

“Submission: 10th anniversary of cultural rights mandate”.

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Submitted by:

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Focus of submission

The submissions focus entirely on the impact of the UN SR report the **right to freedom of artistic expression and creation** (thematic report A/HRC/23/34).

Possible conflict of interest

In 2012, Freemuse and Fritt Ord organised “All that is banned” - the first The First World Conference on Artistic Freedom of Expression.¹

While preparing the conference the undersigned was invited by the SR office to write a background report on challenges to artistic freedom and serve as special consultant to the office preparing the thematic report on artistic freedom

By invitation from governments, international institutions, and organisations and through my work with Freemuse and UNESCO, I have also promoted the report in several countries during the period 2013-2018.



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¹ https://freemuse.org/def_art_freedom/conference/

1. When the SR report was published it was immediately picked up by several international organisations working for the protection of artists' rights to freedom of expressions²
2. The report included inputs from UNESCO and inspired UNESCO to address artistic freedom in the 2015 UNESCO Global Report³ RE | SHAPING CULTURAL POLICIES, UNESCO Global Report 2015.
3. The UNESCO report for the first time presented a new monitoring system for artistic freedom⁴
4. UNESCO promoted artistic freedom at World Press Freedom Day events in Helsinki 2016, Jakarta 2017 and Accra 2018 with specific references to the SR report: "Since the publication of UN Special Rapporteur Farida Shaheed's 2013 landmark report "The right to freedom of artistic expression and creativity", artistic freedom has entered the global policy debate on freedom of expression in an unprecedented way."⁵
5. During the World Press Freedom Day in Helsinki 2016 a declaration on artistic freedom was made by the Nordic Ministers of Culture on "Promoting Diversity of Cultural Expressions and Artistic Freedom in a Digital Age"⁶
6. Several international organisations have made use of the SR report as a global reference point. Specifically organisations such as Freemuse, PEN International, ARJ and Index on Censorship have referred to the report in UPR submissions and as part of toolkits.
7. Freemuse has co-submitted several UPR's reports to the Human Rights Council with reference to the SR report addressing issues such as "Hurt to Religious Sentiment"⁷ and pre-censorship⁸

² <https://freemuse.org/news/un-report-on-the-right-to-artistic-expression-and-creation-now-available/> , <https://ifacca.org/en/news/2013/03/14/report-special-rapporteur-t-he-field-cultural-righ/> , <https://on-the-move.org/librarynew/article/15570/report-on-the-right-to-freedom-of-artistic/>

³ <http://unesdoc.unesco.org/images/0024/002428/242866e.pdf>

⁴ https://en.unesco.org/creativity/sites/creativity/files/artistic_freedom_pdf_web.pdf

⁵ <https://en.unesco.org/creativity/news/press-freedom-artistic-freedom-upholding-rights-all>

⁶ <https://www.norden.org/da/node/4770>

⁷ http://freemuse.org/wp-content/uploads/2017/10/UPR_Bangladesh_2017_Freemuse_Drik_Picture_Library_PEN_International_PEN_Bangladesh.pdf

⁸ https://freemuse.org/wp-content/uploads/2016/03/UPRZimbabwe_FreemuseNhimbe.pdf

8. References to the SR report has been made in reports and toolkits from Index on Censorship⁹ and Arts Rights Justice¹⁰
9. By invitation from United Nations Office of the High Commissioner for Human Rights, Freemuse submitted a 12-page report, “Challenges and effects of terror on arts and culture”¹¹ that collates examples of effects on arts and culture that have occurred over the past 20 years. The report refers to the Farida Shaheed report as well as the report by her successor, Karima Bennoune “Intentional destruction of cultural heritage.”
10. When the European Union Agency for Fundamental Rights, FRA, invited international experts to a high-level meeting in Vienna 2017 “EXPLORING THE CONNECTIONS BETWEEN ARTS AND HUMAN RIGHTS”, several references were made to SR report, including her concerns over “The increasing privatisation of public space inhibits creativity in this arena.”¹²
11. Annually, Freemuse publish a global report on violations on artistic freedom. The reports refer to the SR report – as an example: Art under threat - FREEMUSE ANNUAL STATISTICS ON CENSORSHIP AND ATTACKS ON ARTISTIC FREEDOM IN, 2016 Published February 2017, writes: “In the words of Farida Shaheed, the first UN Special Rapporteur in the field of Cultural Rights: “State cultural policies need to take artistic freedoms into consideration, in particular when establishing criteria for selecting artists or institutions for State support. The pivotal factor is ensuring that the system as a whole is neutral.” Governments should refrain from using funding as a tool to suppress critical artistic voices.¹³”

Conclusion

12. Since the publication of the UN SR report “the right to freedom of artistic expression and creation” governments, international bodies such as UNESCO, human rights- as well as artists’ organisations and individuals have acknowledged the report as a key reference in debates and policy papers dealing with artistic freedom.

⁹ <https://www.indexoncensorship.org/wp-content/uploads/2014/05/AFD-Report-Creativity-Under-Pressure-2014.pdf>

¹⁰ https://www.emc-imc.org/fileadmin/user_upload/ARJ/ARJ_Public_Toolkit_2016.pdf

¹¹ http://freemuse.org/wp-content/uploads/2016/10/Freemuse-input_Effects-of-terror.pdf

¹² http://fra.europa.eu/sites/default/files/fra_uploads/fra-2017_arts-and-human-rights-report_may-2017_vienna.pdf

¹³ <https://freemuse.org/wp-content/uploads/2017/05/Freemuse-Annual-Statistics-Art-Under-Threat-2016.pdf>

13. As a result of the publication of the report, artistic freedom is no longer a “marginalized” issue in the “world of freedom of expression.”
14. Freedom of artistic expression is now firmly incorporated as key indicator for the promotion and protection of diversity of cultural expressions as defined in the 2005 UNESCO Convention.
15. Several issues addressed in the SR report have inspired the publication of other reports – such as global reports on violations on artistic freedom.