely granted for showcasing artwork produced by women.<sup>115</sup> Nevertheless, women singers are not prohibited from producing music, which is widely distributed online. Some women use these platforms to express their dissatisfaction with the guardianship laws. When the music video for *Hwages* (Concerns) was released in December 2016, YouTube viewers called it "disgusting", and "extremely inappropriate".<sup>116</sup> The Majed al-Esa-directed video, which currently boasts more than 24 million views, depicts a trio of niqab-cloaked women dancing while rapping. The lyrics call for gender equality and demand the dismantling of patriarchy in the country.

On the other hand, in some artistic fields such as literature, design and visual arts, fewer limitations are reported.<sup>117</sup> Yet even though women are able to express themselves through these forms of art, they still face stern control when it comes to the content produced. In November 2017, the Saudi Ministry of Culture and Information issued an order calling on bookstores to remove all copies of award-winning Saudi writer Badria al-Bishr's novel *Thursday's Visitors* and opened an

investigation. The novel features the story of a young Saudi woman who finds friendship amongst a group of women she meets with once a week. The order was given after some readers found the novel “pornographic”, complaining against its “sexually graphic” content, which is often considered un-Islamic and censored in the country.<sup>118</sup>

Despite conservative perceptions prevailing in Saudi Arabia’s cultural scene, the last couple of years have brought some positive developments for enrichment of cultural life and affirmation of women’s rights. The ‘Saudi Vision 2030’, adopted in April 2016, introduced a number of new regulations aiming to broaden the sources for the country’s economic growth and develop different public service sectors. In an unprecedented move, the then deputy crown prince promised an increase in household spending on cultural and entertainment activities inside the kingdom from 2.9 per cent to 6 per cent.<sup>119</sup> New state policies indicate a thawing in the countries’ intolerance for activities deemed to be un-Islamic, resulting in lifted bans on live music performances and movie projects, and opening the first theatres and cinemas after a 35-year ban.

It therefore seems that the window for women’s equal participation in cultural life has started opening. In April 2018, three women were appointed to a new board of directors

of the General Culture Authority (GCA).<sup>120</sup> At the same time, state officials from the cultural sector stated 54% of GCA employees are women, and that there is equal pay between men and women in the GCA and Saudi Film Council.<sup>121</sup> Although such statements create an impression that the new regime has recognised the necessity for reducing women’s limitations, the sincerity of their will to undertake meaningful and substantive steps to implement greater gender equality can still be questioned. The fact that the Canadian ambassador was expelled from Saudi Arabia in August 2018 because his country’s officials had criticised Riyadh for detaining human rights activists, including Samar Badawi who had campaigned for an end to the male guardianship system, shows that concerns about the lack of tolerance for criticism are legitimate.<sup>122</sup>

However, in the efforts to shift towards a more moderate, modern and economically competitive society, the Saudi government is showing signs it is prepared to reconsider its previous stance on the public enjoyment of art: for example, opening up sports stadiums, concerts and cinemas to Saudi women audiences while maintaining gender segregation at such events. This is particularly significant for Saudi women who seek better opportunities to enjoy freedom of artistic expression. Yet it should be noted that these signs of improvements take place against the backdrop of continuing violations of artistic freedom and cultural expression. The prospects for Saudi women’s greater participation in the sphere of arts and culture appear to have improved, but are still far from international standards.

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**“YOU HAVE TO PLAY THEIR GAME. YOU HAVE TO ACT LIKE THE WEAK WOMAN AND SAY, ‘THANK YOU FOR DOING THIS FOR ME, IT’S A HUGE FAVOUR’. YOU HAVE TO PLAY THAT ROLE IN ORDER TO GET YOUR SHIT DONE.”**

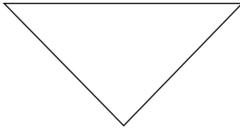
AUSTRALIAN-BASED SAUDI VISUAL ARTIST MS SAFFAA, *THE GUARDIAN*, 30 NOVEMBER 2016

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# TURKEY

## WOMEN'S ARTISTIC FREEDOM IN COLLISION WITH STRICT ISLAMIC VALUES



- \* VIOLATIONS OF ARTISTIC FREEDOM IN TURKEY ARE GROUNDED IN INDECENCY, RELIGION AND TRADITIONS
- \* CONSERVATIVE GROUPS DO NOT HESITATE TO USE VIOLENCE AGAINST WOMEN WHO CHALLENGE TRADITIONAL CUSTOMS
- \* TURKISH PARLIAMENT IMPOSES RESTRICTIONS AGAINST ARTISTIC PERFORMANCES INVOLVING WOMEN

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Over decades, tradition and religion have been used to stifle women and their artistic freedom in Turkey. Because of staunch conservative patriarchal customs, women across different regions and different ethnic origins have been suppressed, regardless of their social status or educational background. Rights guaranteed to women at the time of the founding of the Turkish Republic in 1923 are yet to be realised to a meaningful level. A patriarchal system has also contributed to women abstaining from engaging in the public sphere, including in the arts. Although the majority of cases related to discrimination against women artists over the last couple of years in Turkey illustrate

a pattern of censorship, women artists also suffer forms of gender-specific abuse, including physical, verbal and sexual violence and other forms of persecutions. The pattern of violence is not only instigated by family members or representatives of different traditionalist groups, but in some cases even by conservative state officials and media houses.

In May 2015, teenage Kurdish singer Mutlu Kaya was shot in the head while rehearsing at home after participating in the *Sesi Çok Güzel*—a televised national talent show in Istanbul. Despite serious injuries, the singer survived<sup>123</sup> and became a symbol of violence against women in Turkey. Mutlu Kaya hails from the conservative southeastern rural province of Diyarbakir, where traditional values are strong and particularly enforced on women. Prior to the attack, she had allegedly been receiving multiple death threats for her participation in the national talent show. But it was Mutlu Kaya's ex-boyfriend who carried through with the threat on her life; investigations revealed he felt threatened by her success. On 9 June 2016, he was sentenced to 15 years in jail.<sup>124</sup>

In March 2018, the conservative Turkish Parliament speaker İsmail Kahraman allegedly barred female actresses from taking part in the commemoration of the Gallipoli campaign organised at the Grand

National Assembly of Turkey. Local media reported the decision was made after an emergency meeting held just one hour before the gathering was supposed to start. Although Kahraman denied these allegations, professional artists associations and opposition politicians condemned the decision. "This incident is not acceptable when it comes to gender equality, women's rights or secularism," said Fatma Köse, the head of the women's branch of the main opposition, Republican People's Party, adding that the act was against the constitution.<sup>125</sup> Responding to this decision, on 2 April 2018 around 100 female actresses held a protest on stage at the Kenter Theater in Istanbul. Here, prominent actress Tilbe Saran argued "the ban on female actors that was applied in the parliament, which is supposed to represent the will of the people of Turkey, has been the gravest example of gender discrimination".<sup>126</sup>

Apart from presented cases in which violations were grounded in traditions, the ambivalent concept of indecency applied for male and female artists also undermines women's freedom of expression in Turkey. In January 2018, the music video for the song *Sifir Tolerans* (Zero Tolerance) by Hadise, a Turkish representative at the Eurovision Song Contest in 2009, was banned from several TV stations for being "too erotic". Hadise found this reaction

**“WE STAND IN EVERY AREA OF LIFE AS WOMEN AND WILL CONTINUE TO DO SO. NO MEN, WHATEVER THEIR POLITICAL IDEAS, WILL BE ABLE TO DESTROY THIS FACT. OUR COURAGE ON THE STAGE COMES FROM AFIFE JALE (THE FIRST MUSLIM THEATRE ACTRESS IN TURKEY) AND FROM WOMEN’S 100-YEAR-LONG STRUGGLE... WE’LL ALWAYS UTTER OUR WORDS AND BE ON STAGE. TODAY, WE’LL READ OUT 100 LINES FROM 100 WRITERS.”**

ACTRESS TILBE SARAN, DURING THE PROTEST AT ISTANBUL’S KENTER THEATER, 2 APRIL 2018

disappointing and pointed out the “double standards” between male and female stars. “To think: the love of a woman without boundaries is too erotic, and yet male artists can show a woman as some kind of mannequin and not receive an ‘adult’ stamp!” she tweeted, adding it is hard to fight gender discrimination that has been endured in a country for centuries.<sup>127</sup>

The position of women artists in Turkey is a direct reflection of the treatment of women and level of respect for human rights in general. The fears for rights of women have become pronounced recently under President Recep Tayyip Erdoğan’s regime, which has showed suppression of all forms of dissent and a significant erosion of human rights. He has made statements indicating women are not equal to men due to the role of women in society: “You cannot free women by destroying the notion of family,” he said. “A woman is above all else a mother.”<sup>128</sup>

During Erdoğan’s time in power, a pattern of attacks on women who have been deemed to dress

provocatively have also emerged, which has exacerbated concerns among women’s groups about a possible deterioration of women’s rights. These groups believe that authorities’ statements legitimising prevailing conservative social ideas, in a context in which violence against women is already a major issue,<sup>129</sup> will only serve to strengthen existing patriarchal social and cultural norms. It is these norms, combined with the lack of implementation of existing safeguards and impunity provided to perpetrators that affect women’s participation in the public artistic sphere negatively.

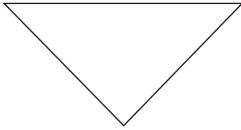
Photographer Eylül Aslan claims that, rather than actual laws preventing her from feeling free in her work, the problem lies in suppression from society. “There are not many female artists to look up to or work with, while women are required to initiate their projects through men, who usually underestimate them,” Aslan told *Freemuse*.<sup>130</sup> These patriarchal customs and values, as well as the political crisis following the attempted coup in 2016, seriously

undermine women’s artistic freedoms. Until the crisis is over and onslaughts on women’s rights stop, women artists will possibly face an increasing backlash against their work.

Overcoming this situation necessitates engagement of both state and non-state actors. Consistent implementation of international standards, which have been incorporated in Turkey’s legislation, needs to go hand-in-hand with changes of people’s mentality. Visual artist Ekin Onat believes Turkey needs quality education in the field of arts, including training for secular and modern teachers.<sup>131</sup> Only joint efforts invested by different stakeholders can result in an advanced position of women artists who are fighting against deeply rooted Islamic values.

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# RECOMMENDATIONS



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Freemuse is addressing the following recommendations to governments, statutory bodies, the United Nations and its relevant bodies, and non-state actors (including religious groups and civil society organisations). Acknowledging the universality and indivisibility of human rights and the requirement of the state to address the full range of women's human rights, these recommendations seek to address the particular needs of women artists. Freemuse hopes these recommendations will be discussed for implementation, particularly in a context in which violations against women artists—especially at the hands of non-state actors—are on the rise.

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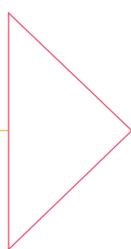
## A. To all states

### Legislative and policy measures

1. Women should be treated equally under the law. States should abolish and amend legislation, executive orders, and by-laws that prohibit and restrict women from taking part in all dimensions of cultural life, including provisions prohibiting women from playing musical instruments and performing different art forms.
2. Women and women artists and all those engaged in artistic activities should only be subject to general laws that apply to all people. These laws should be formulated with sufficient precision and in accordance with international human rights standards. They should 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.
3. Freemuse supports the recommendation of the UN Special Rapporteur in the field of cultural rights in 2013 to the Human Rights Council calling upon all governments to critically review their legislation and practices imposing restrictions on the right to freedom of artistic expression and creativity, taking into consideration relevant international human rights law provisions and in cooperation with representatives of independent associations of artists and human rights organisations. Special attention to women and women artists should be considered in this exercise.
  4. States should adopt legislation and regulations to strengthen the protection and promotion of women's right to participate in

- all dimensions of cultural life in accordance with international human rights standards.
5. The full array of states' obligations to respect, protect and fulfil the right of every person to freedom of artistic expression and creativity including women and women artists should be taken as the core driver of all developments of law, policy and measures related to freedom of artistic expression and creativity.
  6. Freemuse recalls the recommendations of the UN Special Rapporteur in the field of cultural rights that the government, law enforcement officers and administration of justice, including judges, should take into consideration the nature of artistic creativity, 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.

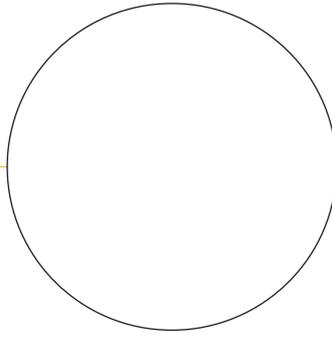
7. Governments should abolish censorship boards and their prior censorship mandate. Freemuse supports the call of the UN Special Rapporteur in the field of cultural rights that states should abolish prior-censorship bodies or systems where they exist and use subsequent imposition of liability only when necessary under article 19 (3) and 20 of the International Covenant on Civil and Political Rights. 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.
8. Governments at all levels are under legal obligation—through UN treaties and national constitutions—to understand how women’s rights and freedom of artistic expression are impeded legally and socially. After understanding this, states should develop programmes of actions to fulfil its responsibility, taking into consideration their national political, traditional and religious contexts with a view to fully realise

women’s rights to artistic freedom and creativity:

- \* Develop measures and programmes of action to defend and protect those women artists who choose to defend human rights.
- \* Develop programmes to increase dialogue, tolerance and appreciation of gender, ethnic, religious and cultural diversity. These programmes should be carried out in connection with clear policy measures to mitigate any fear associated with speaking openly and promote free and open environments where women artists can express their views in all art forms.
- \* Provide funds and support measures to enable all women to take part in cultural life, including arts education, training, system support and professional development with a view to address under-representation of women in the arts and culture industry.
- \* Develop programmes to create awareness and put in place effective measures to prevent women artists from any form of sexual harassment.
- \* Develop programmes of action in connection with the enforcement of the provisions outlined in the UN Sustainable Development Goal 5.

## Protection from non-state actors

9. States should abide by their obligation to protect women artists and all persons participating in artistic activities or dissemination of artistic expression and creation from violence by third parties and non-state actors. States should ensure women artists and all taking part in artistic freedom have access to effective administration of justice, including prompt and thorough investigation and prosecution of alleged acts of violence against women and violations of artistic freedom in accordance with international standards.
10. Take steps to ensure that directories of governmental and non-governmental services available to women who have been subjected to violence are developed and information distributed to police stations and courts, as well as to hospitals and other health care facilities.
11. Governments should ensure that religious bodies—traditional and informal authorities—do not restrict women’s right to freedom of artistic expression, and encourage tolerance to women’s expression and respect women’s right to freedom of artistic expression and creativity.



**12.** Governments should smartly regulate and put in place accountability mechanisms to govern syndicates and professional artist organisations so that they neither restrict women’s artistic freedom nor punish women artists arbitrarily. Governments should ensure that these organisations are strongly encouraged to adopt human rights principles to guide their internal policies on how they govern artist members. Check and balance mechanisms should be put in place so that women artists can submit complaints and receive reparations in a fair, impartial and effective manner based on principles of equality and no discrimination.

### **Ratification and implementation of international instruments**

**13.** States should ratify and implement the following international human rights instruments so that they can strengthen their promotion and protection of women rights to artistic expression and creativity:

- \* Ratify and fully implement the UN Convention on the Elimination of all Forms of Discrimination against Women and its Optional Protocol, without reservations.
- \* Ratify and fully implement the International Covenant on Civil and Political Rights and

its Optional Protocol, without reservations.

- \* Ratify and fully implement the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, without reservations.
- \* Ratify and fully implement the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
- \* States should fully implement the 1980 UNESCO Recommendation Concerning the Status of the Artist.

## **B. To national human rights institutions and non-governmental organisations**

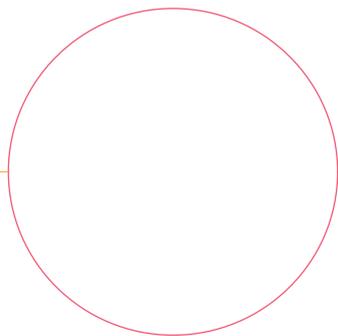
1. Allocate resources to effectively monitor and document more systematically violations of the right to freedom of artistic expression and creativity, taking into consideration discrimination and bias against women and women artists.
2. Actively engage in policy dialogues with national governments at

different levels, focusing on offering concrete and actionable solutions to women’s engagement, access and equality in the arts.

3. Submit their findings to relevant national, regional and international bodies.
4. Support artists at risk in a non-discriminatory manner under humanitarian principles regarding temporary or permanent relocation to a different country through residency.

## **C. To the UN and regional organisations**

1. Assist governments to enact and amend legislations so that they are in accordance with international human rights standards; and assist governments to develop action plans to actively promote and protect women’s freedom of artistic expression and to set up mechanisms to monitor their implementation.
2. UN and regional inter-governmental agencies should make available interactive and user-friendly complaint mechanisms for women artists and all who take part in cultural



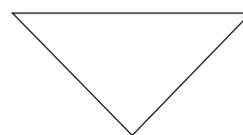
and creative activities through the UN Special Rapporteurs on cultural rights and violence against women. Such mechanisms should be time-sensitive in cases of urgency. They should meaningfully lead and provide access to security and justice to women and women artists at risk and be created in a simple and accessible way.

3. UN and regional inter-governmental agencies should actively document women's rights and how their access to artistic freedom and creativity is curtailed. This could be done in partnership with civil society organisations in the field. This monitoring should help provide activists with research about how women artists' rights are undermined in order to identify patterns of violations. This evidence should be used to identify concrete interventions that can bring about changes to the lives of women and women artists.
4. UN and regional inter-governmental agencies should develop programmes to support artists at risk including residency programmes, paying specific attention to women and women artists that require temporary or permanent relocation to another country.
5. UN and regional inter-governmental agencies should support governments to develop

public awareness campaigns to challenge negative attitudes towards women taking part in artistic and creative activities.

6. UN and regional inter-governmental agencies should assist governments to help them develop curricula for primary and secondary school children that promote gender equality, freedom of expression and non-discrimination practices, and to train teachers to ensure non-discriminatory approaches to education.
7. UN and regional inter-governmental agencies should make available systematic platforms for civil society to meaningfully participate, contribute and engage in policy dialogue.

8. UN and regional inter-governmental agencies should provide analysis and best practices of social transformation from traditional, religious and societal practices that discriminate and bias against girls and women to ones that respect equality and non-discrimination and encourage girls and women to take part in all dimensions of cultural life. Best practices in using alternative measures to censorship and other violations of artistic freedom should also be identified and shared among relevant governments.



**“WHEN A MAN DOES IT (PORTRAYS RAWNESS IN ART) I THINK IT’S CONSIDERED OK AND COOL BECAUSE HE’S A MAN, BECAUSE MEN CAN BE SEEN AS BEING STRONG AND ROUGH, BUT WHEN A WOMAN DOES IT, A WOMAN’S NOT SUPPOSED TO BE SEEN AS THAT, SHE IS SUPPOSED TO BE SEEN AS BEAUTIFUL AND KIND AND CARING AND GENTLE AND SOFT, AND SO SHOULD HER WORK. SO I THINK IT DOES UPSET PEOPLE WHEN THE WORK COMES OUT THE OPPOSITE, BECAUSE THEY’RE NOT DOING WHAT THEY’RE SUPPOSED TO DO.”**

SOUTH AFRICAN ARTIST ALKA DASS, *FREEMUSE* INTERVIEW, 3 AUGUST 2018

# ENDNOTES:

## CHAPTER 2

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## People interviewed for this report:

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Freemuse is an independent international organisation advocating for and **defending freedom of artistic expression**.

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Working with partners, artists and activists in the global south and north, we **campaign for and support** individual artists, focusing on women artists and other vulnerable groups of artists. We facilitate and grow locally-owned **national coalitions** in their campaigns and capacity building to monitor and defend artistic freedom.

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