

Freedom of Artistic Expression in Europe

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



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

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

Five Key Challenges

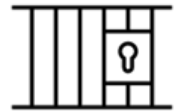
- I. Governments target artists under existing **anti-terrorism laws** to silence dissent. Artists are prosecuted on the grounds of “praising” or “glorifying” terrorism.
- II. Artistic expression is censored to **protect religious feelings, values and norms**. Artists are prosecuted under blasphemy laws.
- III. Artists are prosecuted and censored for artwork considered to **insult heads of states, royalty, flags and national emblems**.
- IV. Undue influence by **governments who take administrative control of national museums and cultural institutions** to favour nationalistic or pro-government messages.
- V. **LGBTI** artists and artworks are targeted due to perceived threats to “**traditional family values**” - especially “**anti-homosexuality propaganda**” laws are used against creative expressions with LGBTI content.

Artistic Freedom in Numbers



31 IMPRISONED

50 DETAINED



21 PROSECUTED

20 THREATENED/
HARASSED



9 TRAVEL BANS

Censorship in Europe

179 acts of censorship in 27 countries affecting 809 artists and artworks

Music 39%	Visual art 22%
Theatre 17%	Film 13%
Literature 7%	Dance 2%

The Legal Framework

International and European human rights law defends and promotes the right to freedom of artistic expression through two key frameworks applicable in European countries:

1. civil and political rights
2. cultural rights

International Legal Framework

1948 Universal Declaration on Human Rights (UDHR) Articles 19 and 27

International Covenant on Civil and Political Rights (ICCPR) Article 19

International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 15

UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

European Legal Framework

European Convention on Human Rights (ECHR) Article 10

Charter of Fundamental Rights of the European Union (CFREU) Article 11

Treaty of the European Union Articles 2 and 151

Article 19(3) of the ICCPR: “[restrictions] shall only be such as are provided by law and are necessary for (a) respect of the rights or reputations of others; (b) the protection of national security or of public order or of public health or morals.”

Recommendations

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

Read the FULL REPORT on [Freemuse.org](https://freemuse.org)



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