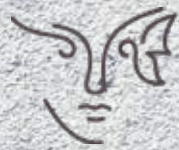


THE STATE OF ARTISTIC FREEDOM **2024**



FREEMUSE
DEFENDING ARTISTIC FREEDOM

Freemuse operates within an international human rights and legal framework which upholds the principles of accountability, participation, equality, non-discrimination and cultural diversity. We document violations of artistic freedom and leverage evidence-based advocacy at international, regional and national levels for better protection of all people, including those at risk. We promote safe and enabling environments for artistic creativity and recognise the value that art and culture bring to society. Working with artists, art and cultural organisations, activists and partners in the global south and north, we campaign for and support individual artists with a focus on artists targeted for their gender, race or sexual orientation. We initiate, grow and support locally owned networks of artists and cultural workers so their voices can be heard and their capacity to monitor and defend artistic freedom is strengthened.

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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of April 2024. Nevertheless, Freemuse cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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OVERVIEW: A YEAR SCARRED BY CONFLICT

A shocking and distressing theme through 2023, continuing into 2024, is war and conflicts across the globe where an estimated 170,000 thousand people have been killed, mostly civilians¹, many, many more injured and a UN estimate of 114 million people displaced².

What is happening in Sudan was described by the UN as “harrowing”, a description that can be applied to all other wars. In this report, we feature two of the conflicts that flared up in 2023: in **Gaza** and **Sudan**. (See pages 12 to 20). We remember artists who have died in these wars, emblematic of the tragedy faced by all citizens. Cultural sites – museums, theatres, libraries, art galleries – are also victims of conflict. Buildings have been destroyed, and targeted, with huge loss of precious artefacts. The war on Gaza has sparked an unprecedented freedom of expression crisis in Europe and North America, where artists and artworks commenting on the crisis have had their performances and exhibitions cancelled, and contracts and awards withdrawn.



Image: Palestinian News and Information Agency (Wafa)

Alongside the devastation wreaked upon civilian lives, in every conflict crisis, cultural institutions are especially vulnerable, whether deliberately targeted, accidentally damaged, or attracting looters and vandals. Artists' work and livelihoods are destroyed. Theatre, film and music performances or festivals are cancelled or even targeted for attack. As UNESCO notes:

“Culture, being on the front lines of conflicts, is too often a victim of hostilities. The destruction of heritage fuels violence, hatred and vengeance among people and weakens the very foundations of peace, hindering reconciliation when the dust of war settles.”³

Satirists beware rulers, royalty and religious leaders

Meanwhile 2023 saw no let-up in attacks on artists and cultural workers who have suffered imprisonment, legal cases, physical attacks and even death for having created works of art or participated in campaigns for social and political justice across the world. The violations highlighted in this report range from death sentences, lengthy sentences, trials, closures and the banning of exhibitions, festivals and performances, to threats on social media and digital shutdowns.

¹ J. Haines, 'The Deadliest Conflicts Across the Globe in 2023', *US News*, 18 January 2024, <https://www.usnews.com/news/best-countries/articles/countries-with-the-deadliest-conflicts-of-2023> (accessed 24 April 2024)

² 'Over 114 million displaced by war, violence worldwide', 25 October 2023, <https://news.un.org/en/story/2023/10/1142827> (accessed 24 April 2024)

³ UNESCO 1954 Convention: <https://www.unesco.org/en/heritage-armed-conflicts/convention-and-protocols/1954-convention>

Standup comedy targeted in China

In May 2023, there was a flurry of reprisals against standup comedians in China. One, Li Hoashi, whose set referred to stray dogs chasing squirrels, led to his management company being levied a huge fine of \$2.1, his shows forcibly cancelled, and a public apology being issued by the comedian. The authorities saw the sketch as a criticism of the Chinese armed forces⁴. Others found their social media accounts shut down in China. British–Malaysian comedian ‘Uncle Roger’ had his account on the popular Chinese Weibo platform closed when he joked on a sketch broadcast online about China using Huawei mobile phones for surveillance⁵. Another comic, Chi Zi, had his accounts removed after he made a joke about the government’s zero COVID–19 policy while on a US tour⁶. Commentators note that standup comedy is relatively new to China and is popular among young people, with comedians often walking on a tightrope of lambasting those in power while keeping on the right side of China’s rigid restrictions on criticism⁷. The stress of managing the censorship was described by an anonymous interviewee as: *"The industry needs to spend 80% of its energy to create content, and then 500% of its time and energy to deal with censorship. It is a huge waste of resources, and it's a waste of youth too."*⁸

⁴ A. Hawkins, 'China fines comedy firm £1.68m over standup's stray dog joke', *The Guardian*, 17 May 2023, www.theguardian.com/world/2023/may/17/china-fines-comedy-firm-168m-over-standups-stray-dog-joke (accessed 4 April 2024)

⁵ C.H. Lin and H. Davidson, 'Comedian Uncle Roger has social media accounts suspended in China', *The Guardian*, 22 May 2023, www.theguardian.com/world/2023/may/22/comedian-uncle-roger-has-social-media-accounts-suspended-in-china (accessed 4 April 2024)

⁶ W. Wang, 'China's growing comedy scene feels censorship chill', *BBC Online*, 5 June 2023 www.bbc.co.uk/news/world-asia-china-65776797 (accessed 4 April 2024)

⁷ C. Che and O. Wang, 'No Joke: China Fines a Comedy Firm \$2 Million for 'Insulting' the Military', *New York Times*, 17 May 2023, <https://www.nytimes.com/2023/05/17/world/asia/china-comedy-2-million-fine.html> (accessed 4 April 2024)

⁸ Quoted in W. Wang – above

Ridiculing leaders and institutions is a common reason for why artists are penalised. Across this report are descriptions of arrests and trials: against a Cuban writer satirising aged politicians nominated to parliament, comedy sketches poking fun at the prison authorities in Egypt and the army in Lebanon, and the long-standing pattern of legal proceedings against artists who ridicule President Erdoğan in Türkiye.

Historically royalty have been sensitive to criticism, and this continues today. In **Thailand**, a two-year sentence was handed down for publishing a calendar with images deemed to be insulting to the Thai king. In **Jordan**, a website that satirised the crown prince's wedding was shut down. (See page 49).

Creating art that depicts religious topics or which satirises religion can be dangerous. Insult to religion has led to arrests, trials and physical threats.

In countries where religion plays a key role in government, and even in notionally secular states where religious groups hold influence, this can be particularly problematic and laws protecting the dominant religion are often used to penalise minorities. One of the most egregious of the current cases is that of the death sentence against **Nigerian** singer, **Yahaya Sharif-Aminu**, who has been in prison since 2020 for a song deemed blasphemous and whose case has been covered in previous Freemuse reports⁹. (See page 22). His death sentence is under appeal.

Vicious attacks on social media by groups purporting to defend religious morals not only intimidate artists but can also motivate authorities to take legal action. In **Malaysia**, for example, the producers and actors in a film where a Muslim teenager explores other religions suffered online abuse and are now on trial for "wounding" religious feelings. (See page 56).

Don't joke about Buddhism: Comedian on trial in Sri Lanka for light-hearted sketches

On 28 May 2023, comedian Nathasha Edirisooriya was arrested at **Sri Lanka's** international airport as she attempted to leave Malaysia for Singapore. Three days earlier, a clip from her performance staged at a college campus in April had been shared on YouTube. In one of her sketches, she refers to competitive parents living at the time when Buddha was a child, who are comparing their children with the young Buddha. In a second contentious skit, Edirisooriya referred to her Buddhist girls' school as a "virgin factory"¹⁰. As soon as clips of the show went online, there was a social media backlash, accusing the comedian of stirring religious hatred, and reportedly including threats of violence and rape against her. Edirisooriya retracted the video that day and issued an apology. When she attempted to leave Sri Lanka for Singapore, she was arrested and charged with "deliberate intention of wounding the religious feelings of any person" and "malicious intention of outraging" religious feelings¹¹. She was detained for almost six weeks before being released on bail in July and her trial was still under way at the end of 2023. Around the time of Edirisooriya's arrest, the Minister of Religious and Cultural Affairs proposed a draft bill that would "combat all actions that jeopardize religious unity", adding that "No one has the right to oppress any religion or endanger religious harmony under the guise of religious freedom"¹².

9 See *State of Artistic Freedom 2022 and State of Artistic Freedom 2023* available at: [Freemuse.org](https://freemuse.org)

10 A. Godioli, 'On the abuse of human rights law in Sri Lanka: The arrest of Nathasha Edirisooriya', *ForHum*, 24 June 2023

11 CIVICUS, 'Sri Lanka: Authorities continue to stifle protests, harass activists and push repressive laws', 7 March 2024, *Asian Human Rights Commission*, <http://www.humanrights.asia/news/forwarded-news/AHRC-FST-001-2024> (accessed 2 April 2024)

12 Sri Lanka Presidential Secretariat, 'New laws will be enacted to prohibit all actions that threaten religious harmony - Minister of Buddhasasana, Religious and Cultural Affairs Vidura Wickramanayaka', August 2023, President's Office, <https://www.presidentsoffice.gov.lk/index.php/2023/07/05/new-laws-will-be-enacted-to-prohibit-all-actions-that-threaten-religious-harmony-minister-of-buddhasasana-religious-and-cultural-affairs-vidura-wickramanayaka/> (accessed 2 April 2024)

Women performers seen as obscene, vulgar & “showing off” - LGBTQ+ artists labelled as ‘extremists’, anti-societal and dangerous to children

In every region in 2023, artists and artworks dealing with issues around gender and sexuality have fallen foul of laws that govern “decency” or what is seen to be acceptable to religious or traditional sectors of society. Angry social media posts, petitions and demonstrations by groups claiming to represent public opinion and to be upholders of societal values, have led to material being taken offline through direct bans, or by artists themselves fearing for their safety, and in some cases have spurred legal actions. These have disproportionately impacted women and LGBTQ+ artists.

Most acute for female artists is the situation in **Iran** and **Afghanistan**. In **Iran**, male and female musicians, and actors and artists who have protested the death in custody in September 2022 of twenty-two-year-old Mahsa Amini, and supported the ‘woman, life, freedom’ movement that followed, are on trial, in prison, or have been banned from working¹³. Rappers **Toomaj Salehi**¹⁴ and **Shervin Hajipour** are serving long sentences for their songs. Protests against edicts demanding that women should wear headscarves when in public have led to penalties against actors who have refused to wear them. (See page 52). In **Afghanistan** all artforms are heavily censored, and especially so that by women. The prohibition on women attending art schools has isolated them even further from being able to create or participate in cultural activities. (See page 51).



Image: International Art Contest for Minority Artists 2023

International Art Contest for Minority Artists

Each year the United Nations, Freemuse and Minority Rights International holds the International Contest for Minority Artists. In 2023 the theme was ‘Intersectionality’. Among the Laureates was Iranian musician, **Mehdi Rajabian**, who had suffered imprisonment for his music, and lives under constant harassment and threat.

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14

See Freemuse State of Artistic Freedom 2023 report, Iran chapter.
Toomaj Salehi was sentenced to death on 24 April 2024

Laws on obscenity or indecency are often used to police art by women. The chapter on Africa (pages 21–28) notes cases across the region, such as in Nigeria, South Sudan, Tanzania, Uganda, Lesotho, and Malawi. Here artists were targeted for the ‘crimes’ of wearing clothing considered ‘skimpy’ and too revealing or of being ‘vulgar’. In northern **Nigeria**, where Islamic principles add another layer of repression, women are barred from performing if they do not have marital consent and works ‘demeaning’ religion have been censored; for example, a film depicting a ‘flirtatious’ woman.

Singer suspended for wearing ‘immoral’ trousers

In **Uzbekistan**, female artists have been penalised under a 2018 law that sets rules for acceptable behaviour, and condemns certain dance moves, “showing off” their expensive lifestyles or wearing revealing clothes. Most recently, in 2023, pop singer Shahrizoda Ahmedova, known as Kaniza, had her performance permit suspended for a month for wearing ‘immoral’, tight fitting, flesh coloured trousers¹⁵. Notable is that while laws on inappropriate dress or behaviour do not usually specify gender, they disproportionately affect women and are clear attempts to curtail women’s expression and participation in culture and the arts.

In the **USA**, books and performances on the topic of sexual orientation intended for children and young adults are under constant censorship in several States in an attempt to protect them from perceived harm. (See page 62).

On a global scale, on pages 66–70, Freemuse partner, Don’t Delete Art, explains how private international internet platforms suppress visual artistic expression that depicts nudity, and which has an especially detrimental impact on LGBTQ+ themed art.

Hollywood blockbusters banned, political and religious no-go areas for filmmakers

Hollywood films were consistently censored when released abroad in 2023, most notably in the **Middle East** where even fleeting images of, or references to LGBTQ+ communities/individuals on film have been banned. The blockbuster ‘Barbie’ fell foul of censors in **Kuwait, Oman, Qatar** and **Lebanon** for example, simply for including gay characters. A brief reference to trans rights got the animated film ‘Spiderman: Across the Spider-Verse’ banned in **Saudi Arabia** and **UAE**. (See page 50).

In **Vietnam**, ‘Barbie’ was banned for an entirely different reason: geopolitics. A scene that depicts a childish drawing of a map including South Asia was condemned by the Vietnam authorities for including the ‘9-dash line’, which draws a boundary through the South China Sea, and which is a source of dispute between surrounding states, notably between China and Vietnam. The filmmakers point out that the map is an imaginary illustration of the characters’ wish to travel abroad and that the dashes on it are simply showing the route they take¹⁶.

Censorship closer to home can also have serious implications for filmmakers. This report records 35 cases of legal cases taken against films, filmmakers and actors in **Türkiye**, trials and prison sentences, for films on politically sensitive issues, such as criticism of the military and on LGBTQ+ themes. (See pages 42–46). A film that was seen to tarnish the reputation of **Cambodia** by depicting it as a cybercrime haven was banned. (See page 58). In **Serbia**, where anti-Kosovo sentiments prevail, films that were deemed as ‘pro-Kosovo’ were banned. (See page 40).

In **Georgia**, the appointment of a conservative government official as head of the Georgian National Film Center raises concerns that only films that follow the government perspective will find future support. (See page 38). At times audience goers have objected to censorship, such as in **Poland** when attempts to ban a film on refugees at government supported theatres was thwarted by filmgoers who instead attended independent cinemas. (See page 39).

¹⁵ N. Najibullah, ‘Uzbek Pop Singer Banned From Performing After Wearing ‘Immoral’ Pants’, RFERL, 2 March 2023, <https://www.rferl.org/a/uzbekistan-kaniza-singing-ban-immoral/32296672.html> (accessed 24 April 2024)

¹⁶ M. Donnelly, ‘‘Barbie’ Map Controversy: Warner Bros. Explains the Drawing That Got the Film Banned in Vietnam’, *Variety*, 6 July 2023,

China – cancelled and blacked out

In rare and unexpected, good news, China lifted its four-year ban on Marvel films, allowing movies such as 'Black Panther: Wakanda Forever', released globally in 2018, onto Chinese screens in February 2023. The Chinese Film Administration, part of the CCP propaganda department, has routinely blocked the release of foreign films for reasons ranging from maintaining Chinese censorship to protecting its domestic film industry. There has been no official reason for denying Marvel movies screening in China, nor for the de facto ban to be lifted¹⁷. The lack of transparency within censorship mechanisms makes it especially difficult to know what type of work could be banned or when. This is particularly troublesome in a sector where large amounts of money are spent in advance in film production in anticipation of recouping the investment through ticket sales or streaming revenue.

Meanwhile, in **Hong Kong** the banning of the British horror movie, 'Winnie the Pooh: Blood and Honey', a satire on the popular Winnie the Pooh children's books, is unsurprising. Due to be screened in cinemas across Hong Kong and Macau in March, the shows were cancelled without explanation¹⁸. Memes and comments likening President Xi to Winnie the Pooh have led to the books and images of the bear to be censored in recent years, and even the innocuous children's film, 'Christopher Robin', was banned in 2018¹⁹.

In 2021, a new censorship law was passed in Hong Kong that denies licences to films that are "contrary to national security interests" and carries heavy penalties, as well as a maximum three-year prison sentence²⁰. In June, several films shown at the Hong Kong Fresh Wave International Short Film Festival, that the Office for Film, Newspaper and Article Administration (OFNAA) found problematic, were censored. Rather than removing their films, the filmmakers chose to have them shown with the 'offending' sections blacked out or the sound muted. The films apparently referred to the 2019 pro-democracy movement²¹. One of the films, 'My Pen is Blue', reportedly had nine of its total 23 minutes length blacked out. The festival organisers issued a statement informing cinema goers that: "*Parts of a number of titles were decreed by OFNAA to be deleted. The filmmakers of these shorts [have] chosen to replace the deleted parts with black images and muted sound. As a result, there will be a considerable length of such conditions during the screenings. This is NOT a technical error. Please kindly remain patient. We appreciate your understanding.*"²²

17 P. Hirwani, 'China lifts apparent ban on Marvel movies after four years with surprise Black Panther and Ant-Man release', *Independent*, 18 January 2023, <https://www.independent.co.uk/arts-entertainment/films/news/china-marvel-movies-antman-black-panther-b2264321.html> (accessed 24 April 2024)

18 T. Grundy, 'Winnie the Pooh horror film pulled in Hong Kong, but gov't says it's approved for screenings', *Hong Kong Free Press*, 21 March 2023, <https://hongkongfp.com/2023/03/21/winnie-the-pooh-horror-film-pulled-in-hong-kong-but-govt-says-its-approved-for-screenings> (accessed 24 April 2024)

19 B. Haas, 'China bans Winnie the Pooh film after comparisons to President Xi', *BBC Online*, 7 August 2018, <https://www.theguardian.com/world/2018/aug/07/china-bans-winnie-the-pooh-film-to-stop-comparisons-to-president-xi> (accessed 24 April 2024)

20 J. Pang, 'Hong Kong passes film censorship law to safeguard national security', *Reuters*, 27 October 2021, <https://www.reuters.com/business/media-telecom/hong-kong-passes-film-censorship-law-safeguard-national-security-2021-10-27> (accessed 24 April 2024)

21 Over 2 million people took the streets in largely peaceful protests between mid-2019 until curtailed by the pandemic in early 2020. The spur was a proposed bill that would allow extradition to mainland China. This bill was officially withdrawn in 2023

22 S. Wong, 'Hong Kong's Fresh Wave film festival hit by censorship', *Screen Daily*, 12 June 2023, <https://www.screendaily.com/news/hong-kongs-fresh-wave-film-festival-hit-by-censorship/5183044.article> (accessed 24 April 2024)

Criminal groups target artists in the Americas

An area that is rarely touched on is the danger that musicians from marginalised and impoverished communities face from organised crime groups that target artists, with threats and violence. The increasing rates of organised crime in the Americas affect lives across the region, and musicians and performers are especially vulnerable working in a sector that is precarious at the best of times. This can lead to artists' reliance on the patronage of criminal gangs, and subject to violence and threats, such as in **Mexico** and **Ecuador**. (See pages 31–32).

Good news: Ireland to remove century old law on obscenity and Malta gives freedom to make satire

In many societies, attitudes towards 'indecent' and 'obscenity' have changed and laws often created many years ago have no longer kept up with changing times. Yet changing legislation can be a long-winded and complicated process, so Freemuse celebrates two significant legal initiatives – in Ireland and Malta – that will protect artists from censorship under laws, as described by the Irish Minister of Justice, as of "Limited relevance in a modern society".

In November 2023, the Irish Minister of Justice received approval for the repeal of the almost century-old Censorship of Publications Acts; this had been set into place on the recommendation of a body called 'The Committee of Evil Literature' in 1928 to ban publications seen to be indecent, obscene or having too much of a focus on crime. The removal of the law will "release" nine books that had been censored between 1940 to 2016, and over 260 prohibited periodicals banned from 1930 to 2003²³.

Announcing the intention to repeal the law, Minister of Justice, Helen McEntee said:

"We have now come full circle and repeal of the Censorship legislation will reflect the reality that the Censorship Boards are of limited relevance in a modern society... Repeal would mark another chapter in moving on from parts of Ireland's past that no longer have a place in the present."²⁴

In July, **Malta** put in place a new bill that protects the right to artistic freedom, especially satire. This bill introduces new provisions to the Criminal Code and the Electronic Communications Act, stating that the law "*shall not hinder artistic, satirical or comic expression*". Only works that contain threats and insults that are considered "*credible and realistic*" can be taken to court. Further statements published online will not be penalised if they are considered to be part of "*artistic, satirical or comic expression and do not include credible and realistic threat to the personal liberty or security of any person or to a person's property*". In a press release announcing the changes, the Maltese government stated:

"the [Maltese] government believes that artists should be allowed to express themselves in the broadest possible manner when it comes to their cultural expression" and that "the justice system should not become a tool in the hands of those who want to stifle the arts and freedom of thought".²⁵

²³ M. Lehane, 'Govt to scrap 1926 censorship laws for 'obscene' books', RTE, 21 November 2023, <https://www.rte.ie/news/politics/2023/11/21/1417599-censorship-laws/> (accessed 24 April 2024)

²⁴ Department of Justice, gov.ie 'Minister McEntee proposes new bill to repeal almost century old Censorship of Publications Act', Gov.ie, 21 November 2023, <https://www.gov.ie/en/press-release/dfd8b-minister-mcentee-proposes-new-bill-to-repeal-almost-century-old-censorship-of-publications-act/> (accessed 24 April 2024)

²⁵ 'New Bill to Strengthen Freedom of Artistic Expression in Malta', 10 August 2023, Compendium of Cultural Policies <https://www.culturalpolicies.net/2023/08/10/new-bill-to-strengthen-freedom-of-artistic-expression-in-malta/> (accessed 23 March 2024)

Identifying trends

The nature of censorship, and in particular self-censorship, makes it impossible to attempt to have a comprehensive picture of the full extent of repression of artistic freedom. In authoritarian countries where physical threat, imprisonment and legal actions are among the censors' tools, these act as clear deterrents. In notionally democratic countries, 'under the radar' censorship serves to stop artists' expression. By touching on contentious topics, they can risk losing essential funding and sponsorship, which in a financially precarious sector can serve to chill creativity.

Freemuse's State of Artistic Freedom reports therefore cannot claim to be comprehensive and there will be gaps in coverage, but they do give an indication of what the artistic freedom trends are, and where they are most acute. In recent years, there has been a growth in organisations that are monitoring artistic freedom within their own countries and regions and who provide greater detail and insights. Some of these are Freemuse partners, and have been noted as such and included in this report. Freemuse is working towards building further collaborations that will deepen and extend knowledge of artistic freedom, that in turn will inform advocacy that brings about effective change.

THE WAR ON GAZA:

“THIS IS CARNAGE” – DEATHS OF ARTISTS A TRAGIC CONSEQUENCE OF THE ATTACKS, AND THE REPERCUSSIONS ON ARTISTIC EXPRESSION

By Sara Whyatt

“We are [...] deeply alarmed at the worldwide wave of attacks, reprisals, criminalisation and sanctions against those who publicly express solidarity with the victims of the ongoing conflict between Israel and Palestine. We also strongly condemn violence and murder against civilians in communities and a music festival in southern Israel, on 7 October. However, these gross violations of human rights in no way justify Israel's collective punishment of the population of Gaza by preventing them from getting water, food, medicine, access to hospitals and energy since 7 October. Nor the bombing that has killed thousands of civilians and particularly affected children and women, acts that are in clear violation of Israel's duty to ensure that humanitarian law is followed and complied with.”

Freemuse statement on the war in Gaza, 7 December 2023¹

¹ Published Facebook 9 December 2023 <https://www.facebook.com/Freemuse98/posts/pfbid02oLSuP1t6aRqcVPFsPqm64VFmx8eWCMX7LkB6F1YNPQeiM-PAwhjEhh49QibAHrr6Lj>

The atrocity carried out by Hamas against festival goers and people living in southern Israel on 7 October 2023 unleashed a retaliation unprecedented in recent decades, with massive loss of civilian lives inflicted by bombardment by Israeli forces on Gaza. In February 2024, the UN High Commissioner on Human Rights, Volker Türk, spoke of over 100,000 Gazans killed or wounded since 7 October, with most of the population forcibly displaced, humanitarian aid blocked and hospitals destroyed. He made the stark statement: "There appear to be no bounds to – no words to capture – the horrors that are unfolding before our eyes in Gaza," adding "This is carnage."²

On the one hand there have been many statements such as Türk's and that released by Freemuse by individuals and organisations worldwide calling for a ceasefire, but at the same time there has been censorship for others making similar calls. These have included the banning of protests, and censorship and cancellations of artists and art works across Europe, North America and elsewhere, creating a free expression crisis not experienced in recent years.

Remembering artists among the victims of violence in Gaza and southern Israel

While this is a humanitarian crisis that goes well beyond artistic freedom, we take a moment to reflect on the artists who are among the victims: Gazan artists killed as they sheltered from Israeli bombs, and others who were in southern Israel on 7 October who died at the hands of Hamas, and in one case an Israeli hostage shot by Israel Defence Forces (IDF). These are just a few of the victims as the situation makes it impossible to have a complete picture of all those who have died³. These artists' plight reflects that of the suffering of the many hundreds of thousands continuing to live under bombardment.

Artists among the dead in Gaza

- Palestinian photographer **Majd Arandas**, aged 29, was killed by an Israeli airstrike near his home in central Gaza Strip on 1 November. He died alongside his family. His photographs depicting life and people of Gaza are described as 'portrayals of joy and beauty.'⁴

"Where can I begin talking about Gaza and Palestine, and how can I begin when I know that I am the living dead? Everyone who writes about Palestine has prepared himself to be among the dead, but despite our prior knowledge of our fate when we write and write about this land, we do not stop or for a moment hesitate to inhale her love,"
Majd Arandas in an interview with Al-Jazeera in 2016

- Poet **Heba Abu Nada**, aged 32, was killed on 20 October by an Israeli airstrike on Khan Yunis, where she had been sheltering at a family house. Her book, *Oxygen is not for the dead*, won the Sharjah Award for Arab Creativity in 2017. The night before her death she tweeted:

"Gaza's night is dark apart from the glow of rockets, quiet apart from the sound of the bombs, terrifying apart from the comfort of prayer, black apart from the light of the martyrs. Good night, Gaza."⁵

- Painter **Heba Zagout**, aged 39, was killed on 13 October with two of her children as the result of an Israeli airstrike. Her paintings are bold, bright and optimistic, depicting Palestinian villages and towns, Jerusalem's holy sites and women in richly embroidered traditional dress⁶.
- Playwright and actor **Inas al-Saqa**, aged 53, was killed on 31 October when an Israeli missile struck a residential building where she was sheltering with her children, three of whom were also killed. Al-Saqa's career spanned acting in Palestinian films, as a producer and drama teacher and working with children.⁷
- **Mohammed Sami Qariqa**, painter, teacher and community arts centre staffer, died in an explosion at al-Ahli Baptist hospital on 17 October where hundreds of Palestinians were sheltering, many of whom died alongside Sami. He is reported to have attempted to calm children who were sheltering with him by singing and drawing.



Top left: Majd Arandas | Top right: Heba Abu Nada
Bottom left: Heba Zagout | Bottom right: Inas al-Saqa

Images: Instagram and YouTube

² "Türk calls for end to 'carnage' in Gaza", UN Office for the High Commissioner, 29 February 2024, <https://www.ohchr.org/en/statements-and-speeches/2024/02/turk-calls-end-carnage-gaza> (accessed 26 March 2024).

³ Among the organisations attempting to record the dead in the conflict is PEN America. Visit: <https://pen.org/israeli-and-palestinian-writers-and-artists-the-toll-of-war/>

⁴ N.N. el-Din, 'Remembering Gaza Photographer Majd Arandas, Killed by Israeli Airstrikes', Hyperallergic, 22 November 2023, <https://hyperallergic.com/858040/remembering-gaza-photographer-majd-arandas-killed-by-israeli-airstrikes/> (accessed 9 April 2024)

⁵ D. Sheehan, 'Read the last words of writer Heba Abu Nada, who was killed last week by an Israeli airstrike', LitHub, 24 October 2023, <https://lithub.com/read-the-last-words-of-writer-heba-abu-nada-who-was-killed-last-week-by-an-israeli-airstrike/> (accessed 10 April 2024)

⁶ A. Essa, 'Israel-Palestine war: Palestinian artist killed in Gaza air strike was a 'one in a million talent'', Middle East Eye, 18 October 2023 (accessed 10 April 2024).

⁷ A. Essa, 'Israel-Palestine war: Palestinian artist killed in Gaza air strike was a 'one in a million talent'', Middle East Eye, 18 October 2023 (accessed 10 April 2024).

Israeli victims of the Hamas attack and accidental killing by IDF

- **Matan Elmalem**, 42, an Israeli DJ and producer, was killed during the 7 October attack by Hamas after playing a set at the Supernova music festival. Known by his professional name 'DJ Kido,' Elmalem specialised in trance music and had performed his set at many international festivals⁸.
- **Yahav Winner**, Israeli filmmaker, was murdered by Hamas at his home in Kfar Aza kibbutz on 7 October. He died protecting his wife, also a film maker, and their newborn child who both survived. Described as an up-and-coming talent, Winner had recently completed a short film 'The Boy' about a father and son living on a kibbutz near Gaza⁹.
- **Yotam Haim**, aged 28, a drummer with the heavy metal band Persephore was taken hostage by Hamas on 7 October. On 23 December, he and two other hostages were shot dead by IDF soldiers as they attempted to escape their captors. Although they were waving white flags, IDF says they mistook the young men for Hamas members.¹⁰



Left: Matan Elmalem | Right: Yahav Winner
Images: Twitter

Destruction of cultural sites

Although not apparently targets, destruction of cultural sites under the bombardment has been immeasurable. UNESCO is attempting to monitor the extent of the damage using satellite imagery as on the ground assessments are impossible. As of March 2024 it had recorded damage in 41 locations, including religious sites, buildings of historical or artistic interest, monuments, a museum and archaeological sites¹¹. A report published in December by the international Heritage for Peace organisation that works to protect heritage sites, lists more than 100 damaged in the first weeks of the Israeli attacks¹². Libraries and archives have also suffered with at least 13 destroyed or damaged, according to a report published by Librarians and Archivists for Palestine in February 2024. The authors say that this represents only a fraction of the damage, with "archivists and librarians [who] have been repeatedly displaced, injured, or killed, making it even more difficult to take stock of the damage to cultural heritage."¹³

A crisis of censorship

The crisis in Gaza has triggered what is no doubt the most alarming moment for freedom of expression, and specifically artistic freedom, in recent decades with incidents most notably in the UK, USA and Germany. Museums, galleries and concert halls cancelled or indefinitely postponed events and exhibitions featuring work by Palestinian artists or others who had condemned Israel's attack on Gaza. Awards were withdrawn and people sacked. Some arts institutions cited fears of attacks on their premises, while others did not want to be branded as supporting 'antisemitism' – an accusation that is frequently used against those who call for a ceasefire, even though such accusations are widely seen as unfounded. For many institutions, the concern lies in fears of losing income as some funding agencies suspended financial support for organisations working inside Gaza or with Gazan organisations, including in the arts and cultural sectors.

Some examples include:

- **In the UK**, London's Lisson Gallery postponed an exhibition by the renowned Chinese artist, **Ai Weiwei**, following his posts on social media commenting on the war. The gallery said it was to "avoid further disputes" and to protect the artist's "well-being"¹⁴. Also the Arnolfini Gallery in Bristol cancelled two events related to the **Palestinian Film Festival**, due to be held in December. The gallery referred to the restraints on arts charities on hosting events that may be construed as "political activity," implying that they could lose government funding if the screenings went ahead.¹⁵

⁸ Times of Israel, 'Matan 'Kido' Elmalem, 42: DJ & trance music legend, beloved friend', Times of Israel, 26 December 2023, <https://www.timesofisrael.com/matan-kido-elmalem-42-dj-trance-music-legend-beloved-friend/> (accessed 10 April 2024).

⁹ A. Rosa, Miami Jewish Film Festival to honor Israeli filmmaker killed in Hamas attack, Miami Herald, 18 October 2023, <https://www.aol.com/news/miami-jewish-film-festival-honor-083000320.html?guccounter=1> (accessed 10 April 2024).

¹⁰ H. Geraghty, 'Israeli heavy metal drummer of band Persephore accidentally killed by IDF after being mistaken for Hamas terrorist', NME, 18 December 2023, <https://www.nme.com/news/music/israeli-heavy-metal-drummer-of-band-persephore-accidentally-killed-by-idf-after-being-mistaken-for-hamas-terrorist-3560431> (accessed 11 April 2024).

¹¹ UNESCO, 'UNESCO's action in the Gaza Strip/Palestine - Damage Assessment', <https://www.unesco.org/en/gaza/assessment>, (accessed 20 March 2024 - regularly updated)

¹² C. Veltman, 'More than 100 Gaza heritage sites have been damaged or destroyed by Israeli attacks', NPS, 3 December 2023, <https://www.npr.org/2023/12/03/1216200754/gaza-heritage-sites-destroyed-israel> (accessed 24 March 2024).

¹³ D. Sheehan, 'Israel has damaged or destroyed at least 13 libraries in Gaza', Lit Hub, 6 February 2024, <https://lithub.com/israel-has-damaged-or-destroyed-at-least-13-libraries-in-gaza> (accessed 24 March 2024).

¹⁴ A. Shaw, 'Lisson Gallery puts Ai Weiwei London show on hold over Israel-Hamas war tweet', The Art Newspaper, 14 November 2023, <https://www.theartnewspaper.com/2023/11/14/lisson-gallery-pulls-ai-weiwei-london-show-over-israel-hamas-war-tweet> (accessed 24 March 2024).

¹⁵ 'Update on Palestinian Festival and Raise the Bar events', Arnolfini Gallery, 21 November 2023, <https://arnolfini.org.uk/press-releases/update/> (accessed 24 March 2024).

- **In Germany**, exhibitions of the work of Bangladeshi photographer, **Shahidul Alam**, planned to be held in three cities in 2024, were cancelled in November 2023 after he had posted social media posts “that [could] be read as antisemitic and antisemitic content”¹⁶. Two curators who were to show work alongside Alam withdrew in his support saying that his comments had been “incorrectly equated to anti-Semitism” and that there had been a “failure to draw a distinction between criticism of a government and of a people, [which] is irresponsible and damaging to the honesty of public discourse.”¹⁷
- Another exhibition scheduled for 2024, that by the Berlin-based Jewish artist, **Candice Breitz**, was also cancelled because of her so-called “controversial statements in the context of Hamas’ war of aggression against the state of Israel”. She had called for a ceasefire, as well as condemning Hamas aggression¹⁸. In November, the Afrofuturism section of a larger exhibition curated by Haitian artist **Anais Duplan** was abruptly cancelled because of Duplan’s posts condemning Israeli military action, which were seen by the organisers as not reflective of the Hamas terrorist attack on Israeli citizens¹⁹. Duplan and their team were “dismayed by the museum’s characterisation and the lack of space for nuanced dialogue.” An award to be presented in October to Palestinian author **Adania Shibli** in a ceremony at the Frankfurt Book Fair was cancelled. The prize was to be for her novel, ‘Minor Detail’, that featured the rape and murder of a Bedouin girl by an Israeli army unit in 1949²⁰.
- A number of literary events **in the USA** were cancelled, including one in Houston where **Nathan Thrall**, a Jewish author of a book describing the lives of ordinary Palestinian people, was scheduled to give a speech. In an interview he speaks of it being “a very raw moment: almost a post 9/11 moment in the degree to which people are afraid to express sympathy for the Palestinians”, later adding that every public appearance is now more than usually fraught with the possibility of misunderstanding²². A talk by **Viet Thanh Nguyen** about his memoir of his life as a Vietnamese refugee in the USA, which was due to take place in New York, was cancelled because the writer had signed a petition calling for a ceasefire²³.
- In Hollywood, leading actor **Susan Sarandon’s** agent dropped her from its client list for comments she made at a pro-Palestine rally²⁴ and **Melissa Barrera**, star of the commercial hit series “Scream”, was sacked, also for her public support for Palestine.²⁵

“The political and cultural climate is escalating. The current discussions about artistic freedom and so-called cancel culture are dangerous. Public discourse is increasingly characterised by an inadmissible mixing of topics and tendentious claims. This confusion has led to violations of civil liberties that are unacceptable for a democratic nation.”
Jeanine Meerapfel, President German Academy of Arts, December 2023²⁶

*“The frenzy of judgment around when and how people have expressed their responses to the atrocities of 7 October is deeply polarising. It fails to acknowledge the fact that people process pain and trauma in a variety of ways.”*²¹
Candice Breitz, cancelled artist

Less obvious but pervasive is the self-censorship among Jewish artists feeling threatened under a climate of anti-Semitism that has sharply escalated since 7 October²⁷. In **Sweden**, for example, numerous Jewish arts events across the country were cancelled in the weeks after 7 October as fear and anxiety struck.²⁸

16 C. Hickley, ‘German photo biennial cancelled after curator’s posts are deemed antisemitic’, *The Art Newspaper*, 22 November 2023, <https://www.theartnewspaper.com/2023/11/22/german-photo-biennial-cancelled-after-curator-posts-are-deemed-antisemitic> (accessed 24 March 2024).
17 The Wire staff, ‘German Photo Biennale Cancelled Over Curator’s Support for Palestinian Rights, Criticism of Israel’, *The Wire*, 27 November 2023, <https://thewire.in/the-arts/german-photo-exhibition-cancelled-amid-anti-semitism-allegations-against-curators-facebook-posts> (accessed 4 April 2024).
18 A. Greenberger, ‘German Museum Cancels Candice Breitz Exhibition After ‘Controversial Statements’ on Gaza’, *ArtNews*, 28 November 2023 <https://www.artnews.com/art-news/news/candice-breitz-german-museum-cancelled-show-gaza-statements-1234687722/> (accessed 24 March 2024).
19 R. Nayyar, ‘German Museum Cancels Afrofuturism Show Over Curator’s Pro-Palestine Posts’, *Hyperallergic*, 15 November 2023, <https://hyperallergic.com/856774/german-museum-cancels-afrofuturism-show-over-curators-pro-palestine-posts/> (accessed 24 March 2024).
20 J. Freeman, ‘In the last four weeks language has deserted me’: Adania Shibli on being shut down’, *Guardian*, 9 November 2023, <https://www.theguardian.com/books/2023/nov/09/palestinian-author-adania-shibli-frankfurt-book-fair> (accessed 24 March 2024).
21 P. Oltermann, ‘A frenzy of judgement’: artist Candice Breitz on her German show being pulled over Gaza’, *The Guardian*, 7 December 2023, <https://www.theguardian.com/artanddesign/2023/dec/07/a-frenzy-of-judgement-artist-candice-breitz-on-her-german-show-being-pulled-over-gaza> (accessed 24 March 2024).
22 R. Cooke, ‘It’s lonely being a Jewish critic of Israel’ – Nathan Thrall on his book about a Palestinian father’s tragedy’, *The Guardian*, 15 October 2023, <https://www.theguardian.com/world/2023/oct/15/its-lonely-being-a-jewish-critic-of-israel-nathan-thrall-on-his-book-about-a-palestinian-fathers-tragedy> (accessed 4 April 2024).
23 B. Harpaz, ‘Conferences and cultural events with Palestinian ties are being cancelled around the US and abroad’, *Forward*, 23 October 2023, <https://forward.com/fast-forward/566443/nguyen-thrall-shibli-cair-palestinian-events-cancelled/> (accessed 24 March 2024).
24 A. Horton, ‘Susan Sarandon dropped by talent agency after remarks at pro-Palestine rally’, *The Guardian*, 21 November 2023, <https://www.theguardian.com/film/2023/nov/21/susan-sarandon-pro-palestinian-remarks-uta-dropped> (accessed 24 March 2024).
25 ‘Silence is not an option’: Melissa Barrera responds to being fired from Scream VII over Israel-Hamas posts’, *The Guardian*, 23 November 2023, <https://www.theguardian.com/film/2023/nov/23/melissa-barrera-fired-from-scream-vii-over-israel-hamas-posts-responds-silence-is-not-an-option> (accessed 24 March 2024).
26 Quoted in C. Hickley, ‘German Academy of Arts criticises ‘dangerous’ violations of artistic freedom’, *The Art Newspaper*, 19 December 2023 <https://www.theartnewspaper.com/2023/12/19/german-academy-of-arts-criticises-dangerous-violations-of-artistic-freedom> (accessed 24 March 2024).
27 R. Cohen, ‘For Europe’s Jews, a World of Fear’, 31 October 2023, *New York Times*, <https://www.nytimes.com/2023/10/31/world/europe/europe-antisemitism-israel-hamas.html> (accessed 24 March 2024).
28 ‘Jewish Cultural Events Cancelled After Hamas Attack’, *Teller Report*, 20 October 2023, <https://www.tellerreport.com/life/2023-10-20-jewish-cultural-events-cancelled-after-hamas-attack.Hk65pSxG6.html> (accessed 24 March 2024).

Concerns that expressions of solidarity with Palestinians would lead to funding cuts were not unfounded as European development agencies suspended aid to Gaza and organisations providing support there, and this extended to cultural activities. For example, the **Swedish International Development Agency**, which has over the years been a donor also for cultural rights, suspended payments to development cooperation in Gaza pending a review of all its recipients to ensure that they did not support Hamas. This review was due to be published in February 2024.²⁹

In **Australia**, Sydney Theatre Company actors took a curtain call wearing keffiyehs in solidarity with the victims of the war on Gaza, leading to condemnation from the theatre. Louise Adler, Director of Adelaide Writers' Week, in a television interview commented:

"They [the theatre] seemed to be more concerned with pacifying the donors who objected to the actors donning keffiyehs as they took their curtain calls. The attention seemed to be on donors, taking their cheque-books and walking away. Arts organisations need to have some clarity about the moral compromises they're prepared to make when they take donors' support ... I didn't see in the media reports that there was a great deal of attention paid to the artists and their right to have an opinion when they took a curtain call."³⁰

Artists in defence of artistic freedom

When under pressure, artists have often risen in support of artistic freedom. For example, in November 2023 a petition was circulated that was signed by over 1,300 visual artists, writers and actors globally, many of them high-profile, accusing Western cultural institutions of "silencing and stigmatizing ... targeting and threatening the livelihoods of artists and artworkers who express solidarity with Palestinians, as well as cancelling performances, screenings, talks, exhibitions and book launches"³¹. It should be noted, however, that the signing of this petition led to a penalty against

at least one artist – see the cancellation of Viet Thanh Nguyen's talk, noted above. When the **International Documentary Film Amsterdam (IDFA)** condemned some participants' pro-Palestinian statements, several documentary makers withdrew from the festival in protest³². In response to the **Arnolfini Gallery** in Bristol's closure of a Palestinian film festival (see above), over 1,000 British artists signed a statement refusing to work with the gallery³³. These are just a few of the solidarity actions that have sprung up and continued to grow in 2024, as did the cancellations, withdrawals and other penalties for commentary as the numbers of deaths, injuries and displacements grew, and the humanitarian crisis became ever more acute.

The Freedom Theatre, Palestine – raids and arrests

The Freedom Theatre in Jenin has long been a target of repression and attack. Since 2006, it has provided a place for Palestinians to stage theatrical productions and workshops in the Jenin refugee camp, focusing on young people. Since its inception, it has come under attack³⁴, most notably in 2011 when its founder, actor and activist **Juliano Mer-Khamis**, was murdered, a killing that remains unsolved³⁵. In 2023, the attacks escalated. In July, the theatre was attacked and raided by the Israeli Defense Forces (IDF) as part of a military campaign against alleged militants in the Jenin camp³⁶. Five months later, in the wake of the Israeli war on Gaza, the theatre was again raided, and its offices destroyed. This time, three of its staff were detained³⁷ for unclear reasons. **Ahmed Tobasi**, the theatre director, was freed two days later, and actor **Abu Joas** soon afterwards. However, at the end of 2023, general manager **Mohamed Sheta** remained in prison, having been served with a 6-month administrative detention order³⁸. Under such orders, detainees are not charged, nor told what they are accused of, and their lawyers are denied access to evidence. Despite enduring a relentless series of raids, detentions, and accusations, the Freedom Theatre continues to function as a symbol of defiance and resilience, advocating for the power of art and culture in the face of suppression.

29 'Sida's work in Palestine' Swedish International Development Agency, n.d. <https://www.sida.se/en/sidas-international-work/countries-and-regions/palestine> and 'Sida has submitted a supplementary review of aid in Palestine to the government', 16 February 2024, <https://www.sida.se/om-sida/nyheter/sida-har-lamnat-kompletterande-oversyn-av-bistandet-i-palestina-till-regeringen> (both accessed 24 March 2024).

30 'Video: Louise Adler on the place of politics in the arts', ABC News, 4 December 2023, <https://www.abc.net.au/news/2023-12-04/louise-adler-on-the-place-of-politics-in-the-arts/103188168> (accessed 25 March 2024).

31 T. Solomon, 'In Open Letter, Artists Accuse Western Museums of 'Silencing and Stigmatizing' Palestinian Voices', ArtNews, 1 December 2023, <https://www.artnews.com/art-news/artists-accuse-western-museums-censorship-palestine-open-letter-1234688256/> (accessed 25 March 2024).

32 P. Oltermann, 'Film-makers pull out after Amsterdam festival condemns Palestine protest', The Guardian, 14 November 2023, <https://www.theguardian.com/world/2023/nov/14/film-makers-pull-out-after-amsterdam-festival-condemns-palestine-protest> (accessed 25 March 2024).

33 M. Booth, 'More than 1000 artists stop working with Arnolfini following Palestinian 'censorship'', B24/7, 13 December 2023, <https://www.bristol247.com/culture/art/more-than-1000-artists-stop-working-arnolfini-palestinian-censorship/> (accessed 25 March 2024).

34 Access the Freedom Theatre website for updates: <https://thefreedomtheatre.org/who-we-are/>

35 M. LeVine, 'A year after Juliano Mer-Khamis' murder, it's time to board the freedom bus,' Al Jazeera, 4 April 2012, <https://www.aljazeera.com/opinions/2012/4/4/a-year-after-juliano-mer-khamis-murder-its-time-to-board-the-freedom-bus> (accessed 9 February 2024).

36 H. Arouf 'Jenin's Freedom Theatre rises from the ashes of Israel's brutal assault', Al-Majalla, 3 August 2023 <https://en.majalla.com/node/296776/culture-social-affairs/jenins-freedom-theatre-rises-ashes-israels-brutal-assault> (accessed 7 March 2024).

37 PEN International calls for the immediate release of artists Ahmed Tobasi and Mustafa Sheta, and an end to Israel's targeting of writers and cultural figures', PEN International, 13 December 2023 <https://www.pen-international.org/news/pen-international-calls-for-the-immediate-release-of-ahmed-tobasi-and-mustafa-sheta> (accessed 7 March 2024).

38 For updates, visit the Freedom Theatre account on X (Twitter) https://twitter.com/freedom_theatre

Conclusion

The catastrophic events that followed 7 October has led to an unprecedented surge of suppression and targeting of artists and others working in the creative sector far beyond Gaza and Israel. Artists around the world have been targeted because of their art or political messaging, pressured to change topics of artistic expression, and labelled either as troublemakers or as indifferent to the suffering of one side or the other. Some artists have been deprogrammed and censored for calling for peace, others have lost their jobs, and some artists have been silenced or side-lined by their own cultural organizations and artistic communities. While in many cases institutions may not be opposed to pro-Palestinian works, they fear that by including such material in their programs, they could face withdrawal of essential sponsorship and financial support, as well as hostile public reaction. Individual artists who speak out risk being ostracised and losing access to platforms to showcase and means of earning a living from their work.

Art has long played a role of raising awareness of injustices, providing tools for dialogue and understanding, and inspiring change. In a sector which is highly reliant on sponsorship, and where there is persistent financial insecurity for artists, threats to remove support or exclude individuals solely for having expressed an opinion has a serious chilling effect on creative freedom. Governments and cultural institutions should foster and encourage artistic exchange, making clear the importance of the role of arts and culture especially at times of conflict.

SUDAN'S "HARROWING" WAR:

ARTISTS AMONG THOUSANDS DEAD AND DISPLACED;

*CULTURAL INSTITUTIONS **LOOTED AND DESTROYED***

By Sara Whyatt

On 15 April 2023, fighting broke out in Khartoum, Sudan's capital, between militia led by two generals, Abdel Fattah al-Burhan, leader of the Sudanese Armed Forces (SAF), and Mohamad Hamdan Dagalo, known as "Hemedti", head of the paramilitary Rapid Support Forces (RSF). The two generals had jointly carried out a military coup in 2021 but tensions between them erupted into widespread clashes between the SAF and RSF, leading **Edem Wosornu**, Director of Operations and Advocacy of the UN Office for the Coordination of Humanitarian Affairs (OCHA) to describe the situation as "harrowing" and "one of the worst humanitarian disasters in recent memory"¹.

In February 2024, the OCHA recorded 13,900 fatalities in Sudan since April 2023, and the displacement of 8.1 million people, with famine looming as the harvest fails due to the ongoing conflict and emergency aid is blocked². Alongside are horrific reports of indiscriminate targeting of civilians, notably non-Arab communities, sexual violence, torture, enforced disappearances and, inevitably, suppression of freedom of expression³, with journalists particularly targeted by forces on both sides of the unrest.⁴ Artists have been caught in the crossfire while others were forced to flee to the detriment of Sudan's once-thriving art scene.

¹ UN OHCHA briefing to the UN Security Council, 'OCHA warns Security Council Sudan will soon be the world's worst hunger crisis', UN OHCHA, 20 March 2024, <https://www.unocha.org/news/ocha-warns-security-council-sudan-will-soon-be-worlds-worst-hunger-crisis> (accessed 27 March 2024).

² UN OHCHA 'Sudan: situation report' UN OHCHA, 23 February 2024, <https://reports.unocha.org/en/country/sudan/> (accessed 27 March 2024).

³ African Centre for Justice and Peace Studies, 'Briefing on the human rights situation in Sudan to the African Commission on Human and People's Rights (ACHPR)', ACJRS, 14 January 2024, <https://www.acjps.org/publications/briefing-on-the-human-rights-situation-in-sudan-to-the-african-commission-on-human-and-people-s-rights-achpr> (accessed 27 March 2024).

⁴ M. Nashed, 'Silencing dissent: Journalists in Sudan face threats, raids', Al-Jazeera, 16 May 2023, <https://www.aljazeera.com/news/2023/5/16/silencing-dissent-journalists-in-sudan-face-threats-raids> (accessed 27 March 2024).

Artists among the dead

The killings of two artists reportedly caught in the crossfire between SAF and RSF epitomise the tragedy of war for civilians caught between warring factions.

Pioneering actress **Asia Abdelmajid**, aged 80, was killed at her home in Khartoum on 3 May 2023. She had been Sudan's first professional female theatre actor, acclaimed for her stage roles in the 1960s before she left theatre to take up teaching⁵.



Left: Asia Abdelmajid – Right: Shaden Gardood
Images: Wikipedia

Ten days later, on 12 May, singer **Shaden Gardood**, aged 37, was killed in Sudan's second city Omdurman, also under crossfire. A member of the al-Bagara nomadic community, Gardood had been trapped in her home from where she described in Facebook posts the fear and hunger she, her family and neighbours were experiencing. Gardood was also a researcher on al-Bagara traditional music and poetry, promoting peace and secreting in her region, according to the BBC.⁶

⁵ Arab News 'Sudanese actress Asia Abdelmajid reportedly killed in Sudanese crossfire', Arab News, 4 May 2023, <https://www.arabnews.com/node/2297696/media> (accessed 15 January 2024).

⁶ Al Jazeera, 'Prominent Sudanese singer Shaden Gardood killed in crossfire', Al Jazeera, 14 May 2023, <https://www.aljazeera.com/news/2023/5/14/prominent-sudanese-singer-shaden-gardood-killed-in-crossfire> (accessed 28 March 2024).

In the first months of the war, curator Rahiem Shadad who had been in Egypt when the conflict erupted, began coordinating a group initiative⁷ with other cultural workers to assist Sudanese artists caught in the conflict, raising funds for vital aid and help for them to leave the conflict zones.

“We just made a list because immediately when the war started, we learned some of our artists were trapped with no access to water or food,” Shadad said, adding that: “We had one artist who had to go through crossfire to leave the area that he was in to reach a different zone⁸.”

Destruction and looting of cultural sites

As in all areas of conflict, museums and libraries were especially vulnerable to attack. One target was the Sudan National Museum, which holds the world’s largest collection of Nubian archaeological artefacts. The building became the site of intense fighting between the two factions, suffering heavy damage and there were fears it was at risk of vandalism and looting⁹. In May, it was reported that Omdurman Ahlia University had been destroyed in a fire after looters had ransacked the building. Many thousands of historical documents and rare books were destroyed or looted¹⁰. Other cultural centres have suffered, such as the Performing Arts Theatre in El Geneina, which was burnt down.¹¹

Among the many thousand Sudanese who have fled into exile are artists who have left behind their artworks in studios and galleries, which have also been looted and vandalised¹². Some have been welcomed in their new, temporary homes and were provided with spaces to exhibit and continue their work, such as in neighbouring Kenya with the support of the arts community there; however, they live without income, separated from and fearing for their families left behind, and without status.¹³

Despite the difficulties, artists in exile use their art to offer a powerful glimpse into the “many people lost” in Sudan and the heavy toil of a “useless war” ... artists such as Tibian Bahari, whose stated aim is to keep Sudan – a “sacred and magical land” – alive through her work. As she explains, she feels a deep sense of “responsibility” to share “truthfully” her journey and map out the art of displacement and especially keep a space for Sudan's women artists.¹⁴

Conclusion

Art and artists' role in times of conflict is to reflect on and illuminating what is happening around them, feeding back into society, and illustrating the impact of war on those who live under bombardment for the world to see. They also provide outlets of relief from the horrors, moments of solidarity and respite for those most affected. Sudanese artists who remain in Sudan, and those forced to flee, continue to use their unique capacity to reach out and keep hope alive. The support of the international community is essential for them, and other artists living under the horrors of conflict to continue to practice their essential role as chroniclers of war, and towards building peace.

7 Sponsor a Sudanese Artist: available at: <https://sponorasudaneseartist.wordpress.com/meet-the-artists/>

8 M. Pontone, 'Displaced by War, Sudanese Artists Fight to Keep Making Work', *Hyperallergic*, 11 December 2023, <https://hyperallergic.com/860713/displaced-by-war-sudanese-artists-fight-to-keep-making-work/> (accessed 14 April 2024).

9 T. Seymour, 'Sudan conflict: pro-democracy artists under attack and museums at risk of looting, sources say', *The Art Newspaper*, 27 April 2023, <https://www.theartnewspaper.com/2023/04/27/sudan-conflict-pro-democracy-artists-under-attack-and-museums-at-risk-of-looting-sources-say> (accessed 27 March 2024).

10 Scholars at Risk Academic Freedom Monitoring Project, no title, *Scholars at Risk*, 16 May 2023, <https://www.scholarsatrisk.org/report/2023-05-16-omdurman-ahlia-university/> (accessed 27 March 2024).

11 K. Sidahmed, 'Report: Cultural Heritage Situations in Sudan', *MENA Solidarity Network*, 14 August 2023, <https://menasolidaritynetwork.com/2023/08/14/report-cultural-heritage-situations-in-sudan> (accessed 27 March 2024)

12 M. Pontone, 'Displaced by War, Sudanese Artists Fight to Keep Making Work', *Hyperallergic*, 11 December 2023, <https://hyperallergic.com/860713/displaced-by-war-sudanese-artists-fight-to-keep-making-work/> (accessed 27 March 2024).

13 I. Einashe, 'Sudan war: Heavy hearts for the artists painting the pain of conflict', *BBC Online*, 27 December 2023, <https://www.bbc.co.uk/news/world-africa-67781705> (accessed 27 March 2024).

14 *Ibid.*

SUB-SAHARAN AFRICA:

*A HOT POT OF **RESTRICTIONS** BY ANY MEANS **NECESSARY***

By Lisa Sidambe

-
- Decency laws disproportionately and discriminately affected women and artistic content with gender-based subjects
 - International human rights law upheld in court rulings denouncing broadcasting sanctions and the criminalisation of certain aspects of digital regulation
 - Politically conscious music, film, and theatre was most restricted in Ethiopia and Tanzania
 - Musician sentenced to death by hanging in Northern Nigeria remains imprisoned since 2020
-

Freedom of expression is a right protected in Article 9 of the African Charter on Human and Peoples' Rights¹, and in the national laws of African Union state parties. Despite these guarantees, artistic expression remains severely restricted through various means of repression. These include legislative frameworks, the legitimization of artistic freedom restrictions through state-sponsored regulatory bodies, and punitive measures that are arbitrarily imposed on artists in the absence of, or parallel to, judicial processes.

Artists' access to justice for recourse when their rights are restricted remains elusive in Sub-Saharan Africa. This partly is attributable to the high costs of legal challenges, a lack of confidence in the judicial system and the perception that courts are not independent and serve at the mercy of political elites. As human rights lawyer Dr. Musa Kika explains, the perceived and at times proven tainting of the courts impacts "more than just freedom of expression and its treatment as a right, but democratic practice and its survival and expression in such a system."² Of particular concern is imposition by the courts of punishments that undermine the right to life, dignity, and humane treatment. In Nigeria for example, flogging³ and the death penalty⁴ have been punishments for artistic expression in some instances. Although Freemuse did not document any instances of these punishments being applied in 2023, the period under review in this report, it is concerning that they are permitted under Nigerian law.

No satisfactory progress In Nigeria on the abolition of the death penalty and blasphemy laws

Despite multiple recommendations by the United Nations Human Rights Council for the abolition of blasphemy laws and the death penalty in Nigeria, the Federal Government of Nigeria has still neither signed nor ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. As a result, singer **Yahaya Sharif-Aminu** remains sentenced to death by hanging, having been imprisoned in 2020 for sharing a song on WhatsApp that was deemed blasphemous against the Islamic Prophet Mohammad. European Parliament resolution of 20 April 2023 on "*The risk of death penalty and execution of singer Yahaya Sharif Aminu for blasphemy in Nigeria*" called for the unconditional release of the singer, the dropping of all charges, respect for religious freedom, and the repealing of blasphemy laws⁵. Freemuse, PEN International, Nhimbe Trust and Unchained Vibes Africa, in a joint submission ahead of Nigeria's 4th Universal Periodic Review, recommended the same, additionally calling for tolerance of expressions that question, ridicule, or challenge religious beliefs in Nigeria.⁶ The Federal Republic of Nigeria is encouraged to adopt recommendations on decriminalising blasphemy, abolishing the death penalty, and creating a conducive environment for freedom of expression, as recommended by fellow state parties of the United Nations in the 4th cycle of the country's Universal Periodic Review.

1 'African Charter on Human and Peoples' Rights,' African Union, https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf (accessed 8 February 2024).

2 Dr. Musa Kika, Human rights lawyer, researcher and academic, Freemuse interview, 7 February 2022

3 R. Ikwuje, 'UVA condemns detention, lashing of Kano skit-makers,' *The Guardian*, 14 November 2022, <https://guardian.ng/news/nigeria/uva-condemns-detention-lashing-of-kano-skit-makers/> (accessed 7 March 2024).

4 E. McSweeney and S. Busari, 'The WhatsApp voice note that led to a death sentence,' *CNN Online*, 29 September 2020, <https://edition.cnn.com/2020/09/29/africa/blasphemy-trial-nigeria/index.html#:~:text=An%20intense%20argument%20recorded%20and,to%20lawyers%20for%20the%20defendant> (accessed 8 February 2024).

5 'European Parliament resolution of 20 April 2023 on the risk of the death penalty and the execution of singer Yahaya Sharif-Aminu for blasphemy in Nigeria,' European Parliament, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0116_EN.html (accessed 8 February 2024).

6 'Joint stakeholder submission of the UPR of Nigeria presented by Freemuse, Nhimbe Trust, PEN International and Unchained Vibes Africa,' Unchained Vibes Africa, 23 January 2024, <https://unchainedvibesafrika.com/new/joint-stakeholder-submission-to-the-upr-of-nigeria-presented-by-fremuse-nhimbe-trust-pen-international-and-unchained-vibes-africa-for-consideration-at-the-45th-session-of-the-human-rights-council-p/> (accessed 17 February 2024).

Positive developments upholding international human rights law

Despite the above-mentioned challenges, in 2023 there were at least three court decisions in the region that upheld international human rights law, standards and practice. The Federal High Court of Abuja⁷ and the Court of Economic Community of West African States⁸ both ruled that the imposition of sanctions on radio and TV stations by the National Broadcasting Commission had violated **Nigeria's** Constitution and was contrary to international law. **Uganda's** Constitutional Court ruled that the criminalisation of 'offensive communication' under Section 25 of the Computer Misuse Act was unconstitutional, "vague and overly broad to define the actual offences committed."⁹ Although this litigation was not specific to artistic freedom, the legal principles adjudicated in both cases had direct implications on artistic freedom and artists' rights in the two countries. In **Nigeria**, sanctions have systematically been instrumentalised as punitive measures for broadcasters airing artistic content deemed to be contrary to public morals and the country's broadcasting code. In **Uganda**, the offensive communication provision has previously been enforced to silence dissenters such as poet Stella Nyanzi and satirical novelist Kakwenza Rukirabashaija, two prominent artists arbitrarily detained and prosecuted under this law for creative content and utterances critical of government¹⁰. Stella Nyanzi was charged with offensive communication in 2017¹¹ and 2018¹² respectively, for Facebook poems critical of President Yoweri Museveni and deemed by authorities to be vulgar and offensive. Satirical novelist Kakwenza Rukirabashaija was in 2022 charged with the same for X posts (previously Twitter) calling President Yoweri Museveni an 'election thief' and his son army Major General Muhoozi Kainerugaba overweight and 'intellectually bankrupt.'¹³

Enforcement of decency laws and standards through assertion of 'national values, culture and norms'

Indecency judged through what is morally acceptable, as a matter of culture and religion, was one of the dominant characteristic features of artistic freedom regulation in **Sub-Saharan Africa** throughout 2023. Although international law allows restrictions to human rights only as provided by law and when necessary¹⁴ to promote respect, tolerance and non-discrimination¹⁵, national practice has veered away from these to legitimate limitations on grounds of "'national values, culture and norms.'" An offshoot of this has been the emergence of laws and regulatory measures which specifically govern decency from the standpoint of what is morally sound to traditional and conservative sectors of society. This occurrence disproportionately affects LGBTQ+ persons, women, and artistic content themed around issues affecting this demographic. In 2023, countries most affected by restrictions specific to this demographic included Tanzania, Uganda, Lesotho, South Sudan, Nigeria and Malawi.

Continued intolerance of LGBTQ+ expression

At least two new measures with immediate and direct consequences for artistic expression on LGBTQ+ content were recorded by Freemuse in 2023. In **Tanzania**, the Ministry of Education, Science and Technology deployed quality control officers to schools and libraries in January 2023 for the identification of literature contradicting the country's cultural norms, values, and children's upbringing, based on the view that education should be based on "sound moral principles".¹⁶ Consequently, 16 books of the "Diary of a Wimpy Kid" series by American author and cartoonist Jeff

7 'Media Rights Agenda wins suit challenging NBC's power to impose fines on broadcast stations,' *Media Rights Agenda*, 29 May 2023, <https://mediarightsagenda.org/media-rights-agenda-wins-suit-challenging-nbcs-power-to-impose-fines-on-broadcast-stations/> accessed 8 February 2024.

8 M. Atungwu, 'NBC code infringes on freedom of expression of Nigeria media – ECOWAS court,' *Daily Post*, 21 November 2023, <https://dailypost.ng/2023/11/21/nbc-code-infringes-on-freedom-of-expression-of-nigerian-media-ecowas-court/> (accessed 8 February 2024).

9 'Court nullifies Section 25 of Computer Misuse Act,' *Monitor*, 11 January 2023, <https://www.monitor.co.ug/uganda/news/national/court-declares-section-25-of-computer-misuse-null-and-void-4081782> (accessed 8 February 2023)

10 M. A Habati, 'Law that criminalised Stella Nyanzi, Kakwenza kicked out,' *The Independent*, 14 January 2023, <https://www.independent.co.ug/law-that-criminalised-stella-nyazi-kakwenza-kicked-out/> (accessed 16 February 2024).

11 A. McCool, 'You can't handcuff my spirit: Jailed writer wins freedom of expression prize,' *The Guardian*, 17 January 2020, <https://www.theguardian.com/global-development/2020/jan/17/jailed-ugandan-activist-stella-nyanzi-wins-freedom-of-expression-award-oxfam-pen-international> (accessed 7 March 2024).

12 H. Athumani, 'Critic of Ugandan President sentenced to 18 months in prison,' *Voice of America*, 2 August 2019, <https://www.voanews.com/a/africa-critic-ugandan-president-sentenced-18-months-prison/6173116.html> (accessed 7 March 2024).

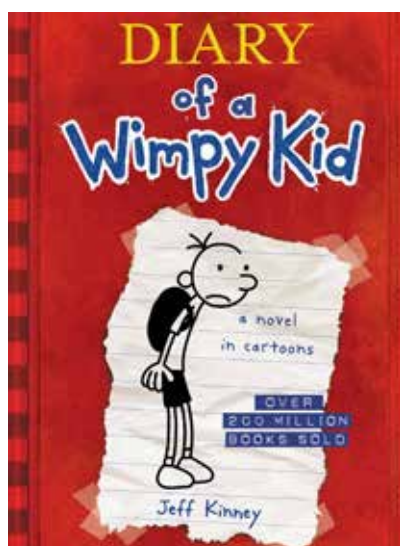
13 H. Athumani, 'Award-winning Ugandan writer charged for offending Museveni and son,' *Voice of America*, 11 January 2022, <https://www.voanews.com/a/award-winning-ugandan-writer-charged-for-offending-museveni-and-son/6392309.html> (accessed 7 March 2024).

14 'International Covenant on Civil and Political Rights,' United Nations, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights#article-19> (accessed 16 February 2024).

15 Article 28, African Charter on Human and People's Rights,' African Union, https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf (accessed 16 February 2024).

16 'Government bans unethical books in schools,' *Daily News*, 4 February 2023, <https://dailynews.co.tz/govt-bans-unethical-books-in-schools/> (accessed 16 February 2024).

Kinney were banned on 13 February 2023¹⁷ for their depiction of the life of a fictional seventh grade character who diarises his life experiences and issues that include sexual and gender identity. In an act of self-censorship, the MultiChoice Africa broadcasting group removed LGBTQ+ content from all television channels under its control in **Uganda**, in immediate compliance to the country's Anti-Homosexuality Act signed into law on 29 May 2023.¹⁸ In Section 11, the law criminalises the broadcasting or distribution by any means, including through the internet, of materials promoting or encouraging homosexuality or homosexual offences.¹⁹ The law in its entirety is one of the world's harshest anti-LGBTQ+ regulatory measures, with the death penalty prescribed for 'aggravated homosexuality,'²⁰ which among other classifications includes serial offending and homosexual acts causing disability or the contraction of a terminal illness.²¹



One of the books from the “Diary of the Wimpy Kid” series banned in Tanzania.
Source: wimpykid.com

The silencing of female artists for alleged crimes of “indecenty” and “corruption of morals”

Zodwa Wabantu (given name Zodwa Libram), a South African dancer and media personality known for erotic dancing while skimpily dressed, was on 2 August 2023 banned by **Lesotho's** Minister of Local Government, Chieftaincy, Home Affairs and Police from entering Lesotho for a performance scheduled for three days later in Lesotho's capital, Maseru²². Section 56 of Lesotho's Penal Code was applied, a prohibition of indecency “calculated to offend any reasonable member of the public.”²³ Zodwa Wabantu had previously been prohibited from entering Lesotho in 2017 and has been banned from performing in several other countries across Africa on similar grounds of “indecenty” and the protection of national values – in Zimbabwe in 2017²⁴ and Malawi in 2022²⁵ – and she was also deported from Zambia in 2018²⁶. A warrant for her arrest was also issued in Botswana in 2021²⁷ under Section 178 of the Penal Code, which criminalises the “public exhibition of any indecent show or performance tending to corrupt morals.” Freemuse's survey of communiques banning Zodwa Wabantu has revealed that prohibitions on performances have in more extreme scenarios included the invoking of immigration laws to ban the dancer from entering the countries, even when she has provided guarantees that she would not perform. As the mobility of African artists across borders remains dire due to the tightening of immigration laws in several countries, it is concerning that transnational movement is further curtailed through travel bans as punishment for artistic expression, an act that undermines the spirit of Article 14 of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which advocates for the increased mobility of artists and cultural professionals across borders.²⁸

17 'Tanzania bans Diary of a Wimpy Kid for being immoral,' *The Citizen*, 15 February 2023, <https://www.thecitizen.co.tz/tanzania/news/national/tanzania-bans-diary-of-wimpy-kid-for-being-immoral-4124592> (accessed 16 February 2024).
18 T. Ferreira, 'DSTV Uganda won't show gay content after harsh LGBTQIA+ law,' *News24*, 1 June 2023, <https://www.news24.com/life/arts-and-entertainment/tv/dstv-uganda-wont-show-gay-content-after-harsh-lgbtqia-law-20230601> (accessed 16 February 2024).
19 'Anti-Homosexuality Act 2023,' *The Republic of Uganda*, 26 May 2023, <https://www.parliament.go.ug/sites/default/files/The%20Anti-Homosexuality%20Act%2C%202023.pdf> (accessed 16 February 2024).
20 'Uganda's Anti-Homosexuality Act challenged in constitutional court,' *BBC*, 18 December 2023, <https://www.bbc.com/news/world-africa-67751179> (accessed 7 March 2024).
21 See full definition and classification of aggravated offences in Section 3(2) of the Anti-Homosexuality Act 2023 here <https://www.parliament.go.ug/sites/default/files/The%20Anti-Homosexuality%20Act%2C%202023.pdf> (accessed 7 March 2024).
22 'Zodwa Wabantu banned from entering and performing in Lesotho,' *IOL*, 4 August 2023, <https://www.iol.co.za/sunday-tribune/entertainment/zodwa-wabantu-banned-from-entering-and-performing-in-lesotho-bab509a3-ec72-40a8-83eb-63272d2a989c> (accessed 8 February 2024).
23 'Lesotho Penal Code Act of 2012,' *Kingdom of Lesotho*, <https://media.lesotholii.org/files/legislation/akn-ls-act-2012-6-eng-2012-03-09.pdf> (accessed 16 February 2024).
24 'Uproar over Zodwa Wabantu's ban,' *News Day*, 31 August 2017, <https://www.newsday.co.zw/news/article/76006/uproar-over-zodwa-wabantus-ban> (accessed 16 February 2024).
25 'Zodwa Wabantu banned from performing in Malawi,' *IOL*, 8 June 2022, <https://www.iol.co.za/entertainment/celebrity-news/local/zodwa-wabantu-banned-from-performing-in-malawi-09ce9c98-f65e-41b8-abde-42b69d2399a2> (accessed 16 February 2024).
26 'Zambia deports racy South African dancer Zodwa Wabantu,' *Reuters*, 10 March 2018, <https://www.reuters.com/article/idUSKBN1GM0BR/> (accessed 16 February 2024).
27 'Warrant of arrest for Zodwa Wabantu,' *Zim Eye*, 30 December 2021, <https://www.zimeye.net/2021/12/30/warrant-of-arrest-for-zodwa-wabantu/> (accessed 16 February 2024).
28 'Convention on the Protection and Promotion of the Diversity of Cultural Expressions,' *UNESCO*, 20 October 2005, <https://unesdoc.unesco.org/ark:/48223/pf0000142919> (accessed 7 March 2024).

Several other female artists were silenced in 2023 on allegations of “indecent” and “corruption of societal norms.” **South Sudan** musician **Lady Kola** (given name Akuol Zachaiah Elias) was detained on 17 September 2023 on charges of promoting immorality, obscenity and vulgarity in her song “Little Girls”²⁹ in which she claimed greater prowess as a musician, calling fellow rival artists her little girls. The song was subsequently banned on 6 November 2023.³⁰ In a separate case, a **Nigerian** TikTok skit maker, **Murja Ibrahim Kunya**, was subjected to a psychiatric evaluation, which was ordered by the State Commissioner of Police on 28 January 2023, following complaints from clerics that she uses vulgar language and corrupts the morals of the society in her videos.³¹ The Upper Sharia Court in Kano State remanded her to two weeks’ imprisonment at a correctional facility on 2 February 2023, to await further court proceedings.³² Both actions were punishments for her alleged “vulgarity and indecent videos” posted online, contrary to Islamic principles and teachings. In yet another instance of enforcing Islamic Principles in Kano State, actress **Hafsat Tuge** was banned from featuring in the movie “*Armayar TikTok*” because her disputed marital status and contested proof of acquiring consent from a male figure (claiming to still be her husband) prior to being in the movie were argued to taint the movie’s reputation.³³ In Northern Nigeria, men are regarded as the protectors and maintainers of women as a matter of Islamic principle, a duty that mandates women to seek permission before engaging in public activities.



Lady Kola

Image: Lady Kola’s verified Facebook account

Policing “decency”: The silencing of creative content with female subjects or gender-based issues

State-sponsored arts regulatory bodies were implicated in the censorship of artistic content with female subjects, or that addressed women’s issues. This occurred in at least three countries: Nigeria, Tanzania and Malawi. A Yoruba-language movie, “*Osuwon Mi*” was banned by **Nigeria’s** National Film and Video Censors Board (NFVCB) on 30 January 2023 for “ridiculing religion and encouraging religious discrimination” through the portrayal of a flirtatious and adulterous woman in a Muslim veil.³⁴ This was deemed by authorities to translate to a violation of the rights of Muslim women in real life. An organisation in Osun State, Ta’awunu Rights Initiative, had written a petition to the Board on 6 December 2022 alleging that the movie served the “furtherance of an indecent and nonchalant attitude towards the Muslim community”. The Board, in response, promised that punishments acting as deterrence of similar acts in future would include a ban of the movie as well as the sanctioning of lead actress **Kemi Ofalabi** and the movie producer **Bisi Obanla**.³⁵

29 G. F Kole, ‘Court bans Lady Kola’s Little Girls song,’ No.1 Citizen Daily, 11 November 2023, <https://onecitizendaily.com/index.php/2023/11/11/court-bans-lady-kolas-little-girls-song/> (accessed 7 March 2024).

30 M. Daniel, ‘Juba court indefinitely bans Lady Kola’s Little Girls song,’ Eye Radio, 10 November 2023, <https://www.eyeradio.org/juba-court-indefinitely-bans-lady-kolas-little-girls-song/> (accessed 8 February 2024).

31 ‘Kano police arrests popular northern TikTok influencer,’ The Street Journal, 30 January 2023, <https://thestreetjournal.org/kano-police-arrests-popular-northern-tiktok-influencer/> (accessed 8 February 2024).

32 At the time of writing there was no further information on this case.

33 Z. Y Shuaibu, ‘Director bans actress from movie over marriage tussle,’ Daily Trust, 17 January 2023, <https://dailytrust.com/director-bans-actress-from-movie-over-marriage-tussle/> (accessed 8 February 2024).

34 H. Oyegbade, ‘NFVCB to sanction actress, filmmaker for portraying Islam negatively,’ Daily Trust, 31 January 2023, <https://dailytrust.com/nfvcb-to-sanction-actress-filmmaker-for-portraying-islam-negatively/> (accessed 8 February 2024).

35 H. Oyegbade, ‘NFVCB to sanction actress, filmmaker for portraying Islam negatively,’ Daily Trust, 31 January 2023, <https://dailytrust.com/nfvcb-to-sanction-actress-filmmaker-for-portraying-islam-negatively/> (accessed 8 February 2024).

In **Malawi**, the Department of Arts invoked Section 23 and 24 of the country's Censorship and Control of Information Act, which prohibits creative content that is "obscene, offensive or harmful to public morals," to ban **Dan Lu's** (given name Dan Lufani) song "Take my body." The Chichewa-language lyrics chronicle a man's sexual urges and desires as described to a female lover³⁶. Department representatives stated that the ban was initiated following complaints from some members of the public about the choice of language in the song.³⁷

In yet another response to public outcry on social media over artistic content, three musicians in **Tanzania** were collectively fined 9 million shillings (approximately 3,251 euros) by the country's National Arts Council (known as BASATA). The video – by musician **Whozu**, and also featuring **Mbosso** and **Billnass** – depicted the raping of a woman as an act of revenge in an intimate relationship.³⁸ This depiction was alleged to glorify rape and sodomy, in violation of the "dignity of women" as protected in the Council's Code of Ethics. However, according to the artists and as reported by Tanzania Artists Rights Organisation, the depicted actions were not supportive of violence against women but rather an artistic narration of a taboo story about gender-based violence as experienced in real life.³⁹ Nevertheless, the artists, who were initially banned from participating in artistic activities for three months (with Whozu banned for six months), were not afforded an opportunity to explain this to authorities prior to and post the ban.⁴⁰

Suppression of artists and artistic expressions on political issues

The curtailment of artistic expressions critical of government, the state of politics and government officials continued to be a matter of concern in Sub-Saharan Africa in 2023. Various mechanisms were employed and reinforced to shrink civic space, police online political commentary, and crack down on artists deemed to challenge gov-

ernment authority. In **Tanzania** in particular, politically conscious music that was circulated online without the pre-approval of state authorities was subject to the country's Cybercrime Act 14 of 2015 which criminalises the publication of false information in Section 16. In practice, this provision is discriminately applied against government critics. At least four musicians whose work commented on the state of politics were detained and prosecuted. In one instance, a musician was imprisoned for decrying the high cost of living in a song.⁴¹ In another case, three musicians were arbitrarily detained for lyrics condemning police brutality and the belittling of citizens by law enforcement agents.⁴² In yet another case of artistic freedom restriction, the National Arts Council banned a song by a rapper which was critical of President Samia Suluhu Hassan's government and her governance abilities, alleging that it incited the public.⁴³

Restrictions of a similar nature occurred in **Ethiopia** in 2023, with politically conscious films, music and theatre being the most censored by government. The reasons for this were often not communicated, and without a clear chain of command traceable to a specific government agency. Commentators have lamented that:

*It is worth noting that these bans do not stem from allegations of extremism or incitement of violence. Instead, they ostensibly revolve around the portrayal of ideas that advocate for basic human values. Actors, authors and broadcasting stations involved with such contents, are usually threatened.*⁴⁴

36 A. Nzangaya, 'Dan Lu told to modify take my body song as producer Tapps apologises, Malawi24, 1 March 2023, <https://malawi24.com/2023/03/01/dan-lu-told-to-modify-take-my-body-song-as-producer-tapps-apologises/> (accessed 8 February 2024).

37 A. Nzangaya, 'Dan Lu told to modify take my body song as producer Tapps apologises, Malawi24, 1 March 2023, <https://malawi24.com/2023/03/01/dan-lu-told-to-modify-take-my-body-song-as-producer-tapps-apologises/> (accessed 8 February 2024).

38 E. Ngigi, 'Tanzanian superstars Whozou, Mbosso and Billnass to pay fines after Basata lifts ban,' Nairobi News, 15 November 2023, <https://nairobinews.nation.africa/tanzanian-superstars-whozou-mbosso-and-billnass-to-pay-fines-after-basata-lifts-ban/> (accessed 8 February 2024).

39 'Artistic freedom in Tanzania 2017-2023 documented cases,' Tanzania Rights Organisation, <https://www.tanzaniaartistsrightsorganization.com/post/documented-cases-in-tanzania-2017-2023-artistic-freedom> (accessed 8 February 2024).

40 'Artistic freedom in Tanzania 2017-2023 documented cases,' Tanzania Rights Organisation, <https://www.tanzaniaartistsrightsorganization.com/post/documented-cases-in-tanzania-2017-2023-artistic-freedom> (accessed 8 February 2024).

41 'Artistic freedom in Tanzania 2017-2023 documented cases,' Tanzania Rights Organisation, <https://www.tanzaniaartistsrightsorganization.com/post/documented-cases-in-tanzania-2017-2023-artistic-freedom> (accessed 8 February 2024).

42 'Artistic freedom in Tanzania 2017-2023 documented cases,' Tanzania Rights Organisation, <https://www.tanzaniaartistsrightsorganization.com/post/documented-cases-in-tanzania-2017-2023-artistic-freedom> (accessed 8 February 2024).

43 K. Gachie, 'Tanzania government bans popular rapper Ney Wa Mitego's song, claims it is inciteful to the public,' Citizen Digital, 1 August 2023, <https://www.citizen.digital/entertainment/tanzanian-govt-bans-popular-rapper-ney-wa-mitegos-song-claims-it-is-inciteful-to-the-public-n324648> (accessed 8 February 2024).

44 S. Mengesha, 'Silencing creativity: Artistic freedom under siege as Bualetika, Min Litazeg ban sparks controversy,' The Reporter, 13 February 2024, https://www.thereporterethiopia.com/38252/#google_vignette (accessed 8 February 2024).

Consequently, artists in Ethiopia have reportedly resorted to self-censorship and artistic genres such as comedy that are presumed to be “lighter”.⁴⁵

In another recorded case of censorship with suspected links to political commentary, a filmmaker was arrested and detained on 9 June 2023 in an evidently bizarre case of liability by association. Filmmaker and founder of the Gumma Film Awards **Yonas Berhane Mewa** was detained by the federal police immediately after the conclusion of the 2023 edition of the awards held at the Skylight Ethiopia Hotel. He was released on police bond on 12 May 2023. The reason for his arrest was believed to be his association with TikTok-er **Lij Magna** (given name Filagot Abraham), who appeared at the awards with makeup depicting a gunshot to the forehead and lips stitched by barbed wire.⁴⁶ Although Lij Magna did not specifically speak about the meaning for her appearance, it was widely perceived to be advocacy of free speech and political commentary on an issue around which there has been a lot of silencing in the country; specifically, the ethnically-motivated killings and forced disappearances affecting the country’s Ahmara region, due to the conflict between Ethiopia’s military and the Ahmara Special Forces, a paramilitary group linked to the regional government. It is especially concerning that artists like Yonas Berhane Mewa are punished for expressions they have neither been directly responsible for, nor have originated.



Lij Magna’s appearance at the Gumma Film Awards with makeup portraying a gunshot wound to the forehead and a stitched mouth.
Image: Instagram @ethio_model_casting

In a positive development, **Zimbabwe** novelist **Tsitsi Dangarembga** was acquitted on charges of incitement of violence by the High Court of Zimbabwe on 8 May 2023.⁴⁷ She had been arrested on 30 July 2020 for engaging in a two-women anti-corruption protest march in the city of Harare. Her prosecution through the years had been riddled by postponed and protracted proceedings under unclear circumstances, compromising her right to a fair trial and bringing to question the impartiality of the judiciary in adjudicating cases of political dissent.

“My career has taught me that the work of a writer is doing and that when circumstances allow, this doing is in fact writing. On the other hand, when circumstances do not allow for the writing process, a writer continues the expression that is no longer possible in literature, or that has become inadequate through literature with other actions. I have come to see that the work of writing is not to be seen to be doing but, in fact, to do and to keep on doing, regardless of circumstances. Only sometimes, if a writer is very fortunate, is that doing seen.” Tsitsi Dangarembga on the occasion of receiving the 2021 PEN Pinter Prize

⁴⁵ S. Mengesha, ‘Silencing creativity: Artistic freedom under siege as Bualetika, Min Litazez ban sparks controversy,’ *The Reporter*, 13 February 2024, https://www.thereporterethiopia.com/38252/#google_vignette (accessed 8 February 2024).

⁴⁶ ‘PANAF calls for a supportive environment for artists in Ethiopia,’ PANAF, 15 June 2023, <https://panaf.org/press-releases/supportive-environment-artists-ethiopia/> (accessed 8 February 2023).

⁴⁷ S. Hucal, ‘Zimbabwean author Tsitsi Dangarembga acquitted,’ *Deutsche Welle*, 5 September 2023, <https://www.dw.com/en/zimbabwean-author-tsitsi-dangarembga-acquitted/a-65559831> (accessed 8 February 2023).

Conclusion

Laws of several countries in Sub-Saharan Africa are applied discriminately to target specific forms of expression. Notably, the safeguarding of national values translates to indecency laws that in practice, discriminately criminalise women's creative expression and LGBTQ+ themed creative content. Although men's artistic expression is also affected by decency laws, female artists and expressions with gender-based subjects are held to higher standards and expectations of decency.

Laws policing free expression and reputational damage are especially applied to detain and prosecute artists critical of government and government officials. Additionally, the protection of the sanctity of religion has led to the suppression of artistic commentary on religion, with severe consequences of the death penalty in Nigeria. On a more positive note is the important role the judiciary has played in some cases to protect freedom of expression as evidenced by an acquittal in one case in Zimbabwe and orders for legal reform in the three cases recorded in Nigeria and Uganda.

ARTISTIC FREEDOM IN LATIN AMERICA:

DOWNWARD TRENDS/UPWARD TRENDS

By Cecilia Noce

-
- Popular music expressions in Latin America have been challenged by an increase in criminal violence, with groups targeting artists, music festivals, and cultural institutions.
 - Faced with this challenge, states have failed to guarantee the minimum conditions necessary to protect artists and allow them to fulfil their rights.
 - Artists in Cuba continue to be imprisoned and harassed.
 - In a welcome development, there has been an overall drop in censorship cases in some countries.
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During 2023, freedom of artistic expression in Latin America saw both downwards and upwards trends. On the one hand, in certain countries organised crime groups have targeted artists, festivals, and cultural institutions, resulting in the cancellation of shows, closures of institutions, and self-censorship. States in Central America, Colombia, Ecuador and elsewhere have failed to guarantee the minimum conditions necessary to protect artists and allow them to fulfil their rights.

On the other hand, censorship attempts in the name of traditional values decreased in the region. Two main factors explain this drop: first, in **Brazil**, the change of government resulted in a better environment for freedom of artistic expression; second, in an election year in many countries, public debate shifted from social rights to pre-electoral issues such as the economy that are not contested with the same intensity by conservative and religious groups.

However, authoritarianism still had an impact. In **Nicaragua** and **Cuba** governments continued to crack down on civil society and to persecute dissident voices, even outside the country. In a flagrant attack on human rights, and the Nicaraguan Constitution, Daniel Ortega and Rosario Murillo's regime has created a legal system that allows the government to strip the nationality of their citizens and confiscate their properties. In Cuba, artists continued to face persecution and detentions.

Organised criminal groups target musicians, music festivals, and cultural institutions

According to an Inter-American Commission on Human Rights (IACHR) 2023 report, a rise in organised crime and gang violence in **Northern Central America** has presented acute challenges to states' safeguarding of fundamental human rights. Criminal gangs dedicated to various illicit activities, including drug, human, and arms trafficking, labour and sexual exploitation, robberies, and extortion, take over the control of territories and populations

under a specific rules system. The general population and civil society at large are impacted by the violence but those most affected tend to live in marginalised areas, characterised by poverty, a lack of basic services, and opportunities. Young people are especially vulnerable as gangs recruit them, sometimes through coercion, as "soldiers" to commit illicit acts, trapping them in criminality¹. Musicians' economic vulnerability, mainly in poor urban areas, makes them prone to seek protection and patronage from criminal groups². They are recruited in order to attract newcomers by praising gangs and cartels in their lyrics, while gangs in Mexico, Brazil, Ecuador and elsewhere are using genres like *narcocorridos*, *corridos tumbados* hip hop or *funk carioca*³ to spread their message and demonstrate their power.

In recent years, many Latin American musicians have been reportedly killed by criminal gangs, as a means of terrorising and intimidating others. Their murders are a warning for those who refuse to play by the gangs' rules system, reject "protection," or refuse to become "soldiers". In **Ecuador**, on 11 October, comedian **Jonathan Sánchez** (aka La Polilla) was shot dead in the city of Esmeraldas, after receiving death threats and being subjected to attempts at extortion⁴. According to the police investigation, Sánchez was followed and killed by three sicarios (hitmen) connected to the criminal organisations Los Tiguerones and Los Lobos⁵.

In areas dominated by drug groups, control over popular music has become a means to demonstrate power. While **Mexico** continued to be the epicentre of such violence, other countries in the Americas have seen a rise in threats against artists and cultural institutions. On 10 February, members of the band **Grupo Arriessgado**, who sing in the Mexican regional musical genre, were shot at in Tijuana while they were signing autographs. The next day, unidentified individuals fired shots at the offices of the band's promoter, Uniradio, and left a funeral wreath at the station's door. Finally, a "narcobanner" (used by cartels to advertise themselves or sometimes threaten rival cartels), allegedly

1 Inter-American Commission on Human Rights (IACHR), *Norte de Centroamérica Impacto del crimen organizado en Mujeres, niñas y adolescentes*, 17 February 2023, https://www.oas.org/es/cidh/informes/pdfs/2023/NorteCentroamerica_Mujeres_ES.pdf (accessed on 8 January 2024).

2 Arevalo Diana, Noce Cecilia, 'Spotlight on Latin America: Artists at Risk', *Avant-Garde Lawyers*, <https://avantgardelawyers.org/spotlight-on-latin-america-artists-at-risk/> (accessed 6 March 2024).

3 Loiza, Yalilé, 'Narcoestética, violencia y poder: así utilizan la música las bandas criminales de Ecuador', *Infobae*, 01 October 2023, <https://www.infobae.com/america/america-latina/2023/10/01/narcoestetica-violencia-y-poder-asi-utilizan-la-musica-las-bandas-criminales-de-ecuador/> (accessed on 5 February 2024).

4 'Vaccinators' asked Jonathan Sánchez for five thousand dollars', *Breaking Latest News*, 15 October 2023. <https://www.breakinglatest.news/news/vaccinators-asked-jonathan-sanchez-for-five-thousand-dollars/> (accessed on 5 February 2024).

5 La vanguardia, 'Muere asesinado por unos sicarios el humorista Jonathan Sánchez, conocido como 'La Polilla'', *La vanguardia*, 16 October 2023, <https://www.lavanguardia.com/cribeo/fast-news/20231016/9302531/muere-asesinado-sicarios-humorista-jonathan-sanchez-conocido-polilla-pmv.html> (accessed on 8 January 2024).

coming from the *Cártel Jalisco Nueva Generación* (CJNG), appeared hanging over a bridge, threatening the band's singer "Panther Bélico" (Arturo González)⁶. As a result, Grupo Arriesgado cancelled their remaining tour.



Grupos Arriesgado
Source: official Facebook site

As local and national authorities failed to take measures against the threats and attacks against artists, other shows in Tijuana were cancelled, including by Roberto Tapia, El Fantasma, Special Edition, Eden Muñoz, Peso Pluma, and Fuerza Regida – some of these musicians, who also sing songs about the narco lifestyle, were named in other threatening narcobanners that appeared in the city.

Criminal gangs have also targeted artists and cultural institutions that refused to share their revenues or pay for “security.” In early January 2023, the authorities of the **Muntú Bantú Museum**, in Quibdó, **Colombia**, which is dedicated to Afro-Colombian art, history and culture, announced its closure due to the extensive threats it received after refusing to pay extortion demands⁷. When

Muntú Bantú opened in 2009, the museum was wholly unique in a country with one of Latin America's largest Black populations.

According to the statement, criminal groups operating in Quibdó created a situation of “public disorder that has claimed the lives of many people in the city.”⁸ After receiving the support of artists, cultural professionals and authorities, including Vice President Francia Márquez, the institution reopened in mid- 2023.⁹



Muntú Bantú Museum Logo

Cuba – artists remain in prison and harassment continues

In 2023, Freemuse, was among 11 international, regional and Cuban CSOs that issued a joint submission during Cuba's Universal Periodic Review at the UN. The submission highlighted the state persecution and ostracism of dissident artists and the impact this has had on their ability to carry out their work under Decree 349/2018 – a decree stipulating the need for prior permission from the government before a publication or performance.¹⁰ All the artists referred to in the Freemuse State of Artistic Freedom report 2023 remain in jail.¹¹

⁶ The narco-banner said: 'Arturo González, Panther Bélico from Grupo Arriesgado, here is not for you to be warlike or for your corridos. Here you have an owner, we are not like the others, that's why we didn't kill you, it was a warning'. 'Grupo Arriesgado: Suspenden concierto en Tijuana tras disparos en firma de autógrafos', *El Financiero*, 11 February 2023, <https://www.elfinanciero.com.mx/espectaculos/2023/02/11/grupo-arriesgado-suspenden-concierto-en-tijuana-tras-disparos-en-firma-de-autografos/> (accessed on 24 November 2023)

⁷ Hellerstein, Erica, 'Afro-Colombian culture is under siege as armed conflict rages on', *Coda*, 8 March 2023, <https://www.codastory.com/rewriting-history/afro-colombian-museum-choco/> (accessed on 18 December 2023).

⁸ Chacón, Paola, 'Alertan por amenazas contra Muntú Bantú, Centro de Memoria Afrocolombiana', *Infobae*, 26 January 2023, <https://www.infobae.com/colombia/2023/01/26/alertan-por-amenazas-contra-muntu-bantu-centro-de-memoria-afrocolombiana/> (accessed on 18 December 2023)

⁹ Museo Muntú Bantú, <https://www.instagram.com/p/CvllbiWPrfj?igsh=djN2N3Fld3Jnb3pv>

¹⁰ PEN International, 'Contribution to the Fourth Cycle of the Universal Periodic Review on Cuba' <https://www.pen-international.org/research/contribution-to-the-fourth-cycle-of-the-upr-on-cuba>, pdf (accessed on 11 March 2024).

¹¹ Freemuse (2023): State of Artistic Expression 2023 <https://freemuse.org/media/cvaxxuvr/saf-2023-compressed.pdf> pages 27-36 refers to the imprisonment of Richard Zamora Brito, Abel Lescay, Randy Arteaga Rivera, Cristina Garrido, Maykel Osorbo, and Luis Manuel Alcántara.

State harassment and attacks against artists also continued. In April 2023, satirical writer **Jorge Fernández Era** was detained for several hours and charged with “disobedience”. The arrest was made after he published in the magazine *La Joven Cuba* an article in which he ridiculed the nomination of octogenarian candidates to the Cuban Parliament. Three days later, the government imposed a precautionary measure prohibiting him from leaving the country and, at the end of April, added a new precautionary measure of house arrest until 6 June. Jorge Fernández Era is a well-known humorist who has worked for four decades as editor and author of several books, for which he has received national and international awards. His case caused widespread outrage, leading to social media protests and public demonstration calling for an end to the harassment against him.¹²

The harassment of internationally renowned Cuban visual artist and activist **Tania Bruguera**, living in exile since 2021 when she was forced to flee due to government pressure, continues. The worldwide launch in November 2023 of the IV Film Festival of the Hannah Arendt International Institute of Artivism (INSTAR), of which she is the founder and director, led to an extensive campaign of harassment against the Institute and Bruguera. The smear campaign was carried out on social media, and via mass mailing to cultural and educational institutions to publicly discredit both the artist and the Institute's work.¹³ The Institute works to promote human rights and social justice. The INSTAR Film Festival has supported independent production on an international scale, especially in those countries where freedoms of expression and creation are threatened.



Image: INSTAR Film Festival – festivaldecineinstar.com/fichas-peliculas/cuba/

The decline of censorship – the Brazil effect

During 2023, Latin America saw an overall drop in censorship and attempts to file censorship cases, mainly explained by Brazil's change of government. Attempts to silence voices on the pretext of moral traditional values, child protection, and political regulations were a common feature of former president Jair Bolsonaro's government. Cultural policies based on traditionalism and conservatism had hurt the ability to create art on issues such as LGBTQ+, women's and minority rights. In many cases, members of local and national governments used social media to target artists, exhibitions, and films and to call for public support for them to be cancelled creating a climate of intimidation and self-censorship. During 2023, these practices were almost non-reported and attempts by religious groups, family associations, and individuals to censor artistic expression considered “unfit” decreased.

Nonetheless, long-standing conservative values and discriminatory patterns continued to impact LGBTQ+ narratives. In 2023, the Brazilian TV broadcaster Globo TV censored love scenes between two female characters in the show “Vai na Fé”. A sexual love scene between two women was also censored in the soap opera “Aruana”, even though it streamed after 10 pm, though the scene remained available on Globo TV's online platform.¹⁴

In other countries, the shift in public debate from social rights to discussions over political instability or matters such as the economy ahead of elections resulted in an overall decline in censorship cases. In recent years public debates in the region over social rights have led to abreactions from conservative groups trying to silence artistic work that addresses issues related to “traditional values.” Matters of political interest, on the contrary, are not contested with the same intensity and are better protected by public views. Underlying traditionalist values remain a threat to creative freedom, however, and could re-emerge at any time.

¹² 14ymedio, , 14ymedio, April 13 2023, ‘Cuban-writer-jorge-fernandez-era-says-he-was-surrounded-by-the-political-police-in-havana’ (accessed 23 November 2023).

¹³ PEN America, ‘Cuban Artist Tania Bruguera Harassed By Cuban Government Despite Forced Exile’, PEN America, 11 December 2023, <https://pen.org/press-release/cuban-artist-tania-bruguera-harassed-by-cuban-government-despite-forced-exile/> (accessed 24 April 2024)

¹⁴ G. Vaquer and S. Castro, ‘Globo censura cena de sexo lésbico em Aruanas pela 2ª vez em duas semanas’, Uol, 1 June 2023, <https://noticiasdatv.uol.com.br/noticia/televisao/globo-censura-cena-de-sexo-lesbico-em-aruanas-pela-2-vez-em-duas-semanas-103421?cpid=txt> (accessed 23 November 2023).

In other countries, the shift in public debate from social rights to discussions over political problems, such as economical instability and increasing insecurity and violence ahead of elections resulted in an overall decline in censorship cases. During the 2000s, a more progressive agenda including debate on same sex marriage, abortion laws, and the right to the land for Aboriginal people has spread in the region, through public and legislative debates echoed by many artistic interventions. The abreactions from conservative groups trying to stop social reforms included attempts to silence artistic work that addresses issues related to “traditional values.” Underlying traditionalist values remain a threat to creative freedom, however, and could re-emerge at any time.

Amid political instability in some countries, there were some exceptions to the drop of censorship on political grounds.¹⁵ The new Peruvian president Dina Boluarte hit out at artists who criticised her assuming the presidency and the government’s response to demonstrations. During the protests, folk singer **Yarita Lizeth** made her group’s tour bus available to transport protesters from Juliaca to Lima in January 2023. In addition, she donated 50,000 soles to the relatives of the deceased and injured. In response the Lima Prosecutor’s Office announced that it would open an investigation against the artist.¹⁶

Protests continued throughout 2023, with an increase in violence from security forces and protesters. On 2 July 2023, artists from the National University Diego Quispe Tito of Cusco denounced the disappearance from the University campus of the sculpture *Shameless* (*La descarada*) created by artist and professor **César Aguilar Peña** for the Jubilee celebrations in the city of Cusco. *Shameless* caricatured President Boluarte as a demonic being with a presidential sash and negative attributes related to the current Peruvian political elite.¹⁷ Professor César Aguilar Peña accused the local authorities of harassing him and his students who

collaborated in the creation of the sculpture. A few days later, during a protest in the city of Arequipa, a new sculpture was presented accompanied by demonstrators, who were wearing masks inspired by the original art piece.¹⁸

Nicaraguan reprisal extends outside the country

In 2023, President Daniel Ortega’s regime extended its repression against dissident voices with new provisions introduced into law. On 15 February 2023, the National Assembly approved Law 1145, which allows the government to automatically strip the nationalities of all those condemned of the charges of “traitors to the fatherland” (under Law 1055, 20 December 2020). More than 300 Nicaraguan citizens were tried, most of them in absentia, under both laws. Many were former members of the Sandinista National Liberation Front (Frente Nacional de Liberación Sandinista), which is now in government; among them are internationally recognised literature figures such as writers Gioconda Belli and Sergio Ramírez, whose properties were also confiscated.¹⁹ The arbitrary deprivation of nationality, which is forbidden by Article 20 of the American Convention on Human Rights,²⁰ is aimed not only at former allies of the regime but also at the Nicaraguan community in exile. Subsequently, artists who left the country still fear speaking up, criticising the government, or even discussing the exile conditions in which they are forced to live.

Within the country’s borders, the regime continued to have a strong grip on freedom of expression, association, and peaceful assembly. On 18 November, Sheynnis Palacios was chosen as Miss Universe in the renowned international pageant. Although public gatherings are forbidden, thousands of Nicaraguans took to the streets, for the first time since the 2018 anti-government demonstrations, to celebrate Ms. Palacios’s success, waving the Nicaraguan flag, which has become associated with anti-government sentiment and has

15 In December 2022, then-President Pedro Castillo announced the temporary dissolution of Congress and the “reorganization” of the judiciary system. In response, Congress ordered Castillo’s removal and Vice President Dina Boluarte assumed the presidency. Clashes during protests resulted in 22 people being killed, as Castillo’s supporters poured into the streets to call for early elections.

16 B. Wilkins, ‘Thousands Descend on Lima Demanding Resignation of Unelected Peruvian President’, *Common Dreams*, 19 January 2023, <https://www.commondreams.org/news/protests-lima-peru> (accessed 24 April 2024)

17 León, Valeria, ‘Artistas denuncian desaparición de la escultura ‘La descarada’ creada contra Dina Boluarte en Cusco’, 2 July 2023, *Infobae*, <https://www.infobae.com/peru/2023/07/02/cusco-artistas-denuncian-desaparicion-de-escultura-la-descarada-creada-contra-dina-boluarte/> (accessed on 18 December 2023)

18 González Sánchez, Milagros, ‘La Descarada en Arequipa: ‘El Estado no nos puede amordazar a los artistas’’, *El Búho*, 21 July 2023, <https://elbuho.pe/2023/07/la-descarada-en-arequipa-el-estado-no-nos-puede-amordazar-a-los-artistas/> (accessed on 18 December 2023).

19 Yuhás, Alan, ‘Nicaragua Strips Citizenship from Hundreds Days After Prisoner Release’, *New York Times*, 17 February 2023, <https://www.nytimes.com/2023/02/17/world/americas/nicaragua-strips-citizenship-dissidents.html> (accessed on 8 January 2024).

20 UN-Secretary General, ‘Human rights and arbitrary deprivation of nationality’, OHCHR, 14 December 2009, <https://www.right-docs.org/doc/a-hrc-13-34/> (accessed 8 January 2024).

been de facto banned.²¹ Later on, when pictures of Palacios at a 2018 protest emerged and went viral, the National Police issued an order against the Director of the Miss Nicaragua pageant, **Karen Celebertti**, and her family for “treason against the homeland”, “conspiracy”, “money laundering” and “spreading fake news”. Using the 2023 legal reforms, their properties were confiscated, their nationalities stripped, and Celebertti, who was in Mexico for work, was denied permission to return to Nicaragua. When Celebertti resigned as director of the pageant, her husband and son, who had been previously arrested, were allowed to leave the country.²² Ms Celebertti insisted that there had never been any politics involved in the beauty pageants she had organised.

Conclusion

During 2023, state failures to protect freedom of artistic expression from criminal violence created a climate of self-censorship. This can deter others from pursuing artistic careers and has a wider detrimental impact on audiences and the general public’s right to access culture. This society-wide scourge impacts all communities, notably those at the margins. This criminality needs to be addressed as a matter of urgency, and in doing so, it should be recognised that artists who are public figures admired for their creativity and with fan bases, are often particularly targeted for violence as a way to silence and intimidate the wider public.

In parallel, in those countries, where there was a drop in the number of censorship cases, we saw the impact of political policies and behaviours on freedom of artistic expression. Yet as underlying tendencies, especially around traditional values and in countries with a history of repression, still exist, suppression of freedom of expression is still a threat. It is therefore essential that the moment be seized to review laws and practices, in order to safeguard against future abuses of the right to freedom of expression.

²¹ In 2018, the Nicaraguan flag became a symbol of the fight for freedom and anti-government protest. Flags were taken down from government buildings, removed from ceremonies and people who wore the flag colours were targeted. The government in place tried to impose the Frente Sandinista flag as a way to divide Nicaraguan people between supporters of the Frente Sandinista (created in 1970) and opposition members. For more read: Confidential Digital, ‘Why is the Ortega-Murillo regime persecuting the Nicaragua flag?’, 17 September 2020, Confidential Digital, <https://confidential.digital/english/why-is-the-ortega-murillo-regime-persecuting-the-nicaragua-flag/> (accessed on 5 February 2024).

²² Buschschlüter, Vanessa, ‘Miss Nicaragua: Pageant director quits after treason claims’, BBC News, 12 December 2023, <https://www.bbc.com/news/world-latin-america-67690990> (accessed 10 January 2024).

“FEAR BITES THE SOUL”:

CENSORSHIP IN EASTERN EUROPE

By Małgorzata Kaźmierczak

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- In Russia, arrests and prosecutions of anti-war and LGBTQ+ artists continued, and arrest warrants were issued against others living abroad.
 - Three years after the contested presidential elections in Belarus, hundreds of cultural workers are in prison, where three are reported to have died.
 - Governments intervened in the running of cultural institutions, leading to the cancellation of exhibitions and the dismissal of staff who did not toe the party line.
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Despite the fact that most countries in the region are outwardly pro-European, are members of the EU or seeking membership, there is not among them universal acceptance of EU values, one of which is freedom of expression as a basic human right. Artworks, artists and cultural workers in some European countries have borne a heavy burden of censorship, ranging from imprisonment to self-censorship. Yet there has also been positive news as artists fight back against censorship such as in Poland where a new government is making changes to former oppression of the arts.

Russia: Speaking out against the war results in prison sentences and threats of arrest

In 2023, the most severe cases of prosecution of artists continued to occur in Russia, which after its invasion of Ukraine in February 2022, all but eliminated freedom of expression. In March 2022, the Russian authorities adopted a law effectively criminalising any public expression about the war that deviates from the official Kremlin line. This did not, however, stop Russians from expressing their anti-war views. Based on that law, “a total of 19,834 Russians have been arrested between Feb. 24, (2022) when the war began, and late October 2023 for speaking out or demonstrating against the war. Nearly 750 people have faced criminal charges for their anti-war stances, and over 8,100 faced petty charges of discrediting the army, punishable by a fine or a short stint in jail.”¹ One of the most high-profile cases was that of artist **Sasha Skochilenko**, who is imprisoned having been sentenced in to seven years in a penal colony for replacing price tags in a supermarket with stickers that condemned Russia's invasion of Ukraine. They included phrases such as: “The Russian army bombed an art school in Mariupol. Some 400 people were hiding in it from the shelling,” and “Russian conscripts are being sent to Ukraine. The lives of our children are the price of this war.”² She rejected the charge of “spreading knowingly false information” and said her intent was not to disparage the army, but to try to use her art to stop the fighting.

“My criminal case is so strange and funny that it was opened on April 1st. [...] Sometimes I feel like when I come into the courtroom for another hearing, confetti will start falling from above, fireworks will go off, music will start playing, and people will rise up, dance, and cry, 'April Fool! April Fool!' My case is so strange and funny that the staff of the [jail where I'm held] open their eyes wide and exclaim, Do they really put people in prison for that?” Sasha Skochilenko's final statement to the court, November 2023.³

Inside Russia, accusations are often based on the information gathered by the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) – a government agency responsible for monitoring and policing internet traffic in Russia. As a result of their investigations, Russian streaming service Yandex music expunged 4,333 songs, videos, podcast episodes, and album covers during the first nine months of 2023. This happened under the pretext of dissemination of “fake news” pertaining to the Russian war in Ukraine, or the promotion of “non-traditional sexual relationships”. The purged content included Ukrainian songs, such as the classic folk song “Chervona Kalina”, which had also been censored during the Soviet era.⁴

***“Do not bend low, oh red kalyna, you have a white flower.
Do not worry, glorious Ukraine, you have a free people.”***

***“Marching forward, our fellow soldiers, into a bloody dance
For to free our brothers, Ukrainians, from Muscovite shackles.”***

Excerpt from Chervona Kalina⁵

1 Euronews, 'Russian artist sentenced to 7 years in prison for anti-war messages', Euronews, 16 Novem November 2023, <https://www.euronews.com/culture/2023/11/16/russian-artist-sentenced-to-7-years-in-prison-for-anti-war-messages> (accessed 15 February 2024).
2 *Ibid.*
3 <https://skochilenko.ru/yes-life>
4 'No More Music', Russian Life, 8 November 2023, <https://russianlife.com/the-russia-file/no-more-music/> (accessed 15 February 2024).
5 Available on Wikipedia: https://en.wikipedia.org/wiki/Ol_u_luzi_chervona_kalina

Another reason for prosecution in Russia is “LG–BTQ+ ideology propaganda.” In July, the Justice Ministry filed a motion with the Supreme Court to declare what it called the LGBTQ+ “international public movement” as extremist and outlaw it.⁶ The law was passed by the Supreme Court in November.⁷ As there have been numerous instances of artists arrested and harassed for their LGBTQ+ identity or related works in recent years⁸, this new measure heightens the danger of future prosecutions.

Russian artists in exile

Since February 2022, there has been a massive outflow of artists and cultural workers from Russia to other countries for various reasons, including the threat of being accused of being a “foreign agent”. This includes a prominent film producer, **Alexander Rodnyansky**, and theatre director **Ivan Vyrypaev**, whose arrests were ordered in April 2023 for “spreading false information” about the Russian army. Rodnyansky had left Russia at the outbreak of the war in February 2022, and Vyrypaev had been living outside Russia for a number of years for speaking out against the war.⁹ Another case is that of **Nadya Tolokonnikova**, the cofounder of the Pussy Riot feminist art collective. She found herself on a most-wanted list after her show at a gallery in Los Angeles, where she showed a music video, in which she enacts a ritualistic burning of a 10-foot-tall portrait of Vladimir Putin.¹⁰ **Aikhail Ammosov**, the leader of an anti-war punk band called “*Crispy Newspaper*” from Yakutia (Sakha, in northeastern Russia), was detained on 10 October 2023 in Almaty, Kazakhstan. He had been waiting for four months to get a humanitarian visa to go to Germany.¹¹ While still living in Yakutia he had regularly protested against the war, painted graffiti to this effect and attempted to hang anti-war banners. After being previously arrested in Yakutia, he escaped to Kazakhstan and as of the end of 2023 was reportedly awaiting extradition.

Russians also face prosecution abroad. Among Russian anti-war artists who had escaped to **Kyrgyzstan** are Yulia and Ilya Kuleshov, who set up the **Krasnaya Krysha** collective. In March 2023, they were summoned by police and in an intimidating tactic, shown evidence that they were under surveillance. Previously in February, they had been harassed by officers of the Kyrgyz State Committee for National Security (GKNB), the successor agency to the KGB, while honouring the anniversary of the war in Ukraine and fined for “residency violations.” While the government of Kyrgyzstan does not take a stance on the war in Ukraine, anti-Russian statements are banned for fear of harming their relationship with their mighty neighbour.¹² The same type of prosecution was faced by **Yevgeny Irzhansky**, a Russian anti-war activist. In September, he had his residence permit suspended in **Serbia** for organising anti-war concerts and arts events. He was given one week to leave and banned from entering the country for one year. He planned to appeal the decision.¹³

Belarus: over 1,150 violations were committed against artists, while three died due to conditions in prison

Belarusian PEN, which has been monitoring attacks on artists and cultural workers since the 2020 presidential elections and the subsequent mass arrests, reported that there had been over 1,150 violations of the rights of artists and cultural workers between January and September 2023, and as of 31 December, at least 152 cultural figures were in prison.¹⁴

Most artists were condemned for “extremism.” This includes the case of the rock group **Tor Band**, who were arrested together with their partners in October 2022. In October 2023, group leader **Dzmitry Halavach** was sentenced to nine years in prison, **Yauhen Burlo** to eight years and **Andrei Yarem-**

6 S. Kishkovsky, 'Fears for artistic expression in Russia as ministry files motion to classify 'the international LGBT public movement' as 'extremist', *The Art Newspaper*, 22 November 2023, <https://www.theartnewspaper.co/m/2023/11/22/fears-for-artistic-expression-in-russia-as-ministry-files-motion-to-classify-the-international-lgbt-public-movement-as-extremist> (accessed 15 February 2024)

7 'Russia: Supreme Court Bans "LGBT Movement" as "Extremist"', *Human Rights Watch*, 30 November 2023 <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist> (accessed 14 March 2024).

8 See previous Freemuse reports.

9 Staff and agencies, 'Russia orders arrest of Oscar-nominated film producer for criticism of war', *The Guardian* 18 May 2023 . <https://www.theguardian.com/film/2023/may/18/russia-orders-arrest-alexander-rodnyansky-ivan-vyrypaev> (accessed 15 February 2024).

10 S. Cascone, 'Russia Has Added Pussy Riot's Nadya Tolokonnikova to Its Most-Wanted List, Claiming Her NFT Art Is 'Obscene'', *Artnet*, 30 March 2023, <https://news.artnet.com/art-world/archives/pussy-riot-nadya-tolokonnikova-russia-most-wanted-criminal-list-2277906> (accessed 15 February 2024).

11 D. Dergacheva, 'Anti-war activist punk musician from Yakutia detained in Kazakhstan', *Global Voices* 18 October 2023, <https://globalvoices.org/2023/10/18/anti-war-activist-punk-musician-from-yakutia-detained-in-kazakhstan/> (accessed 15 February 2024).

12 N. Bekmurzaev, 'Kyrgyzstan: Exiled Russians facing pressure for anti-war stance', *Eurasianet*, 13 March 2023, <https://eurasianet.org/kyrgyzstan-exiled-russians-facing-pressure-for-anti-war-stance> (accessed 15 February 2024).

13 Current Time and RFE/RL's Balkan Service, 'Serbia Annuls Residence Permit Of Russian Anti-War Concert Organizer', *Radio Free Europe / Radio Liberty*, 3 September 2023, <https://www.rferl.org/a/serbia-russia-citizen-residence-permit-annulled-antiwar/32571155.html> (accessed 15 February 2024).

14 'Monitoring violations of cultural rights and human rights of cultural figures 2022-2023', *PEN Belarus*, 8 November 2023, <https://penbelarus.org/en/2023/11/08/manitoryng-parushennyau-kulturnyh-pravou-i-pravou-chalaveka-u-dachynenni-da-dzeyachau-kulturny-2.html> (accessed 15 February 2024)

chyk to 7.5 years for inciting hatred, creating an extremist group, discrediting Belarus and insulting the president.¹⁵ The group became popular for its songs supporting the thousands of people who protested the official results of the 2020 election. As activists reported, “The musicians’ health has deteriorated sharply while in detention. [...] Burlo needed urgent surgery on his spine; he arrived at the trial on crutches and was unable to stand up when the verdict was announced.”¹⁶ The band has been banned in Belarus.

Concern for prisoners’ health is not without reason. Sadly, in Belarus, some of those detained have died in prison or in penal colonies. In 2023, PEN Belarus noted three such cases: **Ruslan Karčauli**, **Mikalai Klimovich** and **Aleś Puškin**. Artist Ruslan Karčauli, reportedly arrested for possession of marijuana,¹⁷ died in prison on 5 January. According to the information received, the cause of death was pneumonia due to untimely medical care.¹⁸ Mikalai Klimovich was a blogger who was sentenced to a year in prison for reacting to a caricature of Belarusian president Aljaksandr Lukašenka with a smiley face on the Odnoklassniki social media platform. He was condemned, despite his severe heart disease for which had undergone complex heart surgery. He died in Viciebsk Penal Colony on 6 May, after around two weeks in detention.¹⁹ Dissident artist Aleś Puškin died in custody on 11 July 2023 “under unexplained circumstances”, after being sentenced to five years in 2022 for depicting Jaŭhien Žychar, a member of the Belarusian anti-Soviet resistance with a machine gun. The portrait was displayed in a gallery during the 2020 mass protests, in which the artist participated. This was deemed to be committing “deliberate actions aimed at rehabilitating and justifying Nazism.” The artist died in intensive care, reportedly because of an untreated perforated ulcer.²⁰



Left: Mikalai Klimovich | Right: Ales Pushkin
 Left Image: Viasna
<https://prisoners.spring96.org/en/person/mikalai-klimovicz>
 Right Image: Serge Serebro, Vitebsk Popular News

Georgia: a narrow escape from a "foreign agent" law

Among the post-Soviet republics, a particularly difficult situation is faced by artists in Georgia, even though Georgian society is predominantly pro-European and in December 2023 Georgia was officially granted EU candidate status. Earlier in the year, there were massive protests against the proposed introduction of a “foreign agent” law similar to the one introduced in Russia, which would have banned cooperation with foreign organisations. This would have been particularly harmful to cultural workers, as a significant number of projects rely on grants from abroad, and museum workers and artists were at the forefront of the demonstrations. The protests stopped the imposition of the law, but, in another measure, Minister of Culture Tea Tsulukiani practically destroyed the independence of cultural institutions by firing specialists working there and replacing them with functionaries loyal to her Georgian Dream party, which was set up by an oligarch Bidzina Ivanishvili. Among those fired were 75 members of the Georgian National Museum, along with employees of other institutions, including the Fine Arts Museum, the National Agency for Cultural Heritage Protection, the Simon Janashia Museum, the Ethnographic Museum, the National Book Center, and the Writers’ House.²¹

15 Viasna Human Rights Center, <https://prisoners.spring96.org/en/person/jauhen-burlo> (accessed 15 February 2024).

16 AP in Tallinn, 'Belarus musicians jailed for up to nine years amid protest crackdown', *The Guardian*, 31 October 2023, <https://www.theguardian.com/world/2023/oct/31/belarus-musicians-jailed-for-up-to-nine-years-amid-protest-crackdown> (accessed 15 February 2024).

17 'U hrodzienskaj turmie pamior mastak Ruslan Karčauli' *Naša Niva*, 8 January 2023, https://d367rzjs5oyeba.cloudfront.net/be_latn/307107 (accessed 15 February 2024).

18 'Monitoring Violations of Cultural Rights and Human Rights of Cultural Figures. Belarus, January – June 2023', PEN Belarus, 4 August 2023, <https://penbelarus.org/en/2023/08/04/manitoryng-parushennya-kulturnyh-pravo%1%9e-i-pravo%1%9e-chalaveka-%1%9e-dachynenni-da-dzeyacha%1%9e-kulturny-belarus-studzen-cherven-2023-goda.html> (accessed 15 February 2024).

19 K. Tyshchenko, 'Blogger convicted for reacting to Lukashenko caricature with smiley face dies in Belarusian prison', 7 May 2023, <https://www.pravda.com.ua/eng/news/2023/05/7/7401087/> (accessed 15 February 2024).

20 S. Kishkovsky, 'Ales Pushkin, nonconformist artist and activist, has died, aged 57', *The Art Newspaper* 12 July 2023, <https://www.theartnewspaper.com/2023/07/12/ales-pushkin-nonconformist-artist-activist-died-57> (accessed 15 February 2024).

21 P. Sadovskaya and J. Buchanan, 'Taming Culture in Georgia', PEN America 2 November 2023, <https://pen.org/report/taming-culture-in-georgia/> (accessed 15 February 2024).

Such was the outcry, cultural workers created the Trade Union of Science, Education, and Culture Workers of Georgia, which reports on intimidation and harassment of the remaining employees.²² In 2023, an ex-penitentiary official, Koba Khubunaia, was appointed the director of the Georgian National Film Center²³, which now promotes patriotic movies and controls how Georgia is presented to the outside world.²⁴ ***“Many of Georgia’s cultural figures are convinced that Tsulukiani is on a mission to force loyalty to the government across various areas of arts and culture. They claim that public cultural institutions are methodically purged of critical minds and ideas, and of anything that can pose a potential threat to the political establishment and the billionaire behind it.”***²⁵ – comments Giorgi Lomsadze, a Eurasianet reporter.

Probably the most spectacular protest action against the Georgian Dream party policy was on 4 February. Georgian artist **Sandro Sulaberidze** removed his painting Self-Portrait by the Mirror from an exhibition in the National Gallery of Georgia in Tbilisi and spray-painted the words “art is alive and independent” on the gallery’s walls. After the action, the show’s curators were dismissed and the Ministry of the Interior declared that they were investigating the artist for theft – of his own work. After public protests and other artists also removing their works as a sign of solidarity, the case was dropped.²⁶

Poland: an era of right-wing government interference in the cultural sector comes to an end

A new government was sworn in in Poland after the October elections, marking a big change after eight years of nationalist rule. Before the change of government, in September 2023, artist **Marcelo Zamenhof** was sentenced for insult of religious feelings for his photo collages featuring vaginas displayed alongside religious symbols. However, the attempt to censor **Agnieszka Holland’s**

“Green Border” – a film about activists helping the refugees pushed back and trapped between the Polish and Belarusian border – was an absurd failure. The local authorities governed by the PiS (Law and Justice) party banned the film from screening at cinemas subsidised by the Party. The Ministry of Internal Affairs also recorded a short film with a smear campaign against the refugees, which was supposed to be played before the film. All studio theatres and private cinemas refused to play this short film, so the only theatres that could screen it were those where “Green Border” had been banned anyway. Protests by nationalists claiming solidarity with those who wear a uniform such as police, army and border control officials staged in front of the cinemas did not deter the public. On the contrary, in its first weekend, Holland’s film was seen by 137,000 cinema goers, which was the highest audience numbers for an opening for a Polish title in 2023.

After 10 days of screening, “Green Border” already had 425,435 viewers.²⁷ The film was not, however, presented as a candidate for an Oscar in the foreign movies’ category as would have been expected for such a successful movie. ***“You know, fear bites the soul. Undoubtedly, to vote in favour of ‘Green Border’ would require a great deal of individual courage from the members of the committee, who depend on the State Film Institute, which subsidises their projects. This is not the first time we have had to deal with economic blackmail in our country,”*** – commented Holland.²⁸ When the new, democratic government formed in December 2023, the new Minister of Culture Bartłomiej Sienkiewicz hired the ex-director of the Zachęta National Gallery of Art, and the former director of the National Museum of Warsaw who had both been fired under the previous government. They are now heading major cultural institutions and have been tasked with revising legislation and to consult the arts and culture community on making changes to ensure protection of arts freedom.

22 S. Kishkovsky, ‘The Georgian artists at the forefront of antigovernment protests’, *The Art Newspaper* 14 April 2023, <https://www.theartnewspaper.com/2023/04/14/georgian-artists-at-forefront-of-protests> (accessed 15 February 2024).

23 G. Lomsadze, ‘Georgian culture trying to cancel its minister’, *Eurasianet*, 28 July 2023, <https://eurasianet.org/georgian-culture-trying-to-cancel-its-minister> (accessed 15 February 2024).

24 J. Kucera, ‘Georgian Film, Celebrated Abroad, Under Fire At Home’, *Radio Free Europe / Radio Liberty* 25 July 2023, <https://www.rferl.org/a/georgia-film-industry-government-censorship-sanitization/32518566.html> (accessed 15 February 2024).

25 Lomsadze. See source footnote 23.

26 J. Jackson, ‘Protest performance art in Tbilisi sparks political storm between Georgia’s president and culture minister’, *The Art Newspaper*, 20 February 2023 <https://www.theartnewspaper.com/2023/02/20/protest-performance-art-in-tbilisi-sparks-political-storm-between-countrys-president-and-culture-minister> (accessed 15 February 2024).

27 B. Hollender, ‘Kolejne rekordy. 425 tysięcy widzów na „Zielonej granicy” Agnieszki Holland’, *Rzeczpospolita*, 2 October 2023, <https://www.rp.pl/film/art39202701-kolejne-rekordy-425-tysiecy-widzow-na-zielonej-granicy-agnieszki-holland> (accessed 15 February 2024).

28 D. Dudko, ‘“Zielona granica” bez szansy na Oscara. Agnieszka Holland mówi o szantażu’, *Onet.pl*, 25 September 2023, <https://kultura.onet.pl/film/wiadomosci/zielona-granica-bez-szansy-na-oscara-holland-mowi-o-szantazu/fwyy0r1> (accessed 15 February 2024).



Images: – a video installation on the trauma of the war in Ukraine titled 'Repeat after me' – 2022 (Yuriy Biley, Pavlo Kovach and Anton V)

The level of incompetence of the former government's "new elites" was so apparent, that it was easy to identify and remove them from their posts. The aim of the Law and Justice party was to replace the "old pseudo-elites" with new elites which are supposed to "represent the interest of the nation", but instead were directly allied to the party.²⁹ This led to a cultural field dominated by right-wing leaders many without any experience in cultural policy or administration. The first to be removed was the director of the Zachęta National Gallery of Art in Warsaw, Janusz Janowski whose appointment by the previous administration had caused an outcry, as he was not only ultraconservative but had no institutional experience. His removal was seen as a move that symbolised hopes for a new era, and an indication that the art community's concerns about the levels of incompetence of the previous political appointees were finally being heard by the new Minister, Bartłomiej Sienkiewicz. At the end of the year, an exhibition by artist Ignacy Czwartos that had been chosen for the Polish pavilion at the Venice Biennale, was replaced with a project by a Ukrainian collective based in Poland, – a video installation on the trauma of the war in Ukraine titled 'Repeat after me', which better corresponded to the Biennale's them Foreigners are everywhere. Czwartos is a right-wing, nationalist artist with affiliation to the PiS, and the original submission had been widely criticised.³⁰

Serbia: pro-Kosovo films banned

In Serbia, where anti-Kosovo sentiments are widespread, a court banned two movies directed by a Serbian, ethnic Albanian film producer, **Gani Veseli**, titled "*The Unfaithful*" and "*Silence Kills*". The

law used was Article 28 of the Law on Cinematography that prohibits the circulation and public showing of any cinematographic work "that advocates or incites discrimination, hatred, or violence against a person or group of persons...". "*Silence Kills*" was banned conditionally, "until the fulfilment of the obligation by the author and producer of the film Gani Veseli to remove the sign 'Republic of Kosovo' from the opening and closing credits", something that the director refuses to do.³¹ That condition leads to the conclusion that it was not the content of the movie itself that led to the ban, but that it was sponsored by the Republic of Kosovo.

Conclusion

This report can only touch the surface of the repression of artistic freedom in Eastern Europe. Many cases are not documented, and grassroots protests and attempts at censorship, usually on the grounds of religious fundamentalism or homophobia, go unreported.

The impact of authoritarian measures that deny access to funding, to performance space, awards and other opportunities essential to be able to produce work that may not comply with state policy, is economical censorship, which favours only those who comply with the cultural policy of the state. This pattern was evident in Russia, Hungary, Georgia, Poland and other states.

Despite this, there is a lively resistance to censorship by artists in many countries at the grassroots level that should be supported, as this is an important contributor to a healthy democracy.

²⁹ See more Bill Stanley, "Counter-Elite Populism and Civil Society in Poland: PiS's Strategies of Elite Replacement," *East European Politics and Societies* 36, no. 1 (2022).
³⁰ P. Oltermann, 'Poland replaces Venice Biennale submission made under previous nationalist government', *The Guardian*, 2 January 2024, <https://www.theguardian.com/world/2024/jan/02/poland-replaces-venice-biennale-submission> (accessed 15 February 2024).
³¹ X. Bami and M. Stojanovic, 'Ethnic Albanian Producer Slates Serbian Ban on his Films as 'Censorship'', *BalkanInsight*, 17 August 2023, <https://balkaninsight.com/2023/08/17/ethnic-albanian-producer-slates-serbian-ban-on-his-films-as-censorship/> (accessed 15 February 2024).

TÜRKIYE:

ARTISTIC FREEDOM **INTERRUPTED**

By Sonay Ban

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- Violations of artistic freedom continued in 2023 in the arts and culture sector in Türkiye, and these included the cancellations of concerts, festivals, film screenings, and LGBTQ+-related events, monetary fines imposed on TV stations, and restrictions placed on access to the internet
 - A new “Disinformation Law” was used to threaten, delegitimise, and target journalists, artists, documentary filmmakers, and many cultural producers before and after the 6 February earthquakes and the election process in May
 - “National and moral values” and “public sensitivities” were among the justifications used for banning artists and artworks.
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2023 was a tumultuous year for citizens of Türkiye, with artists and cultural workers receiving their fair share of challenges: the devastating earthquake of 6 February, where 53,537 lives were “officially” lost (the actual number of fatalities is still unknown but suspected to be higher), a skyrocketing annual inflation rise to over 67%,¹ and the re-election of the ruling AKP (Justice and Development Party) in May 2023, extending its 22-year reign characterised by the increasing suppression of free expression.

According to Human Rights Watch, a swathe of new amendments to the Turkish Criminal Code and the Press Law enacted in October 2022 (Law No. 7418), commonly known as the “censorship law” (officially, the “Disinformation Law”), were utilised to threaten, delegitimise, and target journalists alongside artists and cultural workers, notably before and after the May Presidential elections.² As a result, there was blatant targeting of musicians and music festivals throughout 2023 and LGBTQ+-related content/events, especially during Pride Month. These laws also enabled the Radio and Television Supreme Council (RTÜK), a state agency, to limit earthquake coverage and censor taboo topics involving any criticism of the president. While attacks on artistic freedom occurred across all cultural sectors, this report mainly focuses on violations of artistic freedom in films and the cinema sector with some reference also to restrictions of expression on Kurdish-related and LGBTQ+ themes.

¹ ‘Consumer Price Index, February 2024’, Turkish Statistical Institute, <https://data.tuik.gov.tr/Bulten/Index?p=Tuketici-Fiyat-Endeksi-Subat-2024-53623&dil=1> (accessed 25 March 2024). As a government agency, Turkish Statistical Institute’s data is believed by the general public as manipulated. According to ENAG (Inflation Research Group), an independent organisation publishing monthly and yearly data on inflation, the annual inflation rate for 2023 was 127%, the highest since 2002.

² ‘Turkey: Dangerous, Dystopian New Legal Amendments: New Censorship Threat with Elections Looming’, Human Rights Watch, 14 October 2022, <https://www.hrw.org/news/2022/10/14/turkey-dangerous-dystopian-new-legal-amendments> (accessed 25 March 2024).

Reports of violations of artistic expression in 2023

There are a few outlets that monitor and document cases of violations of artistic freedom in the culture and arts in Türkiye. These include Speak Up Platform (Susma Platformu), SÖZ Platformu, Altyazı Fasikül: Free Cinema, and KaosGL. The following data was gathered from these outlets and alternative media channels by researcher Dr. Sonay Ban who documented more than 253 cases of violations of artistic freedom in 2023 (the data is likely to be limited given that not all the cases and instances are publicly reported).

Music (88 cases)

- Musicians targeted and defamed on social media
- Musicians arrested for their lyrics or their identity (being Kurdish, for one)
- Concerts and festivals were first targeted on social media and then cancelled by local administrations
- Physical attacks on musicians (1 resulted in the death of the artist; legal processes continue for previous attacks and criminal cases)
- Legal cases and prison sentences against musicians
- Prohibitions on the singing of Kurdish songs and/or dances

Cinema (35 cases)

- A documentary was withdrawn from a prestigious international festival (Antalya Golden Orange case)
- Legal actions were served against actors for allegedly insulting the president or military officers
- Directors were tried for their scripts or video recordings
- Filmmakers were prevented from filming and/or physically attacked at earthquake sites after 6 February
- Actors were targeted on social or mainstream media for their posts/statements
- Prison sentences imposed

TV-Internet Broadcasting (47 cases)

- Radio and Television Supreme Council (RTÜK) ordered monetary fines and temporary broadcast bans on TV channels and streaming services
- Streaming services resorted to self-censorship or removed content to avoid fines/broadcast bans (this was not always publicly announced)
- Access to websites (news portals or social networks/discussion portals) was denied to the general public
- TV program hosts were fired for their political statements
- Investigations were filed into TV programs (opinion shows on news channels) due to their political content)
- TV series were targeted for their “portrayal of characters/ issues contrary to the morality of the society” and eventually faced monetary fines and broadcast bans

Publishing (29 cases)

- Writers were arrested and tried for allegedly insulting the president on social media
- Prisoners were prevented by officers from receiving books (even their own works) and others were confiscated
- Publications were deemed obscene and banned
- Literary events were cancelled after being targeted by nationalist populist ideologues or because of the writers’ ethnic identity and/or sexual orientation

Academia (13 cases)

- Academics (teaching art-related courses or producing films) were investigated, and some eventually fired
- Arrests of students related to Boğaziçi University protests and their social media posts criticizing government practices during and in the aftermath of 6 February earthquakes
- Administration bans for in-campus concerts, spring festivals, or course-related activities

Theatre (9 cases)

- Plays (many of them Kurdish plays) and stand-up shows were banned due to the actors’ and comedians’ political social media posts or their Kurdish identity
- 4 actors were arrested, 5 actors/theatre workers were forced to resign from their public theatre jobs due to their political stance, and 1 international actor faced deportation
- Official complaints were filed against plays/actors (2 cases)

Other cases (32 cases)

- Local administration banned art exhibitions, dance shows, and events
- Visual artists were arrested and tried for allegedly insulting the president on social media
- Local administration banned LGBTQ+-related events, notably during Pride Month
- Targeting and physical attacks were carried out against art exhibition sites, initiated by conservative groups

“Documentaphobia:” Documentary films banned; filmmakers sentenced ³

Two weeks before the 60th Antalya Golden Orange Film Festival, Türkiye's premier film festival, set to start in October 2023, documentary filmmaker **Nejla Demirci** announced on social media the sudden withdrawal of “*The Decree*” from the National Documentary Competition by the festival committee. The film follows the legal struggles of two public servants purged by presidential decrees after the alleged coup attempt in July 2016, a politically sensitive topic. In a press statement, the festival director claimed they withdrew the documentary because one person featured in the film was facing legal action and they wished to remain “impartial”⁴ while the trial continued. In protest, festival jury members suspended their duties, demanding that the film be reinstated in the documentary competition, which subsequently it was. This, however, led the Ministry of Culture and Tourism (MoCT), a key funder of the festival, to withdraw its support, stating that it objected to,⁵ the film for making propaganda for a terrorist organisation. Two other major sponsors, Turkish Airlines and Corendon Airlines, withdrew their financial and institutional support “to align with the MoCT.”⁶



Still from *The Decree*: The poster reads “I want my job, my students back.”
Image: bianet.org

In an extraordinary gesture of support, other filmmakers and producers withdrew their films from festival competitions, while the festival director stated that an investigation had been filed against him and threats were sent to the festival team, resulting once again in the withdrawal of the documentary. Subsequently the metropolitan mayor of Antalya, the honorary director of the festival, fired the festival organisers over the controversy. He cancelled the festival, promising to reschedule it and host it later in 2023 without government financial support; however, as of March 2024, the festival has still not been held.

Documentarists, whose cases were referred to in the Freemuse 2023 State of Artistic Freedom report, remain on trial.⁷

- Having been on trial since 2019, **Çayan Demirel** and **Ertuğrul Mavioğlu**, directors of the documentary “*Bakur*”, which refers to the armed conflict between the Turkish government and the PKK, had their sentences reduced from 4 years and 6 months to 1 year and 13 months in December 2023. They continue to appeal the sentence.⁸
- Documentary filmmaker and journalist **Sibel Tekin** was detained in December 2022 for allegedly “making terrorist propaganda” and carrying out a reconnaissance mission for a “terror group”⁹ as she unintentionally filmed a police car entering the camera frame while shooting a documentary on the switch to permanent summertime in Türkiye. Released on 30 January 2023, Tekin was acquitted of all charges on 5 March 2024.

³ Referring to Matthew Bernstein’s 1994 article “Roger and Me: Documentaphobia and Mixed Modes, documentary filmmaker and film critic Necati Sönmez underlines that the term takes a different meaning in the Turkish context - the fear that powers that be of documentaries’ Read more here: <https://bianet.org/yazi/beigesel-korkusu-documentaphobia-163813>

⁴ ‘Golden Orange Film Festival pulls documentary about dismissal of civil servants from lineup upon ministry’s instruction’, *Duvar English*, 24 September 2023, <https://www.duvarenglish.com/golden-orange-film-festival-pulls-documentary-about-dismissal-of-civil-servants-from-lineup-upon-ministrys-instruction-news-63038> (Accessed 25 March 2024).

⁵ Sonay Ban, “Devletin Vekilleri: 2000 Sonrası Türkiye’de Sinema Sansürü-Bölüm 1,” *Altyazı Fasikül*, 28 September 2023, https://fasikul.altyazi.net/seyir-defteri/devletin-vekilleri-2000-sonrasi-turkiyede-sinema-sansuru-bolum-1/#_ftnref2 (Accessed 25 March 2024).

⁶ Sonay Ban, “‘Sakıncalı Filmler:’ 2000 Sonrası Türkiye’de Sinema Sansürü-Bölüm 2,” *Altyazı Fasikül*, 11 October 2023, <https://fasikul.altyazi.net/seyir-defteri/sakincali-filmler-2000-sonrasi-turkiyede-sinema-sansuru-bolum-2/> (Accessed 25 March 2024).

⁷ Refer to page 91 on the 2023 Freemuse report: <https://freemuse.org/media/cvajxuvr/saf-2023-compressed.pdf>

⁸ ‘Bakur Davası: ‘Barışın Propagandası’na Hapis Cezası’, *Altyazı Fasikül*, 29 December 2023, <https://fasikul.altyazi.net/pano/bakur-davasi-barisin-propagandasina-hapis-cezasi/> (accessed 25 March 2024)

⁹ ‘Documentary filmmaker Sibel Tekin released after weeks behind bars’, *bianet*, 31 January 2023, <https://bianet.org/haber/documentary-filmmaker-sibel-tekin-released-after-weeks-behind-bars-273568> (accessed 25 March 2024).

Documentarists barred from covering earthquake aftermath

Affecting 11 cities in Southeast Türkiye, the February earthquakes devastated a number of provinces, resulting in the destruction of millions of homes, and killing over 50,000 people.¹⁰

In the days following the devastation, as concerns emerged over the government's response and responsibility, there was an apparent effort to curb criticism and control the flow of information. Nevertheless, documentarists on the ground provided some shocking visual/audiovisual materials, despite government internet restrictions and limited access to power outlets. They were targeted on social media by pro-government accounts, verbally and physically assaulted on site, and at times prevented from recording¹¹; hence they bore the brunt of the attacks for delivering an unflattering message.

Censoring Kurdish artists and the enjoyment of Kurdish identity/art

For decades, acts such as performing theatre plays and songs in Kurdish or expressing one's Kurdish identity in public have been considered to be "making terrorist propaganda," "being a member of a terrorist group," or "helping terrorist organisations" under the Anti-Terror Law of Türkiye (Law No. 3713). In 2023, there were a number of actions by local administrations, law enforcement forces, and non-state actors, including festival organisers, to prevent cultural activities. Notably, there were arrests of those who danced to or sang Kurdish music on the streets; other citizens were arrested and accused of "being a member of a terrorist organisation" for listening to Kurdish music; some local governors banned Kurdish plays; inmates were denied access to Kurdish books by prison administrations; Kurdish musicians' concerts were cancelled, while other Kurdish artists faced arrests and international travel bans. In one case in May 2023, police officers first interrupted

five people dancing to a Kurdish song on a street in Istanbul. When they protested, they were tear-gassed, before being arrested.¹²

Music festivals, and LGBTQ+-related events

Targeting concerts and music festivals has become the "new normal" and continued into 2023. Many musicians were constant targets on social media by pro-government accounts, at times by politicians or conservative organisations, due to their statements in support of LGBTQ+ people or associations, their LGBTQ+ identity, or their expressed dissent against the government or President Erdoğan. During an acceptance speech in June 2023, musician **Melike Şahin** dedicated her award to "all my sisters and LGBTQ+" in Türkiye. Soon after the ceremony, she was attacked on social media, which resulted in her concert in Bursa being cancelled in July 2023 by the AKP-led Bursa Metropolitan Municipality.¹³

Other artists, artworks, and cultural events were banned to "defend public morals and in consideration of societal sensitivities." In June 2023, local governorships in at least seven cities prohibited film screenings, festivals, panels, and marches during Pride Month. The appointed administration at Boğaziçi University prevented the screening of **Can Candan's "My Child"**,¹⁴ a documentary about the experiences of families of LGBTQ+ people, organised by the student-run cinema club¹⁵; This was the administration's latest unlawful and overt attack¹⁶ against academic freedom, as it has a history of suppressing artistic expression.

An exhibition entitled "**Ortadan Başlamak**" (Beginning from the Middle) at ArtFeshane, Istanbul, was first attacked by conservative groups, who tried to enter the space for allegedly "insulting national and moral values"¹⁷ of Türkiye and "making LGBT and satanism propaganda"¹⁸ in June and July 2023. Following a criminal complaint filed by

10 G. Tol, 'How Corruption and Misrule Made Turkey's Earthquake Deadlier', *Foreign Policy*, 10 February 2023, <https://foreignpolicy.com/2023/02/10/turkey-earthquake-erdogan-government-response-corruption-construction/> (Accessed 25 March 2024).

11 Sonay Ban and Sumru Tamer, "Deprem bölgesinde sansür," *Susma24*, 14 February 2023, <https://susma24.com/deprem-bolgesinde-sansur/> (accessed 25 March 2024).

12 'Moda sahilinde Kürtçe müzik eşliğinde halay çeken gençleri polis darp ederek gözaltına aldı', *Susma24*, 22 May 2023, <https://susma24.com/moda-sahilinde-kurtce-muzik-esliginde-halay-cekken-gencleri-polis-darp-ederek-gozaltina-aldi/> (accessed 25 March 2024).

13 'Bütün kız kardeşlerim, bütün lubunyalılar... Ödülümü, hak ettiğimiz dik gülüşlere ve ödediğimiz bedellere adıyorum', *KaosGL*, 15 June 2023, <https://kaosgl.org/haber/bütün-kiz-kardeslerim-butun-lubunyalilar-odulumu-hak-ettigimiz-dik-guluslere-ve-odedigimiz-bedellere-adiyorum> (accessed 25 March 2024).

14 Local authorities previously prevented public screenings of the documentary. Refer to page 89 of the 2023 Freemuse report: <https://freemuse.org/media/cvajxuvr/saf-2023-compressed.pdf>

15 'Boğaziçi Rektörlüğü LGBTİ+ ailelerinin hikâyesini anlatan filmin gösterimini engelledi', *SÖZ Platform*, 20 December 2023, <https://www.reportare.com/soz/haber/bogazici-rektorlugu-lgbti-ailelerinin-hikayesini-anlatan-filmin-gosterimini-engelledi/> (accessed 25 March 2024).

16 C. Candan, 'Field Recording: We Do Not Accept!', *documentary.org*, 13 December 2023, <https://documentary.org/column/field-recording-we-do-not-accept> (accessed 25 March 2024).

17 'Istanbul Municipality's art expo in Eyüpsultan attacked once again', *Duvar English*, 9 July 2023, <https://www.duvarenglish.com/istanbul-municipality-art-expo-in-eyupsultan-attacked-once-again-news-62698> (accessed 25 March 2024).

18 T. Yılmaz, 'İBB'nin 'Ortadan Başlamak' sergisi: Kapsayıcı ve otonom', *bianet*, 6 July 2023, <https://bianet.org/haber/ibb-nin-ortadan-baslamak-sergisi-kapsayici-ve-otonom-281206> (accessed 25 March 2024).

a conservative foundation in July alleging the exhibition was “deviant and obscene”, the Chief Public Prosecutor’s Office in Istanbul started an investigation against the exhibition in September. The exhibition was first temporarily closed yet it became permanent, which indicates the intimidating effects of the attacks.



Still from the exhibition 'Beginning from the Middle.'
Source: ajandaistanbul.com

Conclusion

Türkiye has long been monitored and criticised for suppressing freedom of expression, with artists suffering multiple forms and practices of censorship, targeting, hate speech, defamation, delegitimisation, arrests, and imprisonment alongside journalists and other commentators. The re-election of President Erdoğan’s AKP party, which uses overt and extensive censorship against its critics, casts a dark shadow for the near future. Given the circumstances in the last decade, it seems the state of artistic freedom will, unfortunately, stay in turbulent waters with cultural workers facing harsh treatment.

MIDDLE EAST AND NORTH AFRICA:

UNFORGIVING CLAMPDOWN ON UNYIELDING ARTISTIC EXPRESSION

By Hossam Fazulla

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- **The War on Satire:** Satirical content faces suppression, with numerous instances of detentions and crackdowns on creators and digital platforms.
 - **Narrative Control and Cultural Isolation:** Bans imposed on international media and cultural events, frequently citing concerns over LGBTQ+ content, as well as racial and cultural beliefs as justification.
 - **Continued Concern in Key Nations:** Countries such as Iran persist in their suppression of artists and activists, with recurring detentions and a precarious landscape for creatives.
 - **Resilience Amidst Long Suppression:** Despite harsh crackdowns, certain artists and institutions symbolise resilience, continuing to express and challenge through their art in harsh prolonged crackdowns.
-

In the MENA region, clampdowns on artistic freedom are both severe and widespread, with governments targeting satire, foreign media, and dissenting artistic expression. This suppression manifests in digital censorship and bans on cultural content, underscoring a concerted effort to limit dissenting narratives and curtail cultural diversity. Countries such as **Iran**, **Egypt**, and **Saudi Arabia** exemplify the harsh reality of this crackdown, subjecting artists and activists to intense persecution and are the main focus of this chapter. The significance of such violations extends beyond mere stifling of creativity; they threaten the very fabric of cultural diversity and dialogue in a region already navigating a complex socio-political terrain. Amidst these cases of oppression, the resilience and unyielding spirit of the artists stand out, as they continue to challenge the oppressive regimes.

The War on Satire in the MENA region

Satire, historically a sharp tool for social critique within the MENA region, has seamlessly transitioned into the digital sphere, finding fertile ground on social media platforms. The digital age, with its broad reach, has elevated satire's potential, circumventing traditional censorship yet drawing aggressive countermeasures from repressive regimes.

These governments, viewing satire not merely as a critique but as a direct threat to their authority, have launched concerted efforts to quell its spread. One example is in **Egypt**, where TikTokers **Basma Hegazi**, **Ahmad Ali El-Khouly**, and **Mohamed Hosam-el Din** were arrested on 3 February 2023 and faced a charge of disseminating false news and affiliating with a terrorist organisation.¹ They had earlier distributed a satirical video depicting a parody of a prison visit.



Left: Basma Hegazi | Right: Mohamed Hosam el-Din
Images: Twitter @MMohamed_Hafez

Another example is the banning of **Al Hudood**, a leading satirical website in **Jordan**, after its coverage mocking the crown prince's wedding in August 2023², which mirrors regional discomfort with digital platforms that facilitate political humour and critique. This act of censorship was carried out just ahead of the introduction of a new cybercrime law that introduced new regulations and criminal charges for acts such as "promoting, instigating, aiding or inciting immorality", "online assassination of personality", and "contempt for religions".³

Lebanon's arrest of comedian **Nour Hajar** on 29 August 2023 for his critical jokes⁴, particularly about the Lebanese army, the economy, and religious authority, marks an escalation in the country's crackdown on public criticism. The situation for free expression protection is likely to become more acute with proposed changes to Lebanon's media laws that includes higher penalties for insult and defamation.⁵

¹ Middle East Monitor, 'Detention extended for 3 Egyptian TikTokers arrested on terror charges', Middle East Monitor, 7 February 2023, <https://www.middleeastmonitor.com/20230207-detention-extended-for-3-egyptian-tiktokers-arrested-on-terror-charges/> (accessed 3 February 2024).

² Y. Knell, 'Jordan's free speech boundaries tested with satire', BBC Online, 5 August 2023, <https://www.bbc.co.uk/news/world-middle-east-66397036?s=08> (accessed 9 February 2024).

³ M. Ersan, 'Jordan king ratifies cybercrime law as journalists prosecuted for social media posts', Middle East Eye, 12 August 2023, <https://www.middleeast-eye.net/news/jordan-king-cybercrime-law-prosecute-journalists-social-media-posts> (accessed 19 March 2024).

⁴ Human Rights Watch, 'Lebanon: Comedian Arrested for Critical Jokes', 31 August 2023, <https://www.hrw.org/news/2023/08/31/lebanon-comedian-arrested-critical-jokes> (accessed 9 February 2024).

⁵ Amnesty International, 'Lebanon: Proposed media law poses grave threat to freedom of expression', 28 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/lebanon-proposed-media-law-poses-grave-threat-to-freedom-of-expression/> (accessed 1 January 2024).

In **Tunisia**, prominent poet **Sami Dhibi** was arrested for criticizing the Minister of Cultural Affairs on Facebook⁶, while cartoonist **Tawfiq Omrane** was detained for portraying a satirical conversation between the Tunisian president and prime minister.⁷

These incidents reflect extensive measures taken by governments in the region to silence digital dissent: in Egypt to quell criticism of the government, in Jordan to punish negative commentary on the monarchy, in Lebanon against commentary on religion and of the severe economic crisis⁸ and stifle commentary on political leaders in Tunisia.

Galal El-Behairy, imprisoned Egyptian poet and lyricist

Galal El-Behairy's continued incarceration since March 2018 dramatically⁹ exemplifies the Egyptian government's rigid crackdown on artistic expression. Highly regarded for his evocative poetry and politically charged song lyrics, El-Behairy has been subjected to charges of insulting the military and spreading false information. Despite widespread international condemnation, El-Behairy's detention persists into its fifth year. His case vividly highlights the grave risks and consequences for artists in Egypt who continue to confront the authorities through their art. In his poetry written from prison, El-Behairy echoes this sentiment, saying, "*My voice betrays me and breaks inside. In my silence is my death. Singing is a passion. My dear country, how can I sing to you? If I saw my death for one song*".¹⁰

Narrative Control and Cultural Isolation: Restricting "Foreign Ideas" in MENA Countries

In the MENA region, the censorship of foreign films often stems from a desire to shield... cultural and political sensitivities. Yet, this rationale frequently approaches the absurd, especially as such bans appear to be weakly connected to the actual content. Notable examples include the bans on the film "Spider-Man: Across the Spider-Verse" in **Saudi Arabia**, and several other countries¹¹, and "Barbie" in **Kuwait**¹², ostensibly due to LGBTQ+ related content.

The controversy surrounding "**Spider-Man: Across the Spider-Verse**" appears to be linked to a brief appearance of a transgender supportive badge worn by one of the characters in the film, which led to its removal from cinema listings across various countries, including **Kuwait, UAE, Oman, Saudi Arabia, Qatar, Bahrain, Lebanon, and Egypt**, although the reasons for the censorship was not explicit.

Egypt's approach to foreign influence extends beyond cinema to affect live performances and academic research. In 2023, accusations of 'Afrocentrism' by foreign artists and cultural institutions led to the cancellation of American comedian **Kevin Hart's** show planned for Cairo in February 2023, allegedly due to his comments on 'Black Egyptians'¹³. There was also a halt on Leiden University's excavation project in Saqqara carried out for the Leiden National Museum, triggered by the museum's exhibition that explores how black popular artists, such as Beyoncé and Rihanna, have portrayed themselves as Queen Nefertiti¹⁴. Hart's show had been cancelled by his production company citing "local logistical issues" after a barrage of online criticism. The Saqqara excavation work, which has been under a project carried out by the

6 PEN America, 'Crackdown on Free Expression and Dissent Widens in Tunisia with Arrest of Poet and Scholar Sami Dhibi Over a Facebook Post', PEN America, 1 August 2023, <https://pen.org/press-release/crackdown-on-free-expression-and-dissent-widens-in-tunisia-with-arrest-of-poet-and-scholar-sami-dhibi-over-a-facebook-post/> (accessed 9 February 2024).

7 Al Jazeera, 'Tunisia frees cartoonist after his arrest over drawings mocking PM', Al Jazeera 22 September, 2023, <https://www.aljazeera.com/news/2023/9/22/tunisia-frees-cartoonist-after-his-arrest-over-drawings-mocking-pm> (accessed 9 February 2024).

8 Human Rights Watch, 'Lebanon: World Report 2024', Human Rights Watch 2024, nd. <https://www.hrw.org/world-report/2024/country-chapters/lebanon> (accessed 1 January 2024).

9 PEN America, 'Galal El-Behairy', PEN America, n.d. <https://pen.org/advocacy-case/galal-el-behairy/> (accessed 9 February 2024).

10 Ramy Essam's website, 'New Poem by Galal El-Behairy: "In My Silence Is My Death"', Ramy Essam, 15 March 2023 <https://www.ramyessam.com/post/new-poem-by-galal-el-behairy-in-my-silence-is-my-death> (accessed 9 February 2024).

11 Sky News, 'Spider-Man: Across the Spider-Verse abruptly removed from cinema listings in more than a dozen Muslim-majority countries', Sky News, 16 June 2024, <https://news.sky.com/story/spider-man-across-the-spider-verse-abruptly-removed-from-cinema-listings-in-more-than-a-dozen-muslim-majority-countries-12903671> (accessed 9 February 2024).

12 BBC News, 'Barbie banned in Kuwait as Lebanon urges action', BBC Online, 10 August 2023, <https://www.bbc.co.uk/news/world-66464852> (accessed 9 February 2024).

13 A. Lucente, 'Egypt cancels Kevin Hart's show after black Egyptians reference', Al Monitor, 22 February 2023, <https://www.al-monitor.com/originals/2023/02/explainer-egypt-cancels-kevin-harts-show-after-black-egyptians-reference> (accessed 9 February 2024).

14 BBC News, 'Egypt bans Dutch archaeologists over exhibition linking Beyoncé and Rihanna to Queen Nefertiti', BBC Online, 7 June 2023, <https://www.bbc.co.uk/news/world-middle-east-65835611> (accessed 9 February 2024).

museum since 1974, was halted after a complaint from an Egyptian antiquities official, in the wake of online outrage. In another instance, the Netflix docudrama on Queen Cleopatra who is played by an actor of mixed heritage came under furious on-line attack, with calls that it be banned. Among its critics was Mostafa Waziri, head of the Supreme Antiquities Council, who objected to the depiction of the queen as black as “a falsification of Egyptian history. These instances reflect Egypt's sensitivity towards narratives that diverge from traditional historical interpretations.



Twitter page from #cancelkevinhartshow @SimaEgy
<https://twitter.com/SimaEgy/status/1602462772243087360>

Additionally, the ban on American rapper **Travis Scott's** concert in July 2023 over his supposed engagement in 'strange rituals' illustrates¹⁵ the broader cultural and traditional norms shaping Egypt's decisions on foreign forms of art. Notably, the ban was enforced by the Egyptian Musicians Syndicate; ostensibly established to promote musicians, it has long played a role in prior censorship, and is tasked with approving public performances.

These acts of censorship do more than limit cultural exposure and entertainment choices; they articulate a clear stance on the government's views regarding freedom of expression and tolerance. Such censorship stifles creative freedom, discouraging filmmakers and distributors from introducing diverse content to the region. This not only deprives the populace of exposure to varied perspectives and ideas but also foregoes opportunities for cultural exchange and dialogue.

The Continuing Concern for Artistic Freedom in Iran

The state of artistic freedom in Iran remains a deep source of alarm with many artists in prison, on trial, or living under fear of arrest, particularly related to gender related issues and morality.¹⁶

The crackdown on freedom of expression spans across the artistic community in Iran, notably affecting the film industry, which faces severe censorship and restrictions. Actors and filmmakers stepping outside government-approved narratives or challenging societal norms risk harsh penalties. The sentencing of actresses **Leila Bolukat** and **Afsaneh Bayegan** for not adhering to the mandatory headscarf rule¹⁷, is just one example of many punitive actions that illustrate the government's tight hold on personal freedoms.

Similarly, the ban on the Iranian Short Film Association (ISFA) Film Festival over a poster featuring an actress without a hijab in July 2023 spotlights the pervasive enforcement of strict religious rules.¹⁸ In July 2022, the Iranian government arrested filmmaker **Mohammad Rasoulof**¹⁹ for his protest

15 P. Choge, 'Egypt bans Travis Scott's pyramid concert', *Music in Africa*, 19 July 2023, <https://www.musicinafrica.net/magazine/egypt-bans-travis-scotts-pyramid-concert> (accessed 9 February 2024).
 16 For a list of cases of artists in prison and under scrutiny in Iran, visit PEN America's Writers at Risk Database <https://pen.org/writers-at-risk-database/>
 17 PEN America, 'Sentencing of Iranian Actresses Leila Bolukat and Afsaneh Bayegan Is a Cruel Blow to Their Artistic Freedom, Says PEN America', *PEN America*, 19 July 2023, <https://pen.org/press-release/sentencing-of-iranian-actresses-leila-bolukat-and-afsaneh-bayegan-is-a-cruel-blow-to-their-artistic-freedom-says-pen-america/> (accessed 9 February 2024).
 18 D. Mouriquand, 'Iran bans film festival over poster of actress without hijab', *Euronews*, 24 July 2023, <https://www.euronews.com/culture/2023/07/24/iran-bans-film-festival-over-poster-of-actress-without-hijab> (accessed 20 March 2024).
 19 The Guardian, 'Dissident Iranian director Mohammad Rasoulof released from prison', 13 February 2023, <https://www.theguardian.com/film/2023/feb/13/dissident-iranian-director-mohammad-rasoulof-released-from-prison> (accessed 9 February 2024).

against the government's response to a building collapse disaster. Shortly afterwards, **Jafar Panahi**²⁰ was detained for seeking the release of his colleague, Rasoulof. Both filmmakers, internationally celebrated for their dissenting voices in cinema, were subsequently released in February 2023. The release also coincided with the lifting of the 14-year-longstanding travel ban on Panahi.

Musicians and performers are likewise subjected to stringent scrutiny, with their work often becoming a focal point for government censorship, among them:

- **Toomaj Salehi**, who was held in prison for over a year between October 2022²¹ and November 2023 for filming himself at protests against the death in custody of Mahsa (Jina) Amini, a young woman who had been arrested for wearing her head covering "improperly". The singer posted the videos on social media along with raps criticising Iran's religious leaders. Charged with 'corruption on earth,' fears that he could receive the maximum death sentence were allayed to some degree when in July he was sentenced to 6 years and 3 months in prison. Released on bail in November, just two weeks later he was re-arrested on new charges of "spreading lies" and "violations of public opinion"²² and as of the end of December 2023 he remained in detention.
- **Shervin Hajipour** is a 24-year-old popular singer who, in 2022, released the song "Baraye" ("Because of") dedicated to those who protested against the death in police custody of Mahsa Amini, while being held for wearing her headscarf "improperly". The song and its video became an anthem for the protest movement, with millions of views inside Iran and internationally, earning him international acclaim and a 2023 Grammy award in the USA for Best Song For Social Change Special Merit Award.²³ It has been covered by renowned musicians such as Coldplay²⁴ among others.

He was arrested on 29 September 2022, and released on bail a few days later on 4 October. In early 2024 he announced on his Instagram site that he had been sentenced to three years for "inciting and provoking people to riot to disturb national security," and an eight-month sentence for "propaganda against the regime." He is banned from travel and is reported to have been ordered to record another song that describes the "crimes" of the USA.²⁵ He now lives under the threat of imprisonment.

***For the sun after these long
nights
For anxiety and sleeping pills
For men, homeland, prosperity
For the girl who wished to be
a boy
For women, life, freedom
For freedom
For freedom
For freedom***

Excerpt lyrics from "Baraye" by Shervin Hajipour

- **Mehdi Rajabian**, who remains confined to Tehran due to restrictions imposed by Iranian authorities, this year became the first musician to win the United Nations' International Art Contest for Minority Artists.²⁶ His work focusses on human rights and peace, issues and notably, in the face of the ban on women making music, he provided a space where female musicians could perform.²⁷

As described by Freemuse in its report on attacks on artistic freedom in 2022²⁸, Iranian authorities had detained tens of thousands of people in connection with the demonstrations protesting Mahsa Amini's death, among them dozens of artists and other public figures for their support of the demands of the demonstrators. Many remain in prison or on trial, and there were further crackdowns

20 S. Shoard, 'Jafar Panahi leaves Iran for first time in 14 years as travel ban lifted', 26 April 2023, <https://www.theguardian.com/film/2023/apr/26/jafar-panahi-leaves-iran-for-first-time-in-14-years-as-travel-ban-lifted> (accessed 9 February 2024).

21 Freemuse, 2023 "State of Artistic Freedom 2023" pgs. 44-52 Available at: <https://freemuse.org/media/cvaxjuvr/saf-2023-compressed.pdf>

22 RFE/RL, 'Iranian Rapper Rearrested Less Than Two Weeks After Release From Prison', RFE/RL, 30 November 2023, <https://www.rferl.org/a/iran-rapper-re-arrested-toomaj-salehi/32708690.html> (Accessed 7 March 2024).

23 Grammy Awards, 'Shervin Hajipour Receives Best Song For Social Change Award For "Baraye"', Grammy Awards, 6 February 2023, <https://www.grammy.com/news/shervin-hajipour-baraye-winner-best-song-for-social-change-watch-2023-grammys-65th-grammy-awards-acceptance-speech> (accessed 7 March 2024)

24 O. Holmes, Oliver, 'Coldplay perform Iranian protest song Baraye by arrested singer' The Guardian, 31 October 2023, <https://www.theguardian.com/world/2022/oct/31/coldplay-iranian-protest-song-baraye> (Accessed 7 March 2024).

25 A. Lucente, Adam, 'Iran sentences 'Baraye' singer Shervin Hajipour to three years in jail', Al Monitor, 1 March 2023, <https://www.al-monitor.com/originals/2024/03/iran-sentences-baraye-singer-shervin-hajipour-three-years-jail#ixzz8TnxDSq9q> (Accessed 7 March 2024).

26 D. GiaComo, 'Iranian Composer Mehdi Rajabian Receives United Nations Award', Billboard, 11 February, 2023, <https://www.billboard.com/music/awards/mehdi-rajabian-iranian-composer-united-nations-award-1235462155/> (accessed 9 February 2024).

27 R. Spence, 'Mehdi Rajabian: Songs of sorrow and liberation', FT.Com, 2019, <https://www.ft.com/content/a9ea37a8-12a1-11ea-a7e6-62bf4f9e548a> (accessed 20 March 2024).

28 Freemuse, "State of Artistic Freedom 2023" <https://freemuse.org/media/cvaxjuvr/saf-2023-compressed.pdf> pgs. 44-53

on people marking the anniversary of Amini's death in August 2023²⁹. The situation for women became more acute with the introduction in September of a new 'Hijab and Chastity Bill' that increases the penalties for women and girls who are dressed "inappropriately" in public places.³⁰

The re-arrest of **Atena Farghadani**³¹, a cartoonist known for her politically motivated work, highlights a persistent and decades long cycle of targeting artists and activists. Her earlier imprisonment for a cartoon mocking Iranian parliament members, and her re-arrest in June 2023 for publishing another political cartoon, signal the recurring trend artists in Iran encounter. This cycle of arrest, release, and re-arrest vividly demonstrates the oppressive conditions under which artists operate, making their continued work an act of resistance that comes with significant dangers.



Atena Farghadani
Image: Wikipedia creative commons

Conclusion

The suppression of artistic voices not only undermines individual freedoms but also endangers the rich cultural diversity that defines the MENA region. Thus, governments must engage actively and constructively with civil society and artists themselves by fostering a collaborative environment that champions artistic freedom free from censorship and persecution.

The tendency, such as in Egypt, Jordan, Lebanon, and Tunisia, to repress platforms hosting satirical content, shows the enduring power of satire to challenge oppressive regimes, despite the increasing efforts to quell its voice.

Amid the pervasive climate of censorship and suppression that defines much of the MENA region's artistic expression landscape, a remarkable narrative of resilience and defiance unfurls, showcasing the indomitable spirit of creatives who challenge the constraints imposed by oppressive regimes. From the poignant poetry and activism of **Galal El-Bhairi** in Egypt to the courageous expressions of **Atena Farghadani's** cartoons, artists across the region persist in their quest to voice dissent and foster dialogue through their art, despite facing severe repercussions. These stories are not merely tales of survival but powerful affirmations of the critical role of art in challenging tyranny, sparking change, and inspiring hope across the globe. Through their defiance, these artists illuminate the path toward a future where creative expression triumphs over repression, and where art remains an unassailable bastion of freedom and resilience.

²⁹ Human Rights Watch, 'Iran: Mass arrests of women's rights defenders', Human Rights Watch, 19 August 2023, <https://www.hrw.org/news/2023/08/19/iran-mass-arrests-womens-rights-defenders> (accessed 20 March 2024).

³⁰ D. Gritten, 'Iran hijab bill: Women face 10 years in jail for 'inappropriate' dress', BBC Online, 20 September 2023, <https://www.bbc.co.uk/news/world-middle-east-66863720> (accessed 20 March 2024).

³¹ Cartooning for Peace, 'Alert Iran - Atena Farghadani,' Cartooning for Peace website, [https://www.cartooningforpeace.org/en/soutiens/alert-atenafarghadani/](https://www.cartooningforpeace.org/en/soutiens/alert-iran-atenafarghadani/) (accessed 9 February 2024).

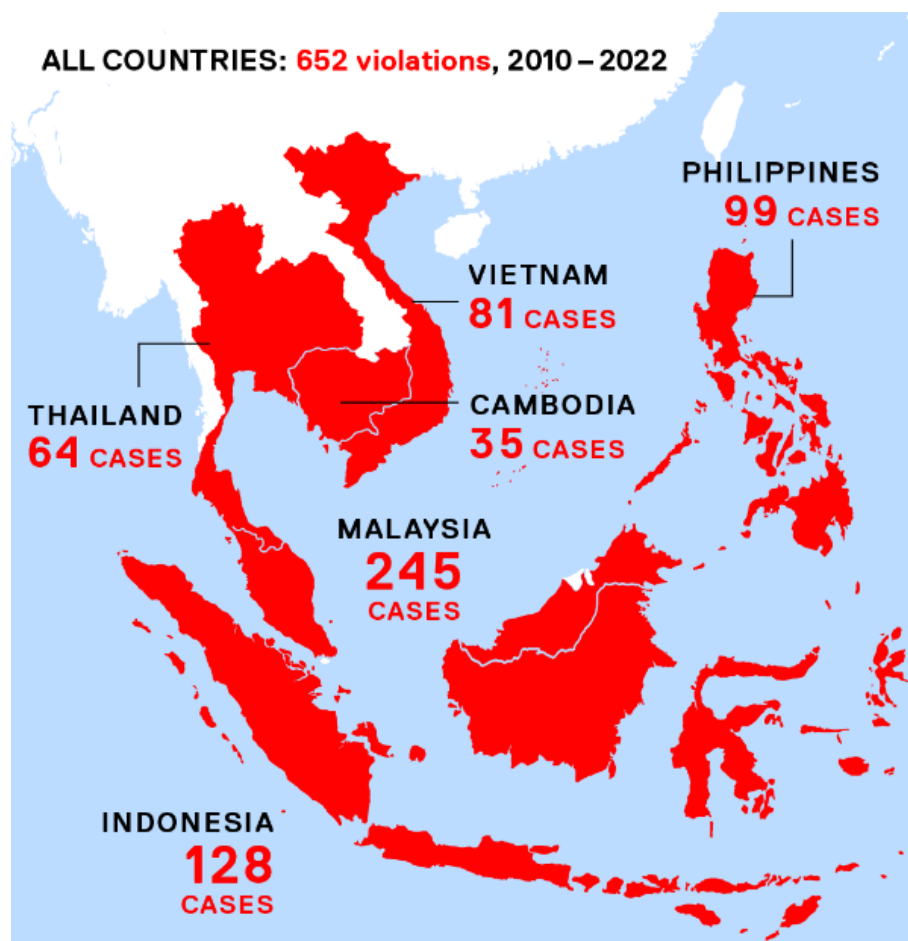
SOUTH EAST ASIA:

A COMPLEX LANDSCAPE OF **OPPRESSION** OF ARTISTIC FREEDOM

By Zikri Rahman

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- 625 violations against artistic freedom were recorded from 2010-2022 in several Southeast Asian countries, a pattern that continued into 2023
 - Political instability, military coups, armed conflict and democratisation setbacks provided the pretext for expanding censorship practices.
 - Censorship cases in the region sprang from state entities and government regulatory bodies reaffirming and negotiating different forms of fundamentalism; be it conservative values, or ideological or dogmatic beliefs within the society.
-

In March 2023, the Academy Award given to Michelle Yeoh for her performance in the film "Everything Everywhere All at Once" earned her the accolade of being the first Asian female actor to win an Oscar in the Best Actress category. Paradoxically, while celebrating the achievement, Malaysia, the country where she was born, set a disconcerting record in Southeast Asia by registering the highest number of censorship violations, with 245 cases recorded by Arts Equator, a Singapore-based organisation that promotes Southeast Asia regional arts practice.¹ Its Southeast Asian Arts Censorship Database chronicles attacks on artistic freedom between 2010 –2022; this refers to the Database and also highlights developments in the region in 2023.



¹ Visit the ArtsEquator website at: <https://artsequator.com/censorship/>

The ArtsEquator Censorship Database documents a total of 625 instances of censorship across six Southeast Asian nations over a 12-year period.²



Figure 1: Violations by form across Cambodia, Indonesia, Malaysia, The Philippines, Thailand and Vietnam, 2010-2022

Although the report is not comprehensive in reflecting the whole landscape of the Southeast Asia region, it provides an overview of how censorship practices evolve, particularly how embedded and pivotal state institutions are in suppressing arts and cultural production. As the report notes, there is lack of proper documentation of artistic freedom in the region and that this “shields the perpetrators and enables a double silencing, beyond the material act imposed on the work or creator. ... [and] impedes the efforts of artists and advocates to enact changes in legislation to protect the arts and cultural rights of artists and audiences.”³

With multiple countries facing democratic setbacks in 2023 the trends of the past decade are expected to continue, some as a result of armed conflicts, and others in the midst of political transition. All are vulnerable to different types of fundamentalism, be it in the form of ethno-religious polarisations or verging towards conservatism and right-wing politics. Central to these are the surge of self-censorship in the region, driven by threats of legal action or condemnation from non-governmental members of the community, as well as religious-based entities. This trend is particularly pronounced in the cybersphere, where various social media platforms serve as conduits for extremists.

² 'Southeast Asian Arts Censorship Database', ArtsEquator, n.d., <https://artsequator.com/artistic-freedom-report-six-countries-12-years-652-violations> (accessed 11 March 2024).

³ Introduction to Southeast Asian Arts Censorship Database *ibid.*

Filmmaking under pressure

The Southeast Asia region has one of the most established film industries in the world, so it is ironic that film is the most highly targeted arts sector. Throughout 2023, multiple high-profile cases contributed to this trend in the region. While Michelle Yeoh's achievement deserved the praise that she received from Malaysian politicians, it also served as a reminder of the hypocrisy in Malaysia, and more widely in the region where censorship of film is rife.⁴

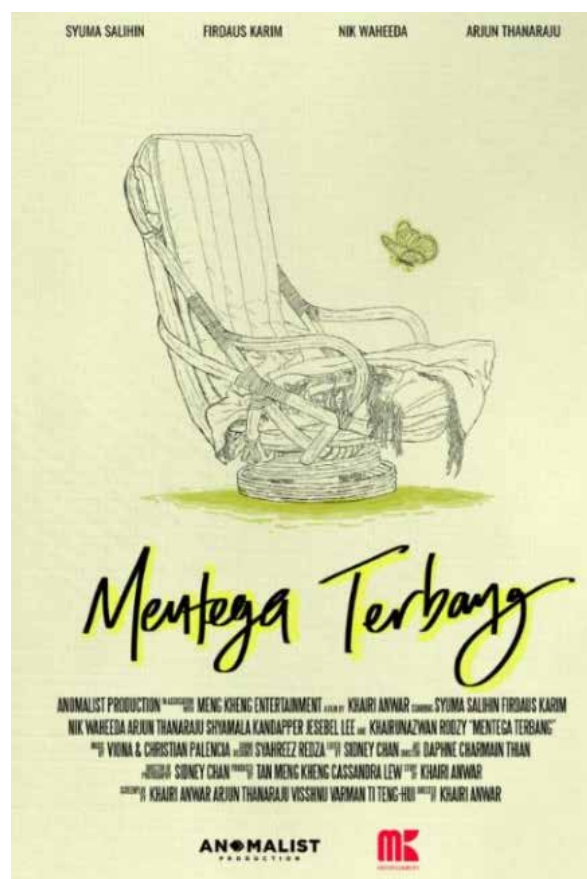
Many filmmakers, producers and actors in the region face immense risk and vulnerability and live under constant threat of censorship. Highlighted below are several cases set in different ideological settings; ranging from the illiberal yet working democracy in Malaysia, to autocracies such as the military-led Myanmar. Alongside, there is the use of existing legislation, as well as newly introduced laws using arbitrary and vague language, that are invoked to justify the expansion of state control.

Two recent cases from Malaysia and Myanmar are highlighted below. It is also worth noting that Arts Equator had recorded 176 films and documentaries targeted between 2010–2022. 57% of those were made by Southeast Asians, i.e. local filmmakers, such as "3.50" by Cambodian filmmaker **Chhay Bora**, about prostitution in Cambodia. 43% were foreign films. The state was the principal agent of censorship, responsible for 150 bans, cuts or other restrictive methods.]

Malaysia – "Mentega Terbang"

After the release in 2023 of "Mentega Terbang", a [Malaysian film on inter-faith dialogue, both the director **Khairi Anwar Jailani** and scriptwriter, **Arjun Thanaraju** received death threats, were the subject of doxing and their cars were splashed with a corrosive substance.⁵ The film was accused of coaxing young people to leave Islam. In an unprecedented backlash against the film industry in a partly democratic Malaysia, the film's producer and the filmmaker were also then charged under Section 298 of the Penal Code in January 2024 for

"deliberately wounding the religious feelings of others" by allegedly going against the dominant Islamic teachings in Malaysia.⁶ The offense is punishable by either a maximum of one year of imprisonment, a fine, or both.⁷ The film was banned in September 2023 under the Film Censorship Act 2002 and had been earlier removed from online screening platforms.⁸



Mentega Terbang publicity poster

4 J. Baru, 'M'sian netizens lavish praise on Michelle Yeoh after Oscar win', *The Vibes*, 13 March 2023, <https://www.thevibes.com/articles/news/87756/m'sian-netizens-flood-michelle-yeoh-with-praise-after-oscar-win> (accessed 12 March 2024).

5 A. Zikri, 'Mentega Terbang' director and scriptwriter receive death threats, cars splashed with paint, corrosive substance', *Malay Mail*, 16 March 2023, <https://www.malaymail.com/news/showbiz/2023/03/16/mentega-terbang-director-and-scriptwriter-receive-death-threats-cars-splashed-with-paint-corrosive-substance/59946> (accessed 12 March 2024).

6 'Charges against 'Mentega Terbang' cloud Malaysian film industry's future — Freedom Film Network', *Malay Mail*, 17 January 2024, https://newswav.com/article/charges-against-mentega-terbang-cloud-malaysian-film-industry-s-future-free-A2401_60Cjgh (accessed 13 March 2024).

7 *Ibid.*

8 'Home ministry officially bans screening, publicity of 'Mentega Terbang'', *Free Malaysia Today*, 13 September 2023, <https://www.freemalaysiatoday.com/category/leisure/2023/09/13/home-ministry-officially-bans-screening-publicity-of-mentega-terbang/> (accessed 13 March 2024).

Myanmar – documentary filmmaker sentenced to life in prison

In late 2023, the third year of the military coup in Myanmar, a documentary filmmaker, **Shin Daewe**, was sentenced to life imprisonment on “terrorism” charges under Myanmar’s draconian Counterterrorism Law of 2014 allegedly “for funding and abetting terrorism”, charges that Human Rights Watch refers to as “trumped up”.⁹ The law grants the junta vast and unchecked jurisdictions to control and monitor freedom of expression, particularly commentary on police brutality and the military’s human rights violations. In August 2023, **Byu Har**, a 38-year-old Burmese hip-hop artist, received a 20-year prison sentence for allegedly expressing criticism of the current junta-administered state on his now deleted Facebook post.¹⁰ Many artists have had to flee the country since the coup, particularly those who used their art to reflect on atrocities in the country or the mass protests against the military dictatorship.¹¹

"From the past, they [the military] knew about the power that can come from artists during protests. That's why they were and are particularly vulnerable." Li Li, co-organiser of an exhibition of Myanmar artists in France.¹²

Weaponising “National Security” and “National Culture”

Many states exert stringent controls to safeguard what they consider as “sensitive” positions and interests; this can be done via accusations of “wounding the religious feelings” of the society, what is deemed an act of “terrorism” and what might undermine the “sovereignty” of a state. Such censorship cases are how the state attempts to

reassert the centrality of “national security” and “national culture.” These laws are weaponised by states to maintain the status quo, particularly in the arts and cultural productions.

In **Cambodia**, as highlighted by ArtsEquator researchers Reaksme Yean and Kai Brennet in Cambodia’s Artistic Freedom Report, part of the ArtsEquator Censorship Database, the 2014 National Policy for Culture prohibits the creation or dissemination of “negative culture”, which might violate “the country’s essentialised singular national culture, which includes a certain idea of morality”, particularly of Khmer and Buddhist culture.¹³ There is also the 2016 Sub-Decree on the Management of the Film Industry, which imposes penalties on actors in the film sector for jeopardising “national tradition, culture, and social morality”.¹⁴ One such impact in 2023, was the banning of the Chinese cybercrime thriller entitled “**No More Bets**”, as it had allegedly tarnished Cambodia’s reputation by portraying the country as a cyber-scam heaven.¹⁵

In **Thailand**, where military authoritarianism is intricately associated with the monarchy, the democratic situation continues to be volatile, as artists not only face exile,¹⁶ but also enforced disappearances which has been recorded among the citizens, mostly activists.¹⁷ Though many of the recorded censorship cases in Thailand were enforced by state-based institutions, as the rephrased proverb says, all roads lead to the monarch. This is particularly evident in the harsh enforcement of lese-majesté, or Section 112 of the Criminal Code, which provides for a maximum 15-year sentence for “whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent”.¹⁸ One example in 2023 was the three-year sentence passed in March, then commuted to two years, against **Narathorn Chotmankongsin**, who sold a satirical calendar featuring cartoon rubber ducks wearing military and other outfits, typical-

9 M. Maung, ‘Myanmar Filmmaker Sentenced to Life in Prison’, Human Rights Watch, 12 January 2024, <https://www.hrw.org/news/2024/01/12/myanmar-filmmaker-sentenced-life-prison> (Accessed 13 March 2024).

10 O. Gupta, ‘Burmese hip-hop artist sentenced to 20 years for criticizing Myanmar military leadership’, Jurist, 26 August 2023, <https://www.jurist.org/news/2023/08/burmese-hip-hop-artist-sentenced-to-20-years-for-criticising-myanmars-military-leadership/> (Accessed 13 March 2024).

11 N. Wojcik, ‘Myanmar’s artists and the forgotten civil war’, Deutsche Welle, 20 July 2023, <https://www.dw.com/en/myanmars-artists-and-the-forgotten-civil-war/a-66286991> (Accessed 13 March 2024).

12 Ibid.

13 K. Brennet, & R. Yean, ‘Southeast Asian Arts Censorship Database’, ArtsEquator, 4 September 2023, <https://artsequator.com/cambodia-country-report/> (accessed 11 March 2024).

14 ‘SUB-DECREE ON The Management of Film Industry’, The Royal Government of Cambodia, <https://cambodiainfo.info/wp-content/uploads/2019/07/SUB-DECREE-ON-The-Management-of-Film-Industry-The-Royal-Government-of-Cambodia.pdf> (accessed 12 March 2024).

15 S. Strangio, ‘Cambodia To Block Release of Chinese Cyber-Scam Film’, The Diplomat, 28 September 2023, <https://thediplomat.com/2023/09/cambodia-to-block-release-of-chinese-cyber-scam-film/> (accessed 11 March 2024).

16 P. Rojanaphruk, ‘Activist, Writer, Wat Wanlayangkoon Dies After 7 Years In Exile’, Khaosod, 22 March 2022, <https://www.khaosodenglish.com/politics/2022/03/22/activist-writer-wat-wanlayangkoon-dies-after-7-years-in-exile/> (accessed 11 March 2024).

17 ‘The ideas of “Thai Federation,” the origins of 6 serious lawsuits, 17 defendants, 4 people disappeared’, I Law Freedom, 1 October 2019, <https://freedom.ilaw.or.th/en/blog/ideas-%E2%80%9C9Cthai-federation%E2%80%9D-origins-6-serious-lawsuits-17-defendants-4-people-disappeared> (accessed 12 March 2024).

18 ‘Offences Relating To The Security of The Kingdom’, The Royal Kingdom of Thailand, <https://library.siam-legal.com/thai-law/criminal-code-royal-family-sections-107-112/> (accessed 12 March 2024).

ly worn by Vajiralongkorn, the Thai King.¹⁹ Two pages from the calendar, which were found to be offensive to the King, depict a duck on a condom packet with tattoos; another page features a pool and a birthday cake, seemingly alluding to a leaked video involving the former crown prince in a crop top and his ex-wife in revealing attire.²⁰

A wide range of actions result in censorship

The predominant actors behind legislation imposing censorship and censorship cases are mostly state-based institutions, contributing to a total of 504 distinct cases between 2010–2022 in South-east Asia, as recorded by ArtsEquator.²¹ However, it is also critical to note the evolving role of the public in practices that result in censorship, encompassing individuals, netizens, and formal or informal groups. Despite a notable disparity between the number of censorship cases instigated by state-based institutions and those involving the public, these actions that lead to censorship and self-censorship, be it through threats, violence or less obvious means, are difficult to measure; this is in large part due to the reluctance of victims to report these crimes for fear of escalating the problems, and the lack of official action to protect those who are targeted.

Public attacks on artistic freedom can be attributed to multiple religious-based conservative groups in the region, which coalesce around the theme of “moral policing.” Central to the idea is a framing of arts and cultural consumption, which is deemed by these groups as suggestive and transgressive towards religions, culture, identity, sexual orientation and traditional values, among others. Most of the countries in the region are constitutionally secular but the rooted existence of multiple dominant organised religions – Islam, Hinduism, Buddhism, and Christianity – permeates the everyday lives of its inhabitants.

An academic, Katrina Stuart Santiago, in her report for ArtsEquator focusing on the arts and cultural censorship in the **Philippines**, argues how the “moral policing of arts practices and cultural portrayals is primarily tied to a conservatism that is wrought by Catholicism” embedded within the “Catholics in government institutions and (those) in positions of cultural power.”²² In October 2023, a drag artist, **Pura Luka Vega**, was charged with breaching a law that prohibits “indecent or immoral plays, scenes, acts or shows” that “offend any race or religion”. They were facing a prison sentence of up to 12 years following the viral circulation of their punk rock interpretation of the Lord's Prayer, which received condemnation from a number of prominent religious figures and lawmakers in the country.²³ The artist's action is penalised under Article 133 of the Revised Penal Code, which also provides for lengthy prison terms for anyone “who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful “.²⁴

In **Malaysia**, a recent decision by the Communications and Digital Ministry to introduce a ‘kill switch’ order for foreign artists, would shut down the power supply if there were to be any offensive material on stage during a performance.²⁵ This came as a result of an uproar after **Matty Healy**, the lead singer of the British band The 1975, in July 2023 on-stage during a concert ranted against and criticised the Malaysian government for criminalising same-sex relationships. Some of Malaysia's queer activists' groups criticised the band's action for bringing unwanted negative consequences towards their community saying that he had gone too far and should have engaged with local artists beforehand.²⁶ Following The 1975 incident, a concert by British rock band Coldplay in November 2023 courted controversy in the Muslim-majority country, where various non-affiliated netizens, as well as religious conservatives within the largest

19 K. Ewe, ‘Man Jailed for Royal Defamation After Selling Calendars Featuring Rubber Ducks’, *Vice*, 9 March 2023, <https://www.vice.com/en/article/bvjgwy/thailand-royal-defamation-laws-rubber-ducks> (accessed 12 March 2024).

20 M. Ruffles, ‘He sold ‘cute’ cartoon duck calendars. Now he’s fighting for his freedom’, *The Sydney Morning Herald*, 13 March 2023, <https://www.smh.com.au/world/asia/he-sold-cute-cartoon-duck-calendars-now-he-s-fighting-for-his-freedom-20230312-p5crgn.html> (accessed 12 March 2024).

21 ArtsEquator, loc. cit.

22 K. S. Santiago, ‘Artistic Freedom Report The Philippines: The Limits of Democracy’, *ArtsEquator*, 5 September 2023, <https://artsequator.com/artistic-freedom-report-the-philippines-the-limits-of-democracy/> (accessed 12 March 2024).

23 ‘Philippines’ drag artist Pura Luka Vega arrested for ‘offending religion’, *Al-Jazeera*, 6 October 2023, <https://www.aljazeera.com/news/2023/10/6/philippines-drag-artist-pura-luka-vega-arrested-for-offending-religion> (accessed 12 March 2024).

24 ‘Revised Penal Code - Crimes Against The Fundamental Laws of The State’, *The Department of Justice of the Philippines*, https://www.ombudsman.gov.ph/docs/republicacts/Revised_Penal_Code_Title%20II_and_VII.pdf (Accessed 12 March 2024).

25 ‘After The 1975’s stunt, Communications Ministry orders organisers to create ‘kill switch’ for foreign artistes’ concert’, *Malay Mail*, 30 October 2023, <https://www.malaymail.com/news/malaysia/2023/10/30/after-the-1975s-stunt-communications-ministry-orders-organisers-to-create-kill-switch-for-foreign-artistes-concert/99195> (accessed 12 March 2024).

26 R. Loheswar, ‘Far from helping, local LGBT activists say The 1975’s Matt Healy only made things worse’, *Malay Mail*, 25 July 2023, <https://www.malaymail.com/news/malaysia/2023/07/25/far-from-helping-local-lgbt-activists-say-the-1975s-matt-healy-only-made-things-worse/81547> (accessed 12 March 2024)

Islamist political party, pushed for its cancellation accusing the band of “nurture[ing] a culture of hedonism and perversion in this country. Lead vocalist Chris Martin had been seen holding a rainbow flag – representing the LGBTQ+ community – during a Coldplay performance in London, U.K.] The local concert organisers also banned any forms of political and LGBTQ+ symbolism during Coldplay’s concert in an attempt to appease the conservative sentiments.²⁷ The concert went ahead but under threat of a “kill switch” order.

All is not lost

Despite the numerous cases of censorship in the region, it is important to point out that artistic and cultural expression continue to thrive and evolve. The vibrant civil society landscape in the region has resulted in documentation projects that create platforms to raise awareness about violations of artistic freedom and provide legalistic support to those who are affected. These include the Singapore-based ArtsEquator and the Freedom Film Network in Malaysia, and its regional-based initiatives, which provide a momentous entry way for discussing the impact of censorship.²⁸ Indonesia-based Koalisi Seni is also doing remarkable work in grassroots organising among artists and cultural workers.²⁹ It has been monitoring cases of arts freedom abuses since 2010, recording over 190 instances since then to 2023, with a annual cases recorded rising in recent years.

While there were numerous violations against online streaming platforms and the cybersphere, this domain still served as a double-edged sword. For most arts and cultural practitioners, the internet can be explored and utilised in countering traditional censorship practices, as well as serve as a potential space for political mobilisation. One recent example is the Indonesian documentary entitled “Dirty Vote”, directed by **Dandhy Dwi Laksono**, which was deemed “slandorous” by the election team of former general and presidential hopeful, Prabowo Subianto. Leading up to the highly contested Presidential Election in Febru-

ary 2024, the film was controversially ‘shadow banned’ on YouTube, which prompted Indonesia’s civil society to make it available online via multiple links.^{30 31}

In another worrying development in the authoritarian state of **Singapore**, the introduction of the Protection from Online Falsehoods and Manipulation Act (POFMA) in 2019 and the Foreign Interference (Countermeasures) Act (FICA) in 2021 pushed 39 civil society groups to come together and lobby their members of parliament, against the deteriorating space for dissent and cultural expression; a rare occurrence in an island where a single party has led government since the early sixties.³²

Conclusion

Southeast Asia has a complex regional landscape with varying degrees of democracy, diverse artistic expressions across the region, political instability, military coups, and democratic setbacks, which contribute to expanding censorship practices. All the states in the region have come into conflict with the United Nation’s treaties that they have ratified, committing to upholding freedom of expression, including of the arts. These threats to artistic freedom come from a variety of sources – from state entities and regulatory bodies to fundamentalist groups, and to public conservative pressure groups.

Despite high levels of censorship and suppression, the region’s arts and cultural expressions are resilient. The vibrant civil society provides crucial documentation and legal support in the struggle for artistic freedom. Moreover, the internet, despite being a contested space, offers avenues for countering censorship practices and enabling political mobilisation. To navigate the challenges, it is imperative that artists and cultural workers are encouraged, supported and enabled in their potential for advocacy, transparency, and collaborative efforts to promote artistic freedom, ultimately fostering a more inclusive and expressive cultural landscape in Southeast Asia.

27 J. Sipalan, ‘Malaysia’s conservatives urge boycott of Coldplay concert amid event organiser’s pride flag ban’, *South China Morning Post*, 17 November 2023, <https://www.scmp.com/week-asia/people/article/3241952/malaysias-conservatives-urge-boycott-coldplay-concert-amid-event-organisers-pride-flag-ban> (accessed 12 March 2024).

28 ‘Content Creation, Choice and Control in the Digital Age’, *Freedom Film Network*, 7 September 2023, <https://freedomfilm.my/conference/> (accessed 12 March 2024).

29 ‘Artistic Freedom Database’, *Koalisi Seni*, <https://kebebasanberkesenian.uwazi.io/en> (accessed 14 March 2024).

30 ‘Sutradara Buka Suara Soal Dirty Vote ‘Hilang’ dari Pencarian YouTube’, *CNN Indonesia*, 12 February 2024, <https://www.cnnindonesia.com/teknologi/20240212165536-192-1061536/sutradara-buka-suara-soal-dirty-vote-hilang-dari-pencarian-youtube> (accessed 13 March 2024).

31 ‘Shadow banning is the practice of blocking or partially blocking a user or the user’s content from some areas of an online community in such a way that the ban is not readily apparent to the user’, https://en.wikipedia.org/wiki/Shadow_banning

32 K. Annamalai, ‘Singapore’s ‘foreign interference’ law will weaken people power’, *Al-Jazeera*, 18 October 2021, <https://www.aljazeera.com/opinions/2021/10/18/singapores-foreign-interference-law-will-crush-people-power> (accessed 13 March 2024).

Afghan women and girls barred from arts education

In **Afghanistan**, the ability to practice as a female artist has become impossible. The situation worsened when in December 2022 a complete ban on women attending universities and educational institutes was put in place. Until then women had been able to study arts, an important outlet for women whose lives are severely restricted. However, since the new decree came into place, arts schools have had to close entry to women or shut down completely. The director of the Zarminah arts centre spoke of officers from the Ministry for the Propagation of Virtue and the Prevention of Vice 'barging' into the classroom and demanding women leave, claiming that the students were not abiding by Islamic rules. The school has been able to resume classes but only for girls up to age 12. Another school, Bahar, was also forced to stop teaching women, even though they required their students to wear black robes and masks and the female students were curtained off from male students. As previously a large number of students were female, the school lost income from their fees and had to close.³³ In November 2023, the Artistic Freedom Initiative published a report³⁴ on the thousands of Afghan artists who have had to flee persecution in Afghanistan after the Taliban took control in 2021, noting that many more remain in fear, having hidden or destroyed their artworks. An exiled artist, Yama Farhadm is quoted in the report as saying, "Kabul did not fall once for us, it fell three times: the first when the Taliban took it, the second when they destroyed our paintings, and the third when they banned girls from going to school."³⁵

S.W.

33 S. Geranpayeh, "Afghan universities and art centres ban female students as Taliban clamps down", *The Art Newspaper*, 9 February 2023, <https://www.theartnewspaper.com/2023/02/09/afghan-universities-and-art-centres-ban-female-students-as-taliban-clamps-down> (accessed 24 April 2024)

34 Artistic Freedom Initiative, *AFI Artistic Freedom Monitor: Afghanistan*, Available at: <https://artisticfreedominitiative.org/projects/artistic-freedom-monitor/afghanistan/> (accessed 24 April 2024)

35 *Ibid* pg 9

USA:

SURGE OF **CENSORSHIP** OF BOOKS AND
PERFORMANCES IN ORDER TO “**PROTECT**” YOUTH

By Esilanna McMenamin

Introduction

Despite free speech being a right granted by the US Constitution in 1787¹, there has been a consistent battle of entertainers against censorship over many decades—as highlighted by the long history of film censorship.² In recent years, this phenomenon has continued to be seen, and as a result, the fundamental right to freedom of expression has faced erosion. Except with time, censorship has expanded to various other forms, such as literature bans, artwork modification or cancellation, social media content³, and performance cancellations, to name a few. These acts of censorship have been motivated by various factors, sexual orientation, and other contentious issues, mainly boiling down to an ongoing ‘culture war’ in the name of a crusade to protect the youth. This censorship trend continued throughout 2023, notably of works and performances for children and young adult audiences, as well as those raising issues such as police violence.

Bans on books and performances for young audiences

The direct censorship enforcers were often private entities or regional, municipal, and community authorities. Authorities were often reacting to pressure from community groups but at other times were instrumental in passing laws that imposed bans and prior censorship.

Bans on literature were most prevalent in the Southern and Eastern regions of the US, often where specific community networks, particularly parental networks, would lobby school boards to remove works on distinct themes; most frequently, these topics as recorded by the National Coalition Against Censorship in its censorship database, were references to sex, violence, LGBTQ+ material, and political–social views, often related to race.⁴ The most banned novel during the 2022–23 school year was "*Tricks*", by Ellen Hopkins, facing

33 bans.⁵ "*Tricks*" explores themes of childhood sexual abuse, and Hopkins' target audience is teenagers and young adults. According to a recent PEN America report, there were reportedly 3,362 instances of literature being banned throughout the US in 2023, predominantly in conservative-leaning states, including Florida, Missouri, Utah, and Pennsylvania.⁶ Although there are some reports of librarians, online vigilantes, and local community members resisting and circumventing literature bans, censorship persists and requires monitoring.

Additionally, according to the NCAC database, at least four art presentations were censored after protests by certain groups of parents within public K–12⁷ schools; these violations occurred in Florida, Indiana, California, and Michigan; however, there are likely more reports not captured in the database.⁸ In Florida, a school principal was fired after a picture of **Michelangelo's sculpture of David** was shown to students, aged 11–12, in an art class when discussing the renaissance period.⁹ The dismissal took place after three parents went to the school board chair, to express the view that the sculpture was inappropriate to show to young students and even, in their view, “pornographic”.

- In Indiana, the Northwest Allen County School district cancelled a high-school production of the play "*Marian: or The True Tale of Robin Hood*", due to concerns raised by a group of parents over the inclusion of a nonbinary character and a same-sex couple.¹⁰
- In Ohio, a school production of the 2005 musical, "*The 25th Annual Putnam Spelling Bee*" could only go ahead after the musical director agreed to make edits to the script that were demanded by the school board.¹¹ The play was targeted due to its depiction of homosexuality, vulgar language, and a portrayal of Jesus.

1 United States Courts, 'What does free speech mean?', United States Courts, <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does>

2 NCAC, 'A brief history of film censorship in the USA', National Coalition Against Censorship, nd. <https://ncac.org/resource/a-brief-history-of-film-censorship> (accessed 8 April 2024).

3 See following chapter on digital censorship

4 NCAC, 'Youth censorship database'. National Coalition Against Censorship, nd., <https://ncac.org/youth-censorship-database> (accessed 8 April 2024).

5 L. Tolin, 'The 11 most banned books of the 2022-23 school year'. PEN America, 21 September 2023, <https://pen.org/banned-book-list-2023> (accessed 8 April 2024).

6 K. Meehan, J. Friedman, S. Baëta, and T. Magnusson. 'Banned in the USA: The mounting pressure to censor'. PEN America, 2023, <https://pen.org/report/book-bans-pressure-to-censor/> (accessed 8 April 2024)

7 K-12 refers to Kindergarten through 12th grade, for students typically aged 3 to 18 in the US public school system.

8 H. Natanson, 'The culture war's latest casualty: The high school musical', *The Washington Post*, 2 May 2023. <https://www.washingtonpost.com/education/2023/05/02/banned-school-plays-musical-theater-censorship/> (accessed 8 April 2024).

9 A. Mahdawi, 'In Florida, parents are always right - even when they think a Michelangelo is porn' *The Guardian*, 25 March 2023 <https://www.theguardian.com/commentisfree/2023/mar/25/florida-school-principal-fired-michelangelo-porn-desantis-law> (accessed 8 April 2024).

10 E. Abbott, 'Carroll high school cancels Marian production amid concerns from parents' 89.1 WBOI, 1 March 2023. <https://www.wboi.org/news/2023-03-01/carroll-high-school-cancels-marian-production-amid-concerns-from-parents> (accessed 8 April 2024).

11 National Coalition Against Censorship, 'NCAC urges Ohio school district to resume cancelled student production of the 25th annual Putnam spelling bee | updated', NCAC, 14 February 2023. <https://ncac.org/news/ohio-school-district-canceled-the-25th-annual-putnam-spelling-bee> (accessed 8 April 2024).

In each example, parents were offended and took action to express offence, which led to the response of censorship rather than open discussion with other community members. However, these are just some of the 23 states highlighted by the Humans Rights Campaign in its State Equality Index 2023 based on analysing new and ongoing laws. The Index asserts that these states first need basic equality in the state legislatures for their LGBTQ+ populations and families.¹² Equally as alarming, there are many reports of state legislatures limiting how gender, sexuality, and race can be taught. In a recent RAND report, from 2021 to the beginning of 2023, at least 18 states are reported as passing policies directly restricting the content of teachers' instruction.¹³ In this report, two-thirds of public school teachers have decided to self-censor on political and social issues while teaching. Half of all surveyed teachers recorded that they face restrictions related to topics of race and gender set by schools, district leaders, or both, with additional oversight on the state and local level.

Vague and unworkable – laws aimed at stopping young people from seeing drag shows

In 2023, there was a rise of anti-drag policies and political platforming against LGBTQ+ expression throughout the US. Two states, Montana and Tennessee, explicitly targeted drag shows, specifically the ability to have minors present in the venue or audience.¹⁴ Additionally, four states, Arizona, Florida, North Dakota, and Texas, have laws that could be used to target drag shows. Although temporary blocks and Federal court orders in Montana¹⁵, Tennessee,¹⁶ Texas,¹⁷ and Florida¹⁸ have made these states' laws unenforceable. However, the laws remain on the books, and a permanent cessation of these laws still needs to be implemented. In Tennessee, for example, a Federal judge deemed the anti-drag law unconstitutional;

however, since this ruling, the state has attempted to appeal the federal decision, marking that these temporary Federal injunctions might not be enough to stop these states from violating the constitution.¹⁹

“If a kid is going to be queer and they see a drag queen or a queer person or this representation, they see a future. They see themselves. If a kid who is destined to be straight sees a drag queen or a queer person, the worst that happens is that it sensitises them to the idea that the world is full of different people.” Drag performer, Bella DuBalle.²⁰

Other acts of censorships

Other cultural events or displays were revoked due to content that conflicted with the beliefs held by local institutions or because the artistic expression or art commented, in some way, on the conflict between Israel and Hamas in Gaza and the West Bank.²¹

There are many cases of censorship at the local-level and individual-level which are hard to capture, especially when it involves self-censorship or occurs in a community where there is a prevailing confirmation bias, regardless of politics. Thus, this report seeks to highlight some aspects of censorship occurring within the US. Additional examples of local institutional beliefs affecting art displays are as follows:

12 Human Rights Campaign. 'State Equality Index 2023' Human Rights Campaign, 2023, <https://www.hrc.org/resources/state-equality-index#state-categories> (accessed 8 April 2024).

13 A. Woo, M.K. Dilberti, and E. D. Steiner. 'Policies restricting teaching about race and gender spill over into other states and localities,' RAND. 2023, https://www.rand.org/content/dam/rand/pubs/research_reports/RR1100/RR1108-10/RAND_RRA1108-10.pdf (accessed 8 April 2024).

14 Movement Advancement Project. 'Equality Maps: Restrictions on Drag Performances.' MAP, nd. https://www.mapresearch.org/equality-maps/criminaljustice/drag_restrictions (accessed 8 April 2024).

15 A. Woodward. 'Federal judge blocks Montana's anti-drag ban.' Independent, 28 July 2023, <https://www.independent.co.uk/news/world/americas/us-politics/montana-drag-ban-lawsuit-b2384030.html> (accessed 8 April 2024).

16 K. Kruesi. 'Federal judge temporarily blocks Tennessee's anti-drag law' AP News, 1 April 2023. <https://apnews.com/article/lgbtq-drag-tennessee-law-suit-490e12cd44dc3133b6424409e63f94c9> (accessed 8 April).

17 W. Melhado. 'Federal judge issues temporary restraining order, says Texas law banning drag shows is "likely" unconstitutional', Texas Tribune, 31 August 2023, <https://www.texastribune.org/2023/08/31/texas-drag-bill-lawsuit-federal-hearing> (accessed 8 April 2024).

18 J. Henderson. 'A federal judge temporarily blocks a Florida law believed to target drag queen shows,' CNN. 23 June 2023, <https://edition.cnn.com/2023/06/23/us/drag-queen-shows-florida-law-blocked/index.html> (accessed 8 April 2024).

19 T. Gardner, 'Federal judge rejects Tennessee drag show ban as unconstitutional', 3 June 2023, <https://www.reuters.com/legal/federal-judge-rejects-tennessee-drag-show-ban-unconstitutional-2023-06-03/> (accessed 8 April 2024).

20 <https://www.pbs.org/newshour/nation/drag-performers-on-what-tennessees-ban-on-public-performances-means-to-them>

21 See previous chapter in this report on the war on Gaza

- In California, an artist's event was cancelled for offending Santa Mateo City employees for their critique of local police and conservatism in their artwork.²² In particular, the artist sought to document and challenge ongoing police violence against people of colour, continuing the conversation stemming from the George Floyd protests and rallies against police-targeted surveillance and violence in the US. Each piece was politically inspired, including pieces called *Trump MAGA Demon* and *De Santis Woke Racist*. The local officials asserted that city hall was not the place to display the artist's content as it was too political and could cause contentious conversation.
- In Florida, the State College of Florida, a public university, wanted to remove the words "diversity" and "inclusivity" from an art exhibition despite them being integral to the exhibition's expressed values of Diversity, Equity, and Inclusion. The art organisation cancelled the show in response to the censorship attempt— if the exhibition had been revised, it would have violated their long-held beliefs and values of inclusion.²³

Freedom of artistic expression and safeguarding diverse discourse are paramount in preserving and developing a healthy democracy. Open disagreement and dialogue versus censorship encourage individuals to think critically and engage in constructive debates regardless of political or religious beliefs.

Conclusion

Censorship trends within the US suggest that the state aims to shield its citizens, notably children and young people, from perceived harm; however, preserving freedom of expression is crucial for democracy, with artistic freedom as a cornerstone. Artists and writers must be free to express themselves openly in order to nurture a diverse cultural landscape. Protecting a free, wide-ranging cultural environment is crucial to enabling active engagement in discussions on historical and contemporary issues to foster active political and civic participation within the US. Prioritising diverse discourse allows artists from all backgrounds to freely comment and criticise any idea and institution, regardless of political or socio-cultural belief.

²² D. Grant, 'Artist says California city censored his exhibition after local police took offense' *The Art Newspaper*, 2 August 2023, <https://www.theartnewspaper.com/2023/08/02/diego-marcial-rios-exhibition-censored-san-mateo-police>; ArtReview, 'California city censored exhibition depicting police violence', ArtReview, 4 August 2023, <https://artreview.com/california-city-censored-exhibition-depicting-police-violence/> (accessed 4 April 2024).

²³ S. Escalante-De Mattei, 'Art exhibit canceled after state college of florida wants words 'Diversity' and 'Inclusion' banned,' *ART News*, 21 February 2023, <https://www.artnews.com/art-news/news/state-college-of-florida-embracing-our-differences-exhibit-cancelled-ron-desantis-diversity-1234658516/> (accessed 4 April 2024).

ALL THE ART WE DO NOT SEE:

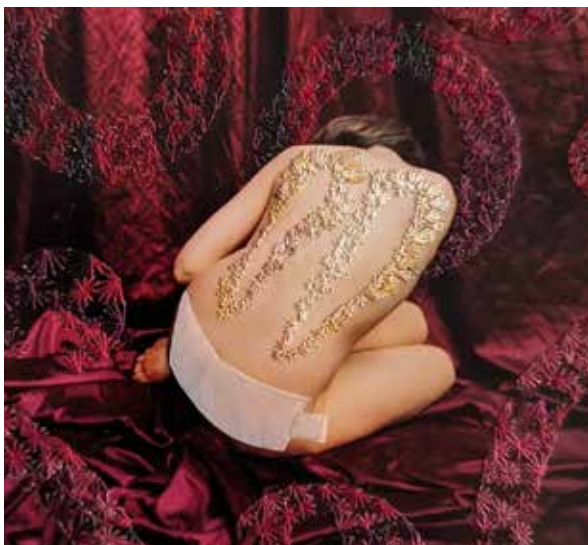
ARTISTS AND **VISIBILITY** ON ONLINE PLATFORMS

By Don't Delete Art

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- **Shadowban:** When a platform limits or restricts the reach of user-generated content without acknowledging the limitation or notifying the user
 - **Downranking:** When a social media platform restricts the reach and visibility of user-generated content to other users
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Many of us remember the early promise of the internet: that it would allow artists to share their work across geopolitical borders, free of state censorship and independent of the whims of galleries and museums. But, even though there is an enormous amount of art shared online, that promise has not quite been fulfilled. Private corporations that own internet platforms are suppressing art, primarily visual art, whether deliberately, through algorithmic error, or in fear of vague and over-broad legislation.

Established in 2020, Don't Delete Art (DDA) is a group of artist-activists and artistic freedom and free speech organisations – the National Coalition Against Censorship's Art & Culture Advocacy Program, Artists at Risk Connection (ARC), and Freemuse – that campaigns for artistic freedom in digital environments and tracks the ways that artistic freedom is being restricted online.¹ DDA makes visible art that is suppressed through downranking or removal by hosting a curated web gallery that reveals how platforms and their algorithms actively control what audiences can see.² DDA also provides tips on how to comply with the guidelines of popular platforms, and its newsletter reports on changes in the field.³



Jessa Fairbrother, Rapture, 2023, Embroidery on photograph. Image courtesy of the artist

Given that notifications of content removals or restrictions – if such communications are made at all – are delivered directly to account owners, and since the enforcement of platform guidelines often happens within a proprietary algorithmic “black box,”⁴ DDA learns about online censorship trends primarily through direct messages sent to its Instagram account, via its members' personal connections to artists, and through the report form on the Don't Delete Art website.⁵

In 2023, based on cases reported to DDA, art censorship online continued to affect familiar targets globally: nudity and in at least one instance, political speech, were met with suppression⁶ and internet infrastructures continued to interfere with the display and sales of art online, particularly, if the artworks contained nudity or sexual references. However, there were improvements in the social media conglomerate Meta's⁷ practice of “shadowbanning” – at least where transparency and visibility is concerned – with the announcement of their “Recommendation Guidelines” and expanded “Account Status” offerings.⁸ DDA also monitored a slew of proposed legislation around the world that threatens to affect artistic expression, particularly of LGBTQ+–related content.

Censorship Trends

In 2023 alone, DDA received 46 reports via its website form alleging the censorship of art online, marking a 59% increase from 2022.⁹ However, DDA recognises its limited capacity for collecting reports, which is further complicated by the varied public understanding of what constitutes art censorship in online environments. The incidents documented are likely to represent a miniscule fraction of the actual total, whereas the leap in submissions could reflect the rising profile of DDA. The incidents DDA documents are most valuable as representative of the ways in which suppression happens online and what it targets, rather than of the quantity of such incidents. As of the time of this publication, DDA has not collected data about

¹ To learn more, please visit: <https://www.dontdelete.art/>

² Don't Delete Art, Gallery, [Website], 2024, <https://www.dontdelete.art/gallery> (accessed 9 February 2024).; Don't Delete Art, Mission & Origins, [Website], 2024, <https://www.dontdelete.art/mission-origins> (accessed 9 February 2024).

³ Don't Delete Art, Tips, [Website], 2024, <https://www.dontdelete.art/tips> (accessed 9 February 2024).; Don't Delete Art, Newsletters, [Website], 2024, <https://www.dontdelete.art/the-newsletter> (accessed 9 February 2024).

⁴ S. Bagchi, 'What is a black box? A computer scientist explains what it means when the inner workings of AIs are hidden', *The Conversation*, 22 May 2023, <https://theconversation.com/what-is-a-black-box-a-computer-scientist-explains-what-it-means-when-the-inner-workings-of-ais-are-hidden-203888> (accessed 21 February 2024).

⁵ Don't Delete Art can be found on Instagram as @dontdelete.art. Individuals who wish to submit censorship reports should complete the Report form for Online Censorship at: <https://www.dontdelete.art/submit>.

⁶ See Don't Delete Art, Gallery. While DDA did not receive further 2023 reports of political censorship, instances are a recurring issue as visible in the current DDA Gallery pages of John Sheridan, Dread Scott, Jenni Belotserkovsky, and Jill Goldman-Callahan.; R. Rudenstein - Change.org, Stop YouTube from Censoring Art, [Website], 2023, <https://www.change.org/p/stop-youtube-from-censoring-art> (accessed 9 February 2024).

⁷ Meta, the U.S.-based technology company formerly known as Facebook, is the parent company of Facebook, Instagram, Whatsapp, Threads, and Messenger.

⁸ K. Bell, 'Instagram is telling creators when and why their posts are shadowbanned', *Yahoo! Finance*, 7 December 2022, <https://finance.yahoo.com/news/instagram-account-status-recommendations-shadowbans-180937137.html> (accessed 13 February 2024); and M. Bickert, 'How We're Improving Facebook's Penalty System', *Meta* [Website], 23 February 2023, <https://about.fb.com/news/2023/02/meta-is-improving-facebooks-penalty-system/> (accessed 13 February 2024).

⁹ As of 2023, DDA does not collect demographic information on where artists are based, or where they are posting from.

where artists are posting from, though it has received censorship reports from artists in multiple countries including those in the Americas, Europe, the Middle East, and Asia.

The majority of censored artwork that DDA is made aware of is restricted or removed because it contains lens-based¹⁰ depictions of the nude human form. In 2023, however, DDA documented at least fifteen instances in which paintings, sculptures, and drawings resulted in visibility restrictions on Meta and TikTok platforms (despite the fact that Meta allows painting, drawing, and sculptures of nudes).¹¹ DDA also documented examples of work that confused algorithms' interpretation of the "female nipple"¹²; and there was an example of art critical of hate speech being misinterpreted by YouTube algorithms as hate speech and allegedly violated Google's "Community Guidelines and Policies," resulting in its removal.¹³ DDA also recorded examples in which algorithms downranked lens-based images that suggested nudity, but which did not depict breasts, buttocks, or genitals.¹⁴



Maurice Mechan, *Untitled*, 2022, Graphite and chalk on paper
Image courtesy of the artist

Infrastructure Interference

Undergirding social media platforms, but also online commercial spaces, are the infrastructure companies: payment processors, internet service providers, web hosts, and others whose services are integral to the internet's accessibility and functions. These companies are less visible to the public but nonetheless, according to reports made to DDA, create obstacles for artists and small art-related businesses attempting to sell and share work that contains nudity or references to sexuality. Stripe, Shopify, Linktree, PayPal, HostGator and Mailchimp are some of the internet infrastructure companies that have, over recent years, erased or flagged artwork, and/or terminated artists' accounts.¹⁵ While online infrastructure companies lack expertise, capacity, and policies to adequately regulate user content with consistency, they often attempt to do so all the same. In the reports received by DDA, internet infrastructure providers occasionally take exception to artistic depictions of nudity that are akin to works on view in cultural institutions accessible by general audiences. The resulting inconsistencies may further impinge on the creative freedom of countless artists and internet users who wish to see their artwork.

As a result, artists have been faced with the decision to abandon attempts to sell their "offending" artwork; find other, more obscure, means to process payments; or, in at least one case documented by DDA, pay recurring fines to maintain their visibility and stay commercially viable.¹⁶ In December of 2023, for instance, Shopify, a payment processor, flagged two books by TBW Books, an independent publisher of art and photography books based in Oakland, California, for containing "frontal nudity, bare breasts, [or] images of sexual acts."¹⁷ Unwilling to remove the two offending books from their shop in order to continue using Shopify, TBW Books opted to find a new payment processor.

¹⁰ DDA uses the term "lens-based" to refer to artistic practices that incorporate camera-based outputs like photography, video, film, collage, and other practices.

¹¹ 'M. Mechan', *Don't Delete Art*, <https://www.dontdelete.art/gallery/maurice-mechan> (accessed 13 February 2024). As per Meta's "Adult Nudity and Sexual Activity" page: "We also allow photographs of paintings, sculptures, and other art that depicts nude figures"; Meta Transparency Center, *Adult Nudity and Sexual Activity*, [Website], 2024, https://transparency.fb.com/policies/community-standards/adult-nudity-sexual-activity?source=https%3A%2F%2Fwww.facebook.com%2Fcommunitystandards%2Fadult_nudity_sexual_activity (accessed 24 February 2024)

¹² On Instagram, the art and activist project @nipeople, which posts images of stickers representing nipples without gender context, faced numerous post removals and recommendation guideline violations.

¹³ R. Rudenstein, 'Stop YouTube from Censoring Art' Change.org, 2023, <https://www.change.org/p/stop-youtube-from-censoring-art> (accessed 9 February 2024).

¹⁴ S. Spirit and E. Shapiro, 'Artist Spotlight: Jessa Fairbrother', *Don't Delete Art Newsletter*, Issue #7, 4 October 2023; 'Jessa Fairbrother', *Don't Delete Art*, <https://www.dontdelete.art/gallery/jessa-fairbrother> (accessed 15 February 2024).

¹⁵ NCAC Editor, 'Artistic Freedom and the Internet Infrastructure', *National Coalition Against Censorship*, 1 December 2022, <https://ncac.org/news/artistic-freedom-internet-infrastructure-stack> (accessed 9 February 2024).

¹⁶ Danna Wexler, founder of Please Knock, a website selling vintage erotica and specialising in collaborations with artists, told DDA that she has had to pay a yearly \$500 fee to credit card companies Visa and Mastercard to continue processing their payments on her site, and has a 10% fee applied to each purchase from her payment processors.

¹⁷ The violation cited to TBW Books, as per the Shopify Payments Terms of Service.

These types of incidents may obstruct artists' visibility online and their ability to earn a living, while also demanding their additional labor, as artists and small businesses grapple to find solutions.

The shifting "Shadowban"

2023 was the year in which the so-called "shadowban"—which the EU Digital Services Act explicitly named and noted as a harmful practice¹⁸—was finally acknowledged on Meta's platforms, and made a little less shadowy. According to an article published in *The Art Newspaper*, this new EU regulation "demands transparency from notoriously opaque platforms like Meta, owners of Instagram and Facebook. As the first major legislation to tackle online visibility, the DSA specifically calls out shadowbanning, and requires companies operating in Europe to notify, explain, and quantify content moderation actions to individual users."¹⁹

Marking a shift from the days of platforms' policies evolving over time at their own direction and discretion, the EU Digital Services Act requires large online platforms to enact broader transparency measures and adhere to stricter safety and accountability standards, such as obligatory periodic reporting. Under the Act, artists on large online platforms are entitled to be notified of any action taken on their accounts, are provided an explanation for such actions, and an opportunity to appeal. The Act was passed in October 2022, with an enforcement date of January 1, 2024, making 2023 a year of marked content moderation and appeal process changes across platforms.

For example, Instagram's "Recommendation Guidelines" and "Account Status" updates, first announced in December 2022, help contextualize and explain some instances of downranking, affording artists a better understanding of when their posts don't meet the app's requirements for being "recommended" to non-followers, and allowing artists the opportunity to reconsider publishing certain posts that might negatively affect their account visibility. Through trial and error,

DDA identified ways to make Instagram's new features work for artists, including methods of appealing the decision and posting "neutral content" over a few weeks to evade repercussions.²⁰ However, the fact remains that some artists lose visibility when they post artwork that is somehow deemed to violate the platform's guidelines, leading them to self-censor and purge artwork from their accounts in order to be visible to new audiences on Instagram.²¹

Despite these advances in transparency, other elements of the so-called "shadowban" remain, affecting hashtag functionality, and restricting user accounts that are linked to a downranked account. The new transparency features also make it easier to track visibility discrepancies between accounts. In more than one occurrence in early 2024 and in years prior, DDA saw commercial art gallery accounts enjoy fewer restrictions in sharing artwork posts that did not follow Instagram's Recommendation Guidelines, compared to specific individual and artist accounts attempting to share the same content.²²

While we now have some insight into when and why artists' accounts may be downranked, many artists DDA interacts with express worry that their compliance with content moderation guidelines is not enough to guarantee access to equal opportunities for success on the platform. Compounding these concerns are evolving legislative developments worldwide that stand to greatly restrict user content online.

Legislative Action

In 2023, DDA tracked legislative actions aimed at greater transparency and accountability, and improving child safety online. In many instances, the language of such legislation raises concern over the potential impact on freedom of expression online.

In the U.S., a spate of children's online safety bills gained traction in 2023, including *The Stop Child*

18 'Preamble 51-60, Digital Services Act (DSA),' European Commission, [https://www.eu-digital-services-act.com/Digital_Services_Act_Preamble_51_to_60.html#:~:text=\(55\)%20Restriction%20of%20visibility%20may,\('shadow%20banning'\)](https://www.eu-digital-services-act.com/Digital_Services_Act_Preamble_51_to_60.html#:~:text=(55)%20Restriction%20of%20visibility%20may,('shadow%20banning')) (accessed 9 February 2024).

19 E. Shapiro, 'Invisible by numbers: artists must remain vigilant to escape censorship loop created by social media shadowbans', *The Art Newspaper*, 12 September 2023, <https://www.theartnewspaper.com/2023/09/12/invisible-by-numbers-artists-must-remain-vigilant-to-escape-censorship-loop-created-by-social-media-shadowbans> (accessed 12 April 2024).

20 Don't Delete Art, Tips, [Website], 2024, <https://www.dontdelete.art/tips> (accessed 13 February 2024). Note: As algorithmic function tends to shift without notice, what works for some artists is not always fail proof for all artists.

21 Shapiro, 'Invisible by numbers'.

22 E. Shapiro, 'Robert Andy Coombs', *Uncensored: The Don't Delete Art Newsletter*, 10 October 2022 <https://mailchi.mp/7ab42001e4c0/dda-uncensored-is-sue-5> (accessed 9 February 2024); and Rhea Nayyar, 'Instagram Censors NYC Art Show About the Nude Body', *Hyperallergic*, 14 January 2024, <https://hyperallergic.com/866275/instagram-censors-nyc-art-show-about-the-nude-body/> (accessed 9 February 2024).

Sexual Abuse Material (CSAM) Act,²³ The Kids Online Safety Act (KOSA),²⁴ and the Eliminating Abusive and Rampant Neglect of Interactive Technologies (“EARN IT”) Act.²⁵ Civil society groups objected to these bills, noting that whatever their stated purpose, their actual impact would undermine all internet users’ access to content that includes nudity, sexuality, and LGBTQ+ topics.²⁶ In particular, the age verification requirements in the bills threaten anonymous access to artistic content, effectively forcing platforms to choose between identifying every online user, or eliminating all content that could possibly be considered sexual. Crucially, the bills contain vague language that could effectively instill preemptive censorship, threatening to affect artists who deal with nudity, sexuality, and LGBTQ+ topics.

While debate continues over proposed US legislation, platforms and social media companies have already either implemented changes or pledged to do so to comply with the EU Digital Services Act²⁷, which became law in late 2022, and the UK Online Safety Act, which passed the House of Lords in 2023. The UK Online Safety Act faced forceful opposition in 2023 from human rights and digital rights groups concerned by its overly broad language and drastic measures that would have a chilling effect on freedom of expression, while also posing the risk of increased surveillance.²⁸

DDA continues to monitor the legislative landscape and advocate on behalf of creatives whose work may be affected by specific bills.

Conclusion

Corporate policies and their algorithmic enforcement are in constant flux, while legislators in the U.S., EU, UK and elsewhere draft laws to regulate online environments. The impact of all this on creatives whose work is critical or pushes the boundaries of cultural norms is often disregarded.

In times like these, where conflicts around the world have created greater polarisation, it becomes all the more important for the arts community to band together and seek out allies working in technology and digital rights, so that they, and their work, can remain active and visible within online social discourse. In 2023, Don’t Delete Art launched its Manifesto campaign, which convenes global creatives to demand that content moderation take into account artistic perspectives. At the time of this publication, DDA had over 2,500 signatures from over 90 countries worldwide.²⁹

In the years ahead, the movement to protect artistic expression online will need the support of artists, curators, galleries and museums, and the expertise of technology reporters, digital rights advocates, AI scientists, and researchers to help advocate for artists in an ever-changing digital landscape.

“For social media to be a place where the arts and artists can thrive, we call for the reconsideration of existing restrictions on artistic content; for review of alleged violations; and for a better appeals and notifications process as specified by the Don’t Delete Art Campaign and the Santa Clara Principles.³⁰ Every platform should have established methods for incorporating artist perspectives into its content moderation policies, as well as special procedures for the review and appeal of art-related posts.”

– Don’t Delete Art Manifesto

23 ‘S.1199 - 118th Congress (2023-2024): STOP CSAM Act of 2023,’ United States Senate, <https://www.congress.gov/bill/118th-congress/senate-bill/1199/text>.

24 ‘S.1409 - 118th Congress (2023-2024): Kids Online Safety Act,’ United States Senate, <https://www.congress.gov/bill/118th-congress/senate-bill/1409> (accessed 9 February 2024).

25 ‘S.1207 - 118th Congress (2023-2024): EARN IT Act of 2023,’ United States Senate, <https://www.congress.gov/bill/118th-congress/senate-bill/1207> (accessed 9 February 2024); ‘H.R.2732 - 118th Congress (2023-2024): EARN IT Act of 2023,’ United States House of Representatives, <https://www.congress.gov/bill/118th-congress/senate-bill/1207> (accessed 9 February 2024).

26 Fight For the Future, Bad Internet Bills, [Website], 2023, <https://www.badinternetbills.com/>, (accessed 9 February 2024); AT. Vo, ‘PEN America Criticizes U.S. Human Rights Record at the U.N. Human Rights Committee’, PEN America, 13 September 2023, <https://pen.org/pen-america-criticizes-u-s-human-rights-record/> (accessed 9 February 2024).

27 ‘The Digital Services Act package,’ European Commission, <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package> (accessed 9 February 2024).

28 E. Shapiro, ‘Artists Fear Online Safety laws Will Chill Freedom of Expression,’ The Art Newspaper, 15 December 2023 <https://www.theartnewspaper.com/2023/12/15/artists-fear-online-safety-laws-will-chill-freedom-of-expression>

29 Don’t Delete Art, Manifesto, [Website], 2024, <https://www.dontdelete.art/manifestosign-up-1> (accessed 9 February 2024).

30 The Santa Clara Principles On Transparency and Accountability in Content Moderation, [Website], 2018, <https://santaclaraprinciples.org/> (accessed 11 April 2024).

RECOMMENDATIONS

ALL GOVERNMENTS:

1. Should uphold the full array of states' obligations to respect, protect and fulfil the right of every person to freedom of artistic expression and creativity and access to cultural rights without discrimination on any grounds. This principle should be taken as the core driver of all developments of law, policies and measures related to freedom of artistic expression and creativity.
2. Should abolish and amend legislation, executive orders, and by-laws that prohibit and restrict artists from taking part in any dimension of artistic life and the performance of their respective art forms.
3. Must harmonise national legislation on freedom of expression and cultural rights with international human rights standards. States should ensure that any restrictions imposed on artistic expression are in accordance with Article 19(3) of the UN International Covenant on Civil and Political Rights (ICCPR). Restrictions must be provided by the law, serve a legitimate aim, be proven proportionate against the benefits of the restriction and necessary for the protection of the legitimate aim.
4. Should abolish censorship boards and other prior censorship mechanisms. Classification bodies should be independent, include representatives from the cultural sector in their membership, their terms of reference, rules of procedure and activities should be made public, and effective appeal mechanisms should be put in place.
5. Should ensure that artist syndicates and other professional bodies are strongly encouraged to actively apply human rights principles when adopting and implementing their internal policies, aiming to protect the rights of their members, instead of imposing undue restrictions.
6. Should ensure that state officials and non-state actors—including political organisations, religious groups, private individuals—which are found to have used hate speech, issued online and offline threats or committed acts of violence (including acts of vandalism or destruction targeting artwork) in an attempt to instigate acts of censorship, must face prompt, impartial and effective investigations in accordance with international standards.
7. Should avoid the criminalisation of expressions—artistic and otherwise—and apply criminal law only in cases of severe breaches of regulations governing free speech.
8. Should ensure the immediate release of all artists in administrative or arbitrary detention, those serving unlawfully rendered prisons sentences, and drop all charges brought against them on illegitimate grounds.
9. At times of war and conflict to take measures to: protect cultural property; refrain from using such properties in a manner that may expose them to destruction or taking acts of hostility against them; levy sanctions for destruction of cultural heritage, and; promote the need to protect cultural heritage among the public, cultural and arts professionals, military and law enforcement agencies.

ON THE RATIFICATION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

10. Should ratify and fully implement the following international human rights instruments so that they can strengthen the promotion and protection of rights to artistic expression and creativity:
- The International Covenant on Civil and Political Rights and its Optional Protocol, without reservations.
 - The International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, without reservations.
 - The 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
 - The UN Convention on the Elimination of all Forms of Discrimination against Women and its Optional Protocol, without reservations.
 - The UNESCO 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention).

ON LAWS PENALISING INSULT

11. Must ensure that artists be able to freely participate in public debates about the way authorities run the state, national security, public morality, and other issues of public importance. Artists, especially visual and performing artists who use humour, satire, and parody, should not be subject to undue or arbitrary restrictions on the right to freedom of expression on these grounds.
12. Must review and repeal laws or provisions penalising insult to heads of states (including foreign heads of states), other state officials (including military and law enforcement), and political figures, national institutions, and emblems.
13. Should abolish blasphemy laws, which often prescribe heavy sanctions, including death penalties, for insulting religion and religious figures. States should not allow that the offence of insult to religious feelings be used as a vehicle for repressing freedom of expression.

ON THE RIGHT TO PROTEST

14. Should respect the right of artists to dissent, and to use political, religious, economic, and national symbols as a counter-discourse to dominant powers and to express their own beliefs and world visions.
15. Must review and amend all legislation that imposes undue restrictions on peaceful freedom of assembly, resulting in preventing artists from exercising the unhindered right to stage and take part in protests, demonstrations, and other public actions.

ON COUNTERTERROR MEASURES

16. Must ensure that the measures primarily intended to counter terrorism are not used to suppress forms of artistic expression, including peaceful political commentary.
17. Must ensure that no provisions within domestic counterterrorism legislation violate state obligations under international human rights law, specifically Article 19 of the ICCPR protecting freedom of expression.
18. Should repeal or amend legislation that includes vaguely worded terms such as 'glorifying terrorism,' 'insult to victims of terrorisms,' and other phrases that can be interpreted in such manner as to deny the right to freedom of expression.

ON SEXUAL, GENDER AND RACIAL DISCRIMINATION

19. Must review and repeal laws and discriminatory provisions criminalising same sex relations, which place undue restrictions on freedom of expression, including artistic expression.
20. Must urgently review and repeal laws that impose undue restrictions on women's equal participation in cultural life and ensure that principles of gender equality and non-discrimination are consistently applied in all laws and policies governing the cultural sector.
21. Should conduct prompt, effective, and impartial investigations in cases of violence exerted against artists based on their sex, race, sexual orientation, and gender identity.

ON DIGITAL RIGHTS GOVERNING FREEDOM OF EXPRESSION

22. Must apply human rights protections as stipulated under Article 19 of the ICCPR equally in the offline and online context. When applying cybercrime laws to penalise expressions posted online, governments should uphold international standards governing freedom of expression and refrain from unlawfully criminalising artists' dissenting voices expressed in the digital space.
23. Should refrain from initiating legal prosecution cases against online streaming platforms and policing content available on these platforms in a manner that denies the right to freedom of expression.
24. Must treat threats of violence and sexual abuse in the online context equally to those in offline spaces. Specialised units within law enforcement tasked to combat cybercrime should investigate those threats promptly, effectively, and impartially, and relevant prosecution and judiciary bodies should ensure that perpetrators are identified and sanctioned in line with national laws.
25. Should hold social media companies accountable for implementing policies that respect the right to free expression, especially through: (a) revising community guidelines so that they are consistent with relevant international human rights standards; (b) granting artists whose content has been removed the right to appeal through a fair and transparent process in which they are provided with easy access to information about appeals, as well as timely responses to appeals and complaints in line with international human rights standards; (c) publicly disclosing information on the number of incidents in which social medial companies remove content and their reasons for this removal.

ON STRENGTHENING OF ARTS AND CULTURAL INSTITUTIONS

26. Should ensure a plural and diverse environment for exercising artistic freedom by strengthening the mandates of relevant arts and culture institutions and entities. These institutions should maintain their independence and ensure transparency in all decision making (including programmatic, operational, funding and recruitment of senior positions).
27. Should consult with civil society organisations and other relevant stakeholders (including artists focused on expression containing LGBTQ+ and feminist themes) working in the field of freedom of expression and artistic freedom—through a transparent, enabling and fully informed process, when engaging with and reporting to the United Nations and regional human rights mechanisms and to other bodies such as UNESCO.
28. In cooperation with relevant national human rights bodies, governments should establish mechanisms through which artists can report unlawful restrictions of artistic freedom of expression. These mechanisms should have the mandate to examine complaints and the mandatory power to refer the cases to relevant agencies for legal and other appropriate actions. The number and nature of these complaints should be made public for further policy analysis and development.

THE UNITED NATIONS AND OTHER INTERNATIONAL AND REGIONAL INTERGOVERNMENTAL MECHANISMS:

29. Should include freedom of artistic expression in all relevant debates, mechanisms and formulations focusing on freedom of expression.
30. Should play a convening role, bringing member states together to develop international and regional strategies and action plans to protect artists and freedom of artistic expression. They should use available international and regional mechanisms to influence member states to refrain from subjecting artists to legal prosecution and arbitrary arrests.
31. Should provide technical assistance to member states in which legal frameworks governing freedom of expression and artistic expression need strengthening. They should encourage that member states be able to bring their legislation in line with international standards and in cooperation with relevant implementing bodies, including UNESCO and regional intergovernmental organisations.
32. Regional inter-governmental bodies, such as the Council of Europe, the Organisation for Security and Cooperation, the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, and others should create platforms for dialogue and exchange among member states on good practise relating to the promotion and protection of artistic freedom.
33. UNESCO should support and ensure that States Parties to the 2005 Convention on the Promotion and Protection of the Diversity of Cultural Expressions report on violations of artistic freedom committed by both state and non-state actors.

CIVIL SOCIETY AND CULTURAL BODIES:

34. Should continue to systematically monitor, document, and raise awareness about different forms of interference in the cultural sector and artistic expression, including focusing on undue restrictions imposed through national laws and practices.
35. Should strengthen their engagement with relevant authorities at the international, regional, and national level to expose illegitimate restrictions on artistic freedom.
36. Should engage with and support individual artists and representatives of the cultural sector to share expertise and joint action in support of artistic freedom.

ARTISTS AND ARTS INSTITUTIONS:

37. Should work together to monitor attacks on artistic freedom in their own countries, take collective action and provide moral support.
38. Should work with other local, regional and international networks working in the fields of culture, freedom of expression and other fundamental rights to share experiences and ideas for action.
39. Should collaborate with regional and international freedom of expression and human rights groups to inform, monitor and advocate for artistic freedom and for those facing repression in their home countries and abroad.
40. Should work to create public understanding of the importance of artistic freedom, and its role in strengthening society and its part in a healthy democracy, through all available means, including awareness raising in schools, public events, cultural centres, national media, exhibitions, etc.

AUTHORS

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Sonay Ban has a PhD in cultural and visual anthropology from Temple University, USA. She teaches graduate and undergraduate courses and has published in *American Anthropologist* and *Visual Anthropology Review*. She has two forthcoming book chapters, one on ethics in documentary cinema and another, co-authored with Dr. Emre Çetin Gürer, on Boğaziçi University Resistance as a case of academic freedom in Türkiye. She is also co-writing a textbook on the history of documentary cinema in Türkiye with Can Candan (MFA).

Don't Delete Art

Don't Delete Art (DDA) is an international collaboration between artist-activists and human rights organisations advocating for a more tolerant and inclusive digital environment for artists. They are dedicated to the protection and promotion of diverse forms of artistic expression on digital platforms. Through their advocacy, they call attention to the myriad forms of censorship confronting artists online, highlight the artists who face that censorship, and promote artistic freedom online.

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Hossam Fazulla is a researcher, multimedia producer, and artist whose work focuses on arts, technology, and social justice. He has worked for several international media networks and NGOs, including the BBC World Service, PEN International, Counterpoints Arts, and Essex University's Department of Film, Literature and Theatre.

Małgorzata Kaźmierczak

Małgorzata Kaźmierczak holds a PhD in History. Since 2004, she has been an independent curator of art projects in Poland and USA, especially performance art events. She is a researcher and author of many essays and reviews. From 2014–2016 she was director of the City Art Gallery of Kalisz, Poland, and is currently Assistant Professor at the KEN University of Kraków, Poland and the President of AICA International.

Esilanna McMenamin

Esilanna McMenamin, an Assistant Researcher at Freemuse, is a dynamic multidisciplinary professional in the realm of human rights. Collaborating with various third-sector organizations, she concentrates on supporting at-risk groups. She has a Bachelor's in Political Science and Speech Communications alongside a Master's of Science in Human Rights and Politics, reflecting her dedication to advancing knowledge and advocating for justice.

Cecilia Noce

Cecilia Noce is a researcher and advocate for human rights and freedom of artistic expression, focused on Latin America. As head of CADAL's (Centro para la Apertura y el Desarrollo de América Latina) Program for the Defense of Artistic Expression for the last five years, she has conducted media and social campaigns, has periodically written on Latin American outlets and has advocated at the Inter-America Court of Human Rights and at the UN level for the rights of artists and audiences. She now works as an independent consultant for NGOs, and as an expert on UNESCO's Aschberg Programme.

Zikri Rahman

Zikri Rahman is a cultural worker and collaborator with multiple socio-educational and cultural activists' groups. He is affiliated with Pusat Sejarah Rakyat, an independent archival and history research centre; Buku Jalanan, a network of street libraries and, LiteraCity, a Kuala Lumpur literary mapping project. His recent work spans topics such as critical and alternative pedagogy, inter-Asian theatre practitioner networks, protest movements and documenting the arts and cultural censorship (as part of ArtsEquator's Southeast Asian Censorship Database Project).

Lisa Sidambe

Lisa Sidambe is a consultant, human rights researcher and development practitioner, specialising in artistic freedom, governance and SDG localisation. She is currently heading Nhimbe Trust's artistic freedom programme. She holds an MA in Conflict Development and Security from the University of Leeds, an undergraduate degree in Philosophy and International Studies from Monash University and is currently studying towards a PhD in Political Studies at the University of Johannesburg.

Marianna Tzabiras (editor)

Marianna Tzabiras has been working as a researcher and advocate on social justice issues for over 20 years, with an initial focus on Latin America. She has had a long history with the IFEX free expression network and is on the board of Peace Brigades International, an organisation that supports threatened human rights defenders. She has been working with Freemuse since 2020, mainly as a reviewer of the annual State of Artistic Freedom report. She is passionate about non-violence, migrant rights, art for social change and the healing power of art.

Sara Whyatt (Lead author)

Sara Whyatt is a campaigner and researcher on freedom of artistic expression and human rights. She works on projects exploring the ways that artistic freedom is curtailed across the world, providing her expertise to a wide variety of organisations, including UNESCO, Council of Europe, International Federation of Arts Council and Cultural Associations, and the Swedish Arts Council, as well as Freemuse and other arts and human rights organisations working to support threatened artists. She is a member of the Expert Facility for UNESCO's 2005 Convention on the Promotion and Protection of the Diversity of Cultural Expressions, and an advisor to the Council of Europe's Free to Create|Create to be Free program.

