



Study commissioned by MEP Diana Riba i Giner

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New publication: Freedom of Artistic Expression in the European Union

The present study underlines the need for artistic freedom to be relevantly and efficiently protected by a precise EU legal framework.

Freedom of artistic expression (FoAE) is a fundamental pillar of any democratic system and a key value of the European project. Rarely researched as an autonomous legal concept, FoAE has been often conflated with other rights or freedoms or treated as a part of a broader analysis of the general freedom of expression. This has resulted in a rather fragmented and superficial picture of what freedom of artistic expression is in a global context and, especially, at European level.

The Freedom of Artistic Expression in the European Union publication presented by the Greens/European Free Alliance Group and Culture Action Europe, commissioned by MEP Diana Riba i Giner, offers a general overview of the global and European legislative framework and case-law, outlining further possible courses of action aiming at strengthening the legal protection of FoAE at a European level.

The FoAE matter has been on the top tier of CAE's agenda since 2012 starting from the active support of the the Arts Rights and Justice (ARJ) working group to the establishment of the partnership with Freemuse in 2019. In January 2020, Freemuse and CAE fueled a public debate on the FoAE, while the latter launched the report on the State of Artistic Freedom in Europe at the European Parliament presenting recommendations to the European institutions regarding the protection and promotion of artistic expression in the EU. Additionally, CAE contributed to the "Intergovernmental Committee of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions" at the UNESCO headquarter in Paris, 2020, and the same year published the position paper "Protecting artistic freedom as a European value", highlighting the need to develop a European handbook on the legal framework, relevant to all Member States.

Following the above, the present study underlines the need for artistic freedom to be relevantly and efficiently protected by a precise EU legal framework. It suggests that EU Member States,

as parties of the European Convention on Human Rights, should abide by the international law instruments and encourage a structured dialogue at the EU level aiming the joint action of cultural practitioners and legal experts. The joint efforts could lead to the realisation of a handbook containing guidelines for a better protection of FoAE at the EU level, including general indicators to monitor the state of freedom of artistic expression across the Union.

The legal overview of this study has been performed by Prof. Marcin Gońrski, dr. habil. (Law), associate professor of the Department of European Constitutional Law, University of Łódź (Poland). He is also an attorney, a member of the Human Rights Committee of the Polish Bar of Attorneys and head of the Legal Department of the City of Łódź.

From the legal overview of Prof. Gońrski, Culture Action Europe together with Yamam Al-Zubaidi, drew some conclusions presented at the end of the study. Yamam Al-Zubaidi, is an independent consultant and previously a member of the Executive Committee of Culture Action Europe.

Read the full publication [here](#).