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NEW YORK

LOS ANGELES

WASHINGTON, D.C.

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights
United Nations Office of the High Commissioner for Human Rights
Geneva, Switzerland

RE: Submission on Cultural Rights and Migration

Dear Ms. Xanthaki,

Firstly, thank you for the opportunity to provide input on your upcoming report and for your flexibility regarding the deadline.

For nearly a century, PEN America has worked at the intersection of literature and human rights to protect free expression. PEN America is part of the global PEN network, which champions the freedom to write, celebrates the power of words to transform the world, and defends free expression.

The Artists at Risk Connection (ARC), a project of PEN America, extends PEN's mission and safeguards the right to artistic freedom of expression and ensures that artists and cultural professionals everywhere can live and work without fear. Our ultimate goal is to address the needs of artists at risk and the organizations that serve them.

Do migrants have access to the cultural services and institutions of the host society? How about undocumented migrants, asylum seekers and refugees? How is such access ensured?

Migrant and displaced artists are often the most vulnerable and targeted among migrant communities, and do not have access to the cultural services and resources of the host society. With many artists fleeing their countries abruptly and without proper documentation, they are forced to go into hiding from the authorities and are thus unable to access their host country's social and cultural life. Consequently, ARC has observed through its programs how these migrant artists are in a state of limbo, unable to fully participate in their host country's creative economy. Instead, they are focused on struggling to secure legal documentation, emergency funding, and – for those artists who are in limbo in a third country where they remain at risk – seeking to relocate once again to a country where they are truly safe and secure. For these

reasons, as highlighted in our report [Connecting the Dots: Artist Protection & Artistic Freedom in Asia](#), ARC is a proponent of in-region relocation whenever possible, rather than moving artists to new and unfamiliar countries on the other side of the world (as often happens when artists from the South are relocated to the North). In-region relocation is often less expensive, poses fewer language and cultural barriers as well as visa hurdles, and allows artists to remain closer to their friends, family, and communities. Additionally, in a workshop co-hosted by ARC and Southern Defenders in 2021 and summarized in the report [We Have Always Had to Fight: African Artists on Human Rights and Artistic Freedom](#), African artists and cultural practitioners noted the need for more financial assistance to support the artistic work of artists who are forced into exile or are otherwise displaced from their home country. Migrant artists are also sometimes excluded from government services that could benefit them. For example, according to workshop participants, the Tunisian government provided a stimulus package of \$115 a month that was designated for artists – but as only Tunisian nationals were eligible for the program, migrant artists in Tunisia were left out and could not access this critical financial support.

Which institutions have been successful in respecting and protecting the cultural resources and assets of migrants? Please provide examples when possible, including on how this was achieved.

Some refugee artists have successfully integrated into cultural systems in their new countries of residence, primarily through academia and arts and cultural organizations or institutions. For example, Afghan filmmaker and activist Sahraa Karimi, who currently resides in Italy, now teaches as a visiting professor at the National School of Cinema (CSC) in Rome, thanks to the proposal of its President, Marta Donzelli. Karimi shares that this opportunity has been incredibly meaningful to her life and career, allowing her the chance to work with talented students and prolific faculty in an environment that is safe and conducive to her creativity.^[1] Other countries, like Portugal and Germany, who have previously supported Syrian musicians such as the Syrian Expat Philharmonic Orchestra, welcomed Afghan musicians including members from the Afghanistan National Institute of Music (ANIM), Kabul's major music academy. Although these musicians have sought refuge in the country, they are still struggling to integrate themselves with the local creative economy and secure opportunities to perform at venues and collaborate with local musicians.^[2] Through the advocacy efforts of individuals like Dr. Sarmast, Director of ANIM, and Mirwais Siddiqui, Director of the Aga Khan Music

Initiative in Central Asia, more global institutions are learning of the plight of Afghan musicians and what assistance they require to help them acclimatize and revive their creative practice in foreign lands.

Cultural organizations and educational institutions are therefore key stakeholders in helping displaced artists find their way in a foreign creative ecosystem. The assistance offered by these institutions can be short lived, due to lack of funding and complex visa procedures, but many do attempt to connect artists with local creative communities, health care professionals, and other displaced artists, in the hope of easing the adjustment process. This support is also conditional on the geopolitics of the host country. For instance, although Pakistan has hosted at least 1.4 million registered refugees and more than 1.5 million unregistered refugees without a legal status since the 1980s, it still remains a country where illegal Afghan refugees are being targeted, and subsequently deported for their lack of proper documentation.^[3] Under these circumstances, Pakistani cultural organizations struggle to provide support or assistance to Afghan refugees for fear of government reprisal.

Support from cultural organizations, though extensive, cannot match the surge in displaced Afghans, especially in the aftermath of the 2022 Taliban takeover.

What is the position of governmental authorities when cultural practices of migrants are not in line with those of the majority of the population?

Governments have the ability to foster a welcoming environment for migrant communities by providing transition assistance, protecting the artistic freedoms of displaced and migrant artists and safeguarding an inclusive culture within the host communities. However, government authorities in more repressive countries are quick to silence displaced and migrant artists whose practices fall outside the purview of the dominant or majority population. For example, in Bangladesh, musicians from the Baul community – traveling minstrels native to parts of Bangladesh and India, who are heavily influenced by Sufism – are subject to censorship and arrest under the Digital Security Act (2018). The legislation allows for the forced detention of artists who are critical of the government, or whose expression threatens the national sovereignty of the country. Arguably, the lack of a proper definition of national sovereignty permits action to be taken against minority groups such as Baul musicians, whose music is considered to be embodying a philosophy that is antithetical to the dominant culture and religion in Bangladesh. Likewise, ARC has worked with numerous cases of Kurdish artists (from Syria

and Iran) who have fled to Turkey but face persecution for their Kurdish identity and related creative expression, due to anti-Kurd sentiments that are common in Turkey. The same can be said of migrant artists from Myanmar who have fled to Thailand, many of whom are also forced to flee abruptly and without proper documentation. The lack of paperwork complicates their situation, forcing them to remain hidden and outside the purview of their host country's social and cultural life. In 2022 alone, ARC has seen an alarming rate of artists who had fled their countries of origin but continued to feel unsafe or face threats in their new host countries, representing 11% of our total caseload this year. The most commonly represented groups were Afghan artists who had fled to Pakistan, Burmese artists who had fled to Thailand, and Iranian artists who had fled to Turkey.

How do the different sectors of the population learn about the cultures of the migrants, especially new and forced migrants? Please provide information about existing spaces, including media spaces, and opportunities for the host society to encounter and engage with cultural resources of migrants.

Exhibitions and select public programming offer an opportunity for host countries to showcase the work of displaced and migrant artists. Digital exhibitions like [Before Silence: Afghan Artists in Exile](#), which was curated by ARC in partnership with Art at a Time Like This, showcased the work of Afghan artists and visual artists in exile, with the intention of raising awareness and encouraging interaction between displaced Afghan artists and the rest of the world. In another example, the City of Asylum organizations in the U.S (Pittsburgh, Detroit, Ithaca) provide ample public programming and opportunities for community members to engage with their at-risk artist residents, including through performances, readings, other events, and even engagements with local schools. While these engagements offer tremendous value for migrants to celebrate their culture with host communities, the efforts fall short in reaching a diversity of sectors of society. ARC and its network members, strongly urge museums, galleries, and established cultural spaces to do more to support refugee artists and offer spaces for them to showcase their work.

What challenges do migrants face currently in practicing, maintaining and transmitting their culture, especially when they are new and/or forced migrants?

Not all artists have the opportunity to properly prepare for displacement, as in the case of large-scale citizen migration in the wake of the abrupt takeover by an authoritarian regime.

In the fallout of the military coup of February 2021 in Myanmar, artists have been threatened with persecution, detention, and death, often in response to their protest artwork and participation in pro-democracy campaigns. According to PEN America, at least 45 artists and creative practitioners have been detained, with five having been brutally executed, and countless others fleeing the country.^[4] The plight of these artists is further complicated by the fact that most have illegally fled their home country, thus crossing international borders without proper documentation and identification. As a result, it is challenging, if not almost entirely impossible, for them to participate in social and cultural life in their new countries of residence. For example, ARC has observed that many artists who flee from Myanmar and illegally cross into neighboring countries such as Thailand are scared to even step out of their homes. Their illegal status effectively requires them to stay invisible, in order to avoid any brushes with local police authorities who are either quick to arrest them or extort them. These artists in hiding therefore refrain from connecting with local art institutions and communities, and are forced to stop their artistic endeavors almost entirely. Many who have had to flee their countries also escape with nothing more than the essentials, and leave behind their instruments and tools vital to their creative practice, complicating their efforts to restart their careers later on.

Displaced artists are often left to find their own way to connect with the community in their host countries. This can be especially difficult when artists are confronted with language barriers, along with socio-economic hurdles in accessing resources, various spaces and art materials. The struggle of many migrant artists to obtain legal documentation also poses a significant barrier to taking advantage of local cultural opportunities – and this process takes up a lot of time that could otherwise be spent creating art. Additionally, artists are typically far removed from their artistic and personal networks, making it difficult to gain traction in a new arts and culture environment where they may be seen as having a lower profile than they did in their home country. In other situations, artists may also find that their host communities prefer particular manifestations of their art and/or cultural heritage, or are only interested in narratives of the trauma and persecution that the artist has undergone, rather than embracing their complete artistic self-expression - as experienced by many Iraqi and Syrian artists over the past decade. Finally, the

work of artist-activists may not translate as well with a wider or non-native audience.

Please share good practices in protecting the cultural rights of migrants to access cultural resources and services, to enjoy their heritage and that of others, to use their language in private and in public, to participate in cultural life, to freedom of artistic expression and to take part in decisions that impact their cultural life. Please focus more on new and/or forced migrants.

First and foremost, we at ARC, including hundreds of our network members and the artists we support, hold that acknowledging the need to protect migrant and displaced artists is a prerequisite for protecting the cultural rights of migrant communities. Therefore, given their special status, host countries should facilitate their asylum processes, provide direct administrative and financial support and help them through their transition. Any measures intended to encourage displaced artists to actively engage with their host country's cultural life must acknowledge their lived experience. Building stronger networks between artists, both online and offline, is a critical mechanism to help artists stay connected across borders, so long as such networks are sensitive to the experiences, traumas and cultural differences of their members. Displaced artists can also benefit greatly from mentoring sessions on a range of topics including rights awareness, general and digital safety, financial autonomy, and perhaps more importantly, language courses and introductions to local culture. Stakeholders, like the librarians who work with ICORN cities to help relocated individuals get resources on the local customs and languages, play an important role in easing and connecting refugee artists to the local culture and practices of their host city. There is a need for organizations to perform this crucial role of connecting and educating artists, to help them overcome the challenges of migration.

^[1] "Interview with Sahraa Karimi, Film Director and Scriptwriter," <https://gchumanrights.org/news-events/latest-news/news-detail-page/interview-with-sahraa-karimi-film-director-and-scriptwriter.html>

^[2] "Afghan musicians in Portugal reimagine their musical futures," <https://theworld.org/stories/2022-06-10/afghan-musicians-portugal-reimagine-their-musical-futures>

^[3] The Guardian “‘Harassed here too’: Afghan artists find no sanctuary in Pakistan,”
<https://www.theguardian.com/world/2022/jul/14/afghan-artists-musicians-pakistan-crackdown-refugees-taliban>

^[4] “Stolen Freedoms: Creative Expression, Historic Resistance, and the Myanmar Coup,”
<https://pen.org/report/stolen-freedoms-creative-expression-historic-resistance-and-the-myanmar-coup/>

Please do not hesitate to contact us if we can be of further assistance with this report. We look forward to continued engagement on these issues and others related to your mandate.

Sincerely,

A handwritten signature in black ink, appearing to be 'Julie Trébault', with a stylized, cursive script.

Julie Trébault
Director, Artists at Risk Connection (ARC), PEN America