

Survey Results on Barriers to Freedom of Artistic Expression



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Table of content

1	Introduction	3
1.1	Background	3
1.2	Aim of the Survey	4
2	Methodological Approach	4
2.1	Research Instruments	4
2.2	Survey Response	5
3	Survey Results: Status Quo of Freedom of Artistic Expression	6
3.1	Freedom of Expressions in the Constitutions of the Countries	6
3.2	Measures Governing Freedom of Artistic Expression	10
3.3	Monitoring of Freedom of Artistic Expressions	11
3.4	Educational and/or Awareness Campaigns Regarding Freedom of Artistic Expressions 12	
4	Survey Results – Perceived Challenges, Barriers and Developments Regarding Freedom of Artistic Expression	14
4.1	Does artistic freedom play a role in the cultural policy discourse?	14
4.2	Actors in the Field of Artistic Freedom	16
4.3	Perceived Status Quo of Freedom of Artistic Expression	17
4.4	Potential Restrictions to Freedom of Artistic Expression	20
4.5	Technological Developments as Challenges for Freedom of Artistic Expression	23
4.6	Issues and Themes Challenging Freedom of Artistic Expression	24
4.7	Improving the Situation Regarding Freedom of Artistic Expression	26
5	Conclusion	28
6	Acknowledgements	29
7	References	29

Abstract

Freedom of Artistic Expression (FoAE) is protected under most regional and international human rights treaties. It is an important democratic value and element of cultural policy that allows creative and pluralistic cultural scenes to thrive.

In 2023, the *Compendium of Cultural Policies and Trends* realised a survey on FoAE among its experts community with the purpose to monitor the status quo of FoAE in European countries – from two perspectives: gather objective information about frameworks, but also to gather subjective opinions about the related challenges and barriers. The survey was additionally accompanied by desktop research.

Research questions addressed:

- How is FoAE based in the constitutions?
- Are there bodies/institutions that monitor artistic freedom?
- Are there any legal or other mechanisms where complaints regarding artistic freedom can be addressed?
- What are the major barriers to FoAE?

The survey combines objective information and the identification of developments by personal opinions. This is the first survey of this kind and the Compendium plans to repeat it in order to identify further developments.

1 Introduction

1.1 Background

FoAE is protected under most regional and international human rights treaties, although mostly under the broader rubric of freedom of expression in general. It is an indispensable democratic value that enables creative, uninhibited and pluralistic cultural scenes and industries to generate and motivate both diverse and curious audiences. Ultimately, respect for FoAE is essential for the development of a sustainable cultural sector and thus of importance for a vital cultural policy.

Because of its importance for societies, democracy and stability, regular, independent monitoring efforts are needed to provide information on the status quo of FoAE and its development.

Consequently, this issue has become a topic of great importance for the members and experts community of the Compendium of Cultural Policies and Trends and its monitoring of cultural policies in European countries. In particular, given the current threats to FoAE, the Compendium has launched an awareness-raising and cultural policy research campaign entitled "Silencing Dissent? On Barriers to Freedom of Artistic Expression".

This initiative, which was mainly carried out in 2023, consisted of three steps:

- Four introductory essays by A. J. Wiesand, including an assessment of research efforts, voices from the field, and examples of FoAE restrictions;
- Related issues were discussed at the annual Compendium conference (Malta, October 2023);
- A survey of Compendium experts on the state of FoAE in their respective countries was launched.

In the survey, the results of which are presented in this paper, the term FoAE refers to the right of individuals to create, explore, and communicate their thoughts, ideas, and emotions through various artistic mediums without censorship or fear of reprisal. It is a fundamental aspect of freedom of speech and is considered a basic human right. This freedom allows artists to express

themselves, challenge societal norms, provoke thought and dialogue, and contribute to cultural diversity and creativity. However, like any right, FoAE may have limitations to protect public safety, morality, and the rights of others.

In a wider sense, Artistic Freedom (UNESCO 2019) embodies the following bundle of rights protected under international law:

- the right to create without censorship or intimidation;
- the right to have artistic work supported, distributed, remunerated;
- the right to freedom of movement;
- the right to freedom of association;
- the right to protection of social and economic rights;
- the right to participate in cultural life.

1.2 Aim of the Survey

The purpose of this survey was to monitor the status quo of FoAE of the countries in Europe – from two perspectives: a) gather objective information about frameworks, b) but also to gather subjective opinions about the related challenges, barriers and the developments regarding FoAE in the European countries.

This is the first survey of this kind on FoAE and we plan to repeat it regularly in order to identify potential negative or positive developments.

The intention of a long-term approach is to observe the status quo of FoAE as it is one of the first rights to be reduced, censored or abolished before other freedom rights are diminished (such as media freedom, freedom of expression and in a late stage all freedom rights). The survey should serve as a cultural barometer regarding the status quo of FoAE (as used for example in other fields like an economic barometer) or as a “Culture Watchdog” in cases where the fundamental rights related to the field of culture are endangered.

2 Methodological Approach

2.1 Research Instruments

For analysing the status quo of FoAE, the main instrument was a survey, which contained quantitative as well as qualitative elements. Corresponding a desktop research took place while analysing the inclusion and treatment of FoAE within the national constitutions.

The survey consist of 27 questions divided into objective and subjective questions. It took place from July until September 2023 in form of an online questionnaire.

The survey on FoAE was addressed to the national correspondents of the *Compendium of Cultural Policies and Trends* consisting of 45 participating countries. The [correspondents of the Compendium](#) are independent researchers, selected by a clear defined procedure and via academic criteria. They are embedded in the field of research, academia, or political administration, have a high understanding and knowledge about cultural policies in their country, and a high understanding and knowledge about comparing and correlating the national cultural policies to the cultural policies of other countries in Europe. Through the selection of “Freedom of Artistic Expression” as the annual topic furthermore they are well aware of the definition, understanding and perception of FoAE. The national correspondents were asked to give their knowledge and opinion regarding the national level and is therefore not representative.

Rather, it should be seen as an identification process of certain developments and trends in the field of FoAE, which is based on the expertise of independent cultural policy researchers. In this context, it is important to mention that the respondents are all Compendium experts from different European countries with different cultural backgrounds and values that are all:

- highly qualified to answer the questions,
- embedded in the field of research, academia, or political administration,
- well aware of the definition, understanding and perception of FOAE,
- well aware of the importance of FOAE;
- and have a high understanding and knowledge about cultural policies in their country and about comparing and correlating the national cultural policies to the cultural policies of other countries.

2.2 Survey Response

The survey was able to accumulate responses from 37 national correspondents representing 33 countries (22 EU countries and 11 non-EU countries). For the United Kingdom, we differ – due to the legal structure within the countries (England, Scotland, Wales and Northern Ireland) and since three of them participated in the survey we will refer to 35 countries:

The 35 participating countries are: Armenia, Austria, Azerbaijan, Belgium, Croatia, Czech Republic, England, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Moldova, Montenegro, Netherlands, North Macedonia, Northern Ireland, Norway, Poland, Portugal, Romania, Russia, San Marino, Scotland, Serbia, Slovenia, Spain, Sweden, Switzerland and Turkiye.

Figure 1: Countries in which at least one expert participated in the survey



3 Survey Results: Status Quo of Freedom of Artistic Expression

3.1 Freedom of Expressions in the Constitutions of the Countries

As a result of the desktop research the following table shows the 46 countries in which Freedom of Expression is part of the constitution. Among them, there are 30 countries that explicitly name Freedom of Artistic Expression within the constitutions – for those the article and the explicit wording of the article is included in the table below.

Figure 2: Artistic Freedom in European Constitutions

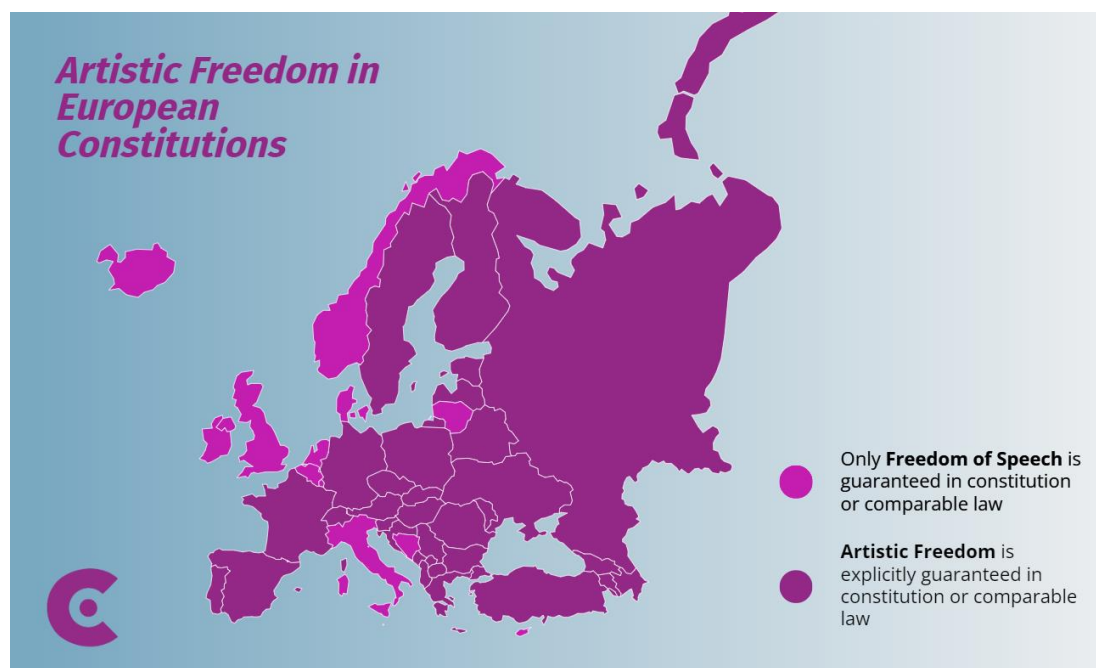


Table 1: Freedom of Artistic Expression in the constitutions of the European Countries

Country	Freedom of Expression in Constitution	Freedom of Artistic Expression in Constitution explicitly	Article	Wording
Albania	Yes	Yes	58	“The freedom of artistic creation and scientific research, their application, and the benefits from their achievements are guaranteed for all.”
Andorra	Yes	No		
Armenia	Yes	Yes	43	“Everyone shall have the freedom of literary, artistic, scientific and technical creation.”

Austria	Yes	Yes	17a	“ Artistic creativity as well as the dissemination of art and its teaching shall be free.“
Azerbaijan	Yes	Yes	51	“I. Everyone is free to carry out creative activity. II. The state guarantees freedom in literary-artistic, scientific-technical and other kinds of creative activity. ”
Belgium	Yes	No		
Bosnia and Herzegovina	Yes	No		
Bulgaria	Yes	Yes	54	“ Artistic , scientific and technological creativity shall be recognized and guaranteed by the law. ”
Croatia	Yes	Yes	69	“The freedom of scientific, cultural and artistic creativity shall be guaranteed.”
Czech Republic	Charter of Fundamental Rights and Freedoms	Charter of Fundamental Rights and Freedoms	15	“The freedom of scholarly research and of artistic creation is guaranteed.”
Denmark	Yes	No		
Estonia	Yes	Yes	45	“Everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. [...]. There is no censorship.“
Finland	Yes	Yes	16	“The freedom of science, the arts and higher education is guaranteed”
France	Yes	Yes	Préambule n.13	“The Nation guarantees equal access for children and adults to education, vocational training and culture” ¹
Georgia	Yes	Yes	20	“1. Freedom of creativity shall be guaranteed. The right to intellectual property shall be protected. 2. Interference in the creative process and censorship in the field of creative activities shall be inadmissible.”
Germany	Yes	Yes	5	“ Arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution.“

¹ Since 2016, France has a respective national law in this concern: [Law no. 2016-925 of 7 July 2016 on the freedom of creation, architecture and heritage](#)

Greece	Yes	Yes	16	“ Art and science, research and teaching shall be free and their development and promotion shall be an obligation of the State. Academic freedom and freedom of teaching shall not exempt anyone from his duty of allegiance to the Constitution.”
Hungary	Yes	Yes	5	“Hungary shall ensure the freedom of scientific research and artistic creation , the freedom of learning for the acquisition of the highest possible level of knowledge, and, within the framework laid down in an Act, the freedom of teaching.”
Iceland	Yes	No		
Ireland	Yes	No		
Italy	Yes	No		
Latvia	Yes	Yes	113	“The State shall recognise the freedom of scientific research, artistic and other creative activity , and shall protect copyright and patent rights.”
Liechtenstein	Yes	No		
Lithuania	Yes	No		
Luxembourg	Yes	No		
Malta	Yes	No		
Moldova	Yes	Yes	33	“The freedom to create scientific and artistic works is guaranteed. Creative work shall not be subject to censorship. “
Monaco	Yes	No		
Montenegro	Yes	Yes	76	“The freedom of scientific, cultural and artistic creation shall be guaranteed.”
North Macedonia	Yes	Yes	47	“The freedom of scholarly, artistic and other forms of creative work is guaranteed. Rights deriving from scholarly, artistic or other intellectual creative work are guaranteed. The Republic stimulates, assists and protects the development of scholarship, the arts and culture. The Republic stimulates and assists scientific and technological development. The Republic

				stimulates and assists technical education and sport.”
Norway	Yes	No		
Poland	Yes	Yes	73	The freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.“
Portugal	Yes	Yes	42	1. There shall be freedom of intellectual, artistic and scientific creation . 2. This freedom comprises the right to invent, produce and divulge scientific, literary and artistic work and includes the protection of copyright by law.”
Romania	Yes	Yes	30	“Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.”
Russia	Yes	Yes	44	“1. Everyone shall be guaranteed the freedom of literary, artistic, scientific, technical and other types of creative activity , and teaching. Intellectual property shall be protected by law.“
San Marino	Yes	Yes	6	“There shall be artistic, scientific and educational freedom . The law shall guarantee citizens the right to study freely and free of charge.“
Serbia	Yes	Yes	73	“ Scientific and artistic creativity shall be unrestricted. Authors of scientific and artistic works shall be guaranteed moral and material rights in accordance with the law.“
Slovakia	Yes	Yes	43	“Freedom of scientific research and freedom of artistic expression shall be guaranteed. Intellectual property rights shall be protected by a law“

Slovenia	Yes	Yes	59	“ The freedom of scientific and artistic endeavour shall be guaranteed. ”
Spain	Yes	Yes	20	“1. b) the right to literary, artistic, scientific and technical production and creation 2. The exercise of these rights may not be restricted by any form of prior censorship.”
Sweden	Fundamental Law on Freedom of Expression	Fundamental Law on Freedom of Expression	Chapter 1 Act 1	“The purpose of freedom of expression under this Fundamental Law is to secure the free exchange of opinion, free and comprehensive information, and freedom of artistic creation . No restriction of this freedom shall be permitted other than by virtue of this Fundamental Law.“
Switzerland	Yes	Yes	21	“ Freedom of artistic expression is guaranteed.”
The Netherlands	Yes	No		
Turkiye	Yes	Kind of	64	“The State shall protect artistic activities and artists. The State shall take the necessary measures to protect, promote and support works of art and artists, and encourage the spread of appreciation for the arts.”
Ukraine	Yes	Yes	54	“Citizens are guaranteed the freedom of literary, artistic, scientific and technical creativity , protection of intellectual property, their copyrights, moral and material interests that arise with regard to various types of intellectual activity.”
United Kingdom	1998 Human Rights Act	No		

3.2 Measures Governing Freedom of Artistic Expression

The answers of the question »Are there any appropriate measures in your country that govern artistic freedom? In the context of the right to create without censorship or limitations, the right to have artistic work supported, distributed, remunerated, the right to freedom of movement, the right to freedom of association, the right to protection of social and economic rights, the right to participate in cultural life?« showed that in 26 countries (74%) measures of FoAE are established. However, the following list shows that not all dimensions are equally underpinned by measures:

- the right to participate in cultural life: in 71.4 % of countries;
- the right to have artistic work supported, distributed, remunerated: in 70.6 % of countries;
- the right to freedom of movement: in 64.6 % of countries;
- the right to freedom of association: in 62.9 % of countries;
- the right to protection of social and economic rights: in 61.8 % of countries;
- the right to create without censorship or limitation: in 48.6 % of countries.

Examples of mentioned measures are:

- legal documents / laws – e.g. Azerbaijan, England, Estonia, France, Ireland, Luxembourg, Moldova, Montenegro, Netherlands, Northern Ireland, Slovenia Switzerland,
- cultural policies by local and regional governments – e.g. Belgium, Germany,
- cultural strategies – e.g. Scotland,
- ethical guidelines – e.g. Finland,
- support systems and programmes for cultural institutions and associations– e.g. Czech Republic, Germany, Moldova, Netherlands, Norway, Slovenia (National Programme), Sweden, Switzerland
- grants and scholarships for artists– e.g. in Sweden, Estonia, Germany
- Fair pay measurements – e.g. Austria (Fairness Codex), Germany,
- artist social insurances – e.g. Germany, Poland
- measures for cultural participation – e.g. Germany, Latvia,
- school programmes – e.g. Switzerland

3.3 Monitoring of Freedom of Artistic Expressions

The respondents have been asked: »Are there bodies/institutions in your country that monitor artistic freedom?« and »Who are the bodies/institutions in your country that monitor artistic freedom?«

In 15 countries (43%) monitoring instruments of FoAE are in place: Armenia, Azerbaijan, England, France, Lithuania, Luxembourg, Netherlands, Norway, Romania, Russia, Scotland, Serbia, Sweden, Switzerland and Turkiye.

The following table shows that the monitoring process is done explicitly or implicitly and is related to different actors – from ministries to civil society organisations, NGOs, associations. Other respondents refer to the media.

Table 2: Bodies of monitoring FoAE in the European countries

Country	Monitoring bodies (+ comments)
Armenia	Ministry of Education, Science, Culture and Sport
Azerbaijan	Ministry of Culture of the Republic
England	Index on Censorship works with others globally to seek to protect free expression/speech as a tool for democracy. It has an Artistic Freedom resource on its website that includes case studies involving controversial creative work.
France	Ministry of culture, the judicial institutions, and some dedicated NGO notably the Observatoire de la liberté de création
Lithuania	Lithuanian Human Rights Monitoring Institute as an independent public organisation.
Luxembourg	The state

Netherlands	Dutch Culture Council (Raad voor Cultuur); PEN Netherlands; various human rights organizations, such as the Netherlands Institute for Human Rights
Norway	Media has the most prominent position in this matter. If there has been any attempts to limit artistic freedom, this has caused headlines in the national papers.
Romania	The state since the artistic freedom is integrated in the freedoms defended by the official laws.
Russia	Agora International Human Rights Group, an independent association of lawyers working on landmark human rights cases.
Scotland	The Scottish Human Rights Commission, Art27Scotland, The National Taskforce on Human Rights Leadership would all engage with artistic freedom, but a systematic monitoring is not evident
Serbia	Association of Independent Cultural Scene (NGO), The Association of Fine Artists of Serbia (NGO)
Sweden	Primarily government agencies
Switzerland	The freedom of art enshrined in the Federal Constitution obliges all state authorities to guarantee artistic freedom, to take artistic freedom into account in all acts of application of the law and to create framework conditions that foster freedom for art.
Turkiye	The two different bodies that relate to artistic freedom in Turkiye are the Ministry of Culture and Tourism as well as a Culture and Arts Policy Board, none of them are explicitly tasked with monitoring artistic freedom. One longest standing initiative is the Speak Up Platform (susma24.com) that generally focuses on censorship and self-censorship in arts and culture. Other initiatives focus on specific sectors (such as Altyazı for cinema, Turkish Publishers Association for literature, or various trade unions for this sector). Unfortunately, monitoring and especially data collection efforts by self-organised groups or professional organizations are still lacking.

Furthermore the respondents have been asked: *»Are there any legal or other mechanisms where complaints regarding artistic freedom can be addressed in your country?«*

According to the correspondents, 14 of the 35 countries (40%) have legal or other mechanism where complaints regarding FoAE can be addressed. Among those are also eight countries that use monitoring: Azerbaijan, England, France, Georgia, Montenegro, Netherland, Northern Ireland and Scotland. Correspondents from seven other countries referred to mechanisms of addressing complaints: Croatia, Ireland, Germany, Switzerland, Estonia, Serbia.

In relation to the significance that Freedom of Expression and Freedom of Artistic Expression as part of the constitutions of nearly all countries hold, monitoring the FoAE and complaining mechanism are not that widespread within countries in Europe, showing potential for improvement in this regard.

3.4 Educational and/or Awareness Campaigns Regarding Freedom of Artistic Expressions

The respondents were asked to answer the following questions: *»Are there any educational or awareness campaign(s) regarding artistic freedom in your country?«* and *»If yes, please specify which educational or awareness campaign(s) exist regarding artistic freedom in your country?«*

Correspondents from 14 countries (40%) indicated the existence of educational and/or awareness campaigns regarding FoAE.

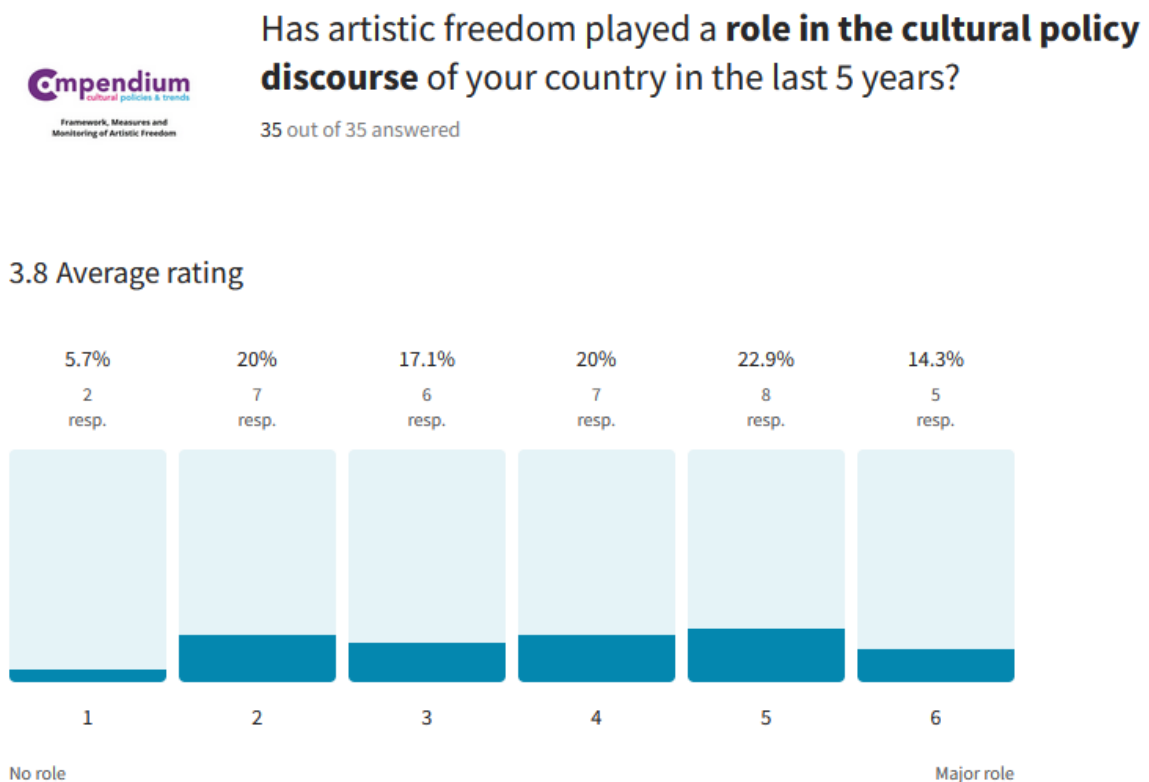
Further given explanations:

- to the actors of those campaigns, as e.g.
 - Croatia: mainly artist run
 - England: Index on Censorship
 - Estonia: artists and cultural forums
 - Georgia: YTA Union
 - Montenegro: Association of Artists
 - Netherlands: The Dutch Freedom of Expression Foundation (Stichting Democratie en Media); Human Rights Watch; PEN Netherlands; Movies That Matter; International Documentary Film, 'Festival Amsterdam (IDFA)
 - Serbia: Independent Cultural Scene of Serbia, such as "For dignity of work in culture" (done in 2022/23); or campaigns and projects of the Association of Fine Artists of Serbia (Towards horizontality in Arts, etc.)
- To the issues of those campaigns, as e.g.
 - Ireland: issues of censorship
 - England: issue of censorship
 - Scotland: issues of human rights
 - Switzerland: copyrights + arts und gender equality
- To the format of those campaigns, as e.g.
 - England: Index on Censorship has launched "The Arts Censorship Support Scheme" to counter censorship attempts in an endeavour to ensure the space for freedom of expression is as wide as possible. It hopes this will enable decision-makers and those commissioning art(s) are more confident to challenge their own self-censorship.
 - Estonia: Symposiums
 - France: topic included in various educational and training programmes at different levels
 - Georgia: As part of the UNESCO Participation Programme, the YTA Union implemented 3 projects, the topics of which were directly or indirectly related to the protection and promotion of artistic freedom, including the status of the artist and cultural figures.
 - Germany: discourse in society about artistic freedom after specific events / incidents in the cultural field (e.g. documenta15), special music songs (e.g. "is this still covered by artistic freedom?")
 - Northern Ireland: Ad hoc events such as "Artistic Freedom – a human right with many obstacles | GT 2017"
 - Switzerland: programmes like 'Respect Copyright' raising awareness on the value of culture and arts; programmes in the context of arts & gender equality

4 Survey Results – Perceived Challenges, Barriers and Developments Regarding Freedom of Artistic Expression

4.1 Does artistic freedom play a role in the cultural policy discourse?

Figure 2: Has artistic freedom played a role in the cultural policy discourse of your country in the last 5 years?



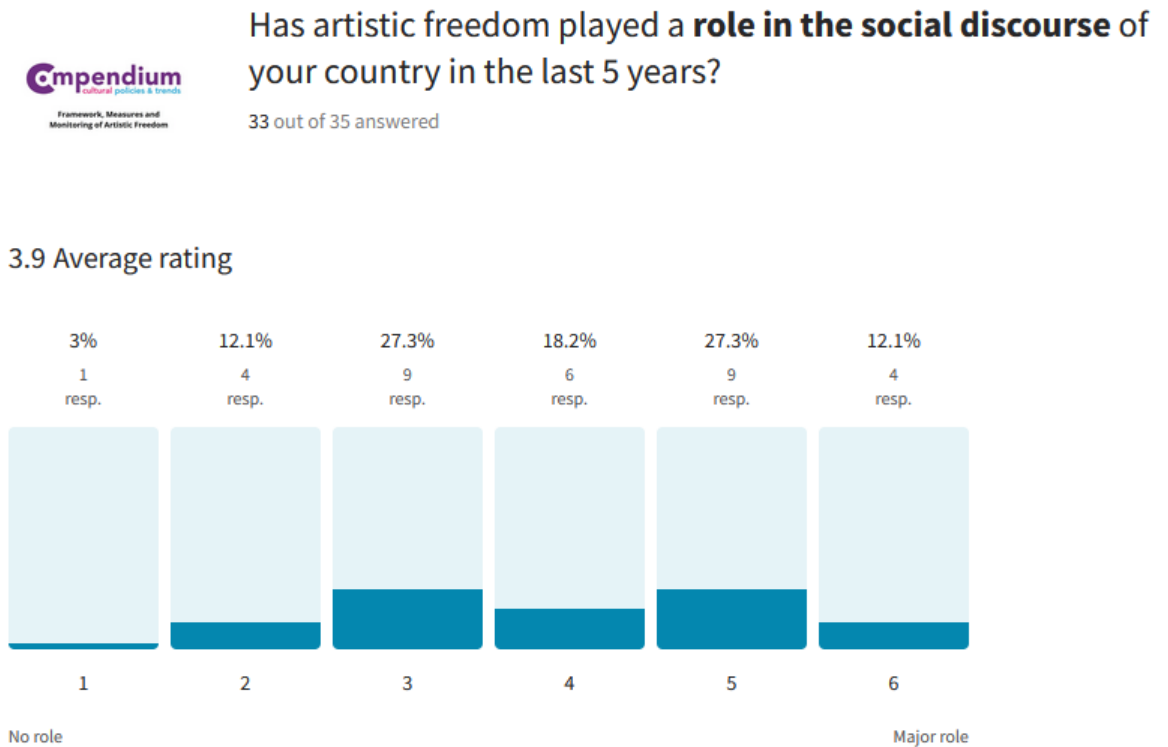
Summary of insights and interpretation:

- For estimating the role of freedom of artistic in the cultural policy discourse there is no clear indication in the rating overall, meaning the importance differs from country to country
- An average rating 3.8 and median rating of 4 are relatively high, suggesting a generally important role of FoAE within the political discourse.
- Only about 5.7% of respondents gave the lowest ratings (1) – meaning in only two countries the issue does not play a role at all.
- On the other side: in about 14.3%, five countries (Armenia, Hungary, Ireland, Luxembourg, Netherlands), the respondents see a major role of the issue in the political discourse.

The distribution of ratings suggests that:

- The role of FoAE within the cultural policy discourse shows a wide range within the countries of Europe – from no to major role.
- The estimation of the importance does not reflect connotations to the existence of regulations, constitutions frameworks or governmental systems.

Figure 3: Has artistic freedom played a role in the social discourse of your country in the last 5 years?



Summary of insights and interpretation:

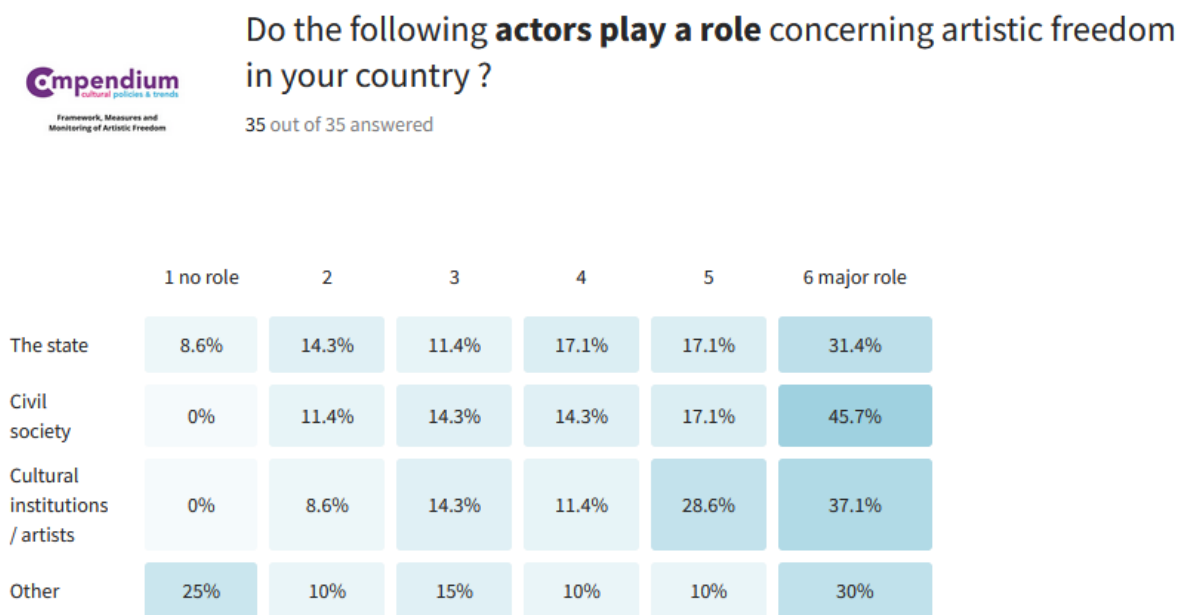
- Also for estimating the importance of FoAE in the social discourse, the answers vary greatly from each country
- An average rating 3.9 and median rating of 4 are relatively high, suggesting a generally important role of FoAE also within the social discourse.
- Only about 3% of respondents gave the lowest ratings (1) – in only one country the issue does not play a role at all.
- On the other side: in about 12.1%, four countries (Armenia, Ireland, Netherlands, Poland), the respondents see a major role of the issue in the social discourse.

The distribution of ratings suggests that:

- The role of FoAE within the social discourse shows a wide range within the countries of Europe – from no to major role.
- The role of FoAE within the political and social discourse shows similarities, but also differences – seeing that the results vary slightly

4.2 Actors in the Field of Artistic Freedom

Figure 4: Do the following actors play a role concerning artistic freedom in your country?



Responses: On a scale from 1 indicating no role to 6 indicating a major role for different actors: the state, civil society, cultural institutions / artists and others.

Summary of insights and interpretation:

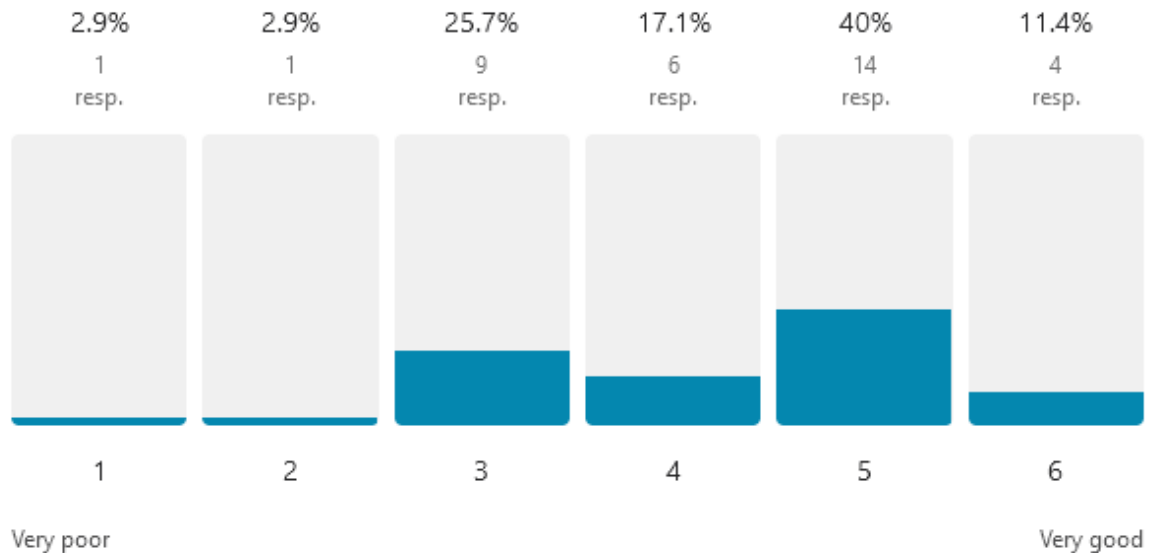
- The average rating of all three mentioned groups of actors is very high – state 4.11, civil society 4.61 and cultural institutions / artists 4.63 – resulting in a respective median of 4, 5 and 5.

The distribution of ratings suggests that:

- For all group of actors – the state, the civil society and the cultural institutions / artists - the majority of the respondents estimated a major role.
- Generally, the importance of the civil society and the cultural institutions and artists is highlighted, seeing as these particular categories were generally not defined as playing “no role”

4.3 Perceived Status Quo of Freedom of Artistic Expression

Figure 5: How would you rate the current state of freedom of artistic expression in your country?



Summary of insights and interpretation:

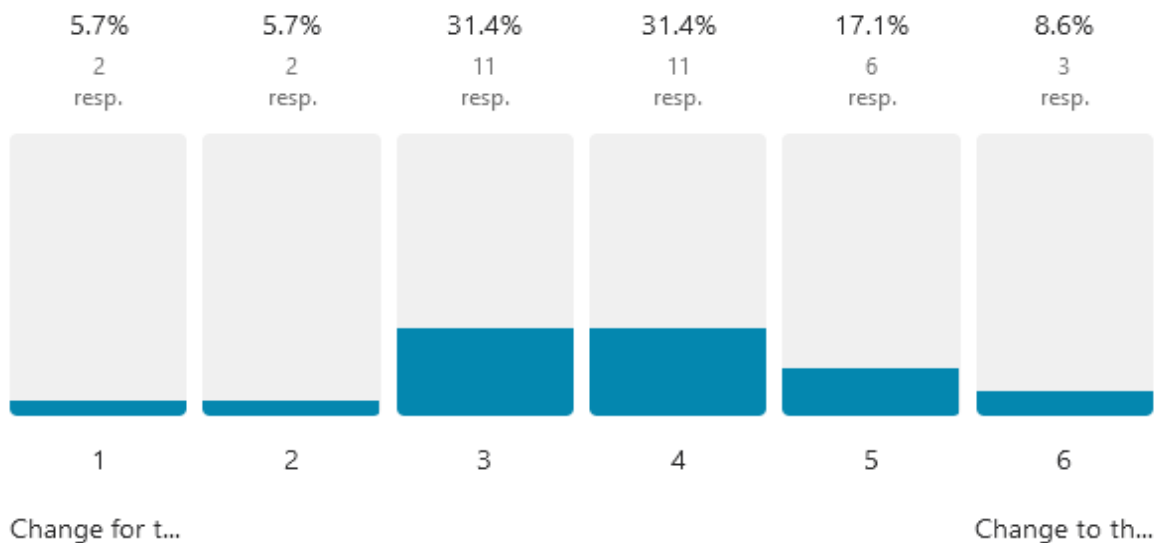
- The majority of respondents rated the current state of FoAE as 5, which is the most common rating.
- An average rating 4.23 and median rating of 5 are relatively high, suggesting a generally positive perception.
- There is a notable percentage of respondents who rated it as 3, indicating some level of dissatisfaction or neutrality.
- The distribution displays a tendency towards higher ratings, with a significant portion of respondents rating it 4 or above.
- Only about 5.7% of respondents gave the lowest ratings (1 or 2), suggesting that very negative perceptions of artistic freedom are relatively rare in this sample

The distribution of ratings suggests that:

- There is likely a positive perception for FoAE in most participating countries.
- The majority of respondents perceive little significant barriers to artistic expression.
- There may be some room for improvement, as not all respondents gave the highest ratings.

After testing the current state of FoAE another question focussed on how the change of this status quo was perceived over the period of five years.

Figure 6: How has the state of freedom of artistic expression changed in the respondents countries over the last 5 years?



Summary of insights and interpretations:

This histogram shows the distribution of opinions on how the state of FoAE has changed over the last 5 years (rating on a scale from 1 indicating a change for the worse to 6 indicating a change to the better). The most common responses are 3 and 4, with fewer responses at the extreme ends of the scale (1 and 6). The median seems to be around 4, which corresponds to a mean of around 3.74.

The data appears to be slightly skewed towards the higher end of the scale, suggesting that more respondents feel that the state of FoAE in their country has changed positively or not significantly over the last five years.

Comparing the average value of 3.74 with the average value of 4.23 from the previous question “How would you rate the current state of freedom of artistic expression in your country?”, shows that there is a certain deterioration in the perception of the state of FoAE.

The distribution of ratings suggests that:

- The current state of FoAE is better assessed when compared to how the state of FoAE has changed over the last 5 years. This indicates that the **state of FoAE has as a clear negative development in the perception of the respondents over time.**
- Even though there is a positive perception of FoAE in most countries; there is still some **room for improvement**, as the respondents see a deterioration of the freedom of artistic expression over the last five years.

Additionally the survey questioned the status of rights related to artistic freedom. The responses were rated on a scale from 1 indicating very poor to 6 indicating very good regarding:

- the right to create without censorship or intimidation
- the right to have artistic work supported, distributed, remunerated
- the right to freedom of movement
- the right to freedom of association
- the right to protection of social and economic rights
- the right to participate in cultural life

Figure 7: How would you rate the current state of artistic freedom in your country when it concerns to

	1 very poor	2	3	4	5	6 very good
the right to create without...	5.7%	8.6%	11.4%	25.7%	22.9%	25.7%
the right to have artistic work...	5.9%	17.6%	8.8%	26.5%	20.6%	20.6%
the right to freedom of movement	0%	5.9%	8.8%	23.5%	8.8%	52.9%
the right to freedom of association	0%	5.7%	2.9%	14.3%	14.3%	62.9%
the right to protection of social and...	2.9%	14.7%	11.8%	35.3%	26.5%	11.8%
the right to participate in cultural life	0%	5.7%	8.6%	25.7%	37.1%	22.9%

Summary of insights drawn and interpretation:

The **right to create without censorship or intimidation** has an average rating of 4.28, a median rating of 4 and most common rating of 4 or 6 showing a **good state** of this important right. Nevertheless, it should be noted that it is not as good as the overall average rating or median rating which suggests that it is one of the more challenged rights.

The **right to have artistic work supported, distributed, or remunerated** has an average rating of 3.97, a median rating of 4 and most common rating of 4. It is the right with the worst rating compared to the five other rights. This particular right can therefore be seen as the most endangered right among those in the survey

The **right to freedom of movement** as well as the **right to freedom of association** are both very highly rated with an average rating of 4.91 and 5.22, a median rating of 5.5 and 6 and a most common rating of 6.

The **right to protection of social and economic rights** with an average rating of 4.01, a median rating of 4 is the second most challenged right of the 6 mentioned ones.

The **right to participate in cultural life** has an average rating of 4.6 and a median rating of 5. With 85.7% of the responses rating this right with 4, 5 or 6, it **can be interpreted to generally be in a favourable state**.

The distribution of ratings suggests that:

- There is likely **very good foundation for the right to freedom of movement and association** in most respondents countries.
- The two **most challenged rights** are the **right to have artistic work supported, distributed and remunerated** and the **right to protection of social and economic rights**.
- The **right to participate in cultural life** as well as the **right to create without censorship or intimidation** are both in a good state but remain challenged to a certain extend.

4.4 Potential Restrictions to Freedom of Artistic Expression

Figure 8: To what degree do the following issues restrict freedom of artistic expression in your country?

	1 high restriction	2	3	4	5	6 low restriction
Political climate	17.1%	20%	11.4%	17.1%	22.9%	11.4%
Censorship or self-censorship	11.4%	14.3%	14.3%	17.1%	22.9%	20%
Social and community pressures	2.9%	20%	5.7%	28.6%	34.3%	8.6%
Other	11.1%	11.1%	22.2%	11.1%	38.9%	11.1%

Summary of insights and interpretation:

The **political climate as restriction for FoAE** has an average rating of 3.43 and median rating of 4. Nearly 50% of the respondents rated it with 1, 2 or 3 and therefore perceive the political climate as a **major restriction** for FoAE in their country.

Censorship or self-censorship as restriction for FoAE has an average rating of 3.80 and median rating of 4. Around 40% of the respondents rated it with 1-3 and observe censorship as an important barrier for FoAE in their country.

Social and community pressures as restriction for FoAE has an average rating of 3.89 and median rating of 4. Over 70% of the responses rated it 4, 5 or 6 which implies that in general social and community pressures play no major role in restricting FoAE.

Other restrictions for FoAE has an average rating of 3.95 and median rating of 4. This shows that certain other restrictions should not be disregarded either.

The distribution of ratings suggests that:

- **Political climate is perceived as the major restriction regarding FoAE**
- Social and community pressures are observed as less restrictive for FoAE compared to censorship or the political climate in the participating countries.

Figure 9: How do you think the restriction of freedom of artistic expression through those issues has changed over the years?

	1 change for the worse	2	3	4	5	6 change for the better
Political climate	17.1%	20%	25.7%	20%	5.7%	11.4%
Censorship or self-censorship	9.4%	25%	28.1%	21.9%	6.2%	9.4%
Social and community pressures	8.8%	14.7%	35.3%	26.5%	2.9%	14.7%
Other	5.9%	5.9%	47.1%	17.6%	17.6%	11.8%

Summary of insights and interpretation:

Political climate as a restriction for FoAE over the last 5 years has an average rating of 3.11 and median rating of 3. Nearly 63% of respondents gave a score of 1, 2 or 3 and felt that the situation regarding the political climate as a major restriction on FoAE had worsened in their country.

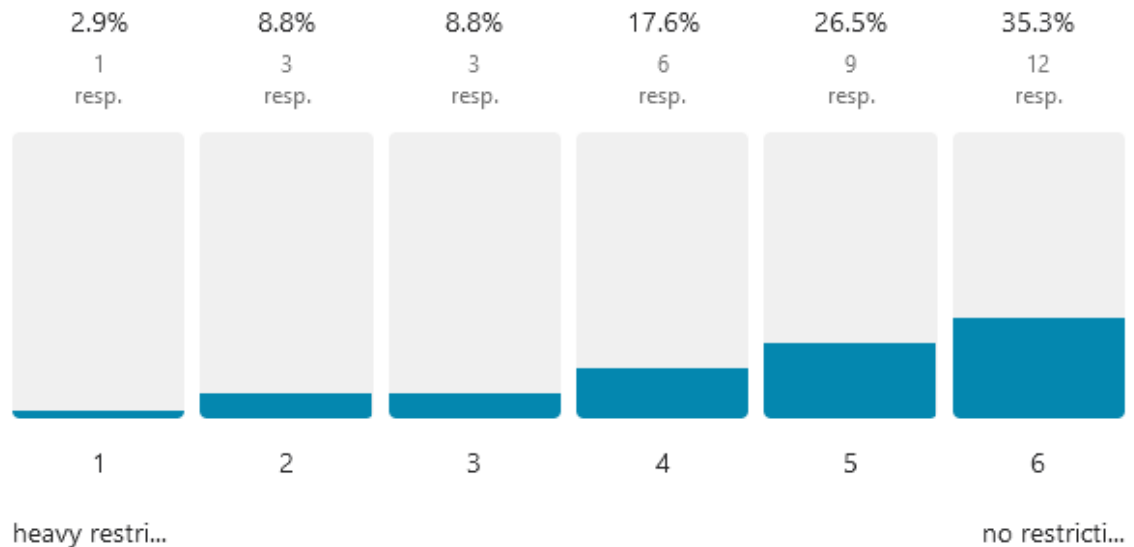
Censorship or self-censorship as restriction for FoAE over the last 5 years has an average rating of 3.06 and median rating of 3. Around 63% of the respondents perceive that the situation regarding censorship as a major restriction for FoAE has changed to the worse in their country.

Social and community pressures as restriction for FoAE over the last 5 years has an average rating of 3.44 and median rating of 3. Approximately 60% of the respondents gave a rating of 1,2 or 3 which implies that it is also perceived to be changing for the worse overall. Other restrictions for FoAE over the last 5 years has an average rating of 3.72 and median rating of 3.5.

The distribution of ratings suggests that:

- **All four restrictions** for FoAE, the political climate, censorship and social and community pressures or others **have changed for the worse** compared to the current perception.
- The overall impression is that FoAE is facing more restrictions over the last 5 years.
- The issue that **most likely restricts FoAE** is perceived to be the **political climate**.

Figure 10: Have you personally ever felt that your own expression was restricted or (self-) censored?



Summary of insights and interpretation:

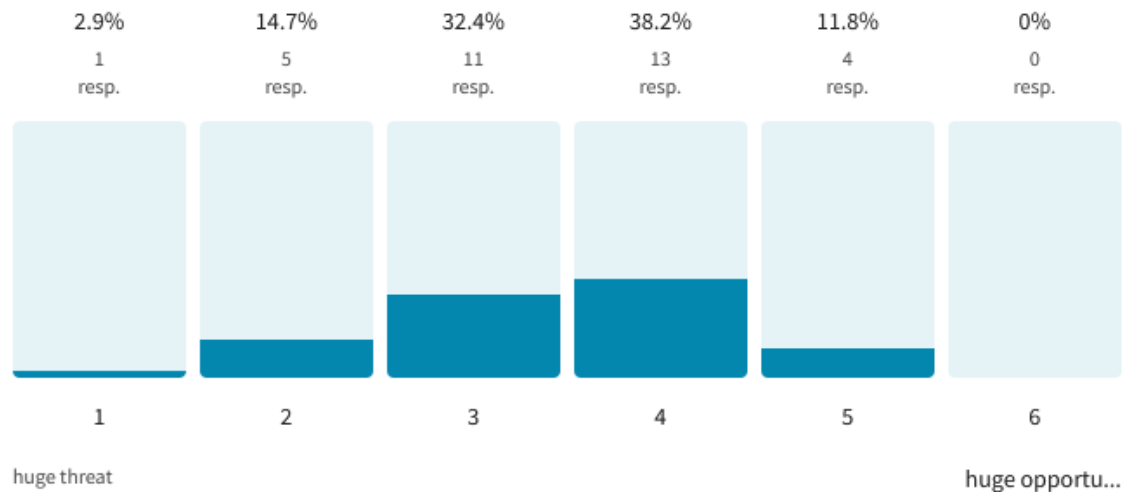
- With a rating scale from 1 for heavy restriction to 6 for no restriction only Seven out of 34 have personally felt a restriction or self-restriction of their expression.
- An average and median rating of 4.61 and 5 underlines that most of the respondents (27 of 34) have personally not felt a restriction or self-restriction of their expression.

Note:

This survey question intended to show own experiences of the respondents with censorship of self-censorship. As well, it intended to monitor freedom of expression within the Compendium community of experts.

4.5 Technological Developments as Challenges for Freedom of Artistic Expression

Figure 11: Do you see new technological developments such as artificial intelligence as an opportunity or as a threat for freedom of artistic expression?



Summary of insights and interpretation:

Half of the respondents (17 out of 34) are rating new technological developments such as artificial intelligence as more of a threat, while the other half (17 out of 34) sees it as an opportunity for FoAE.

Most of the respondents (24 out of 34) rated it 3 or 4, the average rating is 3.38 and median 3.5, which implies a slightly negative perception of new technological developments in regards to FoAE.

The distribution of ratings suggests that:

- For the most part, new technological developments are neither seen as a threat, nor as an opportunity with regards to FoAE.

Another survey question was the following: “With these new technological developments, what do you see as the main benefits and challenges for freedom of artistic expression?”

Thirty respondents gave very diverse comments regarding the benefits and challenges for FoAE through new technological developments. Below a few selected inputs from the respondents are listed:

Benefits:

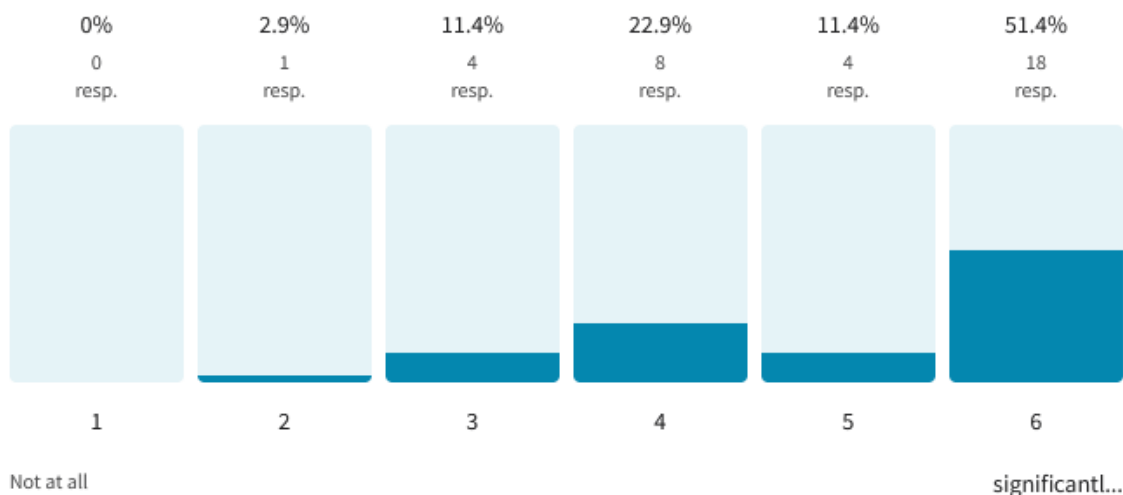
- easy and accessible means of communication capable of reaching out widely;
- self-organisation is facilitated & spreading of community knowledge
- democratisation (i.e. generative AI in the field of video/film);
- mediation and access to knowledge and education (personal AI assistance; subtitling and syncing in different languages);
- generative AI enhances creative expression;
- digitisation and AR/XR experiences of cultural heritage/artefacts;

Challenges:

- Complex to ensure visibility and outreach
- self-censorship online; discriminatory biases + algorithms;
- copyright (artists; original works);
- machine learning bias
- the existence of an adequate legal framework and policies that implement it
- loss of human essence / access to global resources and platforms; new forms of artistic expression
- artistic expression restriction from global resources

4.6 Issues and Themes Challenging Freedom of Artistic Expression

Figure 12: To what extent do you believe that access to funding affects an artist's ability to freely express themselves in your country?



Summary of insights and interpretations:

An average rating of 4.97 underlines that nearly 86% of the respondents (30 out of 35) see access to funding clearly affecting the ability of artists to freely express themselves.

51.4% rated the question with 6, resulting in a median of 6, which implies that a clear majority perceives access to funding as a significant restriction of FoAE. Only 14.3% (5 out of 35) do not think that access to funding plays a major role in regards to FoAE.

The distribution of ratings suggests that:

- **Access to funding highly affects the ability of artists to freely express themselves, according to the perception of the respondents.**

The following question was created in order to identify more specific issues and themes challenging FoAE: “Please indicate any particular issues or themes in your country that are more sensitive when it comes to restricting freedom of artistic expression”. Below are listed the frequently and rarely mentioned sensitive issues in the represented European countries.

Frequently mentioned sensitive issues or themes:

- Religion, islamophobia;
- Minorities, ethnic groups;
- Immigration, refugees;
- Historical contexts;
- LGBTQI+;
- Questioning the role of the politicians in power

Rarely mentioned sensitive issues or themes:

- Lack of loyalty to the regime;
- Language issues;
- Ideological reasons;
- Cooperation with Russians and Russian cultural organization;
- Criticise the established art sector;
- Art in public spaces

Beside the above-mentioned sensitive themes or issues, it can be seen that in several countries the **political climate is not supportive towards FoAE or artistic freedom in general.**

A related survey question “Are you aware of any cases where artists faced limitations on their artistic expression due to societal, cultural, or legal reasons?” intended to identify specific examples of restrictions and sensitive issues related to FoAE.

In total 32 responses were recorded, of which two respondents declared not being aware of any cases where artists faced limitations on their artistic expression due to societal, cultural or legal reasons.

A majority of 30 respondents mentioned cases and gave a short example. Below a few selected cases are listed:

- Two recent examples are the cancellation of a concert by a pop group from the Hungarian Cultural Institute in Brussels and the ban on minors visiting the World Press Photo exhibition “featuring homosexuals”.
- Speak Up Platform collects such data since 2016. Most recent examples include the case of İzinsiz, a street artist who was convicted of insulting the president (2022), the play Berû which would have been the first Kurdish play to be staged in the history of Turkiye National State theatre was banned on accusations of terrorist propaganda (2020).
- Few years back, main Slovenian artistic prize, Prešeren award, was attacked due to been given to artists which showed images which seemed controversial to the general public.
- Some artists or creators were killed (Charlie Hebdo), others have to be officially police protected and cannot live publicly because of death threats (for instance by terrorist movements).
- In 2020 in Portugal, a municipal theatre censored and prevented the distribution of a text during a performance by a local play writer, that was derogatory to the politics of the municipality and its Mayor.
- There are periodic attempts to censure artists or organisations to stop cultural events or remove an exhibit perceived to be offensive in the eyes of some members of the local community or local councillors. Social media has brought such events to much wider public attention, and sometimes accelerated protests (in England).
- Russian stage and film director and theatre designer Kirill Semyonovich Serebrennikov was convicted of fraud in 2020. Artist Petr Pavlensky spent several sentences in prison and psychiatric institutions in 2017-2019. Russian theatre director Yevgenia Berkovich

and playwright Svetlana Petriychuk are currently in jail, accused of 'justifying terrorism' in their theatre performance.

- The documentary film "Taming the Garden" by Salome Jashi was withdrawn from distribution at the behest of the Minister of Culture and Chairman of the ruling party for the cultural and social context.
- Discourse on the possibility of performance by artists with Russian citizenship, discourse around anti-Semitic attitudes (documenta15), discourse about woke culture / cancel culture (e.G. Feine Sahne Fischfilet).
- Arts workers were under pressure in the Edinburgh Festival when they refused to work at gender-critical events. Arts Professional's freedom of expression survey in 2020 revealed artists felt widespread pressure to self-censor on wedge issues like Brexit.
- There were some attacks happening during Pride, or exhibition of marginal art practice (e.g. in Stara Kapetanija Gallery in Belgrade in 2018). / projects of artists that are collaborating with Kosovo artists, willing to speak about Kosovo, etc.

4.7 Improving the Situation Regarding Freedom of Artistic Expression

One of the last survey questions focused on prospective views regarding FoAE: "To your opinion, which frameworks / activities need to be changed to improve artistic freedom in your country?"

Below a few thoughts regarding potential improvements or changes:

- Improvement of artistic freedom is interrelated with the improvement of all fundamental rights, freedom of expression primarily but also about non-discrimination and equality. The lack of pluralism is the foundation for many of the violations of artistic freedom. A lack of independent judiciary, lack of true oversight bodies (instead of those operating as censorship bodies), and lack of fulfilment of obligations to support and create an enabling environment is an issue. A public body to monitor artistic freedom must be created.
- Frameworks that support a more educated, compassionate and inclusive society.
- The public administration and the competent institution could, probably, encourage and stimulate artistic freedom by organising more public or artistic events
- Artistic freedom would need to be given more space in general discussion. However, there are other topics, which would likely be good to be given even more space in terms of cultural policy.
- More educational activities to allow more cultural diverse and open-minded people. Education to tolerance and artistic freedom must be reinforced, education to use and misuse of social media is indispensable at all levels, social media must drastically be controlled and regulated so that they cope with the legal framework and impeach illegal discourses, attitudes or behaviours.
- Cultural and artistic education in schools has to be significantly improved.
- A law on cultural rights could be a convenient legal framework to develop policies and measures on this issue
- Creation of special monitoring facilities for FoAE
- the state needs to be depoliticized
- Reforming the system of financing cultural activities. Development of other financing mechanisms alongside the existing one - institutional financing.
- Constitutional frameworks has to be upheld. Threats against artists (as well as journalists, academics etc.) has to be dealt with as a serious threat.

The majority of responses tends to see a requirement to change the educational system and regulatory frameworks (legal aspects, monitoring of violation, etc.) as well as more awareness raising of FoAE. There is also a favour towards the implementation of more democratic values in order to have a more open-minded, inclusive and compassionate societies.

The last question tried to concentrate on improving the survey itself as it intended to regularly conduct the FoAE survey (every two years). Due to this the Compendium experts were asked, which questions were missing from the survey. Below are a few examples of new questions in order to improve the survey and its results.

- Questions that bring to light the canny methods used to suppress artistic freedom in a formally free and constitutional environment.
- Examples of when artistic freedom was championed.
- Questions on how the art world, artists themselves may be a threat to artistic freedom.
- Citation of concrete events organised on artistic freedom and freedom of expression.
- Which field should be further improved first? legislation, gov. measures, civil support.
- Questions on legal or justifiable limitations of artistic freedom.
- a right is never absolute, there is impact of other laws (discrimination, police, language, administrative and economic law, child protection...)
- those on artist remuneration - which is very important topic in Europe in recent years
- Types of censorship - i.e. economic censorship - not giving grants to artists that are freely thinking or criticising the ruling party, to artists that participate in citizens protests, etc.

5 Conclusion

The purpose of the survey and of related desk research was to provide an overview regarding the status quo of FoAE in European countries from 2 perspectives: a) to collect objective information about frameworks and restrictions, and b) to also inform about individual opinions and experiences on related challenges, barriers and national developments regarding FoAE.

What follows is a summary of chapter three, which aimed to give insights on objective information regarding the state of FoAE in each country:

- In 46 countries FoAE is part of the constitution or related national documents. Among them are 30 countries, which have explicit articles / paragraphs that refer to FoAE.
- The respondents of 26 out of 35 countries indicated special measures that govern FoAE and, more general, artistic freedom. Within the 6 dimensions (based on UNESCO 2019) used in the survey, there is a clear ranking of existing measures: in almost three quarters of the countries measures governing the right to participate in cultural live are indicated by the respondents, followed by those referring to the right to have artistic work supported, distributed, or remunerated (71%), to the right of freedom of movement (nearly 65 %), to the rights of association (63%), and to the rights to protection of social and economic rights (62%). Measures referring to the right to create without censorship are only indicated for less than half of the countries (49%).
- The measures include different types as e.g.: legal documents; cultural strategies; (ethical) guidelines; support systems and programmes for cultural institutions and associations; grants and scholarships for artists; fair payment measurements; social insurance for artists; measures for cultural participation or school programmes.
- Compared with the significance of regulations on Freedom of Expression and FoAE in the constitutions of nearly all countries, monitoring FoAE and complaining mechanism are not that widespread in Europe. In only 15 countries (43 %) a monitoring of FoAE is being reported by the respondents. The task of monitoring is realised by different actors in the respective countries - from ministries to civil society organisations, NGOs, associations. There is clearly a lack of monitoring and thus an large development potential regarding these issues.
- FoAE is not a priority in the context of educational and/or awareness campaigns for most of the countries. Correspondents from 14 countries (40%) indicate the existence of educational and/or awareness campaigns regarding FoAE. Those campaigns are led by a variety of actors, even though cultural associations can be highlighted in this regard. The main issues for those campaigns refer to censorship, copyright (and some to gender equality in the arts). Different types of formats are used as e.g. indices, symposiums or events.

What concerns the perceived status quo of FoAE in the respective 35 countries, the opinions of the Compendium experts could suggest the following trends:

- The majority of respondents experience few significant barriers to artistic expression.
- There is likely a good foundation for FoAE in most participating countries.
- The current state of FoAE is better assessed when compared to how it has changed over time. Responses suggest that the perception of the state of FoAE has clearly deteriorated during the last 5 years.
- This implies that there is room for improvement including via cultural policy reforms.

- The right to freedom of movement and association seems to have a good foundation in most countries of the respondents.
- The two most challenged rights are the right to have artistic work supported, distributed and remunerated and the right to receive protection of social and economic rights.
- The right to participate in cultural life as well as the right to create without censorship or intimidation are both in a better state, but remain challenged in some countries.
- According to the assessment of the respondents, the issue that most restricts FoAE is perceived to be the political climate.
- Social and community pressures are perceived as less restrictive for FoAE compared to censorship or the political climate.
- All restrictions of FoAE, whether the political climate, censorship and social and community pressures or others, are perceived to have changed to the worse during the last five years.
- The overall impression is that FoAE is now facing more restrictions than before.
- According to the respondents, new technological developments such as artificial intelligence will be neither a major threat nor an obvious opportunity for FoAE.
- Access to funding highly affects artists' ability to freely express themselves, according to the survey results.
- The majority of responses tends to see a requirement to change the educational system and regulatory frameworks (legal aspects, monitoring of violation, etc.) as well as to promote more awareness of the value of FoAE. Respondents also favour the promotion of democratic values in order to achieve a more open-minded, inclusive and compassionate societies.

6 Acknowledgements

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We are honoured to work with such a knowledgeable, experienced community of experts in the field of cultural policy and related research. Without the experts, without their willingness to share their knowledge and experience, the *Compendium* and this survey on freedom of artistic expression in Europe would not be possible.

7 References

Wiesand, Andreas Joh. (2024). Silencing Dissent? On Barriers to Freedom of Artistic Expression. *Compendium of Cultural Policies and Trends* (ed.), Bonn, 23.04.2024, [DOI: 10.69813/PJEN3393](https://doi.org/10.69813/PJEN3393)

UNESCO Diversity of Cultural Expressions Entity / Culture Sector (2019). [Artistic Freedom](#). Paris