

THE STATE OF ARTISTIC FREEDOM **2022**



FREEMUSE
DEFENDING ARTISTIC FREEDOM

Freemuse (freemuse.org) is an independent international non-governmental organisation advocating for freedom of artistic expression and cultural diversity. Freemuse has United Nations Special Consultative Status to the Economic and Social Council (UN-ECOSOC) and Consultative Status with UNESCO.

Freemuse operates within an international human rights and legal framework which upholds the principles of accountability, participation, equality, non-discrimination and cultural diversity. We document violations of artistic freedom and leverage evidence-based advocacy at international, regional and national levels for better protection of all people, including those at risk. We promote safe and enabling environments for artistic creativity and recognise the value that art and culture bring to society. Working with artists, art and cultural organisations, activists and partners in the global south and north, we campaign for and support individual artists with a focus on artists targeted for their gender, race or sexual orientation. We initiate, grow and support locally owned networks of artists and cultural workers so their voices can be heard and their capacity to monitor and defend artistic freedom is strengthened.

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Freemuse thanks those who spoke to us for this report, especially the artists who took risks to take part in this research. We also thank everyone who stands up for the human right to artistic freedom.

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 February 2021.

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"Imagine what the world would miss if there were no artists, actors, musicians, or painters, no comedy, cartoons, or satire. How can we shape new narratives, explore new ideas and discover new perspectives if those who dare to express themselves differently are suppressed? Without freedom to create, we cannot ensure that diverse expressions are heard, seen, enjoyed and appreciated by all. Creativity nurtures diversity. It is the essence of freedom, not only of the individual but also of democratic, inclusive societies."

Irene Khan, UN Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression¹



F R E E M U S E
DEFENDING ARTISTIC FREEDOM

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AN OVERVIEW OF ARTISTIC FREEDOM IN 2021: A YEAR OF CONFLICT

2021 was a year of violence and tragedy of an extent not recently seen, marked by events such as the coup in Myanmar in February, and the Taliban takeover in Afghanistan in August with an ensuing deterioration of rights.

The state of freedom of expression globally was considered by rights monitors to be at its lowest point in recent years, such as Article 19 which in its 2020 report noted that: The global state of freedom of expression continues to deteriorate and is now at its lowest score in a decade². In 2021 this trend persisted.

Long-standing conflicts such as in Yemen continued, while alongside there was the eruption of new ones bringing violence and human rights abuses across the world as seen in Myanmar and Ethiopia. Protests were suppressed, at times brutally, notably in Colombia, Nicaragua, in post-coup Myanmar, Cuba and Belarus. These negative trends compounded existing long-term patterns of abuse of freedom of expression in countries where it had been systematically suppressed for decades including in China, Iran, Turkey, and Egypt. The COVID-19 pandemic entering its second year, added to this grim landscape with continuing loss of lives, economies battered, and public spaces shut down. Restrictions imposed at the start of the virus outbreak in 2020 continued to negatively impact public discussion and scrutiny of government decisions in 2021³.

Artists and cultural workers were in the midst of this turmoil, chronicling events around them, taking part in protests, and all too often becoming targets of repression.

It is at times such as these, that artistic freedom becomes crucial. As the Council of Europe's Manifesto on the Freedom of Expression of the Arts and Culture in the Digital Age notes:

“With democracy under great pressure, the key role of arts and culture as powerful means for maintaining constructive dialogue in democratic and open societies becomes ever more evident. The right to freedom of artistic expression is a key to this and ensures the pluralism and vitality of the democratic process.” Council of Europe Manifesto on the Freedom of Expression of the Arts and Culture in the Digital Age⁵.



Mural reprinted in Turin, Italy

Also, in these times of conflict, everyone could turn to artistic expression for comfort, as expressed by a Yemeni singer when referring to a colleague's arrest, "he loves art and makes people happy in these circumstances and amid the tragic situation [in the country]."

State of Artistic Freedom in numbers

The Freemuse State of Artistic Freedom Report 2022 shows the extent of attacks on artists and creative freedom in 2021 in numbers and infographics that illustrate the stark reality of the struggle for this right. They show the numbers of artists reported killed, imprisoned, brought to trial, attacked, and subjected to other forms of persecution. There is also a breakdown by region and by sector – music, film, and other art forms.

Data for this report was collected from international, national, and local media, as well as freedom of expression and human rights monitors. Freemuse’s team of regional officers also gathered information, following up directly with those who had experienced attacks, as well as with their families and supporters. Observations gathered from interviews with some of these individuals are included in this report.

The landscape of oppression is illustrated by the more than 1,200 violations of artistic freedom worldwide documented by Freemuse in 2021. Among them is a record number of 39 artists who were reportedly killed that year. More than 500 artists faced legal consequences for challenging the authorities, public figures, and religious and traditional values. In one third of all documented cases of prosecution and imprisonment, artists suffered reprisals because of their engagement in, and comments on, peaceful protests. Others were subject to attacks by mobs and individuals. Half of all artists recorded as detained in 2021 were held for expressing their views about political and social issues both offline and online, while the rest were targeted for the content of their artistic work. As in previous years, these records show that music was the most suppressed artform, followed by visual art and film. Political authorities and government-led bodies remained the major violators of artistic freedom, while non-state groups, such as militias, criminal gangs and mobs threatened and attacked artworks, using intimidation and at times violence.

Killings

There were 39 recorded murders of artists in 2021, the highest reported by Freemuse in recent years. Most occurred during public rallies that were met with police brutality. Eleven of these took place in Colombia, where artists were among the scores of protesters killed and injured during demonstrations against economic inequality⁴. In Myanmar three artists involved in the opposition movement protesting the military crackdown early in the year were killed. Elsewhere others were directly targeted because they were artists, as was the case in the ten killings in Afghanistan after the Taliban retook control in August.

Artists on the frontline

Note: When considering artists detained during widespread protests, Freemuse includes in its analysis cases of artists who used their artistic expression to embolden demonstrators, (say for example, musicians or visual artists leading or animating protests in Belarus); but it also includes those who were taking part in demonstrations as part of the general public, and were targeted as part of a broader crackdown on the protest movement.

Artists and cultural workers have played a central role in confronting oppression in countries where expression is censored, such as in Cuba where 67 were arbitrarily detained or sentenced to prison terms for taking part in anti-government protests. Similarly in Belarus, a further 49 had their freedom curtailed in 2021 for their role in the opposition movement. Artists who take part in rallies are easily identified as targets when they use their creativity to articulate and broadcast the protest message, be it through music, street performance or public art. Those with a high public profile are vulnerable to being singled out and their targeting can act as a deterrent to their fans and followers, contributing to, or encouraging, self-censorship.

The new crises that emerged in 2021 have tended to overshadow other often decades-long instances of suppression of freedom of expression and artistic freedom. In countries such as Iran, Turkey, China, Egypt, and Russia artists have been imprisoned, sometimes for years, and others have suffered unrelenting suppression.

Pandemic restraints continue

In this second year of the COVID-19 pandemic, Freemuse recorded 39 artists arrested, prosecuted, imprisoned, and fined for criticising the authorities' response to the health crisis. Some governments continued to impose restrictions on public events and cultural activities. These restrictions which were applied originally to slow down the spreading of the virus, remained in place in some cases to curtail gatherings at which participants expressed dissent against the authorities or to enforce traditional values.

Women, LGBTI community, and minorities under attack

Traditionalism and conservatism alongside the rise of populism in recent years has had a negative impact globally on the ability to create art on issues around LGBTI, women's rights, religion, and other works challenging traditional norms. Particularly vulnerable are women, members of the LGBTI community and artists of a minority ethnic background, who often face limited opportunities to express themselves through art and culture, and to participate in cultural life.

Feminist art and artists came under attack in 2021, and this included works exploring issues such as sexual health that were brought to trial for 'obscenity' and attempts to remove public art celebrating women's achievement. Freemuse recorded at least 17 women artists who faced legal consequences because of their creative activities, with work that was often deemed 'indecent'.

Furthermore, 32 persons were similarly arrested and nine sentenced to prison terms or fines on the grounds of their sexual orientation and gender identity and expression, or because of LGBTI-themed artistic expressions.



Lady from Yemen

Online threats

Digital technologies, notably social media platforms, are vital for artists to promote their work. They are also used to circumvent censorship in countries where physical displays and performances are banned or attacked. Digital surveillance by governments has led to penalties against artists, and there is backlash from other online users reacting to expressions dealing with gender, trans-gender and homophobia, immigration, antisemitism, and challenges to religion, among other topics. Female artists are especially targeted online, suffering misogynistic threats and abuse especially for works exploring sexuality and inequality. Freemuse notes that censorship in the online space amounts to one fifth of all violations documented in 2021. In total, it recorded 94 artists who were prosecuted under digital security laws for posting commentaries and dissenting voices on social media.

The data challenge

It should be noted that monitoring and documenting the state of artistic freedom is still at an evolutionary stage, and coverage is not consistent. This is particularly so in authoritarian states where freedom of expression is suppressed, conflict areas where whole communities are living under dire threat, and in regions where communications are poor.

Added to this challenge is that threats to artistic freedom are frequently ‘under the radar’ and escape the attention of rights monitors. There are situations where there may be no direct bans but there exists a self-censorship reflex responding to fears of losing grants, nominations for awards, access to performance space, etc. Physical threat by non-government actors, media smears, and a social media backlash can also impact an artist’s capacity to continue their work, as they may have to think twice before dealing with topics that may bring a negative response.

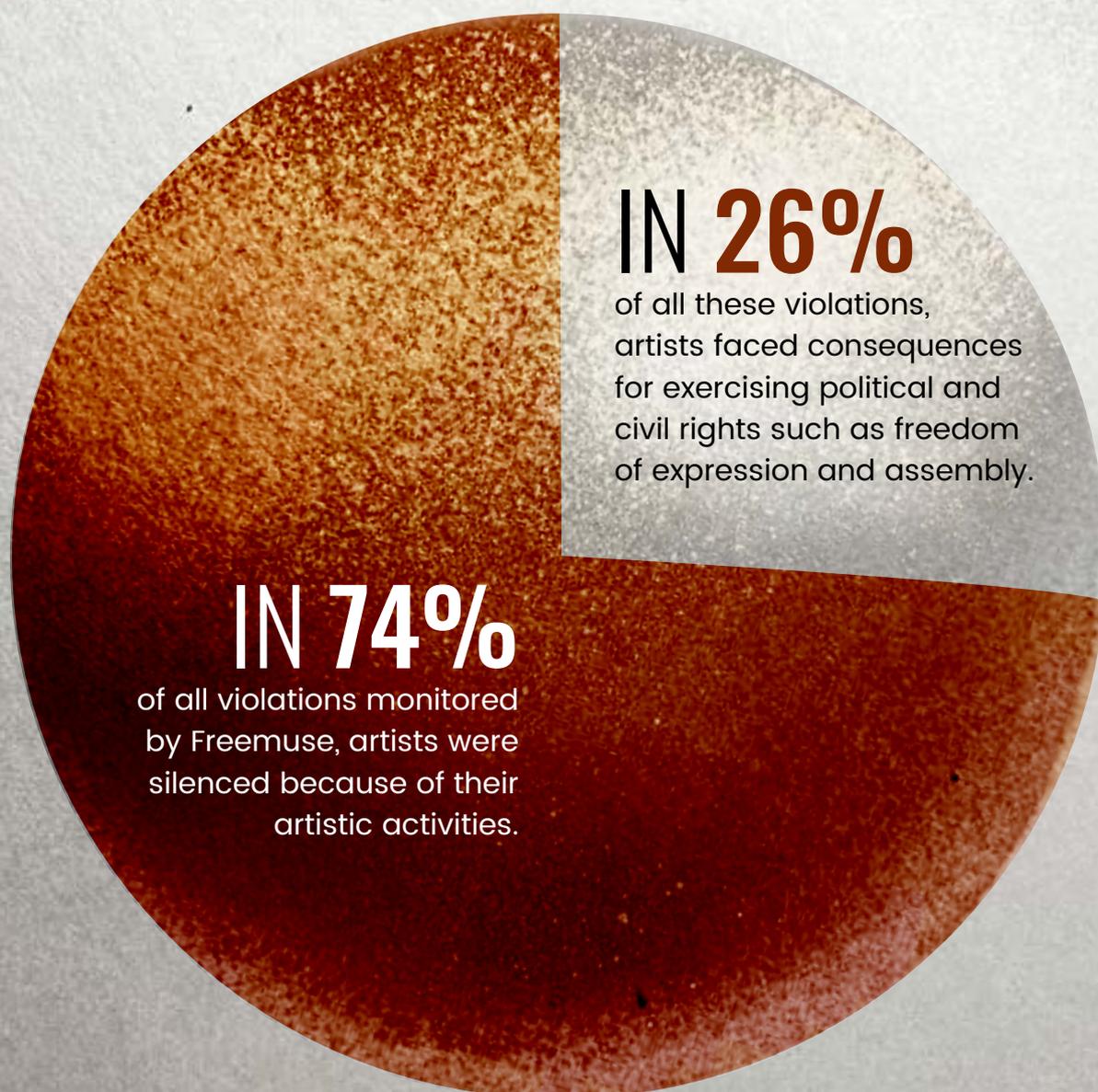
Therefore, the nature of censorship and repression of freedom of expression is that it is impossible to have a complete picture of the extent of the problem. These figures should be seen as an overview, or a ‘temperature gauge’ of the state of artistic freedom today, what the main threats are, where they occur and in which sectors. Comparing figures from one year to another may also serve as an indication of any emerging trends, alerting the international community to where particular assistance for artists may be required.



GLOBAL STATE OF ARTISTIC FREEDOM IN 2021: **THE BIG PICTURE**

Freemuse examined 1251 **acts of violation against artistic freedom** in 103 countries and in the online space in 2021.

The oppression of artists' voices has not stopped in the second COVID-19 pandemic year which has seen disproportional restrictions on cultural activities.



KILLED

38 artists in 12 countries
11 Colombia, **8** Mexico, **7** Afghanistan, **3** Myanmar/Burma
2 in each Brazil and USA
1 in each Chile, Ghana, Lebanon, South Africa and Trinidad and Tobago

IMPRISONED

119 artists in 24 countries

DETAINED

253 artists in 38 countries

PROSECUTED

133 artists in 34 countries

ABDUCTED

3 artists in 3 countries; Afghanistan, Libya, Rwanda

ATTACKED

24 artists and events in 18 countries

PERSECUTED

138 acts of persecution in 43 countries

THREATENED/ HARRASSED

75 artists in 34 countries and online

ART DESTROYED/ DAMAGED

127 artworks and venues in 33 countries

TRAVEL BAN

13 artists in 4 countries

SANCTIONED/ FINED

31 artists in 12 countries

BLANKET BAN

10 artists in 7 countries

CENSORED

287 acts of censorship in 57 countries and online

31%
MUSIC

385 documented cases in 58 countries and online

24%
VISUAL ART

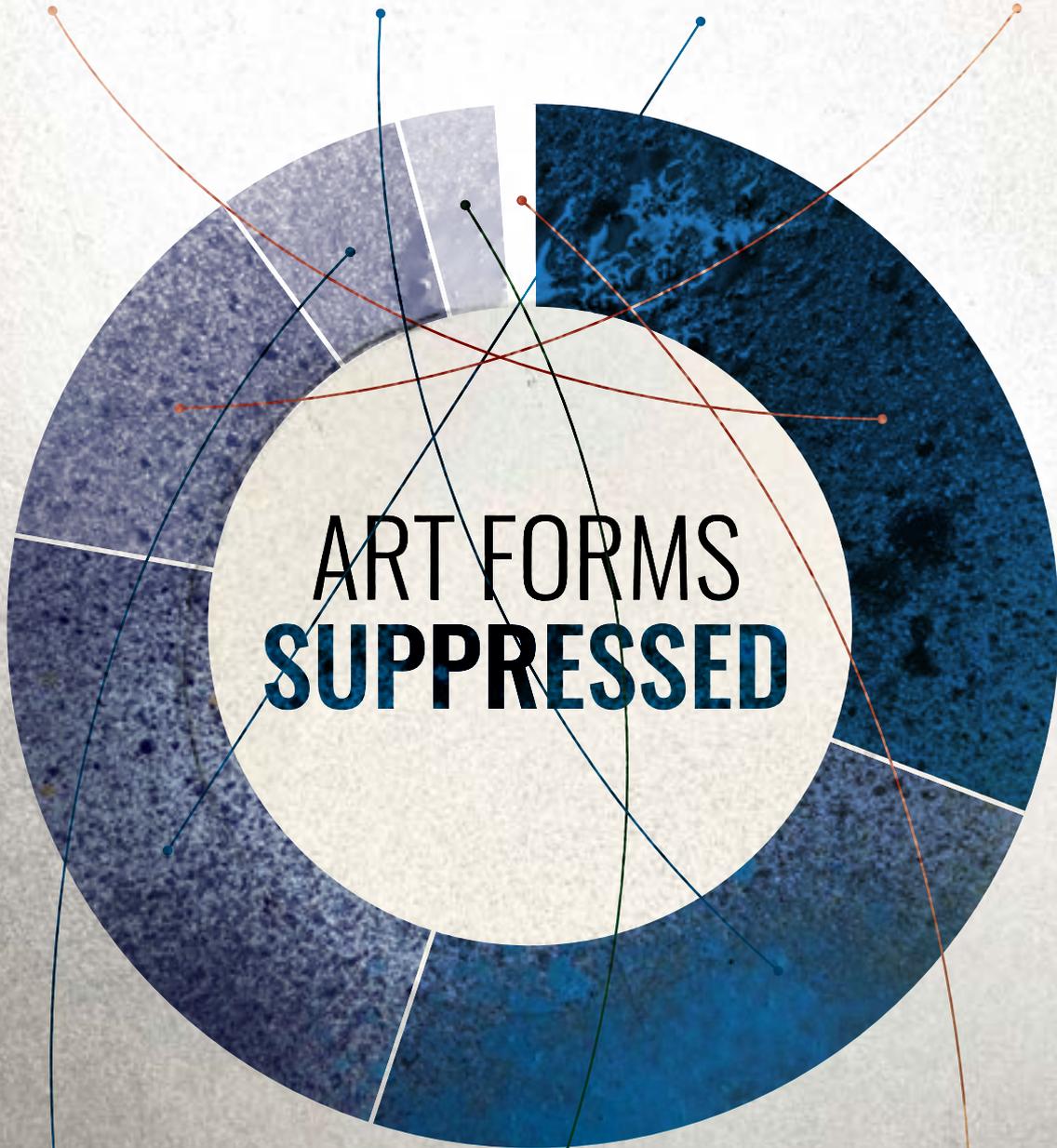
303 documented cases in 59 countries and online

23%
FILM

285 documented cases in 51 countries and online

12%
LITERATURE

151 documented cases in 48 countries and online



6%
THEATRE

79 documented cases in 23 countries and online

3%
MULTIPLE FORMS OF ART

37 documented cases in 17 countries and online

1%
DANCE

9 documented cases in 8 countries

32% EUROPE

402 acts of violations in 28 countries. *Key countries:* 160 Turkey, 61 Russia, 56 Belarus, 41 France, 16 Ukraine, 13 UK, 12 Serbia

24% NORTH & SOUTH AMERICA

293 acts of violations in 15 countries. *Key countries:* 106 Cuba, 68 USA, 34 Brazil, 20 Colombia, 19 Argentina, 19 Mexico

17% MIDDLE EAST & NORTH AFRICA

212 acts of violations in 19 countries. *Key countries:* 38 Egypt, 37 Jordan, 33 Israel/Palestine, 18 Yemen, 16 Iran, 13 Lebanon



VIOLATIONS BY REGIONS

In 2021 restrictions of artistic freedom took place in all world regions

16% ASIA & PACIFIC

203 acts of violations in 22 countries. *Key countries:* 44 Myanmar/Burma, 42 India, 34 China, 17 Hong Kong, 14 Bangladesh, 14 Afghanistan, 10 Malaysia

7% AFRICA

Key countries: 90 acts of violations in 19 countries: 25 Nigeria, 10 Senegal, 9 Ghana, 9 Kenya

4% ONLINE

51 acts of violations

ARTISTS **IMPRISONED** IN 2021: 119 ARTISTS IN 24 COUNTRIES

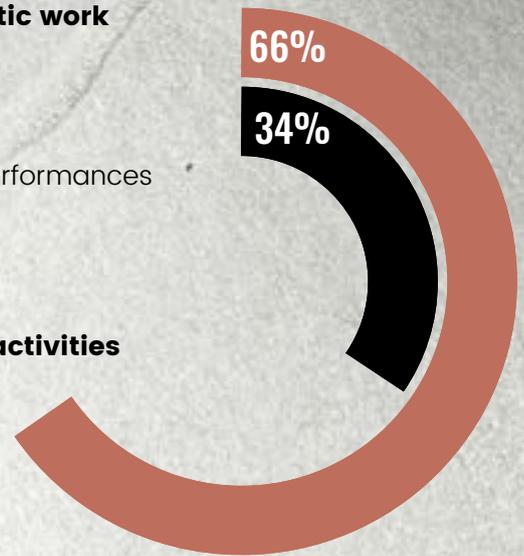
25 BELARUS	19 TURKEY	16 RUSSIA	10 MYANMAR/ BURMA	8 CHINA	8 CUBA	6 IRAN	5 EGYPT
3 YEMEN	2 ALGERIA	2 CAMBODIA	2 SENEGAL	2 TUNISIA	1 ARGENTINA	1 CONGO	1 CÔTE D'IVOIRE
1 GHANA	1 KAZAKHSTAN	1 MOROCCO	1 NIGERIA	1 NORTH KOREA	1 SAUDI ARABIA	1 SPAIN	1 TURKMENISTAN

66% of artists were imprisoned because of their artistic work

- criticising government policies and practices
- hearting religious sentiments
- inciting immorality
- violating laws on public gatherings by staging protest performances
- apology of terrorism
- encouraging the use of psychoactive substances

34% of artists were imprisoned for their non-artistic activities

- participating in anti-government protests
- criticising government's response to COVID-19 pandemic
- spreading false information in digital space
- insulting a head of state
- membership in a terrorist organisation



IMPRISONED ARTISTS BY ARTFORM

- 49 **musicians**
- 19 **poets and writers**
- 18 **visual artists**
- 16 **actors, and filmmakers**
- 13 **theatre actors, and directors**
- 3 **dancers**
- 1 **multiple forms of art**

IMPRISONED ARTISTS BY REGIONS

- 61 **in Europe**
- 23 **in Asia & Pacific**
- 20 **in Middle East & North Africa**
- 9 **in North & South America**
- 6 **in Africa**

ARTISTS' WELLBEING IN PRISONS

“Artists in Belarusian prisons may face many inconveniences. If they contract COVID-19, it is questionable what medical help they will receive. The lights are turned on all the time, so they have problems with sleep and their eyes. They do not get any daylight. They can read books, but only those from the prison library. They are not allowed to get books from relatives or friends. ... If they don't get any information, they feel unwell. Just try to imagine what it means to sit in a cell with four people and have nothing to do.”

JULIA CIMAFIEJEVA, FREEMUSE INTERVIEW, 21 SEPTEMBER 2021

EXAMPLES

Congolese musician **Idengo Delcato** was sentenced to ten years in prison for ‘inciting violence against the security forces’ through a video featuring his song *Effacer le tableau*.

Cambodian rapper **Kea Sokun** received 18-month prison sentence for ‘incitement to commit a felony or cause social unrest’ because of his song *Dey Khmer*, a commentary on Cambodian–Vietnamese relations.

Kurdish poet and fiction writer **Yilmaz Odabaşı** was sentenced to 11 months and 20 days of imprisonment for ‘insulting the president’ through his Twitter posts about the 2018 elections in Turkey.

Cuban visual artist **Osmani Pardo Guerra** was sentenced in a summary trial to one year of home detention for ‘resisting the authorities’ while being arrested in March for listening to the protest song *Patria y Vida* in his home.



Uyghur poet and writer **Haji Mirzahid Kerimi** died in prison while serving 11-year sentence served against him for his books and poems which Chinese authorities deemed ‘problematic’.

CREDIT: DARMAN FOUNDATION
ON FACEBOOK.

ARTISTS PROSECUTED IN 2021: 133 ARTISTS IN 34 COUNTRIES

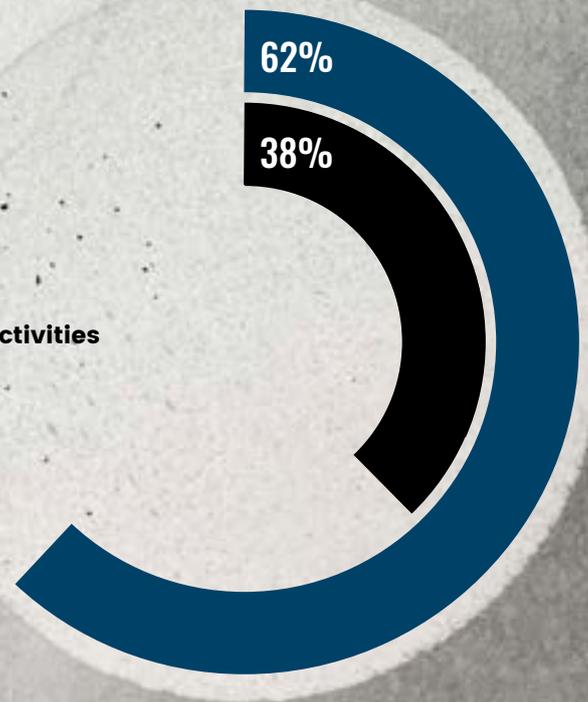
49 TURKEY	7 CUBA	7 INDIA	6 RUSSIA	6 SENEGAL	5 BANGLADESH	5 HONG KONG	4 MYANMAR/ BURMA	4 POLAND
4 UGANDA	3 BRAZIL	3 LEBANON	3 VENEZUELA	2 BELARUS	2 CHINA	2 FRANCE	2 IRAN	2 NIGERIA
2 SOUTH AFRICA	1 ALGERIA	1 COMOROS	1 CONGO	1 EGYPT	1 IRELAND	1 JORDAN	1 KUWAIT	1 MALAYSIA
1 MALI	1 PALESTINE	1 SAUDI ARABIA	1 SRI LANKA	1 SWEDEN	1 YEMEN	1 ZIMBABWE		

62% of artists were prosecuted because of their artistic work

- insulting public officials through satire
- 'glorifying' weapons
- inciting immorality
- encouraging the use of narcotics
- blasphemy
- spreading fake news through cartoons
- apology of terrorism

38% of artists were prosecuted for their non-artistic activities

- spreading immorality on social media
- contempt against the authorities
- countering COVID-19 lockdown measures
- spreading false news, including about COVID-19
- insulting a head of state
- membership in a terrorist organisation
- undermining the prestige of the state
- provoking public to hatred and hostility
- participating in unauthorised protests



PROSECUTED ARTISTS BY ARTFORMS

33 **musicians**
 28 **screen actors and filmmakers**
 27 **poets and writers**
 26 **visual artists**
 14 **theatre actors and directors**
 4 **interdisciplinary artists**
 1 **dancer**

PROSECUTED ARTISTS BY REGIONS

65 **in Europe**
 25 **in Asia & Pacific**
 18 **in Africa**
 13 **in North & South America**
 12 **in Middle East & North Africa**

TURKEY PROSECUTED MORE ARTISTS THAN ANY OTHER COUNTRY IN 2021

49 artists were prosecuted: 31 for their artistic activities and 18 for their political activism and social media posts

34 artists were prosecuted on political grounds: 21 for terrorism and 13 for defamation of public officials

EXAMPLES

The criminal case against associates of the Charlie Hebdo magazine – Julin Serignac, Gerard Biard, Laurent Sourisseau, and cartoonist Alice Petit – started in Ankara *in absentia*. The case was initiated by the Turkish President who deemed a cartoon image of him published in the magazine in 2020 defamatory.

Four organisers of the Brazilian Facada Fest and illustrator Paulo Victor Magno were charged with defamation and inciting crime for two posters for the festival's 2019 edition depicting President Bolsonaro in a negative light.

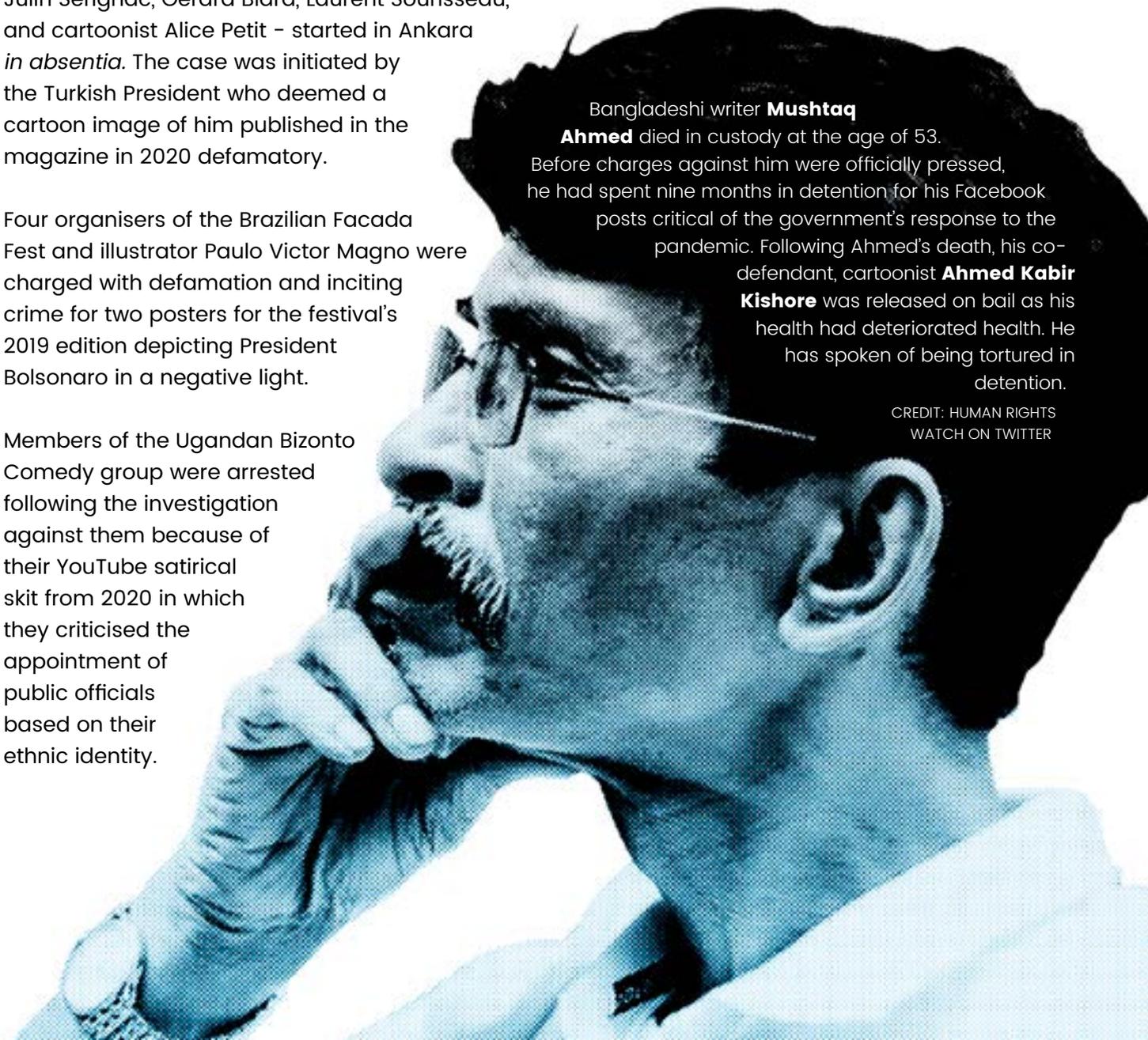
Members of the Ugandan Bizonto Comedy group were arrested following the investigation against them because of their YouTube satirical skit from 2020 in which they criticised the appointment of public officials based on their ethnic identity.

Bangladeshi writer **Mushtaq**

Ahmed died in custody at the age of 53.

Before charges against him were officially pressed, he had spent nine months in detention for his Facebook posts critical of the government's response to the pandemic. Following Ahmed's death, his co-defendant, cartoonist **Ahmed Kabir Kishore** was released on bail as his health had deteriorated. He has spoken of being tortured in detention.

CREDIT: HUMAN RIGHTS
WATCH ON TWITTER



ARTISTS **DETAINED** IN 2021: *253 ARTISTS IN 38 COUNTRIES*

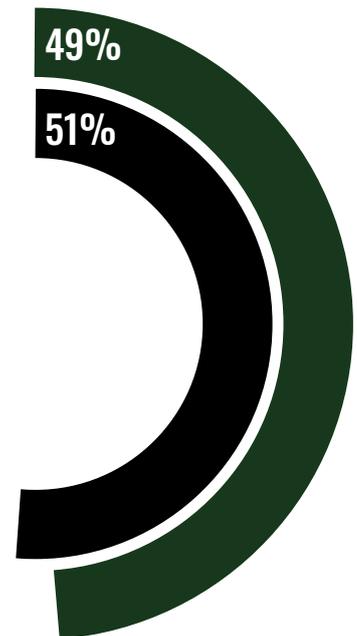
59 CUBA	30 JORDAN	26 MYANMAR/ BURMA	24 BELARUS	20 TURKEY	12 ISRAEL/ PALESTINE	9 NIGERIA	8 YEMEN	7 EGYPT	6 GHANA
5 INDIA	5 IRAN	4 CHINA	4 PALESTINE	3 FRANCE	3 KUWAIT	3 RUSSIA	2 QATAR	2 SAUDI ARABIA	2 TANZANIA
2 THAILAND	1 ALGERIA	1 ARGENTINA	1 BANGLADESH	1 BOTSWANA	1 COLOMBIA	1 HAITI	1 HONG KONG	1 HUNGARY	1 KAZAKHSTAN
1 KENYA	1 LEBANON	1 MALAYSIA	1 PAKISTAN	1 SENEGAL	1 SOMALILAND	1 SOUTH SUDAN	1 SYRIA		

49% of artists were arrested because of their artistic work

- performing without mandatory government approval
- performing at weddings
- insulting public officials
- provoking someone to break public peace
- inciting immorality
- using state symbols in a way deemed inappropriate
- producing blasphemous and work likely to incite violence

51% of artists were arrested for their non-artistic activities

- staging and taking part in protests
- inciting children to commit suicide
- insulting public officials
- posting defamatory content online
- inciting riots and disobedience towards authorities
- participating in pro-LGBTI public gatherings
- making propaganda for a terrorist organisation



DETAINED ARTISTS BY ARTFORMS

- 103 **musicians**
- 62 **actors and filmmakers**
- 32 **poets and writers**
- 31 **visual artists**
- 12 **theatre actors and directors**
- 12 **multiple artforms**
- 1 **dancer**

DETAINED ARTISTS BY REGIONS

- 76 **in Middle East & North Africa**
- 62 **in North & South America**
- 51 **in Europe**
- 42 **in Asia & Pacific**
- 22 **in Africa**

PROTESTS WHICH PUT ARTISTS BEHIND BARS

- Farmers protests in India
- 11 July protests in Cuba
- 2020 post-election protests in Belarus
- EndSARS protests in Nigeria
- Palestinian protests against Israeli military operations following the May crisis
- Anti-military-junta protests in Myanmar
- Protests in support of the Russian opposition leader Alexei Navalny
- Protests against ESMAD security officers' brutality in Columbia
- #FixMyCountry protests in Ghana.

TORTURE IN PRISONS

The junta in Myanmar broadcasts a lot of images of torture in detention on its propaganda networks. They want to create a climate of fear and intimidate youth by the public display of torture. We can say that most of the 13,171 detainees [including dancer and choreographer Ma Khin Nyein Thu] since the coup would be mentally and/or physically tortured. The military does this for three reasons: as a revenge against those protesting the junta, to extract information about others to arrest and finally, interrogators torture to get forced confessions.

ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS, FREEMUSE INTERVIEW (ONLINE), 11 APRIL 2022.

EXAMPLES

Tanzanian musician Vitali Maembe was arrested for 'abusing the government and its leaders' through his song *Kaizari* in which he expressed discontent about the socio-economic status of Tanzanian citizens suffering under failed promises by a leader he refers to as Caesar.

Russian street artist, Tima Radya, was detained in January for his part in protests against President Putin and in support of the opposition leader Alexei Navalny. Shortly before his arrest he had revealed his graffiti with the message "What will we do tomorrow if there is no one to believe in today?" followed by social media post encouraging people to "Go out on the streets tomorrow, do not be afraid of anything."

Rap artist Ağaçkakan gave a concert in response to a ban on performances after midnight in Turkey. He and several members of his audience were taken into custody and released a few hours later.



Malaysian graphic designer **Fahmi Reza** was arrested or summoned for investigation on several occasions in 2021 because of his artistic work charged with political commentaries. In the past, he was also sentenced to prison because of his artistic work. However, he remains vocal and expresses his political views through visual art. *It is very important for me to continue to speak up, not to be afraid, nor keep quiet, despite facing persecution by the police and the authorities who are trying to silence me and to infringe my right to freedom expression through my graphics.*

FAHMI REZA, FREEMUSE INTERVIEW, 31 MAY 2021.

CREDIT: EKAMIL REZALI, COURTESY OF FAHMI REZA.

CENSORSHIP OF MUSIC IN 2021

385 CASES IN 58 COUNTRIES



33%
GLOBAL NORTH

67%
GLOBAL SOUTH

TRAPPED – ATTACKS AGAINST RAP MUSIC
– 88 CASES IN 34 COUNTRIES

29 killed (10 Colombia, 8 Mexico, 5 Afghanistan, 2 Brazil, 2 USA, 1 Ghana, 1 Trinidad and Tobago)

49 imprisoned

103 detained

33 prosecuted

70 censored

55 persecuted

14 threatened/harassed

12 sanctioned/fined

7 attacked

6 blanket bans

4 travel bans

2 destroyed/damaged

1 abducted/disappeared

6 killed (5 Colombia, 1 USA)

11 imprisoned (5 Cuba, 2 Cambodia, 1 in each Argentina, Belarus, Spain and Turkey)

22 detained (9 Cuba, 2 Iran, 2 Turkey, 1 in each Argentina, Botswana, France, Haiti, Malaysia, Myanmar/Burma, Nigeria, Saudi Arabia and Senegal)

7 prosecuted (2 Turkey, 1 in each Cuba, Malaysia, Mali, Russia, South Africa)

17 censored

13 persecuted

3 threatened/harassed

3 destroyed/damaged

4 sanctioned/fined

1 attacked

1 travel ban

Rationale for restrictions imposed on music

198 politics / 81 indecency /
70 religion / 51 counterterrorism /
37 LGBTI / 29 minorities /
23 COVID-19 / 20 defamation /
18 conflict / 12 women

REASONS FOR **SILENCING** MUSICIANS

- Female musicians dressing in a way deemed indecent
- Staging performances without official licences
- Performances deemed blasphemous
- Insulting public officials through lyrics
- Using inappropriate language in songs
- Using music to incite people to join protests or commit a crime
- Spreading drug propaganda through songs and music videos
- Performing music at political rallies deemed as attacking authorities or supporting terrorist organisations

PARTICULARLY **VULNERABLE** GROUPS OF MUSICIANS

- Musicians and those who enjoy listening to music in Afghanistan
- Wedding performers in Yemen
- Female musicians in Iran
- Mahraganat musicians in Egypt
- Kurdish musicians in Turkey
- Musicians caught in violence between criminal gangs and drug cartels in Latin America
- Baul musicians in Bangladesh

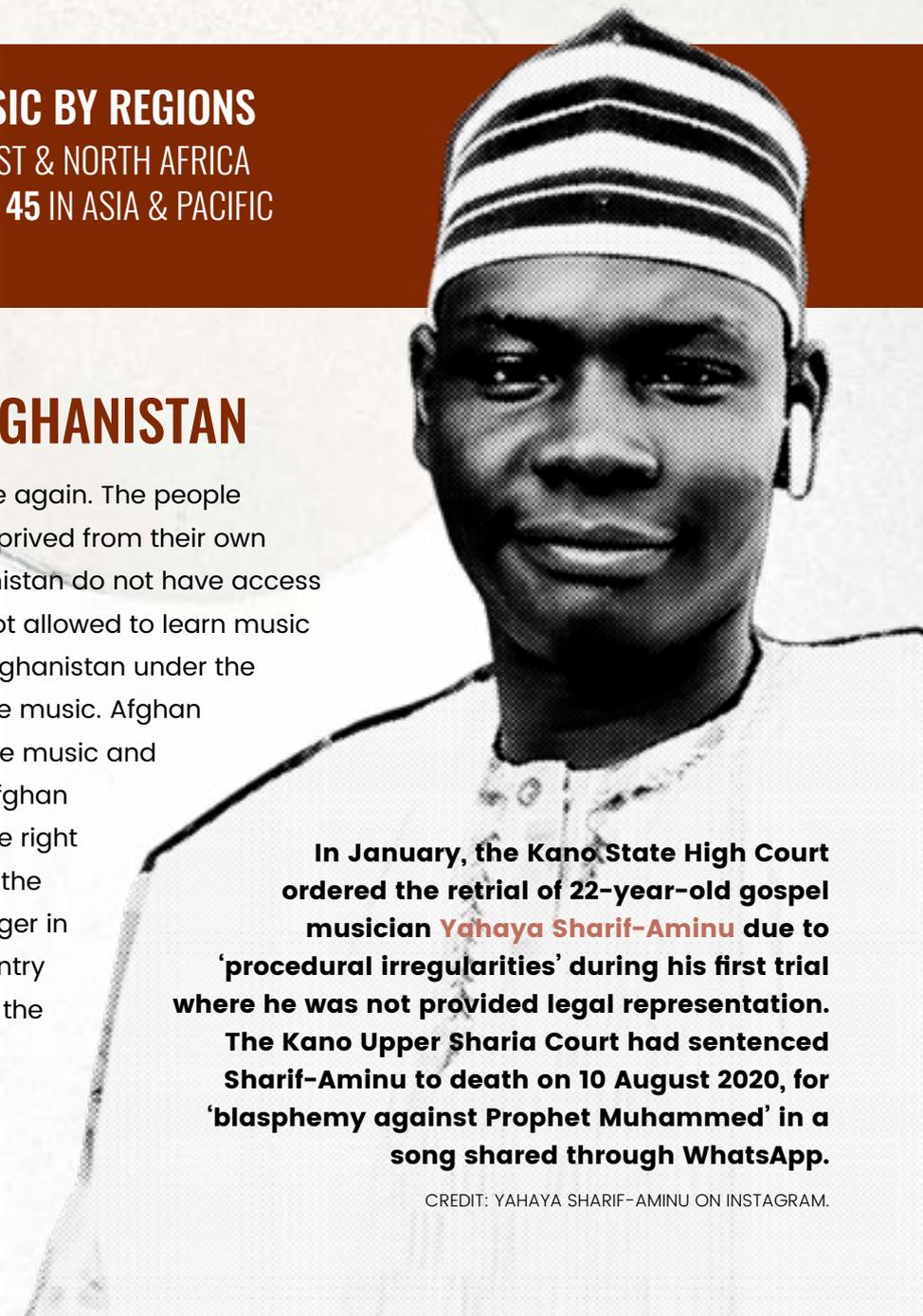
VIOLATIONS AGAINST MUSIC BY REGIONS

138 IN EUROPE / **81** IN MIDDLE EAST & NORTH AFRICA
73 IN NORTH & SOUTH AMERICA / **45** IN ASIA & PACIFIC
37 IN AFRICA / **11** ONLINE

MUSIC BANNED IN **AFGHANISTAN**

Afghanistan is a silent nation once again. The people of Afghanistan are once again deprived from their own music traditions. People of Afghanistan do not have access to musical languages. They are not allowed to learn music nor to listen to music. People of Afghanistan under the Taliban are not allowed to practice music. Afghan musicians are not allowed to make music and to make a living through music. Afghan musicians are living in poverty. The right to share the beauty of music with the community does not exist any longer in Afghanistan. Afghanistan is a country in which the Taliban officially took the music out of the life of its people.

DR AHMAD SARMAST, FREEMUSE INTERVIEW,
21 APRIL 2022.

A black and white portrait of a young man, Yahaya Sharif-Aminu, wearing a traditional striped headwrap and a light-colored shirt. He is looking directly at the camera with a neutral expression.

In January, the Kano State High Court ordered the retrial of 22-year-old gospel musician Yahaya Sharif-Aminu due to ‘procedural irregularities’ during his first trial where he was not provided legal representation. The Kano Upper Sharia Court had sentenced Sharif-Aminu to death on 10 August 2020, for ‘blasphemy against Prophet Muhammed’ in a song shared through WhatsApp.

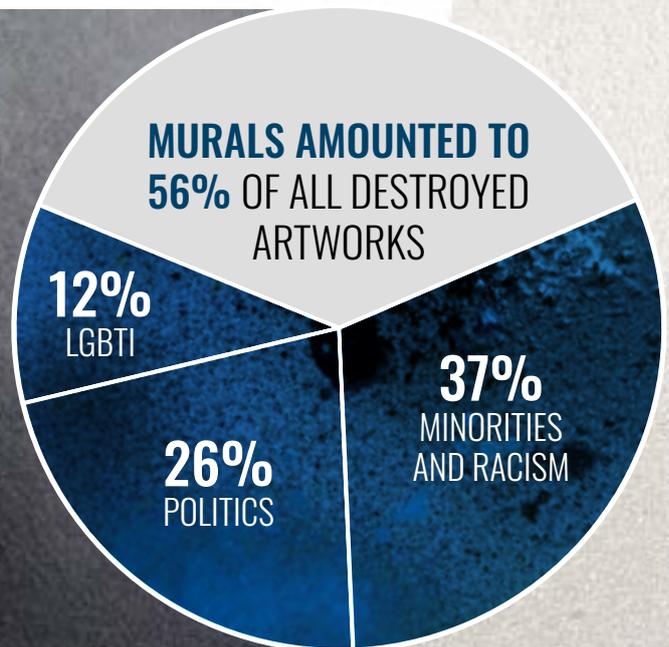
CREDIT: YAHAYA SHARIF-AMINU ON INSTAGRAM.

CENSORSHIP OF VISUAL ARTS IN 2021

303 CASES IN **32** COUNTRIES

3 KILLED (IN CHILE, COLOMBIA AND SOUTH AFRICA) • **18 IMPRISONED** • **31 DETAINED**
26 PROSECUTED • **122 DESTROYED / DAMAGED** • **65 CENSORED** • **16 PERSECUTED**
13 THREATENED / HARASSED • **5 SANCTIONED / FINED** • **4 ATTACKED**

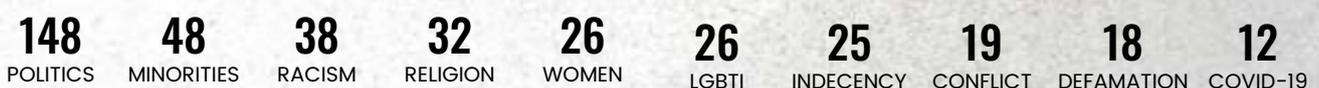
MAIN RATIONALES FOR DESTROYING MURALS



REASONS FOR **SILENCING** VISUAL ARTISTS

- Insulting public officials and insulting religious sentiments
- Online sharing of nudity through body positivity artwork
- Inciting sedition through visual artwork published on social media
- Depicting graphic violence and sexually explicit content
- Addressing LGBTI topics in public spaces and in children picture books
- Depicting police brutality and race-based violence through murals and street graffiti
- Using art as a tool to criticise political oppression against minority
- Advocating for women's rights through artwork displayed in public spaces

RATIONALE FOR RESTRICTIONS IMPOSED ON VISUAL ARTS



VIOLATIONS AGAINST VISUAL ART BY **REGIONS**



WOMEN'S BODY CENSORED IN DIGITAL SPACE

Emma Shapiro is a visual artist who uses her body as a primary artistic medium. She produces video and performance work as well as works on paper and photography, always using her body. Because of her use of nudity in her art, Instagram threatened to delete her accounts multiple times over the past two years, while many of her posts were removed from this platform. The female body has been used in art history forever, but it was mainly used by male artists. What I am concerned with is the censorship against women who use their own body, mainly online. [...] I can say that my activities have some impact as long there are people questioning why the nipple is obscene, inappropriate, or illegal, depending on where you are. I advocate for the separation of nudity and sexual activity sections in social media community standards because there is a lot of nuances to it.

EMMA SHAPIRO, FREEMUSE INTERVIEW, 24 MAY 2021.



Polish activist Elżbieta Podleśna was tried with another two human rights defenders on charges of 'offending religious beliefs' in relation to the use of posters depicting the Virgin Mary with a rainbow halo symbolic of the LGBTI flag around her head and shoulders. Her legal battle with the authorities started in April 2019 when she was briefly arrested. It subsequently ended with her acquittal in March 2021.

CREDIT: MARTA FREJ MEMY ON FACEBOOK.

CENSORSHIP OF FILM IN 2021

285 CASES IN 51 COUNTRIES

1 KILLED (IN IRAN AND LEBANON) • 16 IMPRISONED • 28 PROSECUTED • 62 DETAINED
89 CENSORED • 36 PERSECUTED • 25 THREATENED / HARASSED • 11 SANCTIONED /
FINED • 7 ATTACKED • 7 TRAVEL BANS • 3 BLANKET BANS

LEBANESE FILMMAKER **LOKMAN SLIM**, KNOWN FOR HIS CRITICISM OF HEZBOLLAH, WAS KILLED BY UNKNOWN PERSONS WHO SHOT HIM FIVE TIMES AS HE SAT IN HIS CAR IN SOUTHERN LEBANON.



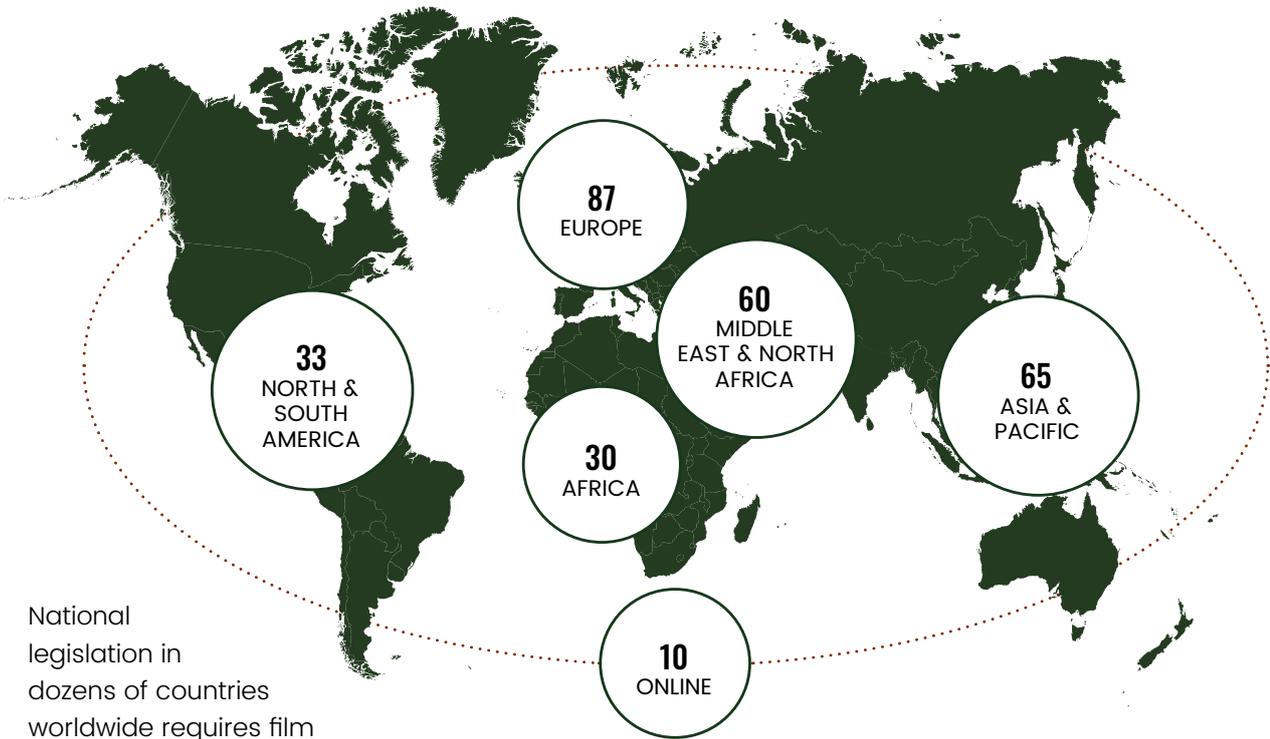
REASONS FOR **SILENCING** FILMMAKERS AND ACTORS

- Promoting violence and 'obscene behaviour' deemed harmful to children
- Insulting religion and expressing disrespect of deities
- Promoting enmity among different ethnic and religion groups
- Undermining the prestige of the state through motion pictures
- Depicting content perceived as not family-friendly
- Screening films deemed inappropriate during national religious holidays
- Spreading 'propaganda' of same-sex amorous relationships
- Creating films without mandatory script pre-approval
- Screening films without mandatory classification and rating before dissemination
- Expressing political commentaries through films
- Using 'historically inaccurate' facts in scripts

RATIONALE FOR **RESTRICTIONS** IMPOSED ON FILM

168	66	37	35	32	21
POLITICS	INDECENCY	LGBTI	RELIGION	WOMEN	USE OF STATE SYMBOLS
15	13	10	10	10	
DEFAMATION	CONFLICT	MINORITIES	COUNTERTERROISM	CHILDREN PROTECTION	

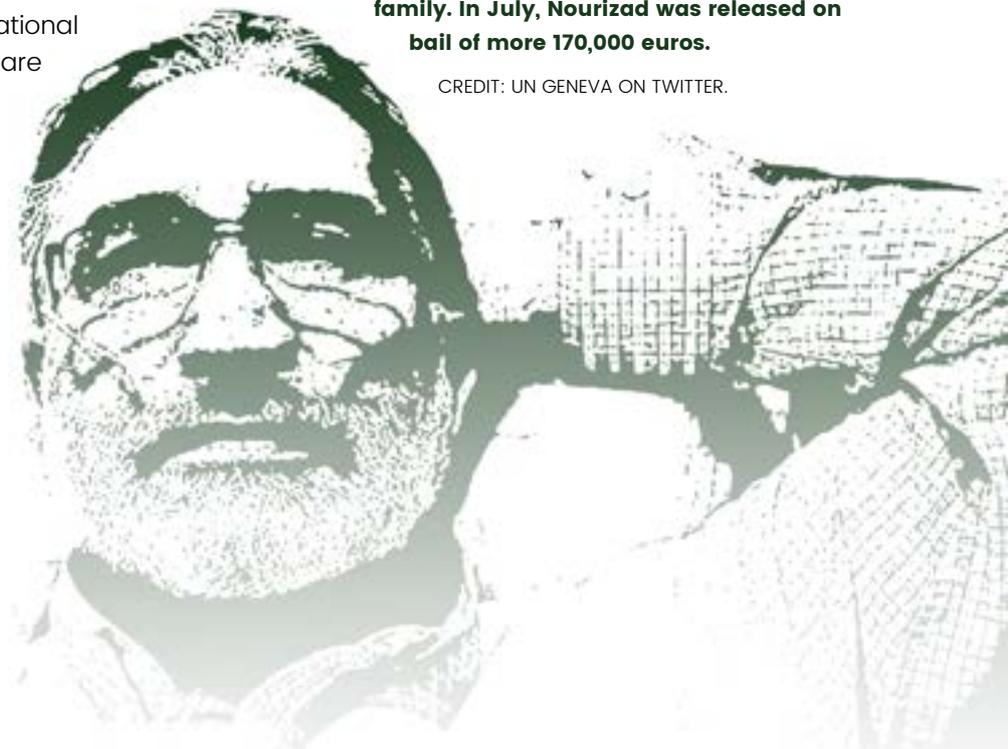
VIOLATIONS AGAINST FILM BY REGIONS



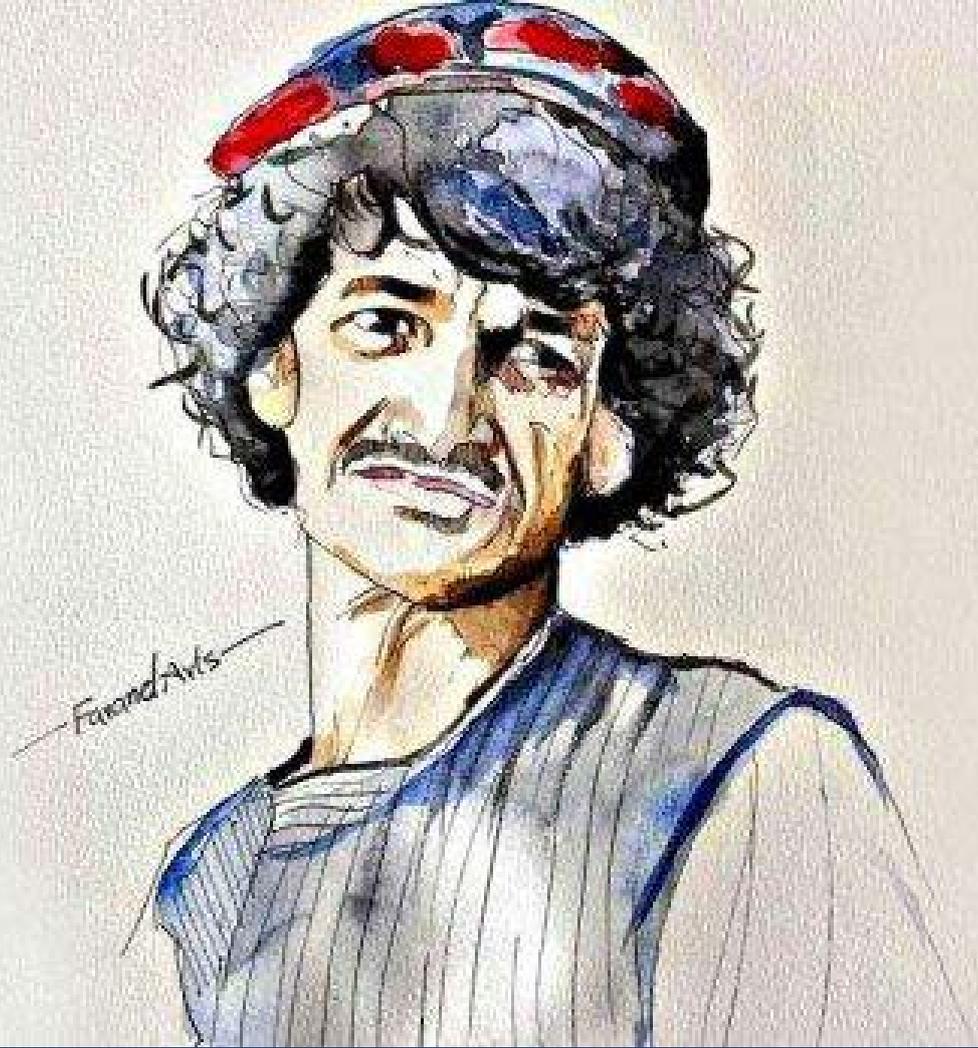
National legislation in dozens of countries worldwide requires film approval prior to its release in cinemas or the approval of the script to obtain the licence for shooting. The bodies mandated to grant these approvals – usually referred to as censorship or classification boards – often serve as film censors. Censorship boards are merely administrative bodies tasked with attending administratively to artistic material that may be subject to limitations under national laws. Boards that are found in autocratic to semi-autocratic systems then usually seize the moment to deny the right to free expression as opposed to legitimate and constitutional restrictions per international human rights norms. These boards are used as tools to silence dissenting voices, and that which the rulers of the day in their estimation consider repugnant, immoral, or inconvenient. The good thing is that these bodies are not ultimate pronouncers; there is always recourse to the courts of law. The problem is when those courts are also captured.

In 2021, the health of Iranian filmmaker Mohammad Nouriz deteriorated while in prison, endangering his life. This artist who was sentenced to more than 17 years in prison in February 2020 for co-signing the letter calling for the resignation of Iran’s Supreme Leader, was on a hunger strike in protest at his imprisonment and the harassment of his family. In July, Nourizad was released on bail of more 170,000 euros.

CREDIT: UN GENEVA ON TWITTER.



DR. MUSA KIKA, FREEMUSE INTERVIEW (ONLINE), 7 FEBRUARY 2022.



A group of artists who fled Afghanistan following the Taliban power takeover created a mural in Albania where they been temporarily located. The message reads "thank you Albania. We will not forget." Credit: ArtLords on Facebook.

AFGHANISTAN VIOLENT **SUPPRESSION** OF ARTISTIC VOICES IN THE WAKE OF THE TALIBAN TAKEOVER

- Since their return to power in Afghanistan in August 2021, the Taliban have carried out a crackdown on artists, that included the killing of at least seven Afghans for enjoying their cultural rights.
- Resorting to 'Islamic guidance' and claiming that 'music is forbidden in Islam', the Taliban authorities particularly targeted musicians and women artists.
- Wary of a renewed crackdown on artistic expression, many artists have resorted to self-censorship, destroyed or hidden artworks, while others were compelled to flee abroad.
- In acts reminiscent of violent attacks on cultural heritage from their previous stint in power, the Taliban destroyed hundreds of artworks displayed in public spaces.





*Afghan artists destroying their artworks
fearing retaliation and punishment by Taliban.
Credit: Omaid Sharifi on Twitter*

Years of political upheaval in Afghanistan had already had a harmful effect on the state of artistic freedom in the country. Even though some preconditions for unhindered participation in cultural life were gradually being built since the Taliban were overthrown in 2004, the situation gave an appalling turn in 2021, following their return to power. In February 2020, the United States, under the Trump administration, and the Taliban, an armed, religious, and largely Pashtun political movement, signed the Doha Agreement, which stipulated the withdrawal of NATO forces from Afghanistan in 2021. US President Joe Biden, who inherited the agreement from his predecessor, declared 31 August as the date for the complete withdrawal of US troops, despite evidence that the Taliban were not complying with the agreement⁶. As international troops withdrew, throughout August 2021, the Taliban rapidly took control of the country by force. On 15 August, they occupied the presidential palace in Kabul, forcing President Ashraf Ghani to flee the country. Four days later, they announced the restoration of the Islamic Emirate of Afghanistan⁷, making themselves the de-facto authorities in the country⁸.

During their preceding stint in power, the Taliban had gained a reputation for severe human rights violations, including forceful crackdowns on artists and cultural workers. Despite repeated reassurances as they took power in August that this time around they would respect Afghans' human rights, civil society organisations documented a sharp regression and an almost immediate increase in violations, ranging from targeted killings of civilians to the imposition of restrictions on freedom of expression and women's rights⁹. This clampdown on the exercise of fundamental rights and freedoms created a dire atmosphere for artistic expression, with the Taliban resorting to the violent stifling of artists' voices under the pretext of 'Islamic guidance.' In 2021, Freemuse documented that at least three artists and four Afghan citizens, who on different occasions enjoyed listening to music, had been killed by members of the Taliban. Due to restrictive policies that were introduced, musicians, women artists, as well as artists who are vocal about political issues and human and women's rights, either fled the country or were forced to abort their cultural activities. The Taliban also invested significant

efforts to cover up and destroy publicly displayed artwork, which they deemed 'inappropriate'.

Reprisals against artists for having expressed dissent against the Taliban way of rule

The Taliban's efforts to take control of the Afghan territory by force and instil themselves as the ruling authority resulted in many casualties. In December, UN officials stated that they had "credible allegations of more than 100 killings of former Afghan national security forces and others associated with the former Government, with at least 72 of these killings attributed to the Taliban."¹⁰ Following some of these extrajudicial killings, the bodies were publicly displayed. An example of this brutality is the execution of comedian and former member of the Afghan National Police Khasha Zwan (given name Nazar Mohammad), carried out in late July in southern Kandahar province¹¹. Footage of his dead body tied to a tree in a remote location and a video of him being beaten surfaced online. This comedian was killed despite Taliban reassurances that there would be no reprisals against associates of the former government.

Over a span of two days in early August, two Afghan PEN members fell victim to the reprisals the Taliban exercised against those who oppose their views. On 4 August, poet, and historian Abdullah Atefi was dragged from his house in southern Uruzgan province, which had been under Taliban control since June, and shot to death¹². Even though the Taliban denied involvement, locals attributed his murder to this militant group alleging that the reason for Atefi's killing was connected to his work as an educator and an intellectual. Two days later, another Afghan PEN member, journalist and director of the previous government's Media and Information Center, Dawa Khan Menapal, was killed in a targeted attack in Kabul¹³. The high-profile critic of the Taliban was killed just a day after he publicly condemned the poet Atefi's killing. The Taliban claimed responsibility for Menapal's death.

Crackdown on music under the guise of ‘religious guidance’

Since the Taliban takeover, there have been uncertainties about the status of music and musicians in the country. When the Taliban were previously in power, music was officially prohibited, apart from some vocal religious pieces with no musical accompaniment. With their return to power, influential Taliban leaders declared their aversion to the artform. In an interview with *The New York Times* conducted in late August, Taliban spokesperson Zabihullah Mujahid stated that “music is forbidden in Islam.”¹⁴ Three days after the publication of this statement, the Taliban shot dead celebrated folk singer Fawad Andarabi at his home in the Andarab Valley in the northern Baghlan province¹⁵.

In such an atmosphere, following the Taliban takeover, there was an influx of news reports about Afghan musicians destroying their instruments and seeking to flee the country. The famous Afghanistan National Institute of Music (ANIM), which supported the founding of Afghanistan's first all-female orchestra, Zohra, has not been able to operate since the Taliban took control of Kabul. Their premises were taken over by Taliban, while all its staff and students were evacuated and settled in Portugal.¹⁶ Dr. Ahmad Sarmast, the ANIM director, told *Freemuse* that, when Taliban began house to house searches looking for music instruments, he advised family members of those students who left their instruments at home to destroy them.¹⁷ The Taliban themselves publicly destroyed instruments, including those found at the ANIM premises. This public expression of aversion against music forced entertainment and wedding venues to limit music at their gatherings, while businesses that made and repaired instruments have stopped operating.¹⁸

Even though the Taliban has not officially banned music in 2021, apart from playing music in cars which was outlawed in December¹⁹, *Freemuse* documented several deliberate attacks by members of this movement against those who were enjoying listening to music. On 29 October, three gunmen, who identified themselves as members of the Taliban, entered a wedding ceremony in the eastern Nangarhar province to stop music from being played, even though the four couples getting married

had received permission from a local Taliban leader to play recorded music in an area used by women.²⁰ When the guests protested, the armed men opened fire. Three individuals were shot and killed, while ten others were injured. The following day, the Taliban spokesperson stated that two out of the three gunmen had been arrested and that they had not acted on behalf of their movement.²¹ Soon after, on 9 November, Taliban members beat, shot, and killed a 19-year-old boy named Wahidullah, as he was walking outside his village in northeastern Badakhshan province and listening to music on his phone²².

Massive (self)destruction of artworks

Between 1996 and 2001, the Taliban staged various attacks against tangible and intangible cultural heritage in the country. They engaged in the large-scale destruction of Afghanistan's cultural heritage, destroying artefacts and archaeological sites. In March 2001, the Taliban used explosives to blow up the Buddhas of Bamiyan, two historical monumental statues found in the Bamiyan valley region of central Afghanistan²³. Fearing a similar scenario this time around, UNESCO's Director Gener-



*Poet Abdullah Atefi was brutally killed on 4 August.
Credit: Farahnaz Forotan on Instagram.*

al Audrey Azoulay released a statement on 19 August calling for the protection of Afghanistan's cultural heritage and urging that "any damage or loss of cultural heritage will only have adverse consequences on the prospects for lasting peace and humanitarian relief for the people of Afghanistan"²⁴. This statement was publicised just a day after the Taliban in Bamiyan destroyed the statue of Abdul Ali Mazari²⁵, a Hazara political leader killed by this militant movement in 1996²⁶.

From the moment of their return to power, Freemuse monitored a sustained effort by the Taliban to destroy public artwork. In an interview with Freemuse, curator, artist and activist Omaid Sharifi stated that over a hundred murals created by his organisation ArtLords were destroyed in the early days of the Taliban's accession to power.²⁷ Among them was a mural titled Baradar Khalilzad dedicated to the 2020 Doha Agreement signed by the US government and the Taliban. Like their other murals, which were defaced with "victory slogans", this one was painted over with a message that translates as "do not trust the enemy's propaganda".²⁸

Due to a fear of retaliation and punishment from the Taliban, many artists began self-censoring to avoid a confrontation and to protect their work. They buried their artwork, destroyed sculptures, broke their instruments, or hid books²⁹.

On 16 August, a day after Taliban took over, we destroyed four big sculptures at ArtLords gallery. Pictures of those sculptures were out there on our social media, so we did not want them to become a reason for the Taliban to punish us. Their authors called me saying that they were scared because being an artist might put their families at risk. That's why some of them tore down or burned their paintings.

Omaid Sharifi, Freemuse interview, 20 September 2021.

Artists at risk of financial deprivation

Apart from being fearful for their lives, artists who remain in Afghanistan have also been at risk of a financial crisis that threatens their basic survival. Deprived of the opportunity to proceed with their artistic careers and secure their livelihoods, they became a particularly marginalised group. This has been an alarming trend, especially in light of the "profound humanitarian crisis" already being faced by the majority of the people of Afghanistan, in the aftermath of the Taliban takeover.³⁰ According to estimates of the UN Office for the Coordination of Humanitarian Affairs, Afghanistan is expected to see a rise in people in need of humanitarian and protection assistance from 9.4 million in 2020 to 24.4 million in 2022³¹.

Such negative prospects, together with a fear of retaliation, compelled many artists to flee the country, despite not being officially recognised as a group at risk. The President of ArtLords, Omaid Sharifi, told Freemuse that as a member of "a prominent art management organisation, which had always stood up against the Taliban," he knew that his associates would be among the first Taliban targets, which led him to leave³². He added that apart from fear of reprisals, artists were fleeing abroad because they wanted to be free to continue with their careers, something that would likely be impossible under the Taliban. Once he left Afghanistan, supported by partners from abroad, Sharifi was able to help dozens of other artists and their families to escape. However, he warns that many more were left behind and living in fear.

The Taliban's creation of an extremely restrictive environment for participation in cultural life left women artists particularly unprotected. Even before the Taliban's return to power, there was no consensus on the participation of women in cultural activities. For example, in March 2021, under the Ashraf Ghani government, the Ministry of Education's directorate in Kabul issued a memorandum banning girls older than 12 years from singing at school functions, though this was later revoked following strong criticism.³³



Folk singer Fawad Andarabi was killed three days after Taliban spokesperson stated that ‘music is banned in Islam’.
Credit: Ikemba Zaza on Twitter.

The Taliban, in turn, have further restricted women’s presence in the arts sphere. In their endeavour to keep them away from public spaces, they advised women to stay at home, claiming that the Taliban security forces “are not trained [in] how to deal with women.”³⁴ This approach further deepened gender-based discrimination. On 21 November, the Ministry for the Promotion of Virtue and Prevention of Vice instructed Afghan television stations to refrain from broadcasting films or TV shows that featured women actors.³⁵ In this context, deprived from opportunities to work in the cultural sector, women artists were pushed to the margins

of society and forced to choose between giving up on their artistic careers and restricting themselves from public life, or seeking refuge outside Afghanistan.

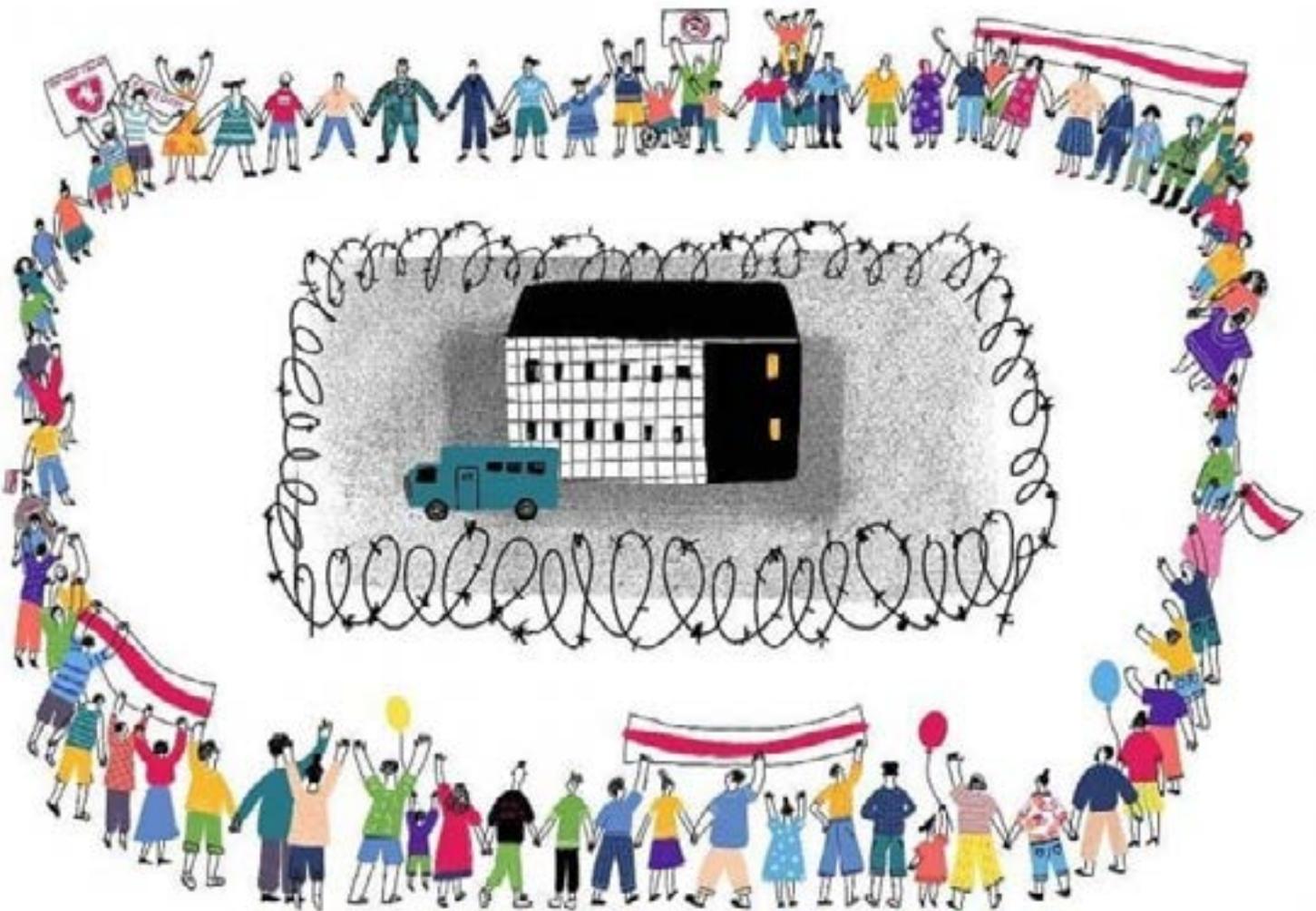
In the current political context, the lives and dignity of artists and cultural workers in Afghanistan have been greatly threatened. Their right to enjoy freedom of expression has been denied and their craft restricted. These violations breach the responsibilities that the Taliban, as a de facto authority in the country, have under the ICCPR and ICESCR, to which Afghanistan has been a party since 1983. The dire atmosphere in the country requires cross-sectoral international coordination for providing artists with targeted assistance and relief work within the country. They also need support mechanisms to leave the country when they feel unsafe. The 1951 Convention Relating to the Status of Refugees recognises as a refugee any person facing a well-founded fear of persecution for reasons of “race, religion, nationality, membership of a particular social group or political opinion”.³⁶ Such definition leaves space for the recognition of artists, especially musicians, as a specific category. Since August, there have been numerous initiatives from civil society calling for the evacuation and resettlement of Afghan musicians and their explicit recognition as a “particular social group” under the Convention, meriting a prioritisation for humanitarian visas.³⁷





BELARUS

REPRISALS AGAINST ARTISTS - AN EXTENSION OF THE AUGUST 2020 POST-ELECTION CRACKDOWN ON PROTESTERS



*The postcards expressing solidarity with political prisoners in Belarus created by Margari-
ta Tikhanovich. Credit: Courtesy of artist.*

- In 2021, Freemuse documented high numbers of violations of artistic freedom, evidence of the systematic repression of artists who express dissent.
- President Lukashenko's regime continued to crack down on civil society, following the massive repression in the 2020 post-election period, which included the forced closure of almost a hundred cultural organisations, including PEN Belarus and the Union of Belarusian Writers.
- The regime extended its repression of artists outside Belarus by seeking extradition of its citizens from neighbouring countries.

2021 was another difficult year for politically vocal artists in Belarus. The turmoil that erupted around the presidential elections of August 2020 and its aftermath, and the ongoing use of force to stem any expression of dissent, continued to hinder the exercise of fundamental human rights, including the right to artistic freedom. In a situation that UN High Commissioner for Human Rights Michelle Bachelet referred to as a “human rights crisis of unprecedented dimension in the country,”³⁸ artists fell victim to the arbitrary application of repressive laws, both existing and newly introduced legislation, primarily restricting public gatherings. From July 2020 to December 2021, the writers’ association, PEN Belarus, documented at least 2,000 violations of cultural rights and against cultural workers, 68 of whom have been recognized as political prisoners by the international community.³⁹ Since the August 2020 elections, many more artists are reported to have been arrested, prosecuted, or sentenced to prison terms for participating in the 2020 anti-government protests. The most common charges against them were for allegedly violating the ‘public order’ and for displaying ‘disobedience to police officers.’ Freemuse has also noted some cases of artists being targeted for expressions not related to their creative work.

The problems artists faced in Belarus amidst this turbulence mirror those experienced by Belarusian citizens who participated in nationwide protests against the re-election of incumbent President Alexander Lukashenko who has been in power since 1994.⁴⁰ The unprecedented wave of mass, largely peaceful protests swept the country after authorities claimed that Lukashenko, had been re-elected despite a vote marred by widespread fraud. Artists who took part in the protests, at times playing a leading role by emboldening demonstrators with their music or visual art for example, paid a heavy price.

In an attempt to stifle the protests, thousands were arrested, and there were widespread reports of torture, and other forms of ill treatment. Civil society organisations (CSOs) were targeted, deemed a “threat” to Belarus, and accused of aiming to overthrow the government, and in 2021 the crackdown against them was intense. The situa-

tion was exacerbated by President Lukashenko referring to CSOs as “gangsters and foreign agents”.⁴¹ Since 2020, more than 550 CSOs have been liquidated following a court order or forced to shut down due to acute persecution.⁴² This trend also had a harmful effect on the arts and the cultural sector. According to PEN Belarus, as of December 2021, 98 cultural organisations had been closed or were in the process of liquidation.⁴³ PEN Belarus itself was forcibly shut down by a Supreme Court decision on 13 July 2021 that argued that the work of the organisation “poses a threat to national security.”⁴⁴ A similar process was initiated in October against the Union of Belarusian Writers. It is also reported that legal representation is hard to come by now for non-governmental organizations, when they are called into court because “a number of lawyers,” “have lost their attorneys’ licenses” after defending these organizations and associations. As the European Writers’ Council stated in October 2021: “It’s true that the illegitimate Lukashenka regime has already abused forced liquidation as a popular means of pressure to bend unpopular opinions and frighten people in the decades before... However, what we’ve witnessed since July 2021 is a strategic extermination mechanism against free speech, against democracy, against culture—and against the Belarusian nation.”⁴⁵

Furthermore, cultural workers were dismissed from jobs in state-funded institutions because of their anti-government stance. Minister of Culture Anatol Markevich stated in January 2022 that approximately 300 people had lost



Drummer Aliaksei Sanchuk was sentenced to six years in prison for his role in the post-election protests. Credit: Belarusian Council for Culture on Twitter.

their jobs in the cultural sector for their “destructive position.”⁴⁶

Harsh reprisals against protesting artists

In 2021, many of the cases that Freemuse documented were of artists who faced repercussions for their participation in protests or for expressing dissent. Many were arbitrarily detained in penal colonies and correctional centres, from where there were consistent reports of physical abuse, forced confessions, denial of the right to legal counsel, and of contact with family members barred. These artists were tried under Criminal Code Article 342 (gross violations of public order), and Articles 368 and 369 (insulting the President and government officials), and in less severe cases, under the Administrative Code Article 24.3 (disobedience towards police officers), and Article 24.23 (unauthorised picketing). In total, 28 artists were reportedly fined or sentenced to short administrative detention, while at least 12 more artists were ordered to serve lengthy prison terms, varying from one to eleven years.

On 13 May, the Maskouski District Court in Minsk sentenced drummer Aliaksei Sanchuk to six years in a medium-security penal colony, for the role he played in post-election protests. A member of the drummers’ collective “We Need to Disperse” (Trebujem Razojtis),

Sanchuk was arrested during a rehearsal on 4 November 2020, and initially sentenced to 15 days in prison on charges of ‘illegal protesting’.⁴⁷ However, he was not released when the sentence expired, while criminal charges for ‘violation of public order’ and ‘inciting people to participate in mass riots’ were brought against him. He was accused of blocking traffic, waving a white-red-white flag used by the Belarusian opposition, and teaching people ‘how to clap their hands loudly’, which has been deemed ‘an act of mass disorder’ in Belarus since 2011.⁴⁸ While in detention, the artist was reportedly subjected to physical violence and forced to publicly confess his crimes in a video aired on state television⁴⁹.

Charges of alleged ‘gross violations of public order’ were also levied against six members of the fantasy-folk band Irdorath. Sixteen persons were arrested on 2 August, when police stormed the private birthday celebration of the band’s vocalist, Nadezhda Kalach. Most of the detainees were either sentenced to administrative detention or fined for ‘disobeying a police order’, while the core band members were held in pre-trial detention facing criminal charges for playing bagpipes, guitars, and drums at the protests.⁵⁰ In November and December 2021, all six band members were sentenced in three separate court cases to prison terms varying from one and a half to three years.⁵¹



Members of the fantasy-folk band Irdorath were sentenced to prison in three court cases. Dzmitry Shymanski received three years, Uladzimir and Nadzeya Kalach two years, while Anton Shnyp, Pyotr Marchanka and Yuliya Marchanka received one and a half year in prison. Credit: Irdorath on Vkontakte.

Arrested for expressing dissent through music

In 2021, Freemuse documented 23 incidents where artists in Belarus were also prosecuted for expressing dissent through their art, primarily through music. On 22 April, three street musicians were arrested in the centre of Minsk and accused of ‘unauthorised picketing’ for singing on the street *Break Down the Prison Walls* (*Razbura turma mura*), a Belarusian version of the Catalan song *L'Estaca*. The song, which was written in 1968 as a call for unity against Francisco Franco’s dictatorship, gained popularity in Belarus and was performed as a symbol of the fight for freedom during the 2020 protests in Belarus. Aleksey Shuravlevich and Elizaveta Pachova were sentenced to 25 and 11 days’ administrative detention, respectively, while Yulia Shabanova was fined 1,450 Belarusian roubles (around 475 euros). Reacting to the sentencing, Shabanova explained that the group has official permission to sing on the street and that she did not know how to access the state’s list of “forbidden songs”.⁵²

In a similar case documented in April, street musician Ivan Pireiko was sentenced to 15 days’ administrative detention for performing a song deemed ‘rebellious’ within the City of Minsk’s public space assigned to musicians, after a “concerned citizen” complained about his choice of music. The court also ordered the police to confiscate his guitar and other equipment. The police report details that Pireiko performed songs in honour of the 100th anniversary of the Belarusian Democratic Republic – the independent republic proclaimed in 1918, soon after absorbed by the Soviet Union in 1919.⁵³

Apart from cases in which artists faced short-term administrative detentions, the Belarusian authorities also brought musicians to trial for insulting the President under Article 368 of the Criminal Code. On 11 September, the Dobrush District Court sentenced Nokrolik (given name Yevgeny Petrov), a Russian rapper residing in Belarus, to one year in prison for ‘insulting the president’ through his song *Lukashenko, Go Away* (*Lukashenko, uhodi*). The court ruled that Nokrolik’s lyrics referring to President Lukashenko as “a person of low intelligence,” constituted an insult.⁵⁴ Furthermore, on 23 August, the Gomel District Court sentenced Sergei

Balakhonov to one year in prison on the same grounds because he shared Nokrolik’s song on his VKontakte social media account.⁵⁵

In addition, the authorities targeted artists for expressions not related to their creative work. For example, on 18 July, musician Maksim Subach was arrested in Minsk and sentenced to ten days in detention on charges of ‘petty hooliganism’ and ‘disobedience to police officers’ for a political sticker he displayed on his car.⁵⁶ In September, writer Anatol Kudlasevich was fined 2,900 Belarusian roubles (around 950 euros) for ‘unauthorised picketing’ for having hung a white-red-white flag used by the opposition on the balcony of his home.⁵⁷ Similarly, on 21 June, Vladislav Novozhilov, a singer with the band *Gods Tower*, was prosecuted under Article 369 for insulting Genady Solovoyov, chairman of the Gomel Regional Executive Committee, calling him “unreasonable” and a “male pig” in a Facebook post from August 2020.⁵⁸ He was sentenced to three years in an open correctional facility.



Drawing created by imprisoned musician Nadezhda Kalach behind bars.

Credit: Irdorath Fantasy-Folk Band on Facebook.

Artists in exile

To avoid persecution and harassment by the authorities, many Belarusian artists have fled the country. PEN Belarus documented that, as of September 2021, 62 artists had been forced to leave either due to security concerns or in order to pursue their careers in less restrictive environments.⁵⁹ Poet and translator Julia Cimafiejeva fled to exile in Austria in 2020 with her husband, writer Alhierd Baharevich. They had played an active role in the post-election protests. In addition to reading her poetry at rallies, Cimafiejeva also published books about the protests. In an interview with Freemuse in 2021, she explained that they decided to flee the country because they were afraid that the situation in Belarus would worsen; in addition, they wanted “to use their voices outside Belarus”,⁶⁰ a plight echoed by others who also had to leave from Belarus.

I don't want to believe that we are in a hopeless situation. I want to come back home. I want to be with my parents, my cat, live in my flat, to walk the streets and do something for Belarusian literature. But it is still a long way [away].

Julia Cimafiejeva, Freemuse interview, 21 September 2021.

Many politically vocal Belarusians, including artists, sought refuge in neighbouring countries, notably Poland, Lithuania, Ukraine, and Russia. However, they have not been spared from harassment while living abroad. In April, PEN Belarus member Aliaksandr Fiaduta was arrested while on a trip to Moscow. He was reportedly arrested by the Belarusian KGB in Russia, which at the time of his arrest provided no details on the charges against this literary critic. He was once Lukashenko's press secretary and had later started to work with the opposition, becoming a vocal opponent of the regime.⁶¹

Human rights organisations have also reported cases in which Russia rejected asylum requests from Belarusians and in some cases extraditing persons wanted by the Belarusian authorities⁶². This was the experience of Vadim Duboiski, a guitarist and member of the hard-core punk band Vagitta, who was arrested near the border with Ukraine by the Russian police acting on a request from the Belarusian authorities. Duboiski has been in custody in Belgorod, southwestern Russia since 12 April 2021. The guitarist fled Belarus following his arrest in August 2020, during which time he was subjected to physical and mental abuse, according to his lawyer.⁶³ Duboiski applied for asylum in Russia, but in September, Russian authorities decided to extradite him to Belarus. His extradition was halted due to an interim measure issued by the European Court of Human Rights that ruled against it, arguing that he might face torture if returned to Belarus⁶⁴.

The widespread and long-standing suppression of human rights in Belarus that escalated following the August 2020 elections, shows no sign of abating, despite protests from within and outside the country. Belarus is a signatory to key international conventions that oblige it to protect its citizens from abuses, including arbitrary detention, torture, and ill treatment, and to protect the rights to freedom of expression, including artistic freedom. Artists and cultural workers are among the thousands of Belarusians who have stood up against oppression, and who have paid a heavy price. Freemuse calls on inter-governmental and regional organisations, civil society and human rights groups, the cultural sector, and networks of artists globally, to demand that Belarus stand by its commitments under international law and end the persecution of artists and the suppression of creative expression.



Rapper Nokrolik was sentenced to one year in prison for insulting President Lukashenko through his song. Credit: Nokrolik on Facebook.



Julia Cimafiejeva and Alhierd Baharevich at protests in Minsk prior to their decision to leave the country and become writers in exile. Credit: Courtesy of Julia Cimafiejeva.



Guitarist Vadim Doboiski was rejected asylum in Russia and is under the risk of the extradition to Belarus. Credit: Courtesy of Vadzim's family.

ISRAEL/PALESTINE

ARTISTS TRAPPED IN REPRISALS FOLLOWING THE OUTBREAK OF VIOLENCE

- Even though Palestinian artists have for years been vulnerable to attacks due to decades-long tensions in the region and the Israeli occupation, there was a further deterioration in the state of artistic freedom as artists found themselves on the frontline following the outbreak of violence in May 2021.
- In 2021, the Israeli police and army arrested at least 12 Palestinian artists, while five of them faced legal repercussions from the Palestinian Authority.
- In at least five instances, Palestinian cultural centres and artworks displayed in public spaces were damaged or destroyed by Israeli authorities and Jewish settlers.





Over the years, Freemuse research has been demonstrating Palestinian artists' struggle to fully exercise their cultural rights and freedom of expression in Israel and the Occupied Palestinian Territory (OPT). They are at constant risk of legal repercussions and censorship for engaging in activities featuring Palestinian cultural heritage or expressing solidarity with the Palestinian cause. In 2021, Freemuse monitored 17 instances in which Palestinian artists were subjected to arbitrary arrests by both the Israeli police and the Palestinian Authority (PA), at times for expressing their right to peacefully protest. Their artworks put on display in public spaces came under attack by inhabitants of Jewish settlements. If they expressed dissent with the Palestinian authorities, they also risked legal prosecution. Finally, ongoing tensions between Palestinian armed groups, including Hamas, and Israeli forces, which sporadically escalate to widespread violence, were particularly detrimental for artistic freedom in 2021.

From 10 to 21 May 2021, the most significant escalation in hostilities between Israel and Palestinian armed groups in Gaza Strip since 2014 took place. Gaza witnessed hostilities, which resulted in hundreds of deaths primarily on the Palestinian side, including excessive injuries of civilians and massive displacement.⁶⁵ The violence broke out following a 6 May decision by the Supreme Court of Israel, ordering the eviction of Palestinian families living in the Sheikh Jarrah and Silwan neighbourhoods in East Jerusalem in order to allow Israeli settlers to move in to those houses.⁶⁶ Palestinians responded to this decision with massive protests, which were met with repression from the Israeli forces. The situation escalated on 10 May, after Israel failed to withdraw its security forces from the Al-Aqsa Mosque compound and Sheikh Jarrah in East Jerusalem. Subsequently, Palestinian armed groups responded by launching an attack on Israeli cities, in turn triggering heavy bombardment by Israel of the Gaza Strip.⁶⁷ During this turmoil, hundreds of thousands of Palestinians in Israel and the OPT took to the streets to protest against violence and express solidarity with Gaza and the Sheikh Jarrah neighbourhood.⁶⁸

Artists behind bars in Israeli prisons simply for exercising their right to protest

Following the escalation of violence in May, Is-

raeli law enforcement used excessive force to disperse mainly peaceful demonstrations that erupted throughout Israel and the OPT, while Jewish ultra-nationalists attacked Palestinian houses and their businesses.⁶⁹ In the midst of this turmoil, Palestinian artists were also targeted. Freemuse's research indicates that at least six artists were detained, and one was injured. Artists who were witnesses to the crackdown were targeted either for practicing their craft or for exercising their right to participate in demonstrations in solidarity with the Gaza Strip and the Sheikh Jarrah neighbourhood.

Some of the first attacks occurred in the mixed Arab-Jewish city of Haifa in which Palestinian homes were marked to help identify them. On 9 May, actress Maisa Abd Elhadi was admitted to hospital with injuries to her leg after she was shot by the Israeli police at the protests held in Haifa.⁷⁰ During the same protests, the police detained writer and activist Majd Kayyal for 'taking part in protests and allegedly assaulting police officers.' The Haifa Magistrates' Court released him on 10 May under the condition of "not participating in illegal demonstrations for three months."⁷¹ On 13 May, the Israeli forces arrested musician Walaa Sbait, a member of the Palestinian-Jordanian electronic band 47soul, while he was live streaming far-right Israeli attacks in his hometown of Haifa.⁷² Although Sbait was released a day after, he was ordered to stay under house arrest for one week.



Actress Maisa Abd Elhadi was hospitalised because of injuries she sustained when she was shot by the Israeli police during protests in Haifa. Credit: Maisa Abd Elhadi on Instagram.

Similar incidents were registered elsewhere. On 8 May, a member of the Palestine Youth Orchestra, Maryam Al-Afifi, was dragged away by her veil by an Israeli soldier and detained for a few hours during protests in East Jerusalem.⁷³ On 31 May, Israeli forces arrested filmmaker Alaa Dayeh for filming a soldier assaulting and detaining a Palestinian boy at the Damascus Gate in Jerusalem.⁷⁴ In order to avoid being detained and face a trial, she was forced to sign a bail order. Dayeh was placed under house arrest and banned from going to the Damascus Gate for 15 days, which prevented her from working on a documentary in this area.



Maryam Al-Afifi, member of the Palestine Youth Orchestra was detained for few hours after she was dragged by her veil by an Israeli soldier. Credit: Umair Khan on Twitter.

After a ceasefire was reached between Israel and Hamas, the Israeli police and the Shabak branch of the Israeli Defence Forces carried out a campaign in which more than 250 Palestinians were arrested for their participation in the protests.⁷⁵ Popular singer Moeen Al-Assam was among those targeted for speaking out. He was arrested on 26 May in Tel Sheva town, in southern Israel, for performing at different festivities his song Gaza the Land of Dignity, in which he expresses solidarity with Gaza and Jerusalem and praises the spokesman of the Hamas's military wing.⁷⁶

General crackdown on Palestinian artists

Outspoken Palestinian artists have come under the scrutiny of Israeli authorities long before the May crisis. Since January 2018, Freemuse documented that at least 30 artists faced some type of legal repercussions or harassment from the Israeli authorities. Most of them were subjected to night-time raids of their houses, which were frequently conducted as a part of a broader campaign targeting numerous individuals at once. While police in Israel itself usually did not communicate the reasons for the arrest of artists under its jurisdiction, those in the West Bank faced prosecution before military courts “with a near-100 percent conviction rate”.⁷⁷

In 2021, at least six artists were arrested outside the May crisis context. On 12 April, the Israeli army arrested writer Shams Mashaqi in her home nearby the city of Nablus in the West Bank, as part of an arrest campaign against 25 Palestinians.⁷⁸ On 3 November, visual artist and calligrapher Mohamad Atef Abdel Aziz was arrested in Birzeit in Northern Ramallah and taken to an unknown location, after Israeli forces raided his house without stating the reasons.⁷⁹ His arrest occurred in November, during a series of raids and arrests against outspoken Palestinians in the West Bank.⁸⁰

While most of the arrested artists were released without facing charges, Freemuse research shows that in some cases artists faced legal prosecution under serious allegations. On 2 February, Israeli soldiers raided the house of Ata Khattab, a dancer and the head of choreography and training of the El-Funoun Dance Troupe, in Ramallah and placed him in detention in Jerusalem reportedly without access to a lawyer for the first 21 days.⁸¹ Khattab's dance troupe performs traditional Palestinian dances, including the Dabke, which has been perceived as “an expression of collective defiance against the stealing and appropriation of land.”⁸² While Khattab's father argued that his son was arrested because of “his work on promoting Palestinian culture,”⁸³ Israel's Ministry of Justice claims that he “confessed to several terrorism-related crimes by stating that his cultural activities are part of an organization which is a branch of the PFLP [Popular Front for the Liberation of Palestine]”.⁸⁴ Alleged association with the PFLP (designated as a terrorist organisation

in some countries) was used in October as the Israeli authorities' rationale for shutting down six Palestinian human rights organisations, a move that has been criticised as attempts to muzzle prominent critics of the Israeli government.⁸⁵ Khattab was released from prison in March 2022, following 12-month detention under the charges of 'employment by, membership in and provision of services to an illegal organisation.'

Attacks on Palestinian cultural activities

Israeli authorities tend to interfere in different segments of life on Palestinian territories⁸⁶, including their cultural activities. They often target Palestinian cultural centres and artistic events, subjecting them to raids or shutting them down. Furthermore, Gaza Strip, a completely isolated area often referred to as an "open-air prison",⁸⁷ offers limited opportunities for Palestinians to enjoy cultural rights. The crisis in May further hindered these opportunities, with airstrikes delivering enormous material damage on civilian targets, including on premises significant for the cultural life of the local population. On 18 May, Samir Mansour, Gaza's largest bookstore, was destroyed in an air raid, together with other bookstores in Al-Thalatin Street, which suffered partial or complete destruction.⁸⁸ Mansour's bookstore was also a publishing house crucial for getting "Palestinian voices out from Gaza and bringing the world's literature into Gaza," when there are such limited opportunities for this due to the blockade of the Gaza Strip.⁸⁹

Moreover, during the May crisis, on the night of 15 May, the Israeli army raided the Dar Yusuf Nasri Jacir for Art and Research in Bethlehem in the West Bank. The centre's garden had been destroyed a few days earlier from fires caused by Israeli projectiles as clashes between Israeli



Maryam Al-Afifi, member of the Palestine Youth Orchestra was detained for few hours after she was dragged by her veil by an Israeli soldier. Credit: Umair Khan on Twitter.

forces and Palestinian protesters had intensified. The artist and founder Emily Jacir reported that during the raid, the Israeli army confiscated various pieces of equipment, such as computer hard drives, from their premises, preventing the centre from hosting summer and fall activities and instead focusing on repairs and fundraising.⁹⁰

Israeli authorities also shut down some cultural events, allegedly for their promotion of the Palestinian cause and association with the Palestinian Authority. On 8 March, the Israeli police suspended a cultural event organised by the Al-Tur Women Center in Jerusalem on International Women's Day and arrested the centre's director, Ikhlas Al-Sayyad, and fashion designer Manal Abu Sbeitan. They were targeted for writing the phrase "our heritage is our resistance" on the invitations for this event.⁹¹ On 26 October, following an order by the Israeli Minister of Public Security, the police shut down a three-day cultural festival in East Jerusalem. Although the festival was supported by different branches of the United Nations Development Programme and organised in the House of Abraham, which is under the diplomatic protection of the French Embassy, the minister's order claimed that the festival was "supported and sponsored by the Palestinian Authority without written permission."⁹²

Finally, artistic freedom expressed through murals created in public spaces has also been curtailed. Freemuse documented several cases in which art pieces featuring portraits of Palestinian prominent figures or messages referring to the Palestinian struggle were targeted by Israeli settlers in the West Bank. In May, Israeli settlers in East Jerusalem erased a mural with a map of the 'historic Palestine' (depicting the Palestinian territory before the proclamation of the state of Israel in 1948) and the Palestinian family names of the Sheikh Jarrah neighbourhood. The Israeli police briefly arrested lawyer Iyad Abu Sneineh for trying to restore the mural. Once the mural was restored, local Israeli authorities once again defaced it and erased references to Palestinian heritage, claiming that "the wall is the property of the municipality."⁹³ On 30 November, Israeli settlers destroyed The Resistance murals which were painted on the walls of the Al-Kurd family house in Sheikh Jarrah. After Palestinian residents repainted the murals, there was another attempt to vandalize them on 3 December.⁹⁴

Crackdown on criticism by the Palestinian Authority and Hamas

Palestinians' artistic freedom has also been hindered by the Palestinian Authority (PA) in the West Bank and Hamas, which governs in the Gaza Strip. In 2021, these authorities, who have been known to silence peacefully expressed dissent in the past,⁹⁵ arrested or prosecuted at least five artists who took part in protests or used social media to condemn human rights violations committed by the PA and Hamas. On 23 March, the General Intelligence Department of the Hamas government in the Gaza Strip detained actor Ali Nassman for filming a sit-in protest by Hamas government employees. To be released, the actor was forced to sign a pledge not to speak about Hamas employees' advocating for better salaries and working conditions.⁹⁶ Following interrogations in 2021, producer and actor Abdulrahman Thaher was sentenced in January 2022 to three months in prison on 'slander' charges for condemning in a Facebook post political detentions carried out by the PA.⁹⁷

After prominent Palestinian activist and critic Nizar Banat died in custody a few hours after his arrest on 24 June, the PA in the West Bank launched a campaign of arrests and used excessive force against peaceful protests condemning his death.⁹⁸ On 27 June, Palestinian President Mahmoud Abbas dismissed the former Minister of Culture, poet Ehab Bessaio, from the presidency of the Palestinian National Library, for condemning in Facebook posts the "killing of Banat" and the crackdown on protesters.⁹⁹ In addition, on 22 August, the Palestinian security forces arrested poet Zakaria Mohammad while he was participating in demonstrations in Ramallah to denounce political arrests and "demand accountability for Banat's death."¹⁰⁰

Human rights violations of Palestinian artists committed by Israeli law enforcement and army in Israel proper as well as in the OPT constitute severe violations of international human rights law. In the OPT, they also constitute breaches of the international humanitarian law to which Israel has been bound as an occupying power. Even though in 1991, Israel made reservations related to article 9 of the ICCPR (right to liberty and security of person) arguing that the security of this country has been under the

constant threat, cases of artists' arbitrary arrests in Israel proper hardly can pass necessity and proportionality tests. The situation in OPT has been particularly alarming. International human rights law provisions which were designed for occupation of temporary nature already proved to be unsuitable for prolonged presence of occupation forces at one territory. Israel's failure to adhere to existing human rights law provisions and protect civilians under occupation from violence makes the situation even more dire. As an occupying power, Israel must grant the same rights to Palestinians as it does to Israeli citizens. It should put an end on the practice of administrative detentions for expressions of Palestinian cultural identity and criticism against the authorities as well as respect Palestinians' freedoms of association, assembly, and expression. In line with articles 64 and 66 of the Fourth Geneva Convention which state that military courts should be used only in cases which constitute threat to national security or lives of soldiers, Israel should not extend their jurisdiction to activities such as peaceful protesting. In addition, unsubstantiated accusations of affiliations with terrorist groups should not be used to outlaw civil society organisations and muzzle prominent critics of the Israeli government. Finally, Freemuse research demonstrated that the Palestinian Authority also breaches its responsibilities under the IC-CPR that it had ratified in 2014 by practicing arbitrary detentions and hindering freedom of expression of local Palestinians.



The Dar Yusuf Nasri Jacir for Art and Research before the attack. Credit: Dar Yusuf Nasri Jacir for Art and Research on Facebook.

MYANMAR

CRACKDOWN ON ARTISTS OPPOSING THE MILITARY JUNTA





Three-finger salute originated in Hunger Games film series has been widely used as a symbol for the pro-democracy movement in Myanmar.

Credit: Freya Cole on Twitter.

- In the aftermath of the 1 February coup d'état, Freemuse documented 39 instances in which artists in Myanmar suffered repercussions for peacefully expressing dissent against General Min Aung Hlaing's military rule.
- At least 33 artists faced legal consequences from the military junta, including 18 artists who were charged with 'inciting against a government employee' under revised section 505 and the newly introduced section 505A of the Criminal Code.
- Research has found that the artists detained by the State Administrative Council established by the junta were subjected to torture and other cruel and inhumane treatment, including sexual violence.

On 1 February, the military junta in Myanmar seized power, overthrowing the democratically elected and civilian-led government formed by Aung San Suu Kyi. They arrested key government officials as well as persons known to have supported the National League for Democracy (NLD), a political party that emerged victorious in the November 2020 elections. In the aftermath of the coup, Myanmar witnessed the eruption of nationwide peaceful protests demanding the restoration of democracy in the country. The State Administrative Council (SAC), appointed by the military regime, resorted to violence against protesters, including the use of lethal weapons against civilians. Arbitrary arrests often involved torture and sexual violence, enforced disappearance, and legal prosecution resulting in death sentences and lengthy prison terms.¹⁰¹ In March, the UN Security Council condemned “the violence against peaceful protesters, including against women, youth and children” and emphasised the importance of democratic processes in the country.¹⁰²



Before the poet and schoolteacher Myint Myint Zin was killed during the protests held on 3 March, she posted on Facebook a picture with her personal details, including a blood type written on her arm. Credit: Myint Myint Zin on Facebook.

Artists have been an integral part of the movement challenging the legitimacy of the military junta. In response, however, excessive force has been used against them. According to the Assistance Association for Political Prisoners (AAPP), as of 4 April 2022, following the overthrow of the democratically elected government, seven artists were killed in indiscriminate attacks on protesters or in targeted killings.¹⁰³ In addition, 39 artists were detained and seven imprisoned, mainly for their alleged connections with the NLD and People’s Defence Forces as well as involvement in staging protests.¹⁰⁴ Research finds that detainees were often subjected to custodial torture and denied the right to a fair trial. Under the pretext of a state of emergency, the military junta also introduced measures to suppress any form of opposition to its rule, including amendments to the criminal code which suspended free speech protections and criminalised criticism of the regime.

Excessive retaliation against artists participating in peaceful protests

In 2021, the peaceful demonstrations demanding the restoration of democracy in Myanmar witnessed large scale participation from artists and cultural actors. Their contribution represents a continuation of a historical tradition of ‘subversive’ creative expressions which challenged repressive regimes in the past. In an interview with Freemuse, artist and author Edith Mirante described how poetry and folk music were an important tool in Myanmar’s anti-colonial struggle as well as a way of protest against previous military-led dictatorships.¹⁰⁵ She added that artists continue to play a vital role in demonstrations against the current military junta: initially, through protest songs and later as the crackdown on protesters turned violent, through visual arts. Myanmar artists used various creative expressions to amplify political dissent. However, the more popular artists are in the society, the more likely it is that they will be threatened by the military.¹⁰⁶ Mirante told Freemuse that it seemed that the regime has particularly targeted artists with influential social media profiles, stating that “if somebody has tens of thousands of followers, they get a knock on their door and get dragged away. If they are not there, their family members are taken away.”¹⁰⁷

Apart from opposing military rule, artists also play a role in advocating for unity in a country with a history of ethnic divisions and a legacy of systematic persecution of the Muslim Rohingya people. Ko Aye Win, a member of Rap Against Junta, told Freemuse that “the military has always used different propaganda strategies to separate the majority and the minority” and that “during the Rohingya crisis, they put the country’s dignity into the trash bin”.¹⁰⁸ He added that the current protest movement is trying to “bring all ethnic groups together and fight for one cause: a new Burma federal democracy.”

In the wake of the coup, artists suffered different forms of violence, including killings with lethal weapons at protests. Freemuse documented at least three artists who died while participating in anti-military demonstrations. Two of them lost their lives at the protests held on 3 March in the city of Monywa, central Sagaing region. Poet, writer, and activist K Za Win (given name Chanthar Swe), who had previously spent 13 months in prison for advocating for education reform, was shot dead as the security forces fired into a crowd of protesters.¹⁰⁹ The same day, poet and schoolteacher Myint Myint Zin was also killed. In one of her last Facebook posts, she shared a picture of her

arm on which her blood type and other personal details were written in case there was a need to identify her.¹¹⁰

In addition to physical attacks on artists, Freemuse also documented that at least 33 artists were detained, prosecuted, and imprisoned following the military takeover. While some of them were arrested because they were at a protest, others were specifically targeted. Several prominent artists were arrested the night of the coup because of their association with the NLD regime and advocacy efforts for peace and unity. Reggae musician from the Karen ethnic group Saw Poe Kwar was arrested on 1 February and subsequently sentenced to two years in prison.¹¹¹ Filmmaker and founder of the Myanmar Human Rights Human Dignity Film Festival, Min Htin Ko Ko Gyi, who was already imprisoned in 2019 for “insulting the military in a social media post”, was detained together with senior NLD officials as the coup was ongoing.¹¹² Other arrests occurred via arrest warrants. The actress Myo Thandar Tun was arrested at Yangon international airport on 19 April, following the publication of a list of names of persons wanted for appearing in the NLD 2020 election campaign videos.¹¹³



*Poet K Za Win was shot dead in a protest in Monywa on 3 March.
Credit: K Za Win on Facebook.*



Reggae musician Saw Poe Kwar, known for his music which calls on peace and unity in Myanmar, was arrested in the night of the coup and later sentenced to two years in prison. Credit: Reggae Reactor on Twitter.

Ill treatment of artists behind bars

According to the AAPP, as of 4 April 2022, more than 13,000 Burmese people had been arrested by the military junta, while an additional 1,976 arrest warrants had been issued.¹¹⁴ The AAPP findings also show evidence of detainees being subjected to torture and other forms of ill treatment. The UN Special Rapporteur on the situation of human rights in Myanmar, Thomas Andrews declared that “security forces have used torture to extract information or confessions during interrogation sessions and have also tortured detainees as a means of punishment or retribution”.¹¹⁵ The torture has included sexual assault and threats of rape, including against minors. The UN Human Rights Council reported that as of February 2022, about 325 people, including 16 children had died while in the custody of the junta.¹¹⁶

Freemuse also documented cases of artists’ ill treatment in custody. The death of poet Khet Thi (given name Zao Tun) is indicative of this trend. On 8 May, the junta in Shwebo, a central town in the Sagaing region, arrested him and his wife Chaw Su, but while his wife was released the same day, Khet Thi was kept in

an undisclosed location overnight. The following day, Chaw Su was instructed to meet her husband at the hospital in Monywa, where she found that he had passed away and that his internal organs had been taken out.¹¹⁷ The hospital claimed that he had died due to ‘cardiac problems’, but Khet Thi’s wife believes that his death was due to torture, as there were visible signs of physical aggression on his body.

Human rights organisations have also reported the use of sexual and gender-based violence as “a brutal strategy employed by the junta to terrorise and punish the civilian population.”¹¹⁸ Illustrative of the violence imposed on women artists is the case of dancer and choreographer Ma Khin Nyein Thu. She was arrested in Yangon between 17 and 18 April on accusations of ‘planting multiple bombs that exploded at the Yankin Township local office’. It was reported that she was tortured and sexually assaulted during her detention as well as denied medical treatment and contact with family.¹¹⁹ In June, state television broadcasted her alleged confession of making weapons and committing arson, apparently obtained during the dancer’s detention in the notorious Insein Prison.¹²⁰ In



When on 9 May, the wife of the poet Khet Thi was told that her husband passed away, she discovered that the body organs were taken out. Credit: Poppy McPherson on Twitter.

March 2022, she was sentenced to seven years in prison for “illegal possession of weapons.”¹²¹

This crackdown on artists, which includes killings, torture, and unlawful imprisonment, resulted in many going into hiding or fleeing the country. A member of Rap Against Junta (RAJ), who spoke to Freemuse under the alias Ko Aye Win, stated that some rappers hide their identities to be able to continue producing their music, while others turn down the RAJ’s invitation to collaborate due to fears for their safety.¹²² He added that this fear is understandable, especially given that the rapper-turned-politician Phyo Zayar Thaw (given name Maung Kyaw) was sentenced to death under anti-terrorism legislation.^{123 124}

Rule of law overturned in Myanmar

In addition to excessive force, enforced disappearances, violations of due process and custodial torture, Myanmar’s State Administration Council also made significant changes to the country’s legislative framework to further sidestep human rights protections and stifle dissent. In the first month following the violent takeover, the SAC introduced several amendments to existing laws aiming to quell peaceful protests. On 13 February, it amended the Law Protecting the Privacy and Security of Citizens, suspending crucial protections relating to search and seizure, arbitrary arrests, as well as the right to privacy against unjustified surveil-

lance.¹²⁵ These changes enabled mass arrests and household searches of artists.

On 14 February, the SAC amended the Penal Code, broadening the grounds for criminal prosecution. It introduced the new subsection 505(a) which outlaws ‘incitement of violence’¹²⁶ as well as section 505A which criminalises any speech which “causes fear, spreads false news and agitates a criminal offence against a government employee” punishable by three years of imprisonment.¹²⁷ The scope of provisions pertaining to ‘treason’ in section 124A was expanded to criminalise expressions of “hatred”, “contempt” or “dissatisfaction” against defence services and their personnel.¹²⁸ New section 124C stipulates up to 20 years in prison for ‘sabotage’, while 124D prescribes a seven-year imprisonment for anyone who ‘hinders a government employee from carrying out their duties.’¹²⁹ SAC further amended the Code of Criminal Procedure to make “the offence under sections 505A, 124C, and 124D non-bailable and subject to arrest without a warrant.”¹³⁰

The junta has used these legislative amendments to press charges against artists whom they deem to pose a challenge to their authority. According to Freemuse’s research, since the coup, at least 15 artists have been arrested, prosecuted, or imprisoned under the Penal Code sections 505 and 505A. On 17 February, the Myanmar military issued an arrest warrant for three film directors Ko Pauk, Wyne and Na Gyi, two actors Pyay Ti and Lu Min, and rapper Anaga under subsection 505(a), claiming that they “used their popularity to incite civil servants to join the Civil Disobedience Movement and anti-coup protests.”¹³¹ In addition, poet Thway Nay was sentenced to three years imprisonment under the same charges, following his arrest on 27 March, when he was caught driving pro-democracy protesters on his motorbike near the city of Mandalay in central Myanmar.¹³²

Section 505A was used as grounds to arrest Yuki Kitazumi, a Japanese freelance journalist and filmmaker based in Myanmar. Kitazumi was detained twice because of his reporting on the military coup. On 4 May, he was charged with ‘spreading false information’, but he was released shortly after, on account of a request made by the Japanese government.¹³³ Musician



Raymond, lead singer of the band Idiots, was in hiding from May, when the junta issued an arrest warrant against him for being a “vocal figure for the pro–democracy movement”.¹³⁴ In June, he contracted malaria in hiding and passed away.

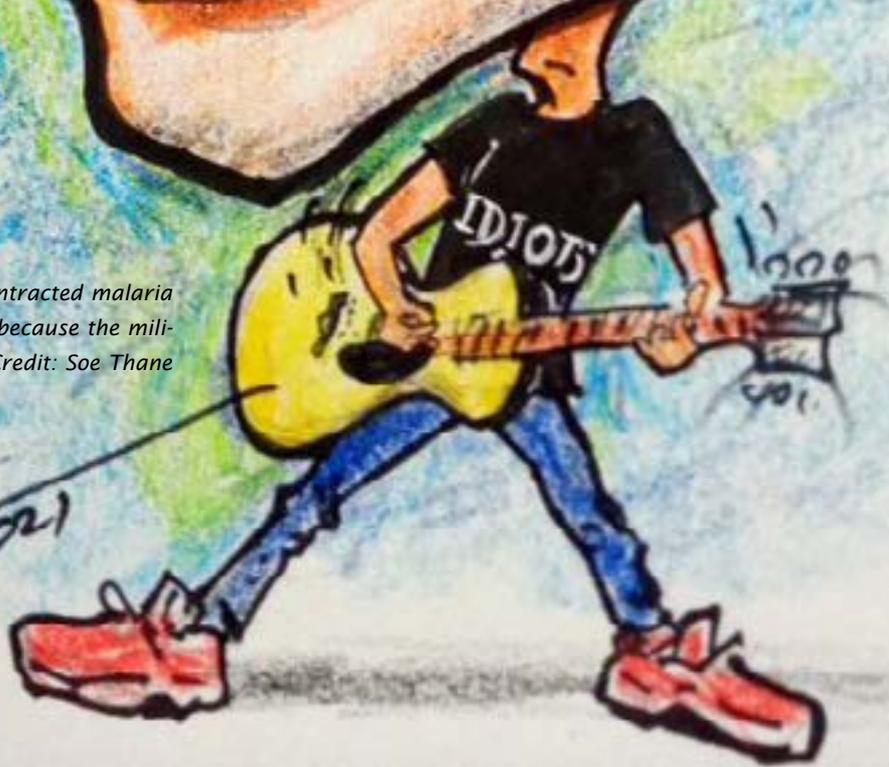
The Myanmar regime’s retaliation against pro–democracy aligned artists shows that dictatorship and artistic freedom do not go hand in hand. Presented cases of violation of artistic freedom demonstrate that Myanmar’s citizens lack basic guarantees for their human rights. The current regime is in violation of Article 5 of the Universal Declaration of Human Rights which prohibits torture. It further breaches the UN norms defined in 1990, which provide that “intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life”.¹³⁵ Legislative amendments adopted outside parliamentary procedures which cannot pass necessity and proportionality tests cannot be justified, even during the state of emergency. It is imperative that the junta release all political prisoners, put an immediate end to the extreme forms of violence, and reinstate democracy in the country. Myanmar is one of the few countries that has not ratified the United Nations International Convention on Civil and Political Rights, essential in providing the legal preconditions for the exercise of civil and political rights. Ratification would enable Myanmar’s citizens to enjoy freedom of expression, association, and assembly and protect them from disproportionate use of violence for peacefully expressing dissent. The absence of any accountability of the military and the lack of redress for the victims of the State Administrative Council jeopardise any democratic progress in the country.



Yuki Kitazumi, Japanese filmmaker and journalist based in Myanmar holds a sign calling for the release of his friend, filmmaker Min Htin Ko Ko Gyi who has been detained since the night of the coup. Credit: Yuki Kitazumi on Facebook.



Raymond, the band Idiots' vocalist, contracted malaria and died in June, while he was hiding because the military junta issued an arrest warrant. Credit: Soe Thane on Twitter.



Soe Thane 2021

YEMEN

ARTISTIC FREEDOM UNDER ATTACK BY THE HOUTHIS DE-FACTO AUTHORITIES

Internationally recognised Yemeni government announced that the 1 July will be celebrated as the Yemeni Song Day as a reaction on the Houthis' ban of music in areas under their control. Credit: Ali Al-Sakani on Twitter.



- Artists were caught in the middle of the conflict in Yemen, with Houthi authorities carrying out the majority of violations against them in 2021.
- Musicians were arbitrarily detained following a ban on music at social gatherings in northern regions under Houthi jurisdiction.
- Houthi-enforced gender norms have had a detrimental impact on the ability of women artists to pursue their careers; female actors were imprisoned on charges of 'prostitution' and 'debauchery' for not wearing a headscarf in public.

Seven years into an armed conflict, the state of artistic freedom in Yemen is of great concern. The conflict between the Saudi and UAE-led coalition and the Houthi armed group has been raging since 2015. Thousands of people have been killed or injured, as ongoing hostilities between the different armed groups have resulted in a human rights crisis throughout Yemen's divided territory. The northern regions and Yemen's capital Sana'a are currently under the control of the Ansar Allah armed movement, also known as the Houthi militia. They are a movement of mostly Zaidi Shia Muslims believed to be supported by Iran. The rest of Yemen's territory is mainly controlled by the internationally recognised government led by Abdrabbuh Mansur Hadi.¹³⁶ This government is supported by a coalition of Gulf States led by Saudi Arabia. Southern regions are controlled by the Southern Transitional Council, a secessionist movement backed by the United Arab Emirates (UAE). The country is also facing one of the largest humanitarian crises in the world; as the UN has stated, "two out of every three Yemenis need some form of humanitarian and protection assistance."¹³⁷ In 2021, civilians across the country suffered from worsening economic conditions and lack of basic services.

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Under such conditions, people's ability to have access to the arts or enjoy artistic expression would naturally be limited – as would artists' ability to find viable economic opportunities or receive any support. Moreover, artists are under constant threat for expressing dissent against or not following the rules imposed by

the de-facto authorities which rule over Yemen's divided territory. Artists especially fear breaking 'Islamic principles' often violently imposed by the Houthi authorities.

In one stark indication of the deterioration in the climate for artistic freedom, in June 2021, the Houthis banned certain kinds of music and celebrations at social functions. The heads of directorates and local councils were instructed to limit artists' performances at events and weddings and instead encourage Quranic awareness in the community. This was followed by the detention of music performers at weddings in areas under Houthi control. Freemuse also documented the targeting of women and female artists and restrictions imposed on them for "moral" reasons.

Restrictions in Houthi-controlled areas

While all the parties in the conflict carried out human rights violations, Freemuse interviewees spoke about a particularly dire situation in Houthi-controlled areas. Opposition to the Houthi authorities and exposing human rights violations committed by their militia is met with harsh retaliation.

Yemeni photographer and journalist Hayat Al-Sharif told Freemuse that since four journalists were recently sentenced to death,¹³⁹ civilians fear expressing their opinions against Houthi policies and practices, knowing that this poses a threat to their lives.¹⁴⁰ Under these circumstances, freedom of artistic expression is also under attack.



On 5 July, singer Shehab Al-Shaarani was stabbed in the neck by a person who pretended to be his fan who wanted a photograph with him. Credit: Shehab Al-Shaarani on Facebook.

Yemeni theater and artistic troupes had thrived since the mid-seventies and local actors and actresses had become known for their drama productions. However, Houthi militias dealt a significant blow to art performance, according to one of the few remaining producers, by limiting productions or punishing individuals when programs were broadcast on opposition TV channels. Houthi authorities also curtailed the space for cultural activities, particularly those carried out by opposing factions. At the same time they aggressively imposed listening to so-called Zawamil sectarian war songs, which glorify fighting and invite the local population to join the Houthis' armed forces.¹⁴¹

The Houthis curtail music at social functions
In 2021, the Houthi authorities suppressed music and musicians. Freemuse documented ten instances in which the music sector was targeted in areas under their control. At least seven musicians were arrested. All these cases occurred following an official order issued in June 2021, under which songs and music at social functions were suppressed and singers were banned from performing at weddings and other entertainment events.

Authorised by the then Sana'a governor, the heads of directorates and local councils in Houthi-controlled areas were instructed to "limit artists' performances at events and weddings and instead encourage Quranic awareness within the community."¹⁴² Subsequently, armed persons affiliated with the Houthis frequent-

ed weddings where they delivered speeches against music, creating a hostile environment for musical performances.¹⁴³

On 5 July, singer Shehab Al-Shaarani was the victim of an assassination attempt by a person who pretended to be a fan wanting to take a picture with this rising celebrity. He was stabbed in the neck with a dagger in front of his house in Sana'a. Even though the reasons or motive for the attack was not immediately apparent and the Houthi authorities did not comment on the incident, local media linked the attack to what they referred to as "the systematic incitement campaign, which the Houthis are leading against art and artists in their areas of control."¹⁴⁴

Freemuse documented six cases in which Houthi authorities arrested artists while they were performing at weddings, or immediately after their performances. On 31 August, singer Aseel Abu Bakr was arrested during his performance at a wedding. After 24 hours of detention in the Houthi authorities' Mazbah Security Directorate, this young musician was released on condition of not performing at similar events in the future.¹⁴⁵ Singer Adham Sufyan said in a Facebook post that Bakr's "only guilt is that he is a singer who loves peace, loves art and makes people happy in these circumstances and amid the tragic situation [in the country]. People attend weddings to change their psychological state because of the [tough] situation and the war." Abdul-Malek al-Jermouzi, a Sa-



Young singer Aseel Abu Bakr was arrested on 31 August, while he was performing at a wedding in Sana'a. Credit: Aseel Abu Bakr on Facebook.

na'a-based journalist, said in a Facebook post, "If you arrest singers, we will use MP3, YouTube ... cassette tapes and radios. We are going to sing for ourselves even if our [voices] are not pretty, that's fine. The important thing is to entertain ourselves and vanquish [the Houthis]." A week after the arrest of Aseel Abu Bakr, singer Yahya Sasa'a was also taken into custody by the Houthi authorities in the northern Hejja governorate, following his performance at a wedding in the Kahlan Afar district.¹⁴⁶

Imposing restrictions on music is particularly detrimental to the unique musical tradition in the country known as the Song of Sana'a, a music genre dating back to the fourteenth century, an integral part of social events, which is included on UNESCO's Representative list of the Intangible Cultural Heritage of Humanity.¹⁴⁷

Apart from musicians' detentions, Freemuse also monitored the destruction and confiscation of musical instruments. On 11 July, Houthi gunmen stormed a wedding in Amran, a governorate in northern Yemen, where they arrested the groom and three artists, and smashed a lute that belonged to one of the musicians.¹⁴⁸ Freemuse also documented the confiscation of instruments during security checks in Houthi-controlled territories. In August, the Houthi authorities arrested the prominent singer and oud virtuoso Fouad Al-Kibsi at a security point in Al-Hudaydah governorate in western Yemen for "reinvigorating or energizing a wedding party" and took away the instruments he had with him, including his oud.¹⁴⁹ The musician was later released, but his instruments were not returned.

According to Freemuse's research, cultural events organised by actors opposed to the Houthi also came under attack. In response to the Houthis' decision to ban singing performances Yemeni activists launched a counter-offensive to celebrate Yemeni music. The Ministry of Information, Culture and Tourism of the internationally recognised Yemeni government then joined the activists' campaign and announced that Yemeni Song Day would be celebrated each year on 1 July.¹⁵⁰ This countermeasure triggered the Houthi militia's retaliation against artists who took part in the celebration. Popular singer Al-Shi'ani was one

of these artists. A campaign calling for his arrest was launched in the Sana'a governorate for his performance marking Yemeni Song Day.¹⁵¹ Similarly, singer Youssef Al-Badji was arrested in front of his house in Sana'a on 8 September, only one day after his participation in the Art Guests programme at the Yemeni Shabab (Youth) channel, which is known for its opposition to the Houthi authorities.¹⁵²



Singer Youssef Al-Badji was arrested on 8 September following his music performance at the digital platform known for opposing the Houthi authorities. Credit: Youssef Al-Badji on Facebook.

Women artists trapped by strict gender norms

Despite some minor positive steps towards gender equality, women in Yemen have been struggling to achieve basic guarantees of their rights.¹⁵³ In this country, which has long been at the bottom of the World Economic Forum's Gender Gap Index,¹⁵⁴ the rights of women have never fully aligned with international best practices. The ongoing conflict has put women in an even more vulnerable position. This trend is particularly alarming in the northern part of the country. Since 2014, when the Houthis took control of the city of Sana'a, various aspects of women's lives have come under strict militia control. The Houthis' restrictions on women's movement, and harassment of women when doing so, has affected women's ability to move freely, to participate in public and private life, and to work. Houthi authorities also ban gender mixing in public spaces such as restaurants and cafes and have imposed gender segregation in the educational system. Music at women's wedding ceremonies is outlawed. These measures were allegedly introduced to "preserve the religious identity" and protect women from "sexual extortion."¹⁵⁵ Despite the existence of long-held traditions and tribal rules that protect women from state abuse, the

Houthis established the women’s militant force Al-Zainabiat, which has been tasked with disciplining other women, in essence subverting customary laws.¹⁵⁶

Houthi militia control how women dress in public and prohibit them from travelling without male guardians. They have harassed women for not wearing a headscarf and prosecuted female artists on morality charges. Photographer and journalist Hayat Al-Sahrif spoke to Freemuse about the fear she experiences in her professional and private life under Houthi rule. In addition to the challenge of getting people to take part in her projects due to fear of potential reprisals, local armed men attempted to take her camera by force. Al-Sahrif told Freemuse that she is reluctant to criticise local authorities, adding that self-censorship both “in work and in life” is integral for her survival.¹⁵⁷ However, as a woman artist, she continuously faces “one tricky situation after [another] risky situation.” She told Freemuse that she remains “forever shaken” by one encounter with the militia who insulted her husband and threatened him with a gun, because she briefly removed her veil to feed a child while they were in their car.

Women are obliged to wear the niqab, according to the ruling authorities and other religious extremists who all consider it a huge shame and punishable offence for us to show our faces, no matter if we are otherwise fully covered. [...] For me, the forced niqab isn’t just a fabric that covers a woman’s face, it’s a male-driven ideology that covers up women’s perspectives, signalling that we should not raise our voices.

Hayat Al-Sharif, Freemuse interview (online), 15 February 2022.



Photographer Hayat Al-Sahrif creates artistic pictures which tell the stories about the suffering of Yemeni women and children. Credit: Courtesy of Hayat Al-Sahrif.

Women who go against the gender norms imposed in the northern provinces often face repercussions, varying from enforced disappearances to arbitrary arrests. Amnesty International’s research shows that in 2021 alone, at least 233 women and girls were detained in Sana’a on allegations of espionage, prostitution, and immoral acts.¹⁵⁸ During their detention in Houthi prisons, these women have been subjected to torture and other degrading and inhumane treatment, including sexual violence, as well as forced recruitment by the militia.

Like many of these women, actor and model Entesar Al-Hammadi went missing on 20 February, when she was taken by plainclothes security officers from a street in Sana’a, along with another three actresses, allegedly for “violating traditional Islamic dress code”.¹⁵⁹ The young woman first caught the public’s attention after she published images showing off traditional Yemeni costumes. While in detention, Entesar was reportedly kept incommunicado, abused physically and verbally – including by prison guards calling her “a maid” and “a whore” – interrogated and blindfolded, and forced to sign a confession for drug possession and prostitution.¹⁶⁰ She says she was also asked to take a “virginity test”, which she refused. On 7 November, this artist, known also for posing as a model without a headscarf, was sentenced by the West Sana’a Court to five years in prison.¹⁶¹ She was convicted of drug abuse, practicing debauchery and prostitution, and inciting other girls to engage in prostitution. Her colleague Yusra Al-Nashiri was also sentenced to five years’ imprisonment, and Mahaliya Al-Baadani to three years’, while the actress Ruqaya Al-Sawadi was ordered to serve one year in prison.¹⁶²

Violations by non-Houthi authorities

Even though most violations of artistic freedom documented in 2021 were committed by the Houthi authorities, freedom of expression has also been limited in other regions. In November, poet Ossama Al-Mahrawi was abducted by armed persons associated with the Southern Transitional Council and briefly taken to an unknown location before he was released. The artist was targeted after he invited journalist Samir Al-Sururi who lives in the territory under control of the Yemeni official government, to host a cultural event Al-Mahrawi organised in the southern Aden governorate to celebrate Independence Day.¹⁶³

Conclusion

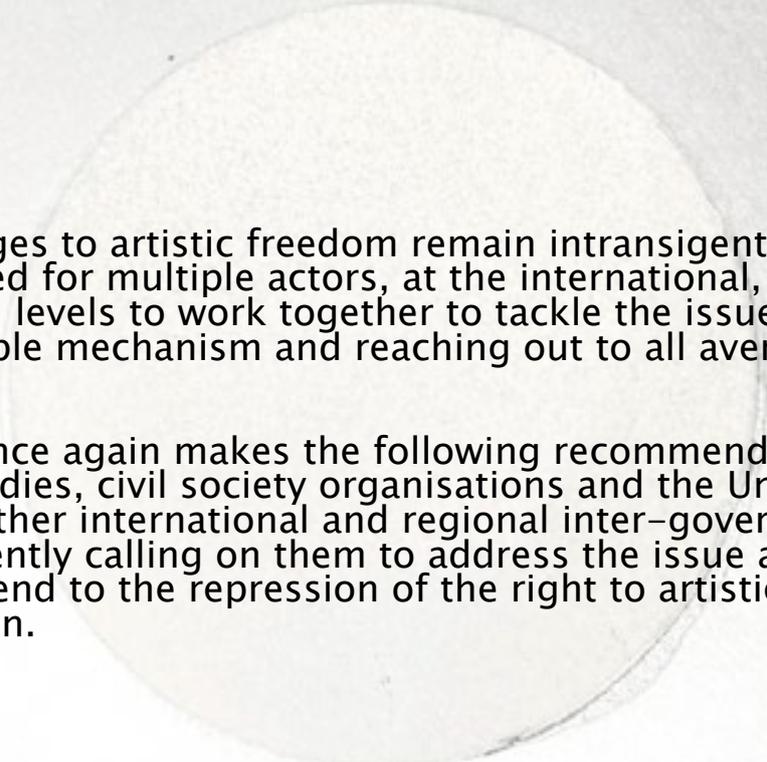
Even though the humanitarian crisis in the country and mass suffering of the civilian population has rightfully dominated the attention away from artistic freedom, the ongoing war in Yemen continues to have detrimental effects on artists' lives and their human rights. Artistic freedom in Yemen is such that artists cannot create and promote their work, nor engage in public discussions without interference and intimidation from the de-facto authorities in different regions of this divided country. The ongoing criminalisation of artistic freedom by the Houthi authorities, and other political and religious groups, puts artists at risk. Their arbitrary deprivation of liberty further narrows the already limited space for artistic creativity. Reports of ill treatment in custody and different forms of sexual violence against women artists, including forced "virginity tests" which may amount to torture, have an intimidating effect,

and have further shrunk the space for their exercise of cultural rights.

The practices outlined in this analysis showcase that those in power do not uphold the obligations stemming from Yemen's ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which results in a high level of impunity for human rights violations at the national level. Furthermore, due to a lack of consensus, the UN Human Rights Council did not renew the mandate of its Group of Eminent Experts on Yemen in October, which subsequently weakened possibilities for investigating human rights violations at the international level. The negative vote taken by Council members underlines the Group's assessment that there is a lack of political will to address the situation in Yemen.¹⁶⁴



In November, actress and model Entesar Al-Hammadi was sentenced to five years in prison on morality charges. Credit: Arab News Japan on Twitter.



The challenges to artistic freedom remain intransigent, and highlight the need for multiple actors, at the international, regional, and national levels to work together to tackle the issues, by using every available mechanism and reaching out to all avenues of influence.

Freemuse once again makes the following recommendations to statutory bodies, civil society organisations and the United Nations, and other international and regional inter-governmental bodies, urgently calling on them to address the issue and work towards an end to the repression of the right to artistic freedom of expression.

ALL GOVERNMENTS:

1. Should uphold the full array of states' obligations to respect, protect and fulfil the right of every person to freedom of artistic expression and creativity and access to cultural rights without discrimination on any grounds. This principle should be taken as the core driver of all developments of law, policies and measures related to freedom of artistic expression and creativity.
2. Should abolish and amend legislation, executive orders, and by-laws which prohibit and restrict artists from taking part in any dimension of artistic life and the performance of their respective art forms.
3. Must harmonise national legislation on freedom of expression and cultural rights with international human rights standards. States should ensure that any restrictions imposed on artistic expression are in accordance with Article 19(3) of the UN International Covenant on Civil and Political Rights (ICCPR). Restrictions must be provided by the law, serve a legitimate aim, be proven proportionate against the benefits of the restriction and necessary for the protection of the legitimate aim.
4. Should abolish censorship boards and other prior censorship mechanisms. Classification bodies should be independent, include representatives from the cultural sector in their membership, their terms of reference, rules of procedure and activities should be made public, and effective appeal mechanisms should be put in place.
5. Should ensure that artist syndicates and other professional bodies are strongly encouraged to actively apply human rights principles when adopting and implementing their internal policies, aiming to protect the rights of their members, instead of imposing undue restrictions.
6. Should establish ministries with a specific focus on culture and art in countries where ministries on this area are absent, ensuring that these ministries are separated from other functions including the governance of sport and youth.
7. Should develop national strategies and action plans to protect artists and freedom of artistic expression, developing these based on best practice and lessons learned applied for the protection of journalists and media freedom. Donor governments should also develop international strategies and action plans to protect artists worldwide.
8. Should ensure that non-state actors—including political organisations, religious groups, private individuals—which are found to have used hate speech, online and offline threats or acts of violence (including the abduction of artists and acts of vandalism or destruction targeting artwork) in an attempt to instigate acts of censorship, must face prompt, impartial and effective investigations in accordance with international standards.
9. Should avoid the criminalisation of the expressions—artistic and otherwise—and apply criminal law only in cases of severe breaches of regulations governing free speech.
10. Should ensure the immediate release of all artists in administrative or arbitrary detention, those serving unlawfully rendered prisons sentences, and drop all charges brought against them on illegitimate grounds.

ON THE RATIFICATION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

11. Should ratify and fully implement the following international human rights instruments so that they can strengthen the promotion and protection of rights to artistic expression and creativity:

- The International Covenant on Civil and Political Rights and its Optional Protocol, without reservations.
- The International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, without reservations.
- The 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
- The UN Convention on the Elimination of all Forms of Discrimination against Women and its Optional Protocol, without reservations.

ON LAWS PENALISING INSULT

12. Must ensure that artists be able to freely participate in public debates about the way authorities run the state, national security, public morality, and other issues of public importance. Artists, especially visual and performing artists who use humour, satire, and parody, should not be subject to undue or arbitrary restrictions on the right to freedom of expression on these grounds.

13. Must review and repeal laws or provisions penalising insult to heads of states (including foreign heads of states), other state officials (including military and law enforcement), and political figures, national institutions, and emblems.

14. Should abolish blasphemy laws which often prescribe heavy sanctions, including death penalties, for insulting religion and religious figures. States should not allow that the offence of insult to religious feelings be used as a vehicle for repressing freedom of expression.

ON THE RIGHT TO PROTEST

15. Should respect the right of artists to dissent, and use political, religious, economic, and national symbols as a counter-discourse to dominant powers and to express their own beliefs and world visions. The use of fiction must be understood and respected as a crucial element of the freedom indispensable for creative expressions.

16. Must review and amend all legislation that impose undue restrictions on peaceful freedom of assembly, resulting in preventing artists from exercising the unhindered right to stage and take part in protests, demonstrations, and other public actions.

ON MEASURES TAKEN IN THE CONTEXT OF THE COVID-19 PANDEMIC

17. Should ensure that artistic freedom is fully respected, protected, and fulfilled during the COVID-19 pandemic. States should refrain from restricting freedom of expression and assembly in the context of the pandemic through measures that go beyond what is needed to stop the spread of the virus, but rather to stifle political dissent and criticism of the way authorities handle the pandemic.

18. Release all artists detained and imprisoned under legislations implemented during the COVID-19 pandemic. This measure should be particularly applied to overcrowded and overpopulated prisons in order to reduce the risk of potential COVID-19 infections.

19. Must stop criminalising artistic expressions on the pretext of halting the spread of misinformation, including those likely to cause the panic, and instead employ other effective measures to inform the public about crucial aspects of the COVID-19 pandemic.

ON COUNTERTERROR

20. Must ensure that the measures primarily intended to counter terrorism are not used to suppress forms of artistic expression, including peaceful political commentary.
21. Must ensure that no provisions within domestic counterterrorism legislation violate state obligations under international human rights law, specifically Article 19 of the ICCPR protecting freedom of expression.
22. Should repeal or amend legislation which include vaguely worded terms such as 'glorifying terrorism', 'insult to victims of terrorisms' and other phrases that can be interpreted in such manner as to deny the right to freedom of expression.

ON SEXUAL, GENDER AND RACIAL DISCRIMINATION

23. Must review and repeal laws and discriminatory provisions criminalising same sex relations which place undue restrictions on freedom of expression, including artistic expression.
24. Must urgently review and repeal laws which impose undue restrictions on women's equal participation in cultural life and assure that principles of gender equality and non-discrimination are consistently applied in all laws and policies governing the cultural sector.
25. Should conduct prompt, effective, and impartial investigations in cases of violence exercised against artists based on their sex, race, sexual orientation, and gender identity.

ON DIGITAL RIGHTS GOVERNING FREEDOM OF EXPRESSION

26. Must apply human rights protections as stipulated under Article 19 of the ICCPR equally in the offline and online context. When applying cybercrime laws to penalise expressions posted online, governments should uphold international standards governing freedom of expression and refrain from unlawfully criminalising artists' dissenting voices expressed in the digital space.
27. Should refrain from initiating legal prosecution cases against online streaming platforms and policing content available on these platforms in a manner that denies the right to freedom of expression.
28. Must treat threats of violence and sexual abuses in the online context equally to those in offline spaces. Specialised units within law enforcement tasked to combat cybercrime should investigate those threats promptly, effectively, and impartially, and relevant prosecution and judiciary bodies should ensure that perpetrators are identified and sanctioned in line with national laws.
29. Should hold social media companies accountable for implementing policies which respect the right to free expression especially through: (a) revising community guidelines so that they are consistent with relevant international human rights standards; (b) granting artists whose content has been removed the right to appeal through a fair and transparent process in which they are provided with easy access to information about appeals, as well as timely responses to appeals and complainants in line with international human rights standards; (c) publicly disclosing information on the number of incidents in which social medial companies remove content and their reasons for this removal.

ON STRENGTHENING OF ARTS AND CULTURAL INSTITUTIONS

30. Should ensure a plural and diverse environment for exercising artistic freedom by strengthening the mandates of relevant arts and culture institutions and entities. These institutions should maintain their independence and ensure transparency in all decision making (including programmatic, operational, funding and recruitment of senior positions).
31. Should consult with civil society organisations and other relevant stakeholders (including artists focused on expression containing LGBTI and feminist themes) working in the field of freedom of expression and artistic freedom—through a transparent, enabling and fully informed processes when engaging with and reporting to the United Nations and regional human rights mechanisms and to other bodies such as UNESCO.
32. In cooperation with relevant national human rights bodies, governments should establish mechanisms through which artists can report unlawful restrictions of artistic freedom of expression. These mechanisms should have the mandate to examine complaints and the mandatory power to refer the cases to relevant agencies for legal and other appropriate actions. The number and nature of these complaints should be made public for further policy analysis and development.

SOCIAL MEDIA PLATFORMS:

33. Should adopt and implement internal regulations ensuring that freedom of expression on their platforms are guided by the international human rights law, and not the varying laws of national states or their own private interests.
34. Should engage in consultations with civil society organisations and experts in the field of digital rights, artistic expression, and other relevant experts to harmonise their community guidelines with international human rights standards.
35. Must unequivocally and publicly condemn online attacks on artists, taking particular consideration the particular threats where artists are targeted on the basis of their sex, race, sexual orientation, and gender identity. Social media platforms should approach this issue based on the premise that online violence is an extension of offline violence.

UNITED NATIONS AND OTHER INTERNATIONAL AND REGIONAL INTERGOVERNMENTAL MECHANISMS:

36. Should include freedom of artistic expression in all relevant debates, mechanisms and formulations focusing on freedom of expression.
37. Should play a convening role, bringing member states together to develop international and regional strategies and action plans to protect artists and freedom of artistic expression. They should use available international and regional mechanisms to influence member states to refrain from subjecting artists to legal prosecution and arbitrary arrests.
38. Should provide technical assistance to member states in which legal frameworks governing freedom of expression and artistic expression need strengthening. They should encourage that member states be able to bring their legislation in line with international standards and in cooperation with relevant implementing bodies, including UNESCO and regional intergovernmental organisations.
39. Regional inter-governmental bodies, such as the Council of Europe, the Organisation for Security and Cooperation, African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights, and others should create platforms for dialogue and exchange among member states on good practise relating to the promotion and protection of artistic freedom.
40. UNESCO should support and ensure that states parties to the 2005 Convention on the Promotion and Protection of the Diversity of Cultural Expressions report on violations of artistic freedom committed by both state and non-state actors.

CIVIL SOCIETY BODIES:

41. Should continue to systematically monitor, document, and raise awareness about different forms of interference in cultural sector and artistic expression, including focusing on undue restrictions imposed through national laws and practices.
42. Should strengthen their engagement with relevant authorities at international, regional, and national level to expose illegitimate restrictions on artistic freedom.
43. Should engage with and support individual artists and representatives of the cultural sector to share expertise and joint action in support of artistic freedom.

ENDNOTES

AN OVERVIEW OF ARTISTIC FREEDOM IN 2021

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