

Geneva, September 24th, 2018

**Public meeting, 64th session of the Committee on economic, social and cultural rights
Statement of the Arts Rights Justice Working Group**

Distinguished Members of the Committee,
Dear colleagues from civil society organizations,

It is a pleasure to address the Committee as a representative of the Arts Rights Justice Working Group, a European platform focusing on the articulation between culture and human rights since 2012. The right to the freedom indispensable for artistic expression and creativity is protected under articles 15 of the International Covenant on Economic, Social and Cultural Rights and 19 of the International Covenant on Civil and Political Rights. This right is challenged in many countries depriving the public of access to different forms of artistic expression and depriving artists of their right to express their creativity.

This situation is not new but it has received more attention since the report by the Special Rapporteur in the field of cultural rights in 2013. In her report to the Human Rights Council of 14 March 2013 (A/HRC/23/34), the Special Rapporteur, Ms. Farida Shaheed, addressed the multi-faceted ways in which the right to the freedom indispensable for artistic expression and creativity was curtailed. She reflected upon the growing worldwide concern that artistic voices were being silenced by various means and in different ways. She encouraged States to critically review their legislation and practices imposing restrictions on the right to freedom of artistic expression and creativity, taking into consideration their obligations to respect, protect and fulfill this right.

In 2016, this committee adopted a recommendation in relation to the State report of Lebanon following a submission by Freemuse and Pen international setting a most appreciated precedent (E/C.12/LBN/CO/2, 24 October 2016) and one civil society organizations can build upon to submit information.

Freedom for creative activity

67. The Committee recommends that the State party respect the freedom indispensable for creative activity, including by ensuring that it is not unduly limited by forms of censorship. The Committee draws the attention of the State party to paragraphs 17 to 20 of its general comment No. 21.

The purpose of our presence at this public meeting today is to encourage the Committee to continue examining the freedom indispensable for creative activity in relation to each State party report. We welcome the forthcoming Day of General Discussion on Article 15 that will be held on October 9th and we look forward to this opportunity to discussing further the issues, challenges and good practices in relation to the promotion and protection of artistic freedom.

As recalled by the new Special Rapporteur in the field of cultural rights, Ms Karima Benoune, in her statement at the 37th Session of the Human Rights Council on 1 March 2018, « in some contexts, including those characterized by violence, repression and extreme censorship, merely engaging in artistic and cultural practice can have deep meaning for and an impact on human rights, regardless of the specific content or aims. Deciding to tackle mindsets that create exclusion, helping to restore understanding between groups and trust in society, seeking to emphasize respect for cultural diversity or to contribute to reconciliation is, however, a conscious choice many artists and cultural workers make and one, which should be recognized and valued.(...) In addition to furthering the implementation of the right of everyone to take part in cultural life, without discrimination, and to access and enjoy the creativity of others, their initiatives are also spaces to exercise other human rights, in particular the right to freedom of expression, and freedom of assembly and association. »

As regards this 64th session, the Arts Rights Justice Working Group has submitted information on Germany where several of our members in the music, theatre or academic sector have been monitoring artistic freedom. As in other European countries, threats to artistic freedom and censorship have mainly come from third parties, either commercial groups or political groups. Until now, the government has provided a good response by upholding artistic freedom when it was challenged in line with recommendation 89 e) included in the previously mentioned Report of the Special Rapporteur in the field of cultural rights (A/HRC/23/34) : « States should abide by their obligation to protect artists and all persons participating in artistic activities or dissemination of artistic expressions and creations from violence by third parties. States should de-escalate tensions when these arise, maintain the rule of law and protect artistic freedoms. »

We have also chosen to focus on Germany because of the importance given to the protection of artistic freedom in recent years as a means to promote open spaces as opposed to shrinking spaces. Last September 7th, the Federal foreign office hosted a debate on artistic freedom with artists, lawyers and cultural actors from different countries opened by the Minister of State for International Cultural Policy. Support is being provided to initiatives such as the Arts Rights Justice Programme at the University of Hildesheim (Unesco Chair) that offers a space for training and research on issues related to cultural policies and artistic freedom and the Martin Roth-Initiative (Institute für Auslandsbeziehungen and Goethe-Institut) that aims to protect endangered intellectuals, artists and opinion-leaders including through the provision of temporary relocation. On October 18th and 19th the Goethe Institute in Beirut will hold two days of discussion on the state of artistic freedom in the Arab region. It is our belief that such initiatives should be encouraged and will provide factual and legal elements for the work of the Committee regarding Article 15 paragraph 3 of the Covenant :

« 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity. »

We wish you a fruitful session and thank you for your attention,

Laurence Cuny, ARJ Europe