

TEXT BY AN EXPERT GROUP
(JAROSLAV ANDEL, GIULIANA DE FRANCESCO,
KATA KRASZNAHORKAI, MARY ANN DEVLĚG,
SARA WHYATT, SUPPORTED BY LEVAN KHARATISHVILI)
FOR THE COUNCIL OF EUROPE IN THE FRAMEWORK OF
THE 70TH ANNIVERSARY OF THE EUROPEAN CONVENTION
ON HUMAN RIGHTS

**MANIFESTO
ON THE FREEDOM OF
EXPRESSION OF ARTS AND
CULTURE IN THE DIGITAL ERA**

This Manifesto was first introduced on 30 June 2020 on the occasion of the meeting of the Steering Committee for Culture, Heritage and Landscape (CDCPP) and consulted with delegations until 2 October 2020. It will be launched at the CDCPP meeting on 10 November 2020.

Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era

The Council of Europe is the oldest and only pan-European body ensuring Human Rights, Democracy and the Rule of Law for 830 million citizens in Europe. It does so by means of the 1950 European Convention on Human Rights and the European Court of Human Rights that was established in 1959. Over the years, a multitude of legal, monitoring, capacity building and awareness-raising instruments has been added to this *acquis* in the policy sectors relevant for ensuring the respect for, and implementation of, human rights in the daily life of Europeans.

With democracy under great pressure from the regional and global challenges relating to political, economic, technological, health and environmental issues¹, the 70th anniversary of the European Convention on Human Rights is a good time to highlight the key role of arts and culture as powerful means for maintaining constructive dialogue in democratic and open societies.

It is frequently the artists, experts and cultural professionals who hint at problems, spell out uncomfortable truths, speak the unspoken and make the unseen visible – using their artistic and cultural means, and creating spaces for societal debate within and beyond the mainstream bodies of political discourse and in social media.

The European continent strongly identifies with common values and its long-standing democratic traditions, and freedom of expression, including artistic freedom, is globally its most significant and consequential export. Article 10 of the Convention protects the right to Freedom of Expression, including freedom of artistic expression. In recent years, with democracy facing increasing challenges, there is evidence of growing interference from certain state bodies in the freedom of artistic expression², and also interference from non-state actors in Europe. Therefore, the Steering Committee for Culture, Heritage and Landscape³ is keen to emphasise that:

- Human Rights are indivisible. Freedom of expression is a core human right;
- Freedom of expression needs to be protected, be it from abuse of technological developments, attempts to muzzle dissenting voices in a society or misuse of the freedom of expression to foster divisive narratives, intolerance and hate;
- Artistic and creative expression is a part of the freedom of expression and artists must be protected against censorship and any form of pressure or intimidation. Any limitation should be in line with the European Convention on Human Rights and the case law of the European Court of Human Rights;
- Restrictions on freedom of expression and artistic freedom affect the whole of society, bereaving it of its pluralism and the vitality of the democratic process. The ecosystem of artistic freedom affects education, cultural development, socio-economic standards, well-being, quality of life and social cohesion⁴;

¹ Massive disinformation and increasing censorship on the internet, social media and mainstream media and the fabrication of myths, the spread of far-left and far-right movements, growing social and economic inequality, the degradation of the environment and climate change as a result of CO₂ emissions, to name but a few.

² For details of attacks on artistic freedom, visit the following organisations social media and web sites: Freemuse - www.freemuse.org; PEN International - www.pen-international.org, Index on Censorship - www.indexoncensorship.org; Artists at Risk Connection - www.artistsatriskconnection.org

³ In line with the Statutes of the Organisation, the CDCPP is mindful of the Council of Europe's role as a platform for constructive dialogue and successful intergovernmental co-operation in the cultural field since 1954 (European Cultural Convention).

⁴ In line with the 2005 UNESCO Convention on the protection and the promotion of the diversity of cultural expressions.

- It is the diversity in cultures, languages, art forms and free artistic expressions that nourishes intercultural dialogue and co-operation. Freedom of expression is reflected in a diverse and stimulating artistic and cultural environment and contributes to mutual understanding and living together;
- Artistic freedom is associated, *inter alia*, with curiosity, creativity, innovation, self-realisation, critical thinking and those competences that will be increasingly required for mediating between humans and technologies: arts and culture are central for paving the human-centred way to the future that may be marked by machine-intelligence and man-machine interaction;
- Arts and culture emphasise, express, communicate and anticipate the human reaction to social changes, and provide connections between economic/technological logics and sustainable development. Creativity and diverse cultural expressions, enabled and stimulated by artistic freedom and freedom of expression, are then catalysts for creating sustainable development planning and policies;
- The power of artistic expression to communicate and open up for new perspectives and ideas makes the artist, artistic mobility and artistic freedom strategic resources for society, helping to overcome fragmentation and addressing today's planetary challenges;
- In these difficult times marked by the COVID-19 crisis and where artists' and the cultural and creative sector's revenue generation is severely affected by confinement measures and where at the same time the importance of arts and culture becomes ever more visible as societal resources to keep people included, connected and inspired, it is important to include artists and the cultural sector as beneficiaries of economic support packages made available by states;
- Today's artists and cultural workers are producing the heritage of tomorrow, frequently linking the past, present and future in their acts and products. Their work inspires by anticipating, reflecting on society and memorialising, strengthening individual and collective identities and raising democratic consciousness;
- Neglect, damage, falsification and destruction of cultural heritage, especially in times of crisis, affect human rights. The protection, conservation and enhancement of cultural heritage is essential to the freedom of expression of human societies;
- To pay tribute to the key role of arts, culture and the work of artists in the ongoing endeavour to uphold Human Rights, Democracy and the Rule of Law, and in line with the 30th Council of Europe Art Exhibition "The Desire for Freedom: Art in Europe since 1945" (2012-15), the Organisation is invited to dedicate a digital #exhibition to showcase works of art and culture from its member States that speak directly of the ongoing quest for freedom of expression and that feature artists as critical agents for the survival of vibrant democracies in the globalised society of today.

A P P E N D I X

Background Information

This Manifesto is the fruit of the work carried out by an expert group (Jaroslav Andel, Giuliana De Francesco, Kata Krasznahorkai, Mary Ann DeVlieg, Sara Whyatt, supported by Levan Kharatishvili). A first draft was elaborated in March 2020, with a view to preparing a contribution by the cultural sector to the 70th anniversary of the European Convention on Human Rights.

The draft Manifesto was presented to the Bureau of the Steering Committee for Culture, Heritage and Landscape (CDCPP) on 28 April 2020 where it met with interest and support. The text was subsequently introduced to the CDCPP on 30 June 2020, on the occasion of its online meeting. The CDCPP decided to open the Manifesto for comments by delegations until 14 July 2020. The Secretariat actually considered comments received until 24 July. This was followed by another round of consultations on the amended document which was once more commented by delegations until 2 October.

The resulting revised text is an attempt to reflect the essence of most, if not all of the proposals made by CDCPP delegates. Some adjustments were necessary for the reasons of their mutual compatibility, the structure, clarity and readability of the text. The Manifesto is being launched on 10 November on the occasion of the plenary meeting of the CDCPP, together with the concept for the digital #exhibition "Free to create – Create to be Free". The exhibition is planned to start in early 2021. Contributions from member States, both in the form of two works of art in digital format that promote the freedom of expression and in the form of voluntary contributions to the technical realisation of the project will be greatly appreciated. The Manifesto and the methodological guide for the digital #exhibition will be available on the CDCPP's website for wide dissemination and participation by stakeholders.