Freedom of Artistic Expression in Europe

Artistic freedom is crucial in enabling the space for open and fearless debate in democratic societies. States carry the legal responsibility to respect, protect and fulfil obligations to artistic freedom: a responsibility that needs to be fully implemented to guarantee artistic freedom.

380 cases of violations of artistic freedom documented from January 2018 to October 2019 in 28 European countries (including 16 EU Member States)

State authorities play the most dominant role in the suppression of artistic creativity within the region (72% of the registered cases).

Five Key Challenges

I. Governments target artists under existing anti-terrorism laws to silence dissent. Artists are prosecuted on the grounds of “praising” or “glorifying” terrorism.

II. Artistic expression is censored to protect religious feelings, values and norms. Artists are prosecuted under blasphemy laws.

III. Artists are prosecuted and censored for artword considered to insult heads of states, royalty, flags and national emblems.

IV. Undue influence by governments who take administrative control of national museums and cultural institutions to favour nationalistic or pro-government messages.

V. LGBTI artists and artworks are targeted due to perceived threats to “traditional family values” - especially “anti-homosexuality propaganda” laws are used against creative expressions with LGBTI content.

Artistic Freedom in Numbers

31 IMPRISONED

50 DETAINED

21 PROSECUTED

20 THREATENED/HARASSED

9 TRAVEL BANS
Recommendations

- National legislation must be brought in line with international obligations under Article 19 of the ICCPR, Article 10 of the ECHR and other instruments.
- The EU should promote the respect of freedom of expression in all its forms, including artistic expression and develop appropriate instruments at EU level whereby artistic freedom can be monitored and assessed as one of the legitimate indicators of democratic and cultural health.
- Existing EU-funded monitoring schemes on media freedom and pluralism should be expanded to include artistic freedom.
- The EU should establish an EU mechanism on democracy, the rule of law and fundamental rights, that upholds the right to freedom of expression in all its forms, including artistic freedom.
- The EU should establish and fund a reporting mechanism through which artists can report violations of their fundamental rights and receive support for their legal assistance.
- The Creative Europe Programme should include artistic freedom as a priority and in its objectives.