



**Arts
Rights
Justice**

ARJ PUBLIC TOOLKIT 2016



The political platform
for Arts and Culture

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CONTENT

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- Working with the UN and EU

WHY THIS TOOLKIT ?

- To build capacity within the arts and culture sector, providing knowledge on how artists can exercise their rights, and on how to support our collaborative partners.
- To support and encourage arts organisations and cultural workers to protect, defend and support artists and cultural operators everywhere, and to inform and encourage their colleagues and members to do the same.
- To encourage better collaboration between the arts, culture, free speech and the human rights sectors.

WHO HAS IT BEEN WRITTEN FOR?

- Artists, cultural workers and organisations, arts and cultural spaces facing violations of artistic freedom.
- Arts associations, networks and cultural organisations that may already have or want to have a role in protecting artists and artistic freedom.
- Human rights and free speech NGOs that may have or want to have a role in protecting artists and artistic freedom.
- Anyone who wants to collaborate on protecting artists and artistic freedom.

BACKGROUND - WHAT IS ARTISTIC FREEDOM?

To be free from obstacles that impede *“the flourishing of artistic creativity, that carry an aesthetic and/or symbolic dimension, using different media including, but not limited to, painting and drawing, music, songs and dances, poetry and literature, theatre and circus, photography, cinema and video, architecture and sculpture, performances and public art interventions, etc., irrespective of whether their content is sacred or profane, political or apolitical, or whether it addresses social issues or not.”*

From the report of the UN Special Rapporteur in the field of cultural rights http://www.cdc-ccd.org/IMG/pdf/The_right_to_freedom_of_artistic_expression_and_creativity.pdf

BACKGROUND - SOME MOTIVATIONS FOR CENSORSHIP

Suppression of political dissent, policies favouring dominance of one group or idea over others, nation state building, religious feelings, sexuality and sexual orientation, child protection, corporate interests, foreign ideology v. national interest.

For arts institutions, funders and sponsors: fear of associating with a controversial issue, loss of sponsorship, funding, public opinion backlash.

BACKGROUND - WHO ARE THE CENSORS?

States, non-State actors, including mass media, broadcasting, telecommunications and production companies, educational institutions, armed extremists, organized crime, religious authorities, traditional leaders, corporations, distribution companies and retailers, sponsors, civil society groups, etc.

SELF CENSORSHIP

“In many cases, censorship is counterproductive in that it gives wider publicity to controversial artworks. However, the fear censorship generates in artists and art institutions often leads to self-censorship, which stifles art expression and impoverishes the public sphere. Artistic creativity demands an environment free from fear and insecurity”.

From the report of the UN Special Rapporteur in the field of cultural rights http://www.cdc-ccd.org/IMG/pdf/The_right_to_freedom_of_artistic_expression_and_creativity.pdf

PRETEXTS USED TO SILENCE ARTISTS

- Unclear laws, bureaucratic obstacles, non-transparent mechanisms, no possibility of appeal (ex: permits for cinema or public art).
- Prior censorship before the production of an artwork (ex: movies, theatre plays)..
- Restrictions on mobility (ex: for tours, concerts and festivals: retention of artists' passports and restriction of visa issuance and work permits).
- Economic and financial pressure (ex. restricted access to State support and market censorship, collecting rights and income).
- Obstacles to maintaining or developing an audience (ex: ban on audiences, fear mongering)

INFORMATION GATHERING - SOURCES

- Direct reports: when an artist or institution approaches friends or professional contacts, gives testimony at international and regional arts festivals, etc.
- Your own organisation: observes an attack on artistic freedom in your own country/area.
- Through other arts and human rights organisations:
 - local, regional and international
 - via networks, reports issued by other organisations, etc.
- Media reports: such as local and international news providers, and professional arts publications.

INFORMATION GATHERING

- 1

INDEPENDENCE AND VERIFICATION

Is the information
**independently
verifiable** confirmed
by one or more other
reputable sources?

Consider:

- **political agendas:** ie representing a political party, using the incident as a way to undermine opposition.
- **criminal activities:** ie has the artist been involved in activities that could legitimately be considered criminal. This could include:
 - **calls for violence:** a clear call for violence against another person or group
 - **hate speech:** imagery or language that deliberately stirs up hatred against other individuals or groups.
 - **pornography:** such as material relating to sexual abuse or exploitation of children

INFORMATION GATHERING

- 2

INDEPENDENCE AND VERIFICATION

Is the information
still up to date?

Events can move quickly but sources do not necessarily give updates, for example:

- An arts group reports the arrest of a member who is freed the following day, but does not think to issue an update as there is no longer a threat.
- The launch of a trial against a work of art is reported. The court case takes several months and many hearings, and ends with acquittal.
- After initially reporting the closure of an arts venue as politically motivated, it becomes clear that the action is related to other unrelated concerns.

Do check that details are current and ask your sources to keep you informed of developments.

INFORMATION GATHERING

- 3

INDEPENDENCE AND VERIFICATION

Problematic imagery and concepts may be hidden, or not understood outside the culture of their origin. such slogans and emblems, which may in themselves not be problematic but are so in certain contexts.

Do try to find translation of written work or interpretation of audio material so as to be fully informed of the content.

Always ask for expert opinion. This could be other arts organizations from the country concerned, human rights defenders working in the field, experts in your own country, etc. Ask for comments on: the nature of any political affiliation, whether a legal case may be founded, culturally specific issues, etc.

INDIVIDUALS AT RISK - RESPONDING TO DIRECT APPROACHES

Take care **not to promise** to take action or give support that you may not be able to meet.

Ask for details of the repression: such as the source of the threat; has protection from the authorities has been requested and if so, official response; exact details of any legal action taken against them; to whom have they approached for support locally (ie: lawyers, other human rights organizations); the exact nature of the artistic work that has led to the event, etc.

Seek their view on **what action** they and/or their legal representative would consider to be appropriate for your organization to take, and conversely what would be unhelpful or detrimental.

Referees: Ask if there are other people or organisations they would be happy for you to approach.

Explain that you will **need to consult** with colleagues and others about what type of action, if any, can be taken.

INDIVIDUALS AT RISK - NOTES OF CAUTION

- Do not share information on email distribution lists, social networks or other public forums until and unless it is decided that this is safe and appropriate to do so. Restrict communications only to those directly involved.
- Informed consent: do not take action, public or behind the scenes (ie diplomatic contacts) without the informed consent of the individual, or their families/legal representative.
- Protect your digital communications - two excellent on-line sources of information and advice for human rights defenders on protecting communications
 - Tactical Tech's Security in a Box: <https://securityinabox.org/en>
 - Protection Online: <http://protectiononline.org/>

INDIVIDUALS AT RISK

- PROVIDING SUPPORT
- 1

Local remedies

Do ensure that the person is in contact with other knowledgeable organizations, legal advice etc available locally if possible. Support from individuals and organizations in the area comes with first hand knowledge about the issues, legislation and local remedies.

Give the individual contact details of organizations affiliated to the arts freedom networks in their countries and/or regions. (See separate list)

INDIVIDUALS AT RISK

- PROVIDING SUPPORT
- 2

Trial Observations:

In cases where an individual is on trial, having the support of artists colleagues, lawyers, human rights defenders and others can be a source of solidarity, gives a signal to the authorities of the extent of concerns, is an media opportunity, etc.

However, only take part in consultation and with the advice of the individual's legal team. Also seek advice from human rights organizations in the country that have experience in trial observations and with whom you may join forces.

INDIVIDUALS AT RISK

- PROVIDING SUPPORT
- 3

Public Actions

Before taking any public action on behalf of an individual do consider carefully the pros and cons of publicity, what the aim and likely outcomes could be, whether it is indeed necessary and that it does not carry any detrimental effects that could include:

- raised publicity could increase the danger of attack
- have a detrimental effect on any legal or protective action (sometimes quiet negotiation behind closed doors is more effective)
- hinder any background/diplomatic initiatives ie negotiating safe departure from the country

See also ‘**informed consent**’ above. Also note that an individual may themselves recommend actions that others may feel could be detrimental. Do ask others with knowledge and experience for advice.

INDIVIDUALS AT RISK - SAFE HAVENS

While the emphasis should be on keeping the artists safe from repression in their own area, there are some acute situations where the individual has no option than to find a safe haven outside of their own country.

Here are some organizations that provide places of refuge, some short term, others longer:

- **ICORN:** a network of cities & regions offering shelter to writers & artists at risk - www.icorn.org
- **Artist Protection Fund:** provides fellowships for artists at risk - www.iie.org/Programs/Artist-Protection-Fund
- **Safemuse:** providing safe places for musical artists at risk - www.safemuse.org
- **ArtistSafety.net (formerly Free Dimensional):** although currently in transition, has been linking arts residencies with activist artists at risk - <http://freedimensional.org/resources/>
- **Lisière:** 1- 2 month residencies for artists at threat - http://www.resartis.org/en/residencies/list_of_residencies/?id_content=6994

Your organization should also consider affiliating or otherwise supporting these networks by encouraging safe havens in your own localities. Do contact them to find out more.

ADVOCACY - KEY ACTIONS

- Participate in the mobilisation in the defence of artistic freedom, artists at risk and for changes in legislation that will have long term impact.
- Support artists under persecution by hosting them in art spaces, and use cultural and community resources to strengthen their work.
- Act as information hubs on artistic freedom: have information available on artistic freedom and artists at risk. (The U.S. National Campaign against Censorship is a good example providing info - <http://ncac.org/blog/15-in-15-celebrating-this-years-free-speech-heroes/>)

MOBILISATION

- 1

MEDIA

Media Campaigns: raising publicity and debate. Some sound advice on building a media strategy is in IFEX campaign toolkit http://www.ifex.org/campaign_toolkit/building_a_media_strategy/

www.artfreedom.org gives a wealth of information, cases, campaigns to protect and defend threatened artists.

Freemuse: <http://freemuse.org/archives/category/media-release> : focuses primarily on musicians and in an information-packed website, also features an excellent 'Press' section demonstrating effective, clear press releases

MOBILISATION - 2 LOBBYING GOVERNMENTS AND INFLUENCERS

Writing official appeals and petitions:

The best appeals are those that are **joint appeals** with several organizations in your network. Ideally one will take responsibility for drafting and gathering signatures. Do be sure to give enough time to enable those organizations that need to consult within their own hierarchies to liaise.

Tips:

- is the information correct and up-to-date?
- keep the tone polite, no matter how terrible the abuse
- refer to international instruments to which the state concerned is committed (ie: UN, European Convention on Human Rights)

LOBBYING GOVERNMENTS AND INFLUENCERS - TIPS CONT.

- refer to national legislation protecting freedom of expression that may be being breached
- be realistic about your request. ie do not ask that a President call for the release of an individual on trial. This could be construed as interference in an independent judiciary. Instead point to the breaches in human rights mores that a conviction would bring
- ask for the government or target institution's own comments and welcome any additional information it may reply
- always acknowledge any response

A useful guide for letter writing can be found in PEN International's Writers in Prison Committee Handbook - <http://www.pen-international.org/campaign/how-to-campaign/handbook/>

MOBILISATION

- 3

PETITIONS

As well as being an indication of the extent of support for your cause, petitions are a great way to engage people from outside your own networks and extend a supporter base.

Tips for writing official appeals also apply to petitions.

You can generate your own simple petitions using email networks, Facebook or other networks. These will benefit from being arts community specific.

Getting a few well known names to contribute their signatures will increase the possibility of the petition being taken notice of by the target government and by the media.

Petitions aimed at gathering signatures from within the arts sector may carry more weight than general petitions, such as those enabled by petition site www.change.org You may consider using these if the issue at hand is acute and would benefit from a mass, general campaign.

MOBILISATION

- 4

SOCIAL MEDIA

Social media - Facebook, Twitter, Youtube and others are central to campaign strategies. New Tactics in Human Rights had a great conversation between various NGOs in which they share ideas on social media.

<https://www.newtactics.org/conversation/incorporating-social-media-your-human-rights-campaigning>

Topics discussed include:

- Defining social media goals and targets
- Strategies for reaching stakeholders with social media
- Resources needed to build and maintain a social media presence
- Using social media without putting staff or constituents at risk

MOBILISATION

- 5

EMBASSIES, FOREIGN MINISTRIES, EU DELEGATIONS

- **Embassy visits:** delegations to embassies to discuss concerns in person and deliver petitions can be extremely effective. Many ambassadors are required to report on such meetings to the relevant bodies in their own countries, often giving access otherwise not available.
- **Foreign ministries and diplomatic representatives:** most governments have foreign desks dealing with specific countries or regions that may be approached. Embassies in the countries concerned may be open to make representations, attend trials or provide other support.
- **EU Delegations:** represent the EU in certain non-EU member countries or regions. They are charged to uphold the standards legally established by the EU, including those relating to human rights and freedom of expression.
<http://eeas.europa.eu/delegations/>

For advice, see PEN International's Writers in Prison Committee Handbook <http://www.pen-international.org/campaign/how-to-campaign/handbook/>

MOBILISATION

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BOYCOTTS AND SANCTIONS

There are often heated differences of opinion around the use of boycotts and sanctions, particularly in the academic and cultural areas.

Take advice from the arts community inside the country of focus to inform your decision as to whether a cultural or other boycott would be useful and/or welcome.

IETM's *The Art of Disobedience: Arts and Politics* is well worth reading in itself. Chapter 5 discusses boycott as creative resistance, and gives an outline of where these have been successful and raises some of the questions. Ultimately, says IETM, cultural boycott does not necessarily exclude dialogue alongside.

Ref IETM

<https://www.ietm.org/en/ArtOfDisobedience>

ADVOCACY - MONITORING & ADVOCACY ON ARTS FREEDOM AT HOME - 1

Most countries, even in open democracies, face free expression challenges at some point. Some have bodies that monitor artistic freedom such as:

French observatory on artistic freedom
www.ldh-france.org/sujet/observatoire-de-la-liberte-de-creation/

National Coalition Against Censorship (USA)
www.ncac.org

These organisations' activities include:
Monitoring artistic freedom at national level, offering international solidarity, working on legislative changes, meeting with relevant authorities, issuing press releases , conducting trial observations

Participate in or, where this is none, set up a national monitoring body on artistic freedom.

ADVOCACY

- MONITORING & ADVOCACY ON ARTS FREEDOM AT HOME

- 2

Join a trades union, local or regional network for artists

In some countries there are trades unions and professional networks that are willing to take up artistic freedom issues. Good examples include:

- Equity: the UK union for professional performers and practitioners has supported its members to combat censorship.
<http://www.equity.org.uk/home/>
- Arterial: a network of artists, cultural workers, institutions and others in Africa working towards enabling a sustainable environment for democratic arts in Africa.
<http://www.arterialnetwork.org/network>
- PEN International: for writers, playwrights, lyricists and others working with the written word, a network in over 100 countries with a strong history of advocacy on free expression.
www.pen-international.org

ADVOCACY

- MONITORING & ADVOCACY ON ARTS FREEDOM AT HOME

- 3

Free speech and human rights organizations in your area: join forces with these organizations to ensure they include monitoring of artistic freedom and its violations and to contribute your own expertise.

Help identify critical issues and participate in the drafting of reports in pointing out legislation gaps and areas of practice that need reinforcement. Some examples:

- **Siyah Bant:** arts censorship group reporting and advocating on artistic freedom in Turkey, including in depth reports and rights training. www.siyahbant.org
- **Index on Censorship:** UK based monitor on censorship globally has published a series of arts and the law guidelines on: counter terrorism, child protection, public order, obscene publications and race and religion. <https://www.indexoncensorship.org/art-and-the-law-guides-to-the-legal-framework-impacting-on-artistic-freedom-of-expression/>

ADVOCACY - MONITORING & ADVOCACY ON ARTS FREEDOM AT HOME - 4

- **Attend trials of artists prosecuted for their works:** working with lawyers and human rights advocates
- **Liaise with performance and arts venues,** cultural ministries and institutions, funding bodies and others to advise and work towards best practice especially relating to performances on sensitive or controversial issues.
- **Attend and provide independent reviews** of artworks and performances under threat to ensure independent and informed coverage that could counter otherwise ill-informed opinion.
- **Encourage the creation of new and support existing safe havens** offering temporary relocation and refuges. See previous slide.

ADVOCACY

- ARTS AS PLATFORMS

- Support artists at risk through the practice of your art.
- Enter into dialogue with other artists to stage initiatives that support arts and artists at risk, such as performing or showcasing censored arts from other countries, and, if possible, within your own.
- Welcome individual artists from countries at risk - they may be refugees or visitors - into your work spaces, or create environments where they can meet the other artists in your community and continue to practice
- Contact organizations in your country that support refugees and asylum seekers with offers to help artists that may be among them.
- Several organizations have international days focusing on arts freedom
 - **Freemuse:** International Music Freedom Day - <http://musicfreedomday.org/>
 - **PEN International:** Day of the Imprisoned Writer - www.pen-international.org
 - **IFEX:** No to Impunity day - <https://www.ifex.org/noimpunity/>

ADVOCACY - AWARDS

Nominate artists at risk as award candidates:
Some prizes include:

- **Index on Censorship's** annual awards granted to artists and journalists who have faced up to censorship globally
<https://www.indexoncensorship.org/index-freedom-expression-awards-2015/>
- **Amnesty International:** check out your national centre. Many host awards, such as AI's British Section annual free expression award granted at the Edinburgh Fringe arts festival
https://www.amnesty.org.uk/edinburgh-festival-amnesty-international-freedom-expression-award-2015#.Vp0i_JqLSt8
- **European Parliament's Sakharov Prize for Freedom of Thought:**
<http://www.europarl.europa.eu/sakharovprize/en/home/the-prize.html>

INTERGOVERNMENTAL ORGANISATIONS - REPORTING VIOLATIONS

The UN and EU have mechanisms through which freedom of expression is monitored, reported on and raised with governments concerned. They welcome input from individuals, NGOs and CSOs.

- **UN International Covenant on Civil and Political Rights Article 19 (2)** *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- **European Convention on Human Rights Article 10:** *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*

INTERGOVERNMENTAL ORGANISATIONS - REPORTING VIOLATIONS CONT/

Other rights that may be relevant are also enshrined in these instruments including to be free from torture, for fair trial, etc. Full texts can be found on these links:

UN ICCPR: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

ECHR: http://www.echr.coe.int/Documents/Convention_ENG.pdf

It is advisable to work with NGOs that have experience with working in international advocacy, many of whom are accredited to work within these bodies. Their work includes alerting rapporteurs to emergency cases, contributing to reports, making submissions and as advisors. Those working on arts freedom include: Freemuse, PEN International and Article 19.

REPORTING VIOLATIONS TO THE UN - URGENT APPEALS AND ALLEGATION LETTERS (1)

The UN Special Rapporteur in the field of culture has developed guidelines for individuals and groups who have had their cultural and artistic rights to freedom of expression violated.

The Special Rapporteur can act in two ways:

- send an **urgent appeal** where alleged violations are time sensitive in terms of loss of life or life threatening situations.
- Make **allegation Letters** to communicate information on violations that have already occurred.

A leaflet containing more information is available here:

<http://www.ohchr.org/en/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx>

And specifically on how to file a complaint as well as examples of cases that have been taken up:

<http://www.ohchr.org/EN/Issues/CulturalRights/Pages/Complaints.aspx>

REPORTING VIOLATIONS TO THE UN - URGENT APPEALS AND ALLEGATION LETTERS (2)

The UN Special Rapporteur on the promotion of the right to freedom of opinion and expression while focusing on media, also extends the remit to artists and performers working in other media.

For more visit:

[http://www.ohchr.org/EN/ISSUES/
FREEDOMOPINION/Pages/OpinionIndex.aspx](http://www.ohchr.org/EN/ISSUES/FREEDOMOPINION/Pages/OpinionIndex.aspx)

Guidance on application for urgent appeals
and allegation letters

[http://www.ohchr.org/EN/Issues/
FreedomOpinion/Pages/Complaints.aspx](http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Complaints.aspx)

EU ORGANS AND INSTRUMENTS

- 1

EUROPEAN PARLIAMENT

European Parliament: The Thursday afternoon of each Strasbourg plenary session is dedicated to highlighting of violations of human rights across the world. The debates and resolutions are adopted by MEPs help to raise awareness about human rights abuses.

The European Parliament **Sub Committee on Human Rights:** follows human rights issues and advises the EP's Foreign Affairs Committee. It issues appeals and administers the European Parliament's annual Sakharov Prize for freedom of thought <http://www.eppgroup.eu/droi>

EU ORGANS AND INSTRUMENTS

- 2

EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS

The European Commission's **European Instrument for Democracy and Human Rights (EIDHR)** provides support for the promotion of democracy and human rights in non-EU countries. Since 2013 the themes of artistic expression and of the artist as human rights defenders (HRD) are included in its calls for projects worldwide, as well as in its small emergency grant fund.

The EIDHR manages a fund providing small grants of up to € 10.000 euro per grant to HRDs, be it individuals or organisations, who are in need of urgent support, including artists. This urgent support may be used to cover fees for legal representation, for medical expenses, to purchase security material for offices or homes, to pay for the evacuation of a HRD to another country, etc.

For further details and guidance on applications visit: <http://www.eidhr.eu/side-panels/human-rights-defenders/small-grants>

EU ORGANS AND INSTRUMENTS

- 3

EU DELEGATIONS

EU Delegations: The EU is represented through 139 EU Delegations and Offices around the world. Most of the delegations have one or two **focal points for democracy and human rights related matters**. The focal points are responsible for dealing with democracy and human rights issues in their countries including launching and selecting proposals through calls open to local civil society organizations. They can also provide support such as trial observation and assist with small grants requests

For delegation websites:

www.eeas.europa.eu/delegations/index_en.htm

For direct contacts:

www.eidhr.eu/focal-points

REQUEST TO BE TRAINED, BECOME INFORMED AND INFORM!

Arts and cultural spaces can also make requests to receive training on artistic freedom and make information available for artists on their rights and the forms of protection available.

Some examples include:

- **Siyah Bant:** has workshops on arts freedom working within university arts and legal departments in Turkey. www.siyahbant.org
- **Index on Censorship:** holds seminars and has produced guidelines on sensitive/problematic issues faced by UK artists. www.indexoncensorship.org
- **Arterial:** its Artswatch programme hosts workshops bringing together artists, journalists, HRDs and others on artistic freedom of expression. <http://www.arterialnetwork.org/artwatch>

Do remember to **include artists** who are under threat, or have direct experience of threat to be part of your training and information programs

RESOURCES

REGIONAL AND INTERNATIONAL NGOS WORKING FOR OR WHOSE WORK INCLUDES THAT ON ARTISTIC FREEDOM

- Amnesty International - www.amnesty.org (see also local sections)
- Article 19 - www.article19.org
- Artwatch Africa (Arterial) - www.artwatchafrica.org
- Freemuse - www.freemuse.org
- Frontline Defenders - www.frontlinedefenders.org
- Human Rights House network - www.humanrightshouse.org
- Human Rights Watch - www.hrw.org
- Index on Censorship - www.indexoncensorship.org
- International Federation for Human Rights - www.fidh.org
- International Freedom of Expression eXchange - www.ifex.org
- PEN International - www.pen-international.org

Note: this list is not exhaustive

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