

Creators conference
Brussels, February 2013

Your Voice - Your Rights

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It is a great honour for me to address this conference, which aims at offering a possibility for creators and representatives of the music sector to voice their concerns on a number of issues, including freedom of speech and the right to a fair remuneration.

As Special Rapporteur in the field of cultural rights, I have chosen this year to address the issue of the right to freedom of artistic expression. My report will be submitted to the Human Rights Council in June this year.

I am convinced that art constitutes one important means through which each person, individually and in community with others, as well as groups of people develop and express their humanity, their world view and the meanings they give to their existence and their development.

I am very concerned by the multi-faceted ways in which the right to artistic freedom is curtailed today, and I hear the growing concern by artists from all continents that their voices and expressions are being silenced, either through brutal and violent means or more subtle but still very efficient tools.

This conference is an important event, as it contributes to shedding light on the many cases of persecution of artists or restrictions on their rights, which are, unfortunately, seldom noticed by the international community and public agencies. Complex issues are also at stake, which need to be debated.

Important provisions of international human rights law do protect the right to freedom of artistic expression, which include article 27 of the UDHR, guaranteeing the right of everyone to freely to participate in the cultural life of the community and to enjoy the arts; article 19 (2) of the ICCPR, which states that the right to freedom of expression includes freedom to seek, receive and impart information and ideas of all kinds “in the form of art”, and Article 15 (3) of the ICESCR, under which States “undertake to respect the freedom indispensable for...creative activity” .

In accordance with these provisions, possible limitations can only be applied in a very restrictive manner. I am concerned that in an astonishing number of cases, censorship, meaning the desire to suppress a specific discourse or point of view, is most often

disguised, under restrictions that could be authorized under international law. This leads to a situation where Governments lose their credibility.

One way of silencing artists may be to impede their livelihood options as professionals in a career devoted to artistic creations. In accordance with the UDHR (art. 27) as well as the ICESCR (art. 15) all individuals have the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which s/he is the author. I am concerned by a number of practices which fly against this provision, such as coercive contracts, and I find it encouraging that artists and authors have begun organizing themselves through, in particular, the establishment of non-profit collecting societies with a majority of artists and authors sitting at their board.

One issue arising is the extent to which moral and material interests may be used to impede authors and artists to draw inspiration from each other. A challenge for the whole music industry and collecting societies is to find a flexible solution, which neither infringes on artists' moral right nor the fair interests of remuneration for publishers but, at the same time, respects artists' rights to "quote" or refer to other artists' productions. This is key for the flourishing of art and artistic creativity.

I am sure this conference will contribute to the necessary debates over these complex issues, and will enable the opening of a frank and constructive dialogue between creators and the music industry. I wish you the best in your debates, and will be eager to receive the outcome of the conference.