

OPEN LETTER ON THE EUROPEAN DEMOCRACY ACTION PLAN AND FREEDOM OF ARTISTIC EXPRESSION

14 September 2020

This open letter is being submitted in response to the public consultation launched by the European Commission on the European Democracy Action Plan (EDAP). We, the undersigned, welcome the initiative to develop a European Democracy Action Plan as one of the strategic assets for the future of Europe, as well as to support EU citizens.

Beyond responding to the consultation – which falls short in addressing some key issues – we wish to contribute to the ongoing discussion by setting out our arguments for the **recognition and promotion of freedom of expression in all its forms**¹, in accordance with international human rights standards. This is central to the achievement of the EDAP objectives, and coherent with the EU's obligations under the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression².

In particular, this open letter relates to the importance of **freedom of artistic expression**. **We call on the Commission for it to be reflected in the European Democracy Action Plan.**

Whilst the Roadmap for the EDAP recognises the importance of media freedom for democratic and value-based societies to function, there is no self-standing mention of artistic freedom, despite the fact that, together with the free development of education in the arts, it is under increasing attack in continental Europe³.

However, "human rights law neither preferences nor prioritizes certain forms of expression over others; all are to be protected and promoted, with limitations subject to the same legal framework"⁴. In presenting its proposal for Creative Europe 2021-2027, the European Commission recognises that "Artistic freedom and diverse and free media environment are central to conveying diverging opinions and perspectives. They contribute to pluralistic societies where citizens are able to make informed choices, including in the context of political elections"⁵.

Artistic Freedom is a fundamental right: an integral component of freedom of expression as well as a fundamental aspect of cultural rights. It is key for the promotion of cultural diversity and

European values and central to democratic societies. It provides an essential counterweight to various forms of injustice and oppression by its transformative effect but also through its ability to raise awareness, challenge perceptions and stimulate debate.

¹ Article 11, EU Charter of Fundamental Rights

² One of the Convention's four overall goals is "to respect human rights and fundamental freedoms of expression, information and communication as a prerequisite for the creation and distribution of diverse cultural expressions."

³ From January 2018 to October 2019, Freemuse has examined 380 cases of violations of artistic freedom in 28 European countries: for more, see the [Report on the State of Artistic Freedom in Europe, Freemuse 2020](#).

⁴ [Report of the UN Special Rapporteur on the promotion and protection of the freedom of opinion and expression, 2020](#)

⁵ COM(2018)366 final, 30.5.2018

Artistic Freedom is under considerable duress in the EU. This is also the case in candidate countries and in the neighbourhood. Like journalists, artists are facing increasing hostility and their expression is met with similar illegitimate restrictions by governments attempting to control the narrative and fearful of art's influence on public opinion and debate. Artists whose work is critical of policies and ideologies pursued by ruling parties, are being censored, prosecuted and forced into self-censorship and their access to public funding restricted. This is resulting in politicisation of the cultural sector, manipulation of the public space, and stifling of open debates. However, there are no independent monitoring and support mechanisms available to artists experiencing violations, which increases the vulnerability of operators who often find themselves under precarious working conditions.

In light of the above, **we call on the EU to take positive action to monitor and promote freedom of expression in all its forms and submit the following recommendations:**

1. **Explicitly recognize freedom of expression in all its forms**, including freedom of artistic expression, as a cornerstone of democracy, requiring respect, protection and promotion by all parties; specify freedom of artistic expression alongside media and academic freedom into all EU legislation and policy studies relating to freedom of expression and cultural diversity.
2. **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**, by expanding existing EU-funded monitoring schemes on media freedom and pluralism. Without such instruments, the extent to which public space is free from interference and manipulation cannot be measured and constraints cannot be effectively addressed.
3. As for journalists under threat, **foresee a facility through which artists can report violations of their fundamental rights and access support for their legal assistance and relocation (where needed).**
4. In line with the objectives of the EDAP, **establish an EU mechanism on democracy, the rule of law and fundamental rights, including artistic freedom**, through which civil society actors and national authorities will be able to contribute specific information on the way in which freedom of (artistic) expression is fulfilled, protected and promoted with a view to informing the process foreseen under article 7 TEU (clear or serious breach of EU values).

We trust that the European Commission will integrate this perspective in the upcoming work on the European Democracy Action Plan.

We remain fully available for an active dialogue and exchange on this subject.

Signatories:

Culture Action Europe | Freemuse | Artists at Risk (AR) | Association Européenne des Conservatoires, Académies de Musique et Musikhochschulen (AEC) | Cartooning for Peace (CFP) | Cartoonists Rights Network International (CRNI) | European Centre for Not-For-Profit Law Stichting | European Choral Association - Europa Cantat | European Cultural Foundation (ECF) | European League of Institute of the Arts (ELIA) | European Music Council - International Music Council | Eurozine | Federation of European Film Directors (FERA) | Humanists International | IETM - International Network for Contemporary Performing Arts | International Arts Rights Advisors (IARA) | Julie Ward, former MEP (2014-20) & Vice-Chair of the CULT Committee (2019-2020) | Kulturanova



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