

# THE STATE OF ARTISTIC FREEDOM **2023**



**FREEMUSE**  
DEFENDING ARTISTIC FREEDOM

Freemuse ([freemuse.org](https://freemuse.org)) is an independent international non-governmental organisation advocating for freedom of artistic expression and cultural diversity. Freemuse has United Nations Special Consultative Status to the Economic and Social Council (UN-ECOSOC) and Consultative Status with UNESCO.

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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Freemuse thanks those who spoke to us for this report, especially the artists who took risks to take part in this research. We also thank everyone who stands up for the human right to artistic freedom.

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**F R E E M U S E**  
DEFENDING ARTISTIC FREEDOM

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“Many artists around the world are not able to express themselves freely. Period. Never mind getting to the stage where you can make money from [art]. ... Attacks on artists are on the increase. The perpetrators are anything from states to religious authorities to corporations and even ourselves: the self-censorship, the fear. Those are everywhere that we go. Can I say this? Can I not say this? Will I be shot? Will something happen? These are all questions that are excruciatingly difficult and very important to look at.”

Deeyah Khan, filmmaker and UNESCO Goodwill Ambassador for Artistic Freedom, speaking at the UNESCO World Press Freedom Day Conference, Helsinki May 2016

## OVERVIEW: A YEAR OF WAR, CONFLICT AND A DECLINE IN FREEDOM OF EXPRESSION

As the global pandemic had begun to recede, the return of war in Europe in February 2022, with political and economic repercussions across the globe, set the tone of a new kind of crisis. The Russian invasion of Ukraine brought with it traumatic memories of previous wars in Europe, while elsewhere other longstanding conflicts, such as in Myanmar, and elsewhere, raged on. Artists were among the many civilians caught up in conflict and unrest, even in states that are not at war yet where oppression reigns. They were brought to trial, arrested, imprisoned, attacked, censored or even killed for standing up to authoritarianism, protesting war, challenging cultural and societal values through their art and taking part in movements for change.

This report explores the state of artistic freedom in the 12 months of 2022, focusing on ten key countries selected for the extent of attacks on artists, and illustrative of the most extreme measures taken to suppress creative resistance. These are: China, Cuba, Egypt, Iran, Myanmar, Nigeria, Russia, Thailand, Türkiye and Ukraine. It records the 'above the radar' assaults on artistic freedom such as trials, imprisonments and killings, which are in most cases reported by local and international media, and by human rights organisations. The authors of each country chapter turned to these sources for information, as well as direct contact and interviews with those who had been subjected to abuses, their colleagues, families and legal representatives. The report also touches on the 'under the radar' factors that can lead to institutional and self-censorship, which by their nature, can be difficult to measure. This is especially so for women and LGBTQ+ persons, people of minority backgrounds and those living under conflict and deprivation.

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"The pain of separation from home and family, isolation and loss of artists forced to flee from conflict or from persecution which serves to illustrate the wider worldwide refugee experience."

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Alongside this is the pain of separation from home and family, isolation and loss of artists forced to flee from conflict or from persecution, which serves to illustrate the wider worldwide refugee experience. The nature of these hidden and not so hidden censorships is such that it is not possible to have a complete picture of whose creative freedom is curtailed, or how and where it is suppressed. However, this report serves as an illustration of the extent that those holding power will go to and the means they use to repress the freedom of those who challenge them through art.

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### **Media freedom = creative freedom**

The state of artistic freedom in any country mirrors that of the situation for media and other forms of free expression. Where media freedom is endangered, so is that of artists and others. In 2022, press freedom monitors recorded a worrying leap in the numbers of journalists arrested and killed. The Committee to Protect Journalists, for example, noted that there had been over 360 detentions that year, a 20% increase over the previous year. It also noted 67 killings of journalists, the highest figure in five years and a 50% increase from 2021. This situation is described by CPJ as 'another grim milestone in a deteriorating media landscape'.

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### Deaths of artists by execution and as casualties of war

Execution is the ultimate form of censorship. In 2022 three countries sentenced artists to death. In Myanmar, in July 2022 hip-hop musician, Phyo Zeyar Thaw was executed on accusation of being a 'terrorist'. He had moved from music to become an opposition MP and shortly before his death had announced his intention to step down from politics and return to music. His influence over younger people is thought to be why he had been singled out. Two other musicians faced the death penalty. In Nigeria, Sufi singer Yahaya Sharif-Aminu, arrested in 2020, is appealing against a death sentence issued against him for allegedly committing 'blasphemy'. In Iran, Toomaj Salehi, charged with 'corruption on earth' for challenging the authorities, could also face the death penalty. In Ukraine, in the Russian-occupied city of Kherson, Yuriy Kerpatenko, a conductor, was reportedly killed in October for refusing to take part in a concert organised by Russian occupiers.

Others have died as civilian victims of armed conflict. Aurai and Ko King were on stage performing at a music festival in Kachin, Myanmar, when military jets carried out a targeted airstrike against the Kachin Independence Army. Over 100 people attending the event, including the two musicians, were killed. In Ukraine, artists were among the myriads of civilians who have perished. Writer, Volodymyr Vakulenko was abducted in March, and his body found six months later in a mass grave among hundreds of other victims. Lyubov Panchenko, an artist in her 80s, died of starvation in April after being found in a terrible state in her home in Bucha, that had been under occupation by Russian forces. No doubt there are other artist victims of war whose plight is yet to be uncovered.



*Still from Marichka Lukianchuk's film 'Before, between, After' Permission granted by the artist*



### **Artists in the midst of protests**

There has been an extensive number of protests in recent years on issues spanning civil rights, economic justice and climate change among others, and this continued into 2022. Artists have played a prominent role, be it by creating posters, or social media memes, performing in the streets, on stage and online, as well as producing music and lyrics demanding change. Popular, well-known artists can reach out to wide audiences to spread a message and encourage their followers and fans to engage on an issue. This in turn can make them targets for repression by authorities who fear their influence.

As protests against Covid-19 measures subsided with the pandemic waning in most of the world, in China, where strict controls continued throughout the year, unprecedented protests broke out in November by a public whose patience had worn thin by the draconian controls on movement. They were shocked into action following the death of 10 people who were unable to escape a fire because of Covid-19 restrictions. Creative responses to the crisis, such as artworks and using symbolic white sheets of paper in protests, were in turn met with online threats and arrests.

The death in police custody in Iran of Mahsa Amini, a young woman accused of not wearing a head scarf correctly, sparked widespread demonstrations inside and outside the country, bringing to a head long-standing outrage about the suppression of women by the Iranian hardliners. Female artists who joined the protests, removing their headscarves and cutting off their hair, and musicians who wrote music with lyrics supporting the women's protests are among those who were arrested.

In Thailand, trials were ongoing against rappers who were in the midst of mass protests, that erupted in 2020-2021, against corruption, inequality and a crackdown on critics of the Thai royal family. Moreover, lèse-majesté laws were used to arrest and prosecute artists for defaming the monarchy.

In Cuba, the consequences of demonstrations that broke out in July 2021, which had led to legal repercussions against artists, still reverberated throughout 2022. Other artists were forced into exile after being threatened with arrest, and new legislation came into force extending penalties for legitimate protests and expression. Government policy appears to be aimed at forcing dissident artists who have been involved in protests to leave the country under threat of imprisonment and constant harassment.

In Russia, anti-war protestors were detained and censored, while anti-Russian sentiments outside of the country led to cancellations of contracts of Russian performers, even those who have been vocal against the war. Thus, artists who are abroad can be doubly restricted: facing restrictions if they return to Russia, and in their attempts to find work outside the country.



*Kacey Wong, Hong Kong artist, performs the song S.S.T.U. (Special Singing Tactical Unit) as a protest against Special Tactical Unit police violence in 2019. Permission by the artist.*

### **Satire seen as insult to monarchs, leaders and national symbols**

Politicians and powermongers are frequently the subject of satire, be it in imagery, on stage or in song. It is widely accepted that those in high positions should tolerate greater levels of scrutiny, even if it is expressed as ridicule, as part of the democratic process and the principle of freedom of expression. However, many are thin-skinned, finding such expressions threatening, and resort to the courts to suppress their critics.

In Nigeria, two young men were sentenced to the extraordinarily harsh penalty of flogging for defaming a local official in a TikTok sketch. In Thailand, a young woman was sentenced for her sardonic dressing up as the country's queen.

In some countries, 'insult' to national symbols can be punished. In June, in Türkiye, an artist was acquitted of insult to the Turkish flag when he added to a tourist billboard a drawing a silhouette of a body hanging from a crescent and a star (symbolizing the Turkish flag). He was, however, sentenced for another image deemed as insulting to President Erdoğan.

### **Anti-terror laws as tools for silencing creative freedom**

Anti-terror laws are often applied as a means to silence criticism of governments, and to target minority groups in particular. Often the definition of what constitutes 'terrorism' is vague and can be applied to even the most minor criticisms. Such is the case of poet and lyricist Galal el-Beairy, imprisoned in Egypt since 2018; although his original 3-year sentence for comments made in his book of poetry expired, he remains in prison charged with writing lyrics for a song by an exiled singer, which were deemed to 'insult' President Abdel-Fatah El-Sisi. More than two years on he still awaits trial.

In Türkiye, anti-terror laws have long been used to suppress scrutiny of the government. Among the artists who have fallen afoul of these laws were two filmmakers charged with 'terrorist propaganda', whose trial has been going on for more than four years for filming Kurdish guerrillas for a documentary. Kurdish artists have been particularly targeted under these laws, with some musicians facing trial, and even adaptations into Kurdish of classic European plays being banned for alleged incitement to terrorism.

### **Creative exploration and questioning of religion a danger to artists**

Laws protecting religion from blasphemy or insult are used to penalise commentary or challenges to religion and religious leaders. To be denounced as a 'blasphemer' not only brings with it the risk of trial, imprisonment and even the death penalty, it can also incite individuals and groups to violence, often with tragic consequences. This was starkly illustrated by the attack in the USA on author Salman Rushdie in August, as he was about to give a talk about safe havens for writers. He was stabbed several times by a US-based Islamist extremist who claimed to object to Rushdie's book, 'The Satanic Verses'. The book's publication in 1989 led to a fatwa condemning the author to death, which forced him into hiding for several years. As a result of this latest attack, Rushdie lost sight in one eye and the use of a hand.

Death sentences against artists accused of blasphemy have been passed in Nigeria and Iran (see above). In Türkiye, religion and the state are closely intertwined. 'Denigrating religion' is an accusation that has been used against artists, for example in the case of a popular singer on trial for joking on stage about religion. As well, several concerts were cancelled in 2022 for fear of physical attack from extremists.

### **Women and LGBTQ+ artists targeted**

Populist and conservative sentiments lay behind the long-standing patterns of attacks against women and LGBTQ+ artists in all regions. One of the harshest regimes for women artists is in Afghanistan, as they cannot perform or engage in the arts in public. Freemuse's State of Artistic Freedom report in 2021 referred to women having to give up their artistic careers, or to leave the country to be able to be free to create. Some women continue to create but have to do so behind the scenes while working from home.

In Iran, women's rights have become the most contested issue following the death in custody of Mahsa Amini (see above). The outpouring of anger at her treatment and against restrictions on women's rights has also been expressed through music and images created by men and women, inside and outside of Iran. This in turn has led to arrests and bans inside Iran.

LGBTQ+ artists and those who support LGBTQ+ rights were also targeted. In Russia, where LGBTQ+ activists and expressions are censored, one artist was acquitted of charges of 'pornography' for her LGBTQ+ themed play, though she had to flee the country due to threats. Across Türkiye, LGBTQ+ expression was repressed, as evidenced by the targeting of musicians and filmmakers and the banning of Pride celebrations in several cities.

### **Censorship in the film Industry**

The film industry is especially prone to censorship. Sometimes this is direct, such as court cases and threats. In other cases, it is the imposition of labyrinthine processes in order to obtain the required government approval for certification, licencing, and permission to film on sites, that is aimed at curbing expression.

In Nigeria, censors can restrict films for content that touches on politics, religion and cultural sensitivities. In 2022, a filmmaker had to flee his region where he faced trial and suffered death threats for making a film deemed 'immoral'. 'Immorality' was also an accusation that led to threats to an Egyptian actor for her performance in a film that featured a same-sex relationship and adultery. A new act passed in Hong Kong allows for the banning of films 'contrary to national security', notably those that feature the pro-democracy demonstrations. In China, filmmakers must make sure that their films do not fall foul of government ideology or else they risk having licenses refused.

### **Professional bodies – for or against artistic freedom?**

Professional bodies representing cultural industries in some countries act as arbiters of the government, tasked with issuing licences, certification and even, at times, administering prior censorship. In China, the China Association of Performing Arts (CAPA) has rules of conduct, covering a wide range of issues from the political to the artist's lifestyle. Those who breach these rules can be black-listed and banned. In Egypt, arts syndicates, whose task is to ostensibly protect and promote artists, have also used their authority to ban and deny licences to musicians for work seen to be 'inferior'.

### **Artistic expression online– a double-edged sword**

The internet has been described as a double-edged sword: providing opportunities to disseminate and earn from creativity, and to be inspired by other artists on the one hand, while on the other hand opening artists to online threats from trolls, prosecution for showing work that does not chime with the prevailing authorities and being banned from the internet itself.

Everywhere, artists have been the target of online surveillance and trolling, such as in Indonesia and Iran where music videos attracted government attention, and, in Iran, arrest. In Türkiye online smear campaigns by religious, far right and pro-government groups led to bans, arrests and harassment against musicians. In Iran, musicians who shared protest songs against the killing of Mahsa Amini online faced being arrested and brought before the courts.

The increasing use of social media platforms to mobilise anti-government activism and to disseminate artistic content, has resulted in some governments restraining online freedom, by passing new legislation or extending existing laws. In China, a new licence for

digital drama content was introduced, that places additional government scrutiny and restraints on online film producers. Existing laws on online content were extended in Cuba to encompass additional 'crimes', including defamation. Complete shutdowns of the internet have been used by governments to obscure military attacks, such as in Myanmar where an internet blackout was used to hide the extent of an airstrike on civilians who had gathered to attend a music concert. Yet social media remains essential for artists to exist online, to continue to produce works that challenge and comment on crises, and especially for those forced into exile.

# REVOLUTION OF OUR TIMES

A Film by Hongkongers  
香港人作法

## 時代革命

THE TIMES  
DIDN'T CHOOSE US  
WE CHOSE TO  
CHANGE THE TIMES



FESTIVAL DE CANNES  
OFFICIAL SELECTION  
2019 OFFICIAL SELECTION

不是時代選了我們  
是我們選擇改變時代



Poster for Kiwi Chow's  
'Revolution of our Times'

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### Afghanistan and Belarus – the pressure continues

The Freemuse report on artistic freedom in 2021 focused on the difficult situation for artists in certain countries, a situation that in many regions continued to be extremely challenging in 2022. While countries such as Afghanistan and Belarus could not be extensively covered in this 2022 report, Freemuse continues to monitor artistic freedom and notes the immense pressure that artists live under due to these states' policies.

After the Taliban returned to take over Afghanistan in August 2021, many hundreds of artists were among the thousands who fled to escape persecution. Organizations including Artists at Risk in Helsinki, PEN International in London and the Artists at Risk Connection and Arts Freedom Initiative in New York came together to lobby governments to provide visas and safe places for these artists. By the end of 2022, hundreds more remained in limbo in refugee camps and more still were living inside the country but unable to practice and in fear of attack.

In 2020 Belarus saw the launch of a major crackdown on protests against fraudulent Presidential elections that continued throughout 2022. Artists are central to the resistance and as a result have been arrested and imprisoned. The Belarus PEN centre reported that between January and September 2022 over 750 cultural workers had had their rights curtailed through direct censorship and dismissals for their activism. Among them were over 100 who were detained and imprisoned, some serving sentences of several years, most convicted of defamation or for their involvement in legitimate protest.

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### **Areas for future exploration - Censorship below the radar**

This report focuses on the attacks that happen 'above the radar'. That is imprisonments, trials and even deaths that are by and large well documented by the media and rights monitors. The factors that can lead to self-censorship, the 'below the radar' effects, are often not easy to identify and even more difficult to measure.

This report is inevitably a snapshot of the various mechanisms that stand in the way of freedom of artistic expression, focusing as it does on the most extreme situations. The often-undefined impacts on creative freedom require further examination.

The precarity of work in the arts and cultural sectors, with many artists reliant on grants and sponsorship, means that taking risks can come at a great cost. In countries where nationalism and populism dominate the political, media and public discourse, artists may not wish to be seen or tarnished as 'trouble-makers' for fear of losing contracts or becoming subject to online or even physical abuse. Publicly funded cultural institutions such as museums have also been targets, seeing their budgets cut, leaders forced to resign, and boards dominated by government officials more interested in protecting government ideologies than promoting creative diversity. This in turn limits the type of artwork that is supported and can exclude work that challenges mainstream and dominant political narratives. Women, minority and migrant artists are especially vulnerable to inequity, financial and societal, and more likely to face more barriers in producing work that reflects their own experience.

'Cancel culture', and societal, family and peer pressure also play their part in suppressing creative freedom. All of these effects sit within an environment where the public and governments alike see making art as incon-

sequential, and where art and artists are seen to have little status. Yet at moments of crisis, such as the Covid-19 pandemic, their importance comes to the fore. Without access to film, music, creativity, life under lockdown would be unbearable. Conversely, when artists spring to action to expose and challenge injustice, artists are seen as dangerous, and to be repressed.

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**"I want to make a case today for moral courage, for each of us to stand for freedom of speech, to refuse to participate in unjustified censorship, and to make much wider, the boundaries of what can be said."**

Author, Chimamanda Ngozi Aichie. Reith Lecture 2022 - 'Freedom of Speech' 30 November 2022 <https://www.bbc.co.uk/programmes/m001fmtz>

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# CHINA

*IT NEVER **RAINS** BUT IT **POURS**' –  
ZERO-TOLERANCE, PROTESTS & BLACKLISTS*

It never rains but it pours, 破屋更遭连夜雨，漏船又遭打头风。

- 2022 saw unprecedented protests fueled by China's harsh "zero-Covid" policy, with critics arrested and banned, among them artists.
- Repression of online content and social media content providers deepened, with new restrictive legislation enacted, further constraining artistic freedom.
- The China Association of Performing Arts was tasked with creating 'blacklists' of performing artists and celebrities who did not conform with Chinese Communist Party guidelines, or whose behaviour was not "morally acceptable".

With China being one of the world's largest and most rapidly expanding markets for contemporary art and the interconnected nature of the cultural sector, the battle for freedom of artistic expression goes beyond China's geographical borders. Given the widespread murky, opaque and systematic nature of the suppression, the beneficial opportunities that a thriving arts sector could bring are severely undermined.

In China, 2022 was one of the most challenging years in recent history, as existing systematic suppression of freedom of expression was compounded by increased state control and surveillance policies in the name of public health under the global pandemic. While most countries began to relax their

lockdown measures, China's "zero-tolerance" policy towards Covid-19 remained dominant in civic and private life in 2022. This led to mass protests, the size of which was unseen in recent years. Harsh restrictions on free expression continued to be imposed, and even increased, especially in the digital sphere. As the saying goes: **"It never rains but it pours"**

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### **The case of Fang Fang – chronicle of a lockdown experience**

Even well known, highly regarded writers, such as author Fang Fang, faced censorship in 2022. Although she was the chairperson of the Hubei provincial writers' association from 2007 to 2018 and was once awarded a top-level literary prize by the government, her status did not protect her from being vilified. In January 2020, as the pandemic took hold, the 66-year-old began sharing daily posts online describing her life living alone with her dog under lockdown. Resonating with the experiences of millions of others, her posts gained a huge readership and were, at first, widely praised by the Chinese media for their vivid portrayal of life under isolation. However, the tide turned when her diary caught international attention and with the news that it would be translated into English and published by the US publisher, Harper Collins, as 'Wuhan Diary: Dispatches from a quarantined city.'<sup>1</sup>

In an article published in Le Monde in August 2022, Fang Fang said of the backlash: "I was subjected to a barrage of insults and accused of every possible wrong. Though a Chinese magazine had commissioned my diary, I was suspected of having written it at the instigation of the United States. Its publication overseas, though nothing unusual, the deal was described as 'abnormally quick'... For over a year I was subjected to violent attacks online". She adds: "I was under total censorship: the briefest interview or attempt to explain myself would be taken down as soon as it went up. The media treated my name as taboo; even today they replace it with asterisks".<sup>2</sup>

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<sup>1</sup> BBC Online [2021] "Fang Fang: Author vilified for Wuhan diary speaks out a year on" BBC Online available at: <https://www.bbc.co.uk/news/world-asia-54987675> 9 January 2021

<sup>2</sup> Fang Fang [2022] "Wuhan: the Covid diary" Le Monde Diplomatique available at: <https://mondediplo.com/2022/08/11wuhan> August 2022

### Artists join lockdown protests

In 2022, the Chinese government's "zero-Covid" policy, a rolling program of targeted lockdowns, strict quarantines, mass tracking of civilians, and compulsory testing began to unravel. While this, the most stringent of Covid-19 strategies in the world, kept the number of infections extremely low, the economic and social impacts took their toll on the population. Then, in the lead up to the 20th National Congress of the Communist Party in October 2022, the situation worsened as the government sought to quell opposition to the election of President Xi Jinping to an unprecedented third term. There were arrests and sentences, including the death penalty, served against former politicians, police and security chiefs, and others accused of corruption and disloyalty to the government.<sup>1</sup> This, alongside the continuing stringent public health measures, led to public discontent that threatened to destabilise the country.

Events came to a head in November, when demonstrations broke out across China, including in the capital Beijing and the financial centre Shanghai; they were the largest public protests since the 1989 Tiananmen Square democracy movement. They were triggered by a fire that broke out on 24 November on the fifteenth floor of a residential building in Urumqi, the capital of the north-western region of Xinjiang, where ten people's lives were lost, including that of a 3-year-old child. Strict Covid-19 regulations meant that the residents were unable to escape the building in time. This incident fed into the already tense situation across China

where anger at the prolonged lockdown had been rising. Artists and art students across the country joined the demonstrations, contributing their protest art and graffiti.<sup>2</sup> Many protestors were arrested. While some were freed soon after, others have been charged with 'picking quarrels and provoking trouble' and could be brought to trial.<sup>3</sup> As of early 2023, the international media reported that an unknown number of demonstrators were still detained, amidst reports of ill treatment.<sup>4</sup> Among them were a group of mostly young female professionals who had disappeared after they had participated in what became known as the A4 Revolution, where blank standard A4-sized pages were held up by protestors, a defiant gesture against censorship.<sup>5</sup>

In another case, on 16 October 2022, artist Xiao Liang was taken from his home by police the day after he shared on Twitter a portrait he had painted of the 'Bridge Man' protester, Peng Lifa. Peng Lifa had hung a poster on an overpass in Beijing earlier that month calling on President Xi to resign and calling for "food, not PCR tests; freedom, not lockdowns; reforms, not the Cultural Revolution," a protest message that went viral. Xiao Liang was arrested on 7 December 2022 and accused of 'picking quarrels'.<sup>6</sup>

1 Human Rights Watch [2022] "China: Third term for Xi threatens rights" available at: <https://www.hrw.org/news/2022/10/10/china-third-term-xi-threatens-rights>, 10 October 2022

2 Chow, V [2022] "How protest art is helping fuel historic demonstrations erupting across China" Artnet available at: <https://news.artnet.com/art-world/art-students-china-anti-covid-protests-2022-2217497>, 28 November 2022

3 CNN [2023] "A group of friends attended a vigil in Beijing. Then they disappeared one by one." CNN available at: <https://www.cnn.com/2023/01/22/china/china-zero-covid-protesters-detained-beijing-intl-hnk/index.html>, 22 January 2023

4 Yang, W [2023] "China: Fears grow for detained anti-COVID protestors" Deutsche Welle available at: <https://www.dw.com/en/china-fears-grow-for-detained-anti-covid-protesters/a-64421018>, 17 January 2023

5 Pollard, M and Goh, B [2022] "Blank sheets of paper become symbol of defiance in China protests" Reuters available at: <https://www.reuters.com/world/china/blank-sheets-paper-become-symbol-defiance-china-protests-2022-11-27/>, 27 November 2022

6 <https://www.rfa.org/english/news/china/artist-arrested-12122022142010.html>

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### **New restrictions on online film producers**

The introduction in June 2022 by the National Radio and Television Administration of a new 'Internet Drama Content Distribution License' added to restraints on film makers. This extended licensing requirements already imposed on box-office feature film production to films streamed online. The new regulations, which were extended to streamed films, require production companies to go through three approval stages: 1) to have the authorities 'greenlight' the script, 2) to apply for production-related approvals, such as for shooting locations and titles, and finally 3) to obtain a public screening licence to enable the release of the film in theatres, and as of June 2022, also in the online realm. The 'Online Label' license has been added to the previously existing 'Dragon Label' for box office films.<sup>1</sup> While ostensibly aimed at improving quality, restrictions have been tightened and censorship strengthened. Film makers must take care not to fall foul of CCP ideology, else they risk losing these coveted licences.

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<sup>1</sup> *China Media Project [2022] "New licensing system for online dramas" available at: <https://chinamediaproject.org/2022/06/01/new-licensing-system-for-online-dramas/>, 1 June 2022*

## Artists blacklisted

New restrictions on artistic freedom were imposed in February 2021, when the China Association of Performing Arts (CAPA), a national organization under the purview of China's Ministry of Culture and Tourism, issued a list of fifteen rules of conduct that performing artists should follow to "self-regulate". Since then a number of artists have been banned, some temporarily. The list is vaguely worded and includes content ranging from "threatening national security and inciting ethnic hatred", to "promoting cults and superstition", to "mislead[ing] consumers by appearing in commercials" and the use of drink and drugs.<sup>1</sup>

Breaching these regulations can mean being blacklisted for up to five years or even banned. Artists are also required to show "love for the party and its principles," and commit to serving "the people and socialism"<sup>2</sup>. While some of those on the blacklist have been convicted of criminal offences, such as tax evasion and sexual abuse, as what cannot be expressed or "regulated" is often obscured, artists must guess which expressions are permissible and which could result in career-ending consequences. Those with high public profiles are being singled out and targeted, which could act as a deterrent to their peers, fans and followers, contributing to self-censorship.<sup>3</sup>

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## Mass internment in Xinjiang, including 100s of artists

Repression in the Xinjiang Autonomous Region is acute. Since 2017, more than a million Uyghurs, ethnic Kazakhs, Turkic Muslims and others have been rounded up and taken to hundreds of specially built internment camps in an operation that the Chinese authorities claim is intended to deal with religious radicalism. Access to the prisoners is almost impossible, and the rare reports from inside the camps show a pattern of abuse, torture, and even death stemming from violence and neglect<sup>4</sup>. The situation has been described by the United Nations as 'crimes against humanity'.<sup>5</sup>

Among those who have disappeared into the camps are cultural figures, including writers, artists, and musicians, thought to number in the hundreds. Particularly targeted are artists using the written word, with the use of the Uyghur language increasingly censored. There had been no Uyghur-language books published since 2017<sup>6</sup>. In 2022, it remained impossible to find out how many people remained detained in Xinjiang.

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1 Cords, S [2021] "China's new rules of conduct for artists" *Deutsche Welle* available at: <https://www.dw.com/en/china-introduces-new-rules-of-conduct-for-artists/a-56772344>, 3 August 2021

2 PEN America [2021] "China's new performance regulations a threat to artists" available at: <https://pen.org/press-release/chinas-new-performance-regulations-a-threat-to-artists/>, 12 March 2021

3 Provisions on the Administration of the Protection of Secrets on Internationally Networked Computer Information Systems (2000), Article 8.

4 US Department of State [2022] "2021 Report on International Religious Freedom: China - Xinjiang" available at: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/china/xinjiang/>

5 Human Rights Watch [2022] "China: New UN report alleges crimes against humanity" available at: <https://www.hrw.org/news/2022/08/31/china-new-un-report-alleges-crimes-against-humanity>, 31 August 2022

6 Movius, L [2019] "Hundreds' of cultural figures caught up in China's Uyghur persecution" *The Art Newspaper* available at: <https://www.theartnewspaper.com/2019/01/02/hundreds-of-cultural-figures-caught-up-in-chinas-uyghur-persecution>, 2 January 2019

## Hong Kong artistic freedoms eroded

Hong Kong's reputation as an Asian arts hub with wide-ranging freedoms came under threat with the enactment of the National Security Law in June 2020. The law punishes subversion, secessionism, terrorism or collusion with foreign forces, with sentences of up to life in prison, and, as elsewhere in China, has been used to arrest and imprison dissenters. This also casts a shadow over Hong Kong's art scene, with the city reportedly seeing an exodus of artists, and others saying they were making plans to leave<sup>1</sup>.

Anxieties about declining artistic freedom are illustrated by concerns about Hong Kong's newest gallery dedicated to contemporary arts, M+ Gallery,<sup>2</sup> with 1,463 contemporary Chinese works acquired from the Sigg collection (amassed by Swiss art collector Uli Sigg). In 2012, when the donation was negotiated, the impression was that Hong Kong, a special administrative region of China historically, was not subject to the latter's censorship. Opened in November 2021, M+ is the largest museum in Hong Kong, with a collection of contemporary art focusing on work from Hong Kong and the Chinese mainland, and from Asia more widely. Since its opening, the museum has attracted controversy with accusations that works critical of China's government were removed from display. Notably Ai Weiwei's photo "Study of perspective:

Tiananmen" was removed from the gallery's website after Chinese officials complained that it "spread hatred against China". In early 2022, nine artworks with political comment were removed from display, including a 2001 painting titled "New Beijing" featuring dead emperor penguins on a handcart, a reference to the Tiananmen Square massacre.<sup>3</sup> The management of M+ has responded that it was part of the normal rotation of art works of its large collection, and that the images remain accessible on its online site, adding that the works are curated in "full compliance with relevant laws and regulations".<sup>4</sup>

The Hong Kong film industry saw the introduction in October of the Film Censorship Ordinance, that can lead to the banning of films deemed 'contrary to national security' and stipulates prison sentences of up to three years and fines. The documentary film, *Revolution of our Times* that premiered in Cannes and was shown globally, is banned in Hong Kong. The title of the film itself is censored, as it's taken from the pro-democracy movement slogan "Liberate Hong Kong: Revolution of our Times", a phrase which could result in a nine-year prison sentence under the National Security Law. The director of the documentary, Kiwi Chow, who lives in Hong Kong, ensured that there was no publicity of its Cannes premiere until a day before the premiere, so as to prevent a backlash from China, and limited its local distribution. Raw footage and other materials that may incriminate people involved in the production were also destroyed.<sup>5</sup>

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***"Nowadays society doesn't allow you to say [Revolution of Our Times] ... I think it's becoming more necessary that we say it [out] loud ... When society tries to silence you and fill you with fear, my act of making Revolution of Our Times the title creates a new energy, namely, bravery and dissidence."***  
***Kiwi Chow, in an interview to ABC News, May 2022***

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1 Chow V [2020] "Some artists planning to leave Hong Kong in response to new national security law" *The Arts Newspaper* available at: <https://www.theartnewspaper.com/2020/07/08/some-artists-planning-to-leave-hong-kong-in-response-to-new-national-security-law>, 8 July 2020

2 M+ Website available at: <https://www.mplus.org.hk/en/>

3 Chung, S [2022] "Hong Kong museum removes controversial Tiananmen painting" *CNN* available at: <https://edition.cnn.com/style/article/m-museum-tiananmen-painting/index.html>, 22 April 2022

4 Tam, C [2022] "Hong Kong's vibrant art scene faces threat under new laws" *Kyodo News* available at: <https://english.kyodonews.net/news/2022/01/31ab95cde3c2-feature-hong-kongs-vibrant-arts-scene-faces-threats-under-new-laws.html>, 2 January 2022

5 Wing, K [2022] "Kiwi Chow's film cannot be named in Hong Kong. But Revolution of Our Times is empowering the diaspora in Australia" *ABC News* available at: <https://www.abc.net.au/news/2022-05-07/kiwi-chow-revolution-of-our-times-inspires-hong-kong-australians/101043352>, 7 May 2022

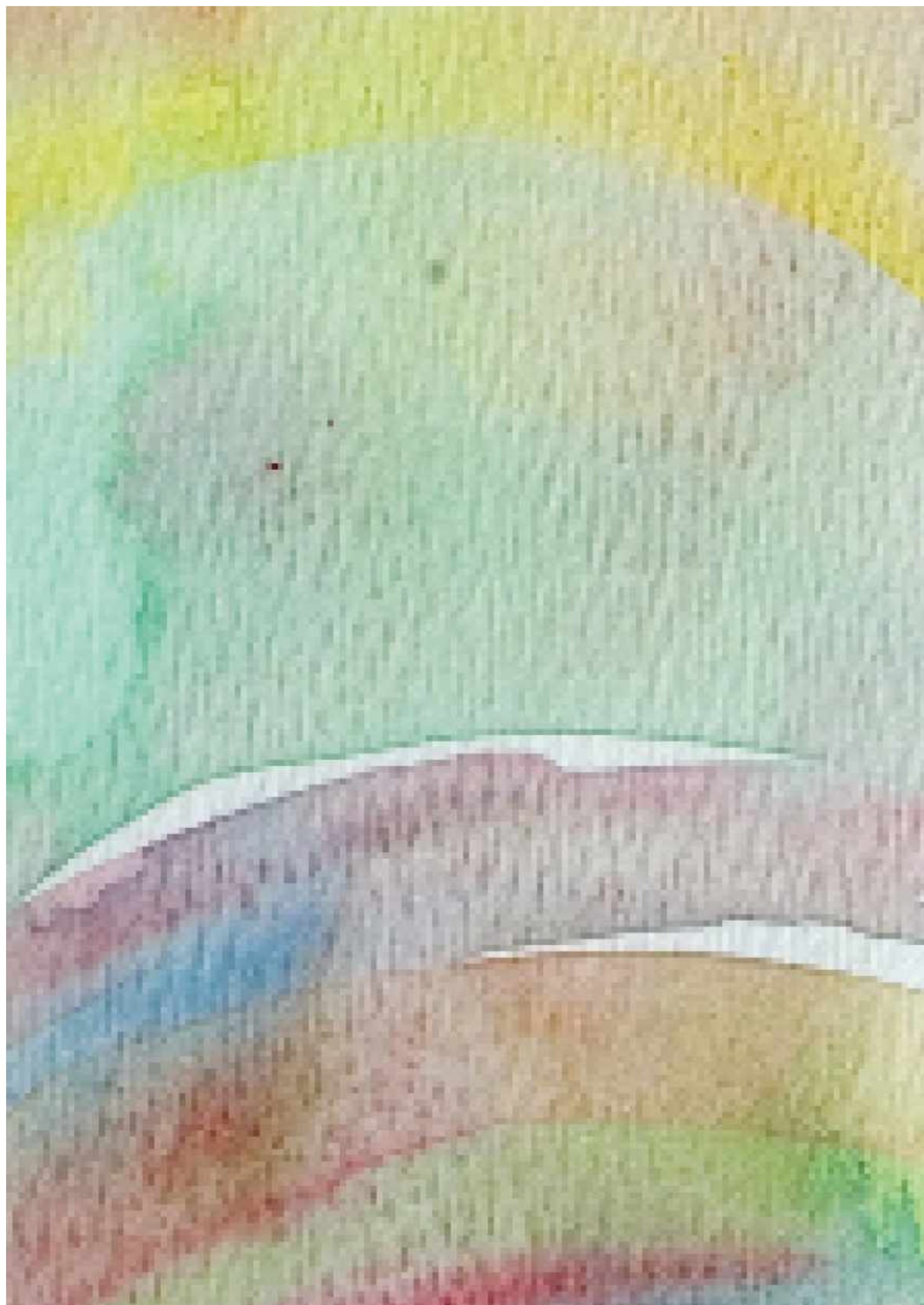


## **Conclusions**

China, as a signatory to both the UN International Covenant on Civil and Political Rights and to the UN International Covenant on Economic, Social and Cultural Rights, has pledged its commitment to uphold, among others, the rights to freedom of expression and access to culture. Its increasing repression of these rights runs counter to these commitments, notably the clamp-down on freedom of expression and the right to peaceful protest.

The imprisonments of journalists, writers, activists and artists, increased surveillance and censorship in the digital sphere, and the tightening of control of the film industry are all indications of the Chinese authorities' reluctance to grant its citizens their rights to creative freedom.

Furthermore, the disappearance of thousands of Xinjiang Uyghur citizens into internment camps is a shocking indication of China's intolerance of minority rights. China must release all Xinjiang citizens who have been arbitrarily detained, including artists, and let families who are seeking information about the whereabouts of their loved ones, in some cases for five years, be told where they are and to be allowed contact.





*CUBA:*  
***NEW TACTICS & OLD TACTICS SUPPRESS***  
*ARTISTIC FREEDOM*

- Detentions of, and sentences against, artists involved in the 11 July 2021 protests continued throughout 2022.
- Artists were forced into exile after being threatened with arrest and persecution.
- New legislation that came into force at the end of the year extends penalties for legitimate protests and expression, adds heavier penalties for “crimes” carried out online, and introduces bans on funding from abroad.

During 2022, the Cuban government exhibited its intolerance of any criticism of the political regime or the economic situation. Fearing new demonstrations similar to the nationwide ones in 2021, they applied new and old tactics to suppress freedom of expression, association, and assembly. Intimidation, politically motivated prosecutions, and being forced into exile were some of the methods used to stop artists from carrying out their activities, or to punish them when they defied the status quo. As a last resort, the government issued a new Penal Code that further restricts civil and political rights.

Many of the artists who were targeted have used art as a means of expressing their views on the social, political, and economic conditions in Cuba.

### **Increased repression following 11 July protests of 2021 (11J protests)**

Mass protests began in Cuba on 11 July 2021, triggered by the Covid-19 crisis and in response to scarcity and longstanding restrictions on rights. Lasting for a week, they were the largest anti-government demonstrations in the country since the 1959 Cuban Revolution. In response, the government arrested and prosecuted artists who were labeled as "dissidents" due to their participation in the demonstrations, or their human rights activism.

They faced charges such as "public disorder", "incitement to commit a crime", and "contempt" (Penal Code Articles 200, 202 and 144-Law 62)<sup>1</sup>. The trials against them were manifestly unfair, violating due process guarantees by for example not providing the defendants with legal assistance, being held in closed hearings, and, in some reported cases, with only police testimony presented as evidence.<sup>2</sup>

On 17 December 2021, rap singer Richard Adrián Zamora, known as El Radical, was sentenced to 18 months of house arrest and forced labor on charges of "public disorder" (Article 200-Law 62)<sup>3</sup>. In his testimony for a shadow report submitted to the UN Committee Against Torture by the Argentina-based human rights NGO CADAL<sup>4</sup> and Freemuse in March 2022, the artist described the inhumane treatment he was subjected to while in pre-detention in a prison in Matanzas, including being handcuffed for five days, the lack of hygienic conditions and medical treatment, and restrictions on water, which was only provided for 15 minutes per day<sup>5</sup>.

<sup>1</sup> Ley 62/1987- Penal Code, [https://oig.cepal.org/sites/default/files/1987\\_codigopenal\\_cuba.pdf](https://oig.cepal.org/sites/default/files/1987_codigopenal_cuba.pdf)

<sup>2</sup> *CiberCuba* [2021] "Condenan a 10 meses de cárcel al poeta y actor Alexander Diego Gil, detenido en las protestas del 11J en Cuba", *CiberCuba* available at: <https://www.cibercuba.com/noticias/2021-07-23-u1-e199894-s27061-condenan-10-meses-carcel-al-poeta-actor-alexander-diego-gil>, 23 July 2021

<sup>3</sup> *Freemuse Interview*, (Online), 5 January 2022.

<sup>4</sup> CADAL website: [www.cadal.org](http://www.cadal.org)

<sup>5</sup> *Informe alternativo ante el Comité contra la Tortura Naciones Unidas para el examen de Cuba - 73ª sesión (Abril-Mayo 2022)* <https://www.cadal.org/comunicados/Informe-CAT-Cuba-sobre-Represion-Comunidad-Artistica.pdf>

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Estoy escribiendo este gemido ahora mismo  
en una madrugada de presos y oprobios  
donde las puertas suenan a llanto y olvido.  
No puedo dormir.

I am writing down this lament right this second  
in the early hours of a morning of prisoners and shame  
where the doors remind one of weeping and the forgotten  
I can't sleep

Extract from Cristina Garrido's poem *El cementerio de los vivos* - (The Cemetery of the living) tr. Marianna Tzabiras

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Other artists sentenced for taking part in the 2021 protests include:

- Musician, poet, and art student Abel Les-cay, sentenced to six years in prison, which was reduced to five years' house arrest in June 2022
- Rap singer Randy Arteaga, sentenced to five years in prison.<sup>1</sup>
- Poet and activist Cristina Garrido, sentenced to seven years' imprisonment.

<sup>1</sup> *CiberCuba* [2022] "Cuba condena a rapero y activista contra el racismo a cinco años de cárcel - Radio Martí" available at: <https://www.cibercuba.com/noticias/2022-04-20-u1-e43231-s27061-condenan-cinco-anos-carcel-rapero-randy-arteaga-protستا-11j>, 20 April 2022



*Cristina Garrido: No more violence against women. Source: Cristina Garrido / Facebook (2021)*

At the end of May, rap singer and Latin Grammy award winner, Maykel Osorbo and performance artist Luis Manuel Otero Alcántara, leaders of Movimiento San Isidro (MSI), were sentenced to nine and five years respectively on charges of "contempt" and "public disorder." Osorbo was convicted for violently resisting arrest, although there was apparently no evidence to support this. He is co-author of the song "Patria y Vida" ("Homeland and Life"), the "anthem" of the 11J protests that had become an international hit for its call for freedom. Otero Alcántara was sentenced for "insulting national symbols" for his 2019 performance piece *Drapeau*, during which he had draped a Cuban flag over his shoulders in protest. His public performances sometimes feature the Cuban flag, used ironically. He was listed as among Time Magazine's 100 most influential people of 2021.<sup>1</sup> MSI is an activist group of Cuban artists, academics, and other alternative thinkers created in 2018 to oppose the increasing government repression and

censorship, after the instigation of Decree 349 [explained below]. In November 2020, state security had held the MSI headquarters under siege for over a week<sup>2</sup>, sparking unprecedented public demonstrations at the doors of the Ministry of Culture of artists and intellectuals across political lines.

### **Further restrictions on freedom of artistic expression since 11 July 2021**

Since the 11 July protests, strategies to silence artists have included threats of restrictions on their work, both inside and outside Cuba, restrictions on their freedom of movement, and criminal prosecution.

Decree 349, a law put in place in 2018, demands that permission must be granted by the local or national authorities for any cultural activity, or otherwise be considered illegal. Cultural institutions, such as the National Union for Writers and Artists (Unión Nacional de Escritores y Artistas de Cuba, UNEAC), act as the official administrative boards in the cultural field and have the power to permit or reject cultural activities. Under Chapter II of the Decree, artists cannot be independent workers, but must be members of collective organizations.<sup>3</sup> Financial restrictions further curtail artists' ability to seek or sell their work outside the country. Bank accounts are rare in Cuba and international money transfer systems for remittance services come either under US restrictions or Cuban government control.<sup>4</sup> This adds to the precarity of life as an artist in Cuba and encourages self-censorship.

Government control over the Internet, through the national telecommunication company (Empresa de Telecomunicaciones de Cuba, ETECSA), restricts artists from participating in online activities or organizing collective actions, such as peaceful demonstrations to support political prisoners.<sup>5</sup>

<sup>1</sup> CiberCuba [2022] "Cuba condena a rapero y activista contra el racismo a cinco años de cárcel - Radio Martí" available at: <https://www.cibercuba.com/noticias/2022-04-20-u1-e43231-s27061-condenan-cinco-anos-carcel-rapero-randy-arteaga-protesta-11j>, 20 April 2022

<sup>2</sup> Di Liscia, V [2020] "Following peaceful protest, Cuban state security trap artist in apartment" *Hyperallergic* available at: <https://hyperallergic.com/603841/following-peaceful-protest-cuban-state-security-traps-artists-in-apartment/>, 25 November 2020

<sup>3</sup> PEN America Artists at Risk Connection [2019] "El Arte Bajo Presión" available at: [https://pen.org/wp-content/uploads/2019/09/El-Arte-Bajo-Presion\\_online.pdf](https://pen.org/wp-content/uploads/2019/09/El-Arte-Bajo-Presion_online.pdf)

<sup>4</sup> Deutsche Welle [2023] "Western Union reanuda su servicio remesas a Cuba" available at: <https://bit.ly/3ZVfreF>, 12 January 2023

<sup>5</sup> Miami Herald [2022] "Cuban artist stranded in Miami" *Miami Herald* available at: <https://www.miamiherald.com/news/nation-world/world/americas/cuba/article258474098.html>, 17 February 2022

Freedom of movement is restricted through arbitrary “passport regulations”, which lead to bans on leaving the country. “Regulados” are not allowed to leave the country for administrative reasons. Artists, activists and journalists who do leave find that they can be prohibited from returning to the island.

On 16 February 2022, art curator Anamely Ramos was stranded in Miami after she was told by American Airlines staff at the Miami International airport that she could not return to Cuba. Some US airlines have denied Cubans permission to board their flights back to Cuba if their names are included in a ‘blacklist,’ leading to complaints that the airlines are complicit in repression. She had left Cuba in 2021 to do a doctorate in Mexico. A member of the MSI activist group, whose members have been harassed and imprisoned in Cuba, she had then been in the USA to take part in an exhibition on contemporary art in Cuba and Venezuela, where she also participated in actions in support of political prisoners.

## Artists forced into exile

**“As we approach the end of 2022, hundreds of Cubans remain in prison for peacefully expressing their beliefs, protest continues to be repressed, and we are seeing one of the biggest waves of forced migration out of Cuba in recent history, as people seek to build new lives with greater freedom overseas”**  
Erika Guevara-Rosas, Americas Director at Amnesty International

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In 2022, artists and journalists were forced into exile as the government worked to deter future protests. Artists were the target of a campaign of harassment by the authorities to stop them from demanding civil and political rights. The tactic of forcing artists into exile began being used soon after the 11 July protests and its use continued throughout 2022.

In November 2021, the authorities allowed rapper El Funky to travel to the Latin Grammy award ceremony held in Miami but “advised” him “to never come back” or the criminal investigation against him would be reopened.<sup>2</sup> El Funky had worked with Maykel Osorbo on the “Patria y Vida” song.

Also in November 2021, playwright Yunior García left the country after he was threatened with imprisonment for setting up civil rights organization Plataforma Archipiélago and organizing a march on 15 November.<sup>3</sup>

1 Amnesty International [2022] “Cuba: New criminal code is a chilling prospect for 2023 and beyond” available at: <https://www.amnesty.org/en/latest/news/2022/12/cuba-el-nuevo-codigo-penal-presenta-un-panorama-aterrador-para-2023-y-anos-posteriores/>, 2 December 2022

2 Freemuse Interview (Online), 6 January 2022

3 Chamorro García, C [2022] “Yunior García: I discovered another Cuba they didn’t teach me at school and I still fear for my life” Atalayar available at: <https://atalayar.com/en/content/yunior-garc%C3%ADa-i-discovered-another-cuba-they-didnt-teach-me-school-and-i-still-fear-my-life>, 19 February 2022



In January 2022, art historian Carolina Barrero left the country after pressure from the security authorities. She reportedly spent more than 200 days under house arrest since 2021 and was interrogated more than twenty times between 2021 and 2022, suffering beatings and abuse on at least one of these occasions.<sup>1</sup>

In September 2022, after receiving threats and being harassed by the state security services, cartoonist Irán Hernández and his colleagues were forced to stop publishing the Sunday humor supplement *Xel2*<sup>2</sup>, one of the only political satire publications in the country. The publication was known for its cartoons that lambasted government policies on issues ranging across social and economic matters, including education, gender, and racial equality. In November 2022, Mary Esther Lemus, one of the cartoonists, was forced into exile.



*Cartoon by Mary Esther Lemus.  
Permission granted by the artist*

Spoken word artist, Afrik Reina, notes that most independent artists who participated in protests or publicly criticized the government over the last three years are now living outside Cuba. Those who remain on the island, such as herself, “are quietly trying to remind others about their work, through small actions, mostly on social media platforms.” She adds that

as the artist collectives have been dismantled, artists are isolated, facing the government by themselves and have become more vulnerable.

**“There is the feeling of loneliness, but mainly a state of abandon. Most of the members of my group (MSI) are gone, and the limited actions that we organize, are being organized by those in exile (...) What we are going through with MSI, it’s also happening to other organizations.”**

Afrika Reina

### **New legislation comes into force**

On 1 December 2022 a new Penal Code, which was approved in May by the National Assembly, came into force. While the government describes it as “modern” and “inclusive”, activists, NGOs, and legal experts consider it an attempt to further limit fundamental rights with the aim of quashing new demonstrations criticizing the regime.<sup>4</sup> According to the Inter-American Commission on Human Rights (IACHR), “the new Penal Code maintains broad and vague language to define crimes such as ‘sedition’ and ‘against the constitutional order’.”

As Amnesty International points out, the new law further entrenches long-standing measures that restrict freedom of expression and association by increasing the minimal penalties for certain acts. For example, “contempt”, “public disorder” and “resistance” carry minimum penalties of six months in prison to a year and/or a fine, compared with a minimum of three months to a year in prison and/or a fine under the previous penal code. Penalties for “insulting national symbols”, such as the Cuban flag or the anthem, were subject to three months to a year in prison, which has now jumped to two to five years’ imprisonment.<sup>5</sup>

<sup>1</sup> Informe alternativo ante el Comité contra la Tortura Naciones Unidas para el examen de Cuba - 73ª sesión (Abril-Mayo 2022) <https://www.cadal.org/comunicados/Informe-CAT-Cuba-sobre-Represion-Comunidad-Artistica.pdf>

<sup>2</sup> *Diario de Cuba* [2022] “Presiones y chantajes” de la policía política provocan el cierre del suplemento de humor gráfico cubano ‘Xel2’, *Diario de Cuba* available at: [https://diariodecuba.com/derechos-humanos/1662730834\\_42133.html](https://diariodecuba.com/derechos-humanos/1662730834_42133.html), 9 September 2022

<sup>3</sup> Interview for Freemuse, January 2023

<sup>4</sup> Janetsky, M [2022] “Human rights groups criticize Cuba’s new criminal code”, *AP News* available at <https://ap-news.com/article/cuba-caribbean-race-and-ethnicity-racial-injustice-dfb688ddb5640b531673277473cfc61>, 24 March 2023

<sup>5</sup> Amnesty International [2022] “Cuba: New criminal code is a chilling prospect for 2023 and beyond” available at: <https://www.amnesty.org/en/latest/news/2022/12/cuba-el-nuevo-codigo-penal-presenta-un-panorama-aterrador-para-2023-y-anos-posteriores/>, 2 December 2022

In an attempt to restrict online freedom of expression, the new provisions establish as "aggravated circumstances" the use of ICTs in the perpetration of crimes already defined in the previous law, especially in crimes against the constitutional order and political regime.<sup>1</sup> The new code extends penalties for crimes that already existed under the previous law on social platforms, deeming them "aggravated offenses", which now carry additional penalties in cases such as "incitement to commit a crime" (Article 268.4), "defamation" (Article 391.2), and "public disorder" (Article 266.2)<sup>2</sup>.

Additionally, Article 143 of the new code introduces new restrictions on the international funding of organizations and individuals; penalties of four to ten years of imprisonment have been set for those who use funds for activities seen to defy the constitutional order and the political regime.<sup>3</sup> The aim is to silence independent journalism and to disable collective action by artists such as MSI, which played a fundamental role in giving voice to the discontent of Cubans in their daily lives.

## Conclusions

In the past year we have witnessed the continuing arrests and harassment of artists and others for the peaceful practice of their internationally recognized rights to freedom of assembly, peaceful protest and expression, and the introduction of new legislation that makes these existing restraints even more harsh. To discriminate against organizations that promote human rights legislation by applying differential regulations prohibiting the receipt of funding is to de facto force them to cease their activities.

As a party to the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Cuba has pledged to recognize the importance of artistic freedom, including the right to freely disseminate works, and to carry out or participate in collective action in support of these rights. The Cuban government is urged to cease the arrest, prosecution and otherwise penalization of those who exercise these rights; to remove legislation that penalizes the sharing of their works, including digitally; and to enable organizations to receive funding for their activities from legitimate sources, whether from within or outside Cuba.

<sup>1</sup> *Árbol Invertido* [2022] "Cómo limita el nuevo Código Penal la libertad de expresión en Cuba" available at: <https://arbolinvertido.com/explicativos/como-limita-el-nuevo-codigo-penal-la-libertad-de-expresion-en-cuba>, 15 August 2022

<sup>2</sup> *Eimil, E* [2022] "Fiscalía: No existirá diferencia entre delitos en plano físico o virtual", *YucaByte* available at: <https://www.yucabyte.org/2022/09/12/delitos/>, 12 September 2022

<sup>3</sup> *Penal Code-Law 151/2022* [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-093\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-093_0.pdf)





# EGYPT

*MUZZLING THE **CREATIVE SECTOR***

- Egypt was the country with the highest number of documented violations of artistic and cultural freedom in the MENA region in 2022.
- Anti-terror and 'fake news' laws are used to imprison critics of the government
- Artistic unions and professional regulatory bodies serve as a de facto wing of the State against artists and artistic creation by imposing censorship or restricting the granting of licences for political aims.

In the MENA region, among artists, cultural actors and human rights defenders, Egypt has become a sad reference point when it comes to muzzling dissident, artistic or political voices. According to a report by the Lebanon-based Samir Kassir Foundation, Egypt was the country with the highest number of documented violations of artistic and cultural freedom in the MENA region in the first half of 2022 (37% of cases)<sup>1</sup>. One of the regime's methods is to use existing official institutions (be they artistic, media or judicial) and to have them deviate from their original mission towards limiting freedom of artistic expression and censoring artists. Thus, the role of artists' unions in the repression of artistic expression has been reinforced in recent years, by a judicial reform which gives them more powers to for example, crack down on artists operating without a licence or 'substandard' expression. In a region where rights and freedoms are constantly under threat, Egypt and its repressive methods easily serve as a negative model to duplicate, particularly in a context of economic, (geo)political, social, energy and health crises, in Lebanon, Morocco, and elsewhere.

### A return to authoritarianism

After the glimmer of hope ignited by the popular revolutions in 2011, many Arab countries failed to achieve the democratic transition demanded by the peoples who rose up to campaign for their freedoms. Some regimes did not respond at all to their demands for freedom, dignity, and social justice, and in some cases demonstrators expressing grievances were met with violent crackdowns by their countries' security forces. Other countries maintained the *status quo* and made only cosmetic reforms. Egypt has returned to the undemocratic state it had been under President Mubarak's almost 30-year-long rule until his downfall in 2011. The country has gone through a chaotic political period and is experiencing an alarming situation under the authoritarian regime of

President Abdel Fattah El-Sisi, a former army chief who seized power in 2014. Every year human rights NGOs report on the poor state of democracy and on the mechanisms of repression used against opponents and activists. They continue to be arrested by the thousands despite the commitments made by President El-Sisi to make 2022 the "year of civil society"<sup>2</sup>. Dissidents who speak out on such issues as politics, gender equality and sexuality, religion, customs, traditions, and family values face travel bans, asset freezes, retaliatory criminal investigations, imprisonment, and re-imprisonment, etc. The economic and social situation is also critical and has worsened in recent years<sup>3</sup>. The country tried to restore its image during its hosting of the COP27 United Nations Climate Change Conference in Sharm el-Sheikh in November 2022, but criticism of this attempt at "greenwashing" came from all sides, denouncing its shortcomings in respect for rights.<sup>4</sup>

### Government agencies and syndicates muzzling music freedom

Regarding the artistic and cultural sector,

*"the governmental agencies are manipulating the artistic production process in Egypt to promote only the state propaganda agenda, which leads to the undermining of artistic freedom of expression,"*

according to an Egyptian cultural actor and human rights defender who spoke to Freemuse on condition of anonymity. He added: *"the major muzzling in Egypt nowadays is the conflict between the 'Musicians Syndicate' and artists. This conflict mainly involves the new music genres, such as 'Trap' and 'Mahraganat';<sup>5</sup> These artists produce their music and disseminate it online, engaging with a wide audience, and which generates income and community*

1 Jacquin, S [2022] "Cultural Freedom Violations in MENA during the First Half of 2022", SKeyes Special available at: <https://www.skeyesmedia.org/en/News/Reports/08-08-2022/10183>, 8 August 2022

2 Samir, S, [2022] "President Sisi announces 2022 a year of civil society, says 2011 Revolution a 'death certificate' for Egypt", *Egypt Today*, available at: <https://www.egypttoday.com/Article/1/107741/President-Sisi-announces-2022-a-year-of-civil-society-says>, 11 September 2021

3 Human Rights Watch, *World Report 2023, Egypt chapter* available at: <https://www.hrw.org/world-report/2023/country-chapters/egypt>

4 Al Jazeera [2022] "As Egypt hosts COP27, prisoner Alaa Abd El-Fattah risks his life" available at: <https://www.aljazeera.com/podcasts/2022/11/9/as-egypt-hosts-cop27-prisoner-alaa-abdel-fattah-risks-his-life>, 9 November 2022

5 "Trap" is a form of hip-hop music. "Mahraganat" is a form of popular Egyptian folk, street music, based on mixing traditional music with electronic sounds.

*influence outside the traditional channels (...). The Syndicate [Ed note: the aforementioned artists' union] argues that this genre of music is unprofessional as it depends only on technology, not on the artist's gift or training. (They) argue that these genres of music are using inappropriate discourse and sexual periphrasis. (...) the main reason behind refusing these music genres is the patriarchy of the Musicians' Syndicate, trying to impose [its] authority on artistic freedom of expression"<sup>1</sup>.*

The role of trade unions, fully recognized by international human rights law, is fundamental for the respect and protection by the State and companies of the rights of affiliated workers. In the case of artists, they are also tasked with ensuring favourable working conditions essential to their freedom of creation and expression. However, in Egypt, syndicates, which are supposed to be working in the interests of their members, are interfering and directly suppressing artistic freedom, as national and international artistic communities and human rights defenders have been highlighting for many years. For example, in March 2021 the Egyptian Association for Freedom of Thought and Expression (AFTE), published a study calling on artistic syndicates to review their role in the interest of audiences and artists<sup>2</sup>. In February 2022, a collective of international trade organizations denounced the anti-*mahraganat* campaign led by the Egypt Musicians' Union since 2016, under the leadership of its president, Hani Shaker. This has included the banning of several mahraganat singers from performing, or denying them licenses to perform<sup>3</sup>. According to Mr. Shaker, *mahraganat* artists are of "inferior quality" and their songs are "filthy and harmful to society"<sup>4</sup>.

In November 2021, the Egyptian House of Representatives approved a reform of Article 70 of Law 35/1978<sup>5</sup>, proposed by the Minister of Culture, granting all artists' syndicates judicial powers to implement the law and control the exercise of the profession by unlicensed artists<sup>6</sup>. In October 2022, Mustafa Kamel was elected head of the Musicians' Union and, continuing the repressive line adopted by his predecessor, he immediately ordered the temporary suspension of permits issued to *mahraganat* singers. This musical genre, born in poor circles, is a strong expression of the frustrations of the young generation, thirsty for education and social justice. It often conveys political messages that are widely shared through this musical genre, among millions of Egyptians, messages that the system does not wish to see spread. This music, described by the Rolling Stone Magazine as "a musical revolution"<sup>7</sup> is shaking up the middle and wealthy classes and the traditional image of Egyptian society<sup>8</sup>.

1 Interview with Freemuse, 18 January 2023.

2 Ramadan, S [2021] "A closed door. A paper on membership as an entry point for independent artistic syndicates in Egypt" Association for Freedom of Thought and Expression (AFTE), 2021, [https://afteegypt.org/wp-content/uploads/2021/03/Closed-door\\_001.pdf](https://afteegypt.org/wp-content/uploads/2021/03/Closed-door_001.pdf), March 2021

3 "Global trade union federations condemn the ban of mahraganat artists by the Egyptian Musicians Union", [website], 2022 [https://www.flm-musicians.org/wp-content/uploads/Global\\_Unions\\_Statement\\_Egyptian\\_Musicians\\_Union.pdf](https://www.flm-musicians.org/wp-content/uploads/Global_Unions_Statement_Egyptian_Musicians_Union.pdf) (accessed on 25 January 2023).

4 Essam El-Din, G [2023] "Egypt's parliament to grant art-centric syndicates judicial powers to crack down on 'sub-standard artists'", *Ahram Online* available at: <https://english.ahram.org.eg/News/443488.aspx>, 29 November 2021

5 Law No. 35 of 1978 regarding the establishment of the actors, musicians, and cinematic professions syndicates as well as the Union of Artistic Syndicates.

6 *Ibid* 9.

7 Rolling Stone [2014] "Mahraganat: Egypt's Musical Revolution. A look inside the country's underground electro-rap uprising" available at: <https://www.rollingstone.com/music/music-lists/mahraganat-egypts-musical-revolution-18964/tonights-entertainment-225751/>, 20 March 2014

8 Fahim, J [2022] "La vulgarité du mahraganat m'a appris à accepter mon identité égyptienne" *Middle East Eyes (French edition)* available at: <https://www.middleeasteye.net/fr/opinionfr/egypte-vulgarite-mahraganat-identite-musique-culture-artiste>, 23 October 2022,

Rappers are also targeted by the Musicians' Union, which has set up a new procedure for obtaining professional licenses: artists must adhere to certain guidelines and commit to only sing texts with "appropriate lyrics", in order to be able to perform in Egypt or abroad<sup>1</sup>. An example is the trap artist *Wegz*, who participated in the closing ceremony concert of the FIFA World Cup in Qatar<sup>2</sup> in December 2022, without having been given prior authorization. He is expected to pay a fine of LE 50,000 (about €1,500) and have his license revoked by the syndicate. The union president declared that Wegz had failed to comply with syndicate regulations, and that no one "can work in any profession without obtaining the approval of their respective union."



Publicity poster for Wegz FIFA World Cup soundtrack. Source: Wegz Official Instagram

<sup>1</sup> بارلأا بربطهم رارق | كلع زحيو وعيقوت مدع بلس خصوت نيكي قيسوملا *Awad, S [2022] Cairo24.com, available at: <https://www.cairo24.com/1711348> , 15 December 2022*

<sup>2</sup> 'Ezz Al Arab' song by Wegz, Music from FIFA World Cup Qatar 2022, [online video] available at: <https://youtu.be/ve7BwXacVr0?t=17>



## Egypt: Poet and lyricist, Galal el-Behairy, imprisoned for five years

Thousands of people have been detained under Egypt's Anti-Terror Law for exercising their rights to freedom of peaceful assembly and freedom of expression, among them artists who, by criticising the government, risk being seen as supporters of banned organisations. People accused under this law can be held in pre-trial detention for up to two years and at times longer.<sup>1</sup> A media law passed in 2018 that criminalises the spreading of 'fake news' has also been used against people who have criticised the government.<sup>2</sup>

The case of Galal El-Behairy is an extreme example of an artist who is being punished under the Anti-Terror law and for 'fake news' for his writings challenging the authorities.

His story starts in February 2018 when the exiled singer and activist, Ramy Essam, released his song and video, 'Balaha' that criticises the rule of President Abdel-Fatah El-Sisi saying 'enough is enough'. In it, El-Sisi is referred to as 'balaha', meaning date, as in the fruit, and also the name of a character in a well-known Egyptian movie who suffers from megalomania<sup>3</sup>. A few days later, on March 2018, the song's lyrics writer, Galal el-Behairy, was arrested in Cairo. He has been in prison ever since<sup>4</sup>.

El-Behairy is the author of two books and has compiled the lyrics to many of Ramy Essam's songs. Initially charged with insult and 'false news' for the 'Balaha' lyrics, these charges were dropped and, on 31 July 2018, el-Behairy was instead sentenced by a military court to three years in prison for his unpublished poetry collection *The Finest Women on Earth*. El-Behairy describes his book as celebrating "the value of women and of their good deeds in this world." However, in an addendum to the book, he criticised public opinion in Egypt as contributing to terrorism and conflict in the Arab world<sup>5</sup>. The sentence expired in July 2021, but el-Behairy was not released. Instead, additional charges were made against him by the Supreme State Security Prosecution (SSSP), this time for the 'Balaha' lyrics. He faces another prison term for 'false news' and 'joining a terrorist group'. The SSSP is tasked with investigating national security threats but has been criticised by human rights monitors for being responsible for the prosecution of thousands of peaceful government critics.<sup>6</sup>



Galal El-Behairy  
Source: ramyessam.com

At the close of 2022, el-Behairy was still in prison, in poor health having reportedly suffered ill treatment and undergone a hunger protest in February that year.

1 Freemuse, *The state of artistic freedom 2021* [website], <https://freemuse.org/media/ck5fvaze/the-state-of-artistic-freedom-2021.pdf>

2 Michaelson, R [2018] "'Fake news' becomes tool of repression after Egypt passes new law" *The Guardian* available at: <https://www.theguardian.com/global-development/2018/jul/27/fake-news-becomes-tool-of-repression-after-egypt-passes-new-law>, 27 July 2018

3 "Balaha" by singer Ramy Essam [website], <https://egyptrevolution2011.ac.uk/items/show/17>

4 Ramy Essam.com [2023] "Egyptian poet Galal El-Behairy starts hunger strike after 5 years in prison for his poetry" [website] available at: <https://www.ramyessam.com/post/egyptian-poet-galal-el-behairy-starts-hunger-strike-after-5-years-in-prison-for-his-poetry>

5 PEN International [2023] "Egypt: Authorities must end the arbitrary detention of Galal El-Behairy" available at: <https://www.pen-international.org/news/end-the-arbitrary-detention-of-galal-behairy>, 6 March 2023

6 Amnesty International [2019] "Egypt: State Security prosecution operating as a 'sinister tool of repression'" available at: <https://www.amnesty.org/en/latest/press-release/2019/11/egypt-state-security-prosecution-operating-as-a-sinister-tool-of-repression/>, 27 November 2019

Other artforms are similarly targeted such as in the case of Egyptian actress **Mona Zaki** who received numerous attacks for her role in the remake of the film "Perfect Strangers" (*Ashaab Walla A'aaz*)<sup>1</sup>, which refers to a same-sex relationship and an extramarital affair. MP Mustafa Bakry publicly condemned the film as having "undermined the values of Egyptian families" while one of the most prominent lawyers in the country threatened to sue the Ministry of Culture if the film was not blocked<sup>2</sup>. In contrast to the Musicians' Union's restrictive approach towards their members, the Egyptian actors' guild supported Zaki and released a statement in which its president pledged to defend the actress if any legal proceedings were taken against her<sup>3</sup>.

## Conclusions

Egypt is a party to the UN International Covenant on Civil and Political Rights that guarantees the rights to freedom of expression and fair trial. Specifically, Article 67 of the Egyptian Constitution protects the right to freedom of artistic and literary creation.

The prosecutions of artists solely for their creative works are therefore in breach of Egypt's commitments under international law and its Constitution. Such prosecutions should cease, and those currently on trial or imprisoned in breach of their rights should be freed.

Furthermore the use of military courts to prosecute civilians is problematic as noted by the UN Human Rights Commission, which stresses that lack of independence of such courts and the threat of 'command interference,' alongside concerns of lack of fair trial guarantees. The vague definitions of what constitutes 'terrorism' under the Anti-Terror Law add to the concern that legitimate expressions are being penalized.<sup>4</sup>

The role of unions and professional regulatory bodies is to act in support of artists and their right to create freely. Under no circumstances should these bodies serve as a *de facto* wing of the State against artists and artistic creation by imposing censorship, or restricting the granting of licences for political aims.

<sup>1</sup> Mullally, W [2023] 'The Arabic adaptation of the smash-hit Italian feature starring an acclaimed Pan-Arab cast with a great success' *Arab News*, 4 January 2023, <https://www.arabnews.com/node/2223636/lifestyle>, 4 January 2023

<sup>2</sup> Tabikha, K [2022] "Netflix stirs controversy in Egypt with first Arabic-language feature film" *The National Middle East North Africa* available at: <https://www.thenationalnews.com/mena/egypt/2022/01/24/netflix-stirs-controversy-in-egypt-with-first-arabic-language-feature-film/>, 24 January 2022,

<sup>3</sup> Tabikha, K [2022] "Egypt's film stars rally behind Mona Zaki over 'Perfect Strangers' controversy" *The National Middle East North Africa* available at: <https://www.thenationalnews.com/mena/egypt/2022/01/25/egypts-film-stars-rally-behind-mona-zaki-amid-perfect-strangers-remake-controversy/>, 25 January 2022

<sup>4</sup> UN Human Rights Council [2015] *Annual Report of the High Commissioner on Human Rights A/HRC/28/32: (para 73)* available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/013/24/PDF/G1501324.pdf>





IRAN

*“FOR **WOMAN, LIFE, FREEDOM**”*

- Artists are among the thousands of people arrested for taking part in protests against the death in custody of Jina (Mahsa) Amini, a young woman detained for wearing the hijab “improperly”.
- Scores of artists are among those detained, one of whom, musician Toomaj Salehi, faces possible death penalty.
- Songs protesting Amini’s death, and the Iranian authorities were banned, and songwriters detained.

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The death in custody on 16 September 2022 of a 22-year-old Kurdish Iranian woman, Jina Amini – widely known as Mahsa Amini – impacted on Iran’s socio-political and cultural life. Her death resulted in nationwide, mainly urban demonstrations, based around the call: *Woman, Life, Freedom*. By the end of year, the authorities had killed scores of people, including children; targeted women demonstrators; detained around 10,000 people, including artists, and executed at least four.

The fate of Mahsa Amini and the calls of demonstrators inspired artists and cultural figures in Iran and across the world to create work echoing calls from the streets and online, including in graphic art and in song, for example in **Shervin** (Hajjipour)’s *Baraye*, or *Because of...*

In the course of the year, the authorities tightened longstanding restrictions to freedom of expression, association and assembly, notably by suppressing expression – including artistic – linked to women’s rights.

For decades, the government has repressed human rights defenders, lawyers, journalists, critics and artists. International human rights bodies have consistently termed Iran a grave violator of human rights. Arrests and brutal force, lengthy prison terms, torture and sexual assaults, as well as execution, are the many means through which the Iranian authorities seek to suppress calls for fundamental rights and for societal change. The events in 2022 saw an escalation in attempts to suppress popular demands for change.

Of particular longstanding concern is the repression of female artists, who as reported by Freemuse in 2021, are deprived from equally enjoying cultural rights or taking part in cultural life. They are, for example, prohibited from performing solo before mixed-gender audiences. In keeping with laws and practices in a wide range of sectors and in public life, women are denied equal access to the arts and culture and associated professions. Women are underrepresented in many or most cultural sectors, and those that do pursue artistic careers may be disproportionately targeted in this endeavour.<sup>1</sup>



*Mahsa Amini – Source: Social networks*

<sup>1</sup> Freemuse [2021] “The State of Artistic Freedom 2021” available at: <https://freemuse.org/resource-list/the-state-of-artistic-freedom-2021/>

## The impact of the death of Mahsa Amini

The 'Morality Police' (*Gasht-e Ershad*) detained Mahsa Amini on 13 September 2022 for the alleged "improper" use of the hijab, a head covering. She died in government custody on 16 September. Citing evidence of good health, her family denounced the authorities' claim that she died of natural causes and eyewitness testimony and leaked medical documents indicated that ill-treatment caused her death.<sup>1</sup>

Her death sparked months of nationwide, mainly urban and student-led demonstrations that continued into 2023.<sup>2</sup> The Kurdish appeal *Jan, Jiyan, Azadi* (in Persian: *Zan, Zendegi, Azadi*, or *Woman, Life, Freedom*) shaped the demonstrations' core calls.

Between September and the end of the year alone authorities had detained tens of thousands of people in connection with the demonstrations.<sup>3</sup> Among them were human rights defenders, students, women's rights activists, lawyers, and journalists. The authorities also summoned and interrogated dozens of actors, athletes, and other public figures in connection with their support of the demands of the demonstrators.<sup>4</sup>

Attacks and suppression in Iran 17 September 2022 – 29 January 2023

- 71 children had been killed
- 70 members of the security forces had been killed
- 5085 detainees identified
- 178 children, under the age of 18, had been arrested
- 1262 protests held
- 164 cities in which unrest took place
- 144 universities at which demonstrations took place
- 4 people executed by the government; and
- 110 – estimated number of people facing death sentences.

Source:

Human Rights Activists News Agency  
In November 2022 the UN Human Rights Commission voted to create a special investigative body to examine the deadly violence against protestors. UN High Commissioner on Human Rights, Volker Türk, told the Human Rights Council prior to the vote that "*It pains me to see what is happening in the country... The images of children killed. Of women beaten in the streets. Of people sentenced to death.*"<sup>5</sup> In December the UN voted to remove Iran from the Commission on the Status of Women in response to its acute suppression of women and girls.<sup>6</sup>

1 *The Observer* [2022] "The Observer view on the backlash in Iran following the death of Mahsa Amini" available at: <https://www.theguardian.com/commentisfree/2022/sep/25/observer-view-backlash-iran-death-mahsa-amini>, 25 September 2022

2 *The Guardian* news platform collated clips of young women leading demonstrations, often at their schools. See: <https://youtu.be/qnuAnpiOdd8>, 4 October 2022

3 Wintour, P [2023] "Iranian actor Taraneh Alidoosti released from jail after family post bail" *The Guardian* available at: <https://www.theguardian.com/world/2023/jan/04/iranian-actor-taraneh-alidoosti-released-jail-family-post-bail>, 4 January 2023

4 *Iran International* [2022] "ICYMI: Iran has sent high school students arrested during protests to "psychological centers" "Twitter, available at: [https://twitter.com/IranIntl\\_En/status/1580149303674548230?s=20&t=I5DO6IEX-UN2f-cyZ\\_nLCSw](https://twitter.com/IranIntl_En/status/1580149303674548230?s=20&t=I5DO6IEX-UN2f-cyZ_nLCSw), 12 October 2022

5 *United Nations* [2022] "UN rights body launches Iran human rights investigation" available at: <https://news.un.org/en/story/2022/11/1131022>, 24 November 2022

6 *United Nations* [2022] "Iran removed from UN Commission on Status of Women" available at: <https://news.un.org/en/story/2022/12/1131722>, 14 December 2022

## Deepening systematic censorship of art and cultural expression in the wake of Mahsa Amini's death

As elsewhere, Covid-19 had impacted the arts, notably in the performing arts where live concerts and shows were shut down, museums and galleries closed. Artists in Iran sought to navigate post-Covid recovery amidst unprecedented economic challenges, as well as long-standing, systemic state censorship and repression of expression.

The Ministry of Culture and Islamic Guidance (MCIG) and the Islamic Republic of Iran Broadcasting (IRIB) – overseeing radio and television – have for decades, imposed a litany of often opaque regulations and strictures.<sup>1</sup> They restrict expression and promote cultural expression that adheres to the (state) leadership's moral and political worldview and socio-political goals.

Members of the artistic community are among those in the country who regularly speak out for fundamental freedoms and in support of the protests. According to the 3 December 2022 records of The Committee Following the Status of Detainees, shared with Freemuse, since 17 September 2022, the authorities had:

Detained 97 artists, of whom 45 had been freed;

Tried and/or put on trial artists with the following outcomes: one death penalty (unspecified charges); one designated Moharebeh (enmity against God); one accused of Corruption on Earth, without sentence; one was sentenced to a 10-year term; another to a nine-year term, one to six; four had received five-year terms; one received four years; one person to two years and one to one-year with an additional ban on education.

***“How can it be that in this situation, when our best actors, our best directors, our best musicians and rappers are in your prisons, you ask us to put on concerts for you and organise your film festivals?”***

*Film director, Mani Haghighi, responding to comments made by the Minister of Culture and Islamic Guidance, calling on artists to engage with state-sponsored festivals, following the detention of Taraneh Alidoosti (see below). Source: Instagram message posted 19 December 2022 (in Persian)*

## Detained Artists

In July 2022, security officials detained three film directors and high-profile critics: **Mohammad Rasoulof** and **Mostafa Al-Ahmad** (on 9 July); and the internationally renowned **Jafar Panahi** (on 11 July).<sup>2</sup> Panahi was reportedly released on 3 February 2023.<sup>3</sup> Panahi's detention is especially significant given his high profile as an internationally awarded filmmaker.<sup>4</sup>

On 30 October, rapper **Toomaj Salehi**, was detained in connection with songs in support of the nationwide protests demanding more freedoms and women's rights, and posted pictures and videos of himself during demonstrations. Charged with “corruption on earth” he could face the death penalty<sup>5</sup>. He had previously served a prison sentence in 2021 for defamation, in connection with music videos he had made, which were critical towards the government. In December 2022, Freemuse, alongside the music freedom organisation, Safemuse, appealed to Norwegian government bodies to take action on the rappers' behalf.<sup>6</sup> Before his arrest, Toomaj Salehi reportedly stated, “*Don't cry if I die tomorrow because you were not by my side today.*”<sup>7</sup>

1 The IRIB also controls newspapers and has, amongst other subsidiary bodies, a film-making section. To view the scope of its media platforms, including in different languages, see (in Persian): <https://www.pririb.ir/portal/view-page/3873>

2 Human Rights Watch [2022] “Iran: Arrest of High-Profile Critics” available at: <https://www.hrw.org/news/2022/07/12/iran-arrest-high-profile-critics>, 7 December 2022

3 Ghafooriazar, B. (2023) ‘

دوب هدرک ادغ بااصرتعأ نهب ۱۲ زا هدش هتخ انش رگامن س نیا. تسرا نانج زو تقووم روط هب یتها رب رفیعج هدادازأ را تکاخ اشهر ارگ Twitter, 3 February 2023, available at: <https://twitter.com/babakazar/status/1621534018012434434?s=20&t=P0twlнкU8lqYaV053qgrEA> (in Persian)

4 IMDb: Awards by film title, undated, at: <https://www.imdb.com/title/tt14812782/awards/>

5 Gritten, D [2022] “Toomaj Salehi; Dissident Iranian rapper could face death penalty” BBC Online available at: <https://www.bbc.co.uk/news/world-middle-east-63780502>, 28 November 2022

6 Freemuse/Safemuse [2022] “Freemuse and Safemuse with a joint plea to the Norwegian authorities” available at: <https://safemuse.org/2022/12/14/freemuse-and-safemuse-with-a-joint-plea-to-norwegian-authorities/>, 14 December 2022

7 Safi, A [2022] “Alarm raised over jailed rapper's fate” IranWire available at: <https://iranwire.com/en/politics/110290-alarm-raised-over-jailed-iranian-rappers-fate>, 23 November 2022



On 2 October 2022, Kurdish rapper **Saman Yasin**, who had written protest songs and criticised the authorities on social media was detained. He was accused of attempting to kill security forces, setting fire to a rubbish bin, and shooting into the air during the protests, charges he denies.

In December 2022, the Supreme Court commuted a death sentence imposed on him earlier.<sup>1</sup> On 21 December, reports indicated that he tried to take his own life, after which officials moved him to a political prisoners' ward at Rajaie Shahr Prison, Karaj, near Tehran.<sup>2</sup>



*Appeals for the release of Toomaj Salehi have appeared on social media*

On 19 December 2022, the Esfahan Court of Appeal overturned a lower court's 15-year prison sentence on security-related grounds and sentenced detained illustrator and graphic artist **Vajiheh Pari Zankaneh** to six years' imprisonment. She had carried out an act of performance art, in the central city of Esfahan, which included her wearing clothing embroidered with the phrase "Blood must be shed," in reference to a statement made by Supreme Leader (*Rahbar*), Ali Khamenei, that hinted at state violence as a response to the unrest.<sup>3</sup>

The authorities detained the internationally renowned actor **Taraneh Alidoosti** from 17 December 2022 to 4 January 2023 when she was released on bail of around US\$24,750. In a clip on her Instagram page, not wearing the required head covering (hijab), she had made statements in support of women's rights and on the death penalty. The government-sanctioned Tasnim news agency reported that she had been arrested for publishing false and distorted content that incited riots and supported anti-Iranian movements.<sup>4</sup> According to one report, over 600 international film professionals condemned her arrest, including Iranian Oscar-winning director, **Asghar Farhadi**.<sup>5</sup> The Cannes Film Festival likewise appealed for her freedom on 19 December 2022.<sup>6</sup> In a 5 January 2023 interview with BBC Persian, following her release, commenting on the arrest of screen actors, she said: "You want to ban [from work] five or six of us without trial and without a crime. But from what work? How pitiful that this is the price of people's lives and their worth [lit.:capital]. It is so futile."<sup>7</sup>

1 Reuters [2022] "Kurdish rapper wins appeal against death sentence in Iran" *The Guardian* available at: <https://www.theguardian.com/world/2022/dec/24/kurdish-rapper-wins-appeal-against-death-sentence-in-iran> , 24 December 2022

2 Kurdistan Human Rights Network [2022] "According to Kurdistan Human Rights Network, Kurdish rapper #Saman\_Yasin attempted suicide last night" *Twitter* available at: <https://twitter.com/KurdistanHRN/status/1605571779166056449?s=20> ,21 December 2022

3 Radio Farda (2022) «تسکیرگ دکاب نوخ» کز وولگ ماختا هب نادنر لاس ۶ هب ،رگنر کوصت ،هنگنر کرب ههجو تسوکجی، *Radio Farda*

4 Wintour, P. [2022] "Iranian actor Taraneh Alidoosti arrested after criticism of death penalty" *The Guardian* available at: <https://www.theguardian.com/world/2022/dec/17/iranian-actor-taraneh-alidoosti-arrested-after-criticism-of-death-penalty> , 17 December 2022

5 Wintour, P. [2023] "Iranian actor Taraneh Alidoosti released from jail after family post bail" *The Guardian* available at: <https://www.theguardian.com/world/2023/jan/04/iranian-actor-taraneh-alidoosti-released-jail-family-post-bail> , 4 January 2023

6 Festival de Cannes [2022]: "L'actrice Iranienne Taraneh Alidoosti a été arrêtée samedi 17 décembre" *Twitter* available at: [https://twitter.com/Festival\\_Cannes/status/1604786966821748736?s=20&t=09sDSOHLsiXIFrFd7dAqJw](https://twitter.com/Festival_Cannes/status/1604786966821748736?s=20&t=09sDSOHLsiXIFrFd7dAqJw) , 19 December 2022

7 BBC Persian [2022] "Who is Taraneh Alidoosti? What did she do? What did she say?" *BBC Persian* available at: <https://www.bbc.com/persian/articles/cjre2j4n7ljo>



Actor Taraneh Alidoosti posts an image of herself without a headscarf on her Instagram site with the message 'For women, life, freedom'

On 20 December 2022, following a trial involving 16 people, a lower court sentenced five people to death, including actor **Hossein Mohammadi**, 26, on the vaguely worded charge of "corruption on earth"; the sham trial was related to the killing of a member of a state paramilitary force, during a commemoration of a person killed amidst the ongoing demonstrations.<sup>1</sup> Hossein Mohammadi's late addition to the case and summary trial, despite scores of character attestations, appears to indicate that the authorities may have targeted him, in part on account of his public profile.<sup>2</sup>

In December 2022, the US-based Center for Human Rights in Iran stated that in the three previous months, in a crackdown on dissent, the authorities had arbitrarily detained more than 100 film and theatre industry workers for their part in the protests.<sup>3</sup>

### Domestic and international artistic and cultural expression following the death of Mahsa Amini

25-year-old composer and musician **Shervin** (Shervin Hajjipour, or Aghapour)'s *Baraye* (For, or Because of...) used single-line social media posts responding to the imagined question of "why take part in demonstrations" to compose the song that many consider the anthem for the demonstrations that started after the death of Mahsa Amini.<sup>4</sup>

1 CHRI [2022] "Iran: Death Sentences and Imprisonment Used to Crush Dissent in Film and Theatre Industries" available at: <https://iranhumanrights.org/2022/12/iran-death-sentences-and-imprisonment-used-to-crush-dissent-in-film-and-theatre-industries/>, 20 December 2022

2 Radio Farda [2022] "Iranian Actor Mohammadi Among Five Handed Death Sentences" available at: <https://www.rferl.org/a/iranian-actor-mohammadi-death-sentence/32187653.html>, 21 December 2022

3 CHRI [2022] "Iran: Death Sentences and Imprisonment Used to Crush Dissent in Film and Theatre Industries" available at: <https://iranhumanrights.org/2022/12/iran-death-sentences-and-imprisonment-used-to-crush-dissent-in-film-and-theatre-industries/>, 20 December 2022

4 For a version with translation, by BBC Persian journalist Siavash Ardalan, see the 2 October 2022 tweet: [https://twitter.com/ksadjadpour/status/1576629217466675202?s=20&t=mo3g-hv3vbry8\\_WnyqdFEg](https://twitter.com/ksadjadpour/status/1576629217466675202?s=20&t=mo3g-hv3vbry8_WnyqdFEg) Posted by commentator Karim Sajjadpour, he explains how to understand the song and its content.

The authorities detained the musician from 29 September 2022 to 4 October.<sup>1</sup> He remains banned from leaving Iran and the authorities may still act on allegations of defamation, or “propaganda” (against the state) or “instigating violence” weighing against him. Within days, around 40 million people viewed the song on his Instagram page alone.<sup>2</sup> At the time of writing, his channel on YouTube had over 87 million ‘subscribers’ while his own and other versions of the song on social media, such as on YouTube, have attracted many hundreds of thousands of views. The song has featured in tens of video clips posted by, amongst others, young women in Iran singing, facing a blackboard, in a school. Artists outside the country have covered it extensively, including, on 30 October, the UK group **Coldplay**, with Iranian (exiled) actor, **Golshifteh Farahani**, at a concert in Buenos Aires, Argentina.<sup>3</sup> In February 2023, the United States (US) Recording Academy awarded the song a Grammy in the newly created category of Song for Social Change Special Merit Award.

Other songs were produced by artists in Tehran, despite the dangers, including a Persian version of the Italian *Bella Ciao* performed by the sisters **Samin** and **Behin Bolouri**<sup>4</sup>. In October, Tehran based, singer-songwriter **Mehdi Yarrahi** released *Women’s Anthem*.<sup>5</sup> In December, the all-female **Bugz** rap group’s *This Time Is Different* offered a defiant message in the face of mounting repression.<sup>6</sup>

## Conclusions

The government’s firm control over artistic and cultural expression failed to counter a wellspring of expression in support of women’s rights and calls for “Woman, Life, Freedom” that shaped songs like Shervin’s *Baraye* – amongst others – and scores of graphic art works shared online, as well as works staged and exhibited outside Iran.

Iran’s art, artists and cultural expression remain a powerful domestic and global force. State intervention in the arts makes artistic expression a pivotal locus for contested visions about social and political expression and change, often putting artists at risk.

Iran is a state party to five United Nations’ (UN) human rights treaties. It is also a state party to six UNESCO conventions. UN human rights bodies and international human rights organisations have, for decades, documented how the government of the Islamic Republic of Iran has restricted fundamental freedoms and carried out countless human rights violations, including mass, arbitrary killing. The government routinely fails to implement UN human rights bodies’ recommendations and does not engage with a UN mandate specifically on Iran.

Iran must implement in full the recommendations of treaty bodies and other UN human rights bodies and abide by the spirit and letter of such recommendations in their application to art and artists, including in relation to gender. Musical, visual and physical artists must be able to pursue their artistic imagination and vision of the world unfettered by imposed socio-political strictures that result in arbitrary arrest or imprisonment for the peaceful expression of their expression and art. All facets of the artistic and cultural community in Iran must be able to engage in a public, transparent dialogue, where men and women are represented equally, to address the management and control of artistic and cultural production with a view to promoting such expression in a climate of openness and cultural advancement.

1 Iran International [2022] “Shervin Hajipour, the young Iranian singer who had been arrested for his song” Twitter 4 available at: [https://twitter.com/IranIntl\\_En/status/1577251059373850624?s=20&t=6aXnlzTmyFcxYSMeAQhhqaw](https://twitter.com/IranIntl_En/status/1577251059373850624?s=20&t=6aXnlzTmyFcxYSMeAQhhqaw), 4 October 2022

2 At the time of writing, January 2023, the song did not seem to be on his Instagram page: <https://www.instagram.com/shervinine/>

3 The Coldplay version, sung along with the original, can be viewed at, amongst other sites, the BBC Persian YouTube channel: <https://youtu.be/76GchU3nbmM>.

4 MEMRI TV [2022] available at: <https://www.memri.org/tv/iran-sisters-bolouri-sing-persian-version-italian-protest-song-bella-ciao>

5 It can be accessed on Mehdi Yarrahi’s twitter feed, at: [https://twitter.com/yarrahimehdi/status/1577237632832061445?s=20&t=GroRI\\_m9t07B35nMyE1PqQ](https://twitter.com/yarrahimehdi/status/1577237632832061445?s=20&t=GroRI_m9t07B35nMyE1PqQ), 4 October 2022.

6 Covered by, amongst others, Germany’s Deutsche Welle, it can be viewed at: <https://www.facebook.com/100009698170807/videos/1645440645853723/>





# MYANMAR

*HUNTED, JAILED AND KILLED –*  
*ARTISTS **VICTIMS OF CONFLICT***

- At least 10 artists have been killed since the start of the coup, three of whom in 2022: one executed and two killed in airstrikes.
- At least 83 artists have been detained since the coup started in 2021, including a poet sentenced to 28 years' imprisonment.
- Propaganda is rampant as the military junta controls many publishers, cinemas, and broadcasters.

The military junta continued to enforce its control on the public throughout 2022 in its ongoing attempt to seize total power following a coup in February 2021. Large street protests have been violently oppressed in major cities, but the public remains opposed to the military's actions<sup>1</sup> which have destroyed the economy, crushed civic space, and led to nationwide conflict. Within this environment, some artists have been hunted, jailed, and killed, and many others have gone silent, moved underground, fled into exile, or retracted behind digital walls of anonymity. Any artistic expression has become a political act in the eyes of the military and many artists themselves. Establishing whether individual artists were targeted by the military due to their opposition politics or because of their artistic capacity to communicate to the hearts and minds of the general public is almost impossible to unpack. Freemuse spoke with several artists in the course of this research, all of which wanted anonymity for the sake of their personal safety.

### Killed artists

At least 10 artists have been killed since the coup started, including three killed in 2022.<sup>2</sup> Six of those killed were writers and poets: A Sai Kay, Kay Za Win, Kyaw Min Yu, Myint Myint Zin, Sein Win, and Zaw Tun. Aurai, Ko King, and Phyo Zeyar Thaw were musicians. The tenth, Htet Aung, was an actor. Nine of the killed were men and one was a woman, with the youngest aged 26 and the oldest 60. One died as "collateral damage" in an artillery strike, while the rest were killed either extrajudicially or in circumstances that may have amounted to war crimes. Two were shot, two were hanged, two were killed in targeted airstrikes, one was rammed by a car, and one was killed while in detention. One poet active in protesting against the coup was doused in petrol and burned alive for unknown reasons by a factory worker who was later shot, allegedly by revolutionaries.<sup>3</sup> Those hanged were convicted on dubious grounds under arbitrary laws by secretive military courts. One musician told Freemuse, "There have been no independent investigations into the deaths of those killed

extrajudicially."<sup>4</sup>

**Phyo Zeyar Thaw** was a hip-hop artist from the band ACID, co-founder of a youth activist organisation, Generation Wave, a political prisoner under the previous military junta, and an MP for Aung San Suu Kyi's political party, the National League for Democracy. He had already announced his intention to step down as an MP and return to his music career before the coup began. However, the military junta, perhaps worried about his influence over young protesters, arrested him in November 2021, sentenced him as a "terrorist" in a closed trial by a prejudicial court, and hanged him together with three other activists in secret sometime between 23 and 24 July 2022. They were the first in decades to be subjected to the death penalty in Myanmar.



*Image: destroyed Kachin concert site. Kachin Concert Attack 22/10/24 credit: Citizen journalist*

<sup>1</sup> *The Irrawaddy* (2023) 'Thoroughfares were deserted on Wednesday' Twitter 1 February 2023 <https://twitter.com/IrrawaddyNews/status/1620663394151043073>

<sup>2</sup> Assistance Association for Political Prisoners (2022), "Daily briefings since the coup", available at: <https://aappb.org/?cat=109>

<sup>3</sup> *Myanmar Now* (2021), "Group claiming to represent Monywa PDF avenges murdered poet, assassinating his killer" available at: <https://myanmar-now.org/en/news/group-claiming-to-represent-monywa-pdf-avenges-murdered-poet-assassinating-his-killer>, 10 August 2021

<sup>4</sup> Online interview with a Myanmar rock musician, 27 December 2022

On the night of 23 October 2022, three military jets carried out a targeted airstrike on a music festival in Kachin State.<sup>1</sup> More than 100 people were killed, including at least two musicians, Aurai and Ko King, and many festival goers. Some died immediately and others died from their injuries as military checkpoints prevented them from escaping the area to seek medical treatment.<sup>2</sup> All internet connections were shut down in an effort to hide the impact of the airstrike from the public. The military justified what likely amounts to a war crime against the members of the Kachin minority ethnic group as a legitimate act against members of an armed group, the Kachin Independence Army. There was no official list of the dead because the local community was too afraid of military retaliation to name those killed.

### Detained artists

More than 83 professional artists have been detained since the coup was carried out in 2021, including 56 men, 24 women, and three transgender persons.<sup>3</sup> The list of 83 included at least 25 writers and poets, 14 actors, 13 musicians, seven filmmakers, five models, four comedians, three make-up artists, and two fine artists. At the end of 2022, at least 45 remained in detention, including 30 men, 12 women, and three transgender persons. At least 28 of those detained had been charged, 22 under the military's new speech crime "law" (Penal Code 505A), three as "terrorists" (Counter Terrorism Act), one for incitement against the State (Penal Code 505(b)), and one for high treason (Penal Code 122). Nineteen artists have been sentenced so far, 15 to prison terms of up to three years, one was sentenced to eight years' imprisonment, two to 10 years, and one artist to over 20 years.

Poet Htet Linn Soe (also known as Lu Hpan Khar) was detained on 29 March 2021 for allegedly leading a protest against the military coup. Htet Linn was first sentenced in November 2021 to a total of 26 years' imprisonment for high treason (Penal Code 122 and 124). He

was then charged again under the military's new "law" prohibiting incitement against the State (Penal Code 505A) and sentenced in December 2022 to a further two years' imprisonment. It remains unclear why his sentence was comparatively long and whether it was related to his support for the National League for Democracy. Htet Linn did not hire a lawyer to defend him because he believed that it would make no difference to the military's arbitrary and extreme punishment.<sup>4</sup>

The military detained reggae singer Saw Phoe Khwar and filmmaker Min Htin Ko Ko Gyi on the first day of the coup in 2021. They both served 19 months before being pardoned and released on 15 November 2022.<sup>5</sup> However, the military re-detained Saw Phoe Khwar immediately after he was released from prison, sentencing him to another year of imprisonment for violating Covid-19 rules on assemblies (Natural Disaster Management Law 30a). As a fine artist told Freemuse, "The military want to be seen as vengeful because that is how they create fear among us."<sup>6</sup>



Soe Phoe Khwar - Screenshot DVB TV News interview. YouTube. 2015

1 Myanmar Now (2022), "Myanmar military bombs Kachin music concert, killing dozens including civilians, performers and KIA officers" available at: <https://myanmar-now.org/en/news/myanmar-military-bombs-kachin-music-concert-killing-dozens-including-civilians-performers-and>, 24 October 2022

2 Myanmar Now (2022), "'I was thrown by the force of the blast' — survivor of Myanmar military airstrike on Hpakant" available at: <https://myanmar-now.org/en/news/i-was-thrown-by-the-force-of-the-blast-survivor-of-myanmar-military-airstrike-on-hpakant>, 26 October 2022

3 Assistance Association for Political Prisoners (2022), "Daily briefings since the coup", available at: <https://aappb.org/?cat=109>

4 Radio Free Asia (2022), "Junta court sentences activist Lu Phan Kar to another 2 years in prison", available at: <https://www.rfa.org/english/news/myanmar/myanmar-poet-sentenced-12202022054626.html>, 20 December 2022

5 The Irrawaddy (2022), "Prominent Peace Activist and Singer Rearrested by Myanmar Regime", available at: <https://www.irrawaddy.com/news/burma/prominent-peace-activist-and-singer-rearrested-by-myanmar-regime.html>, 16 November 2022

6 Online interview with a Myanmar painter, 21 December 2022



OnlyFans model and anti-coup protester, Nang Mwe San, was sentenced in September 2022 to six years' imprisonment for using digital technology in detriment to the "national culture" (Electronic Transactions Law 33a). The military, which has itself faced a long history of serious allegations of the systematic use of sexual violence as a weapon of war,<sup>1</sup> claimed that her sexual imagery, "could harm Myanmar culture and dignity."<sup>2</sup> Nang Mwe San was sentenced by a closed military court under martial law and had no access to a defence lawyer. Another model, Thinzar Wint Kyaw, was also imprisoned for five years in December 2022, after also being accused of sharing sexually explicit photos on social media.<sup>3</sup> A third model, anti-coup protester, and "Miss Myanmar", Han Lay, was briefly at risk of refoulement while stuck in Bangkok airport before being offered asylum in Canada.<sup>4</sup> She captured international attention for holding up a banner during a pageant to raise awareness of human rights atrocities committed by the military.<sup>5</sup>

### Propaganda machine in high gear?

The military has for decades funded filmmakers, musicians, and writers in order to spread fear and promote pro-military narratives.<sup>6</sup> The resulting artistic works were either blatantly pro-military, escapist, or surreptitiously encouraged nationalism, bigotry, and xenophobia for the benefit of national security hawks. Such propaganda campaigns were developed in collaboration with military intelligence "psy-war" programmes and have increased since the coup was carried out. It is difficult for art-

ists to not come into contact with the military propaganda machine because the military owns much of the media, including the printed press and broadcasters, and indirectly controls most of the others operating inside the country through the Ministry of Information and its media, music, and cinema regulators. The military has also instilled a toxic environment of self-censorship for any independent theatres or arts venues that remain open.

As one filmmaker told Freemuse, "The military will try any artistic medium that they think will successfully disseminate propaganda".<sup>7</sup> Propaganda leaflets with extremely basic graphic design and imagery, and with warnings to villagers to not support the opposition, have been dropped by military helicopters across areas that have had their internet access shut down.<sup>8</sup> Television and radio channels have been flooded with military songs and films that repeat the importance of the military's role in establishing "peace" in the face of "terrorist" groups.<sup>9</sup> Propaganda strategies also include the removal of content deemed anti-military, such as large-scale murals promoting creativity, youth, and freedom that have been painted over since the coup.<sup>10</sup>

1 Human Rights Watch (2018), "Sexual Violence by the Burmese Military Against Ethnic Minorities", available at: <https://www.hrw.org/news/2018/07/25/sexual-violence-burmese-military-against-ethnic-minorities>, 25 July 2018

2 BBC (2022), "Myanmar OnlyFans model sentenced to six years jail", available at: <https://www.bbc.co.uk/news/world-asia-63059193> See also *The Irrawaddy* (2022), "Myanmar Junta Jails Doctor-Turned-Model for Six Years Over Online 'Porn'", available at: <https://www.irrawaddy.com/news/burma/myanmar-junta-jails-doctor-turned-model-for-six-years-over-online-porn.html>, 28 September 2022

3 DVB (2022), "Insein Prison Court sentences actress and model Thinzar Wint Kyaw to five years", available at: <https://english.dvb.no/insein-prison-court-sentences-actress-and-model-thinzar-wint-kyaw-to-five-years/>, 23 December 2022

4 *The Washington Post* (2022), "Myanmar beauty queen who decried junta seeks asylum in Canada", available at: <https://www.washingtonpost.com/world/2022/09/28/myanmar-beauty-pageant-han-lay-canada/>, 28 September 2022

5 Olam, K and Chen, H (2022) "Myanmar beauty queen facing junta threat leaves Thailand for Canada" CNN available at: <https://www.cnn.com/2022/09/28/asia/myanmar-beauty-queen-canada-asylum-intl-hnk/index.html>, 28 September 2022

6 Yeni (2006) "A sad cinema scenario" *The Irrawaddy* available at: <https://www2.irrawaddy.com/article.php?id=7586>

7 Online interview with a Myanmar film director, 21 December 2022

8 Myanmar Now (2022), "Propaganda flyers become latest weapon in junta's arsenal", available at: <https://myanmar-now.org/en/news/propaganda-flyers-become-latest-weapon-in-juntas-arsenal>, 7 January 2022

9 Teacircle Oxford (2021), "A Preliminary Analysis of the Myanmar Military Junta's Media Propaganda", available at: <https://teacircleoxford.com/policy-briefs-research-reports/a-preliminary-analysis-of-the-myanmar-military-juntas-media-propaganda/>, 9 March 2021

10 *The Irrawaddy* (2022), "Myanmar Junta's Whitewash Of Giant Mural Sparks Public Anger", available at: <https://www.irrawaddy.com/news/burma/myanmar-juntas-whitewash-of-giant-mural-sparks-public-anger.html>, 17 March 2022



*Political mural whitewashed by government  
Both images from Irrawaddy.com*

Cinemas were ordered to re-open in April 2022 after two years of closure due to Covid-19 with a small selection of new films approved by the military and featuring actors who had not spoken out against the coup.<sup>1</sup> Commander-in-chief Min Aung Hlaing himself ordered regulators to ensure that cinemas were not screening any other films. The military then began releasing those actors who had been imprisoned for protesting against the coup, so that they could use their art -- to help, "nation building."<sup>2</sup> The military reportedly confiscated their passports and forced them to take part in new propaganda films.

The military junta has heavily relied on an arts industry co-opted by threats and cheap business development loans.<sup>3</sup> One media company in particular, Forever Group, has been a key facilitator of military propaganda since the coup. The company operates at least four television channels and two radio stations. Its deputy director, Thein Tun Aung, is a former military intelligence officer and a former secretary of the State Censorship Board. Since the coup was carried out, Forever Group has been involved in creating a television series about the police, an anniversary film honouring the military, and a five-day broadcast music concert for government officials. It reportedly has a number of films and television series in development designed to undermine the revolutionary movement and government-in-exile.<sup>4</sup>

<sup>1</sup> The Irrawaddy (2022), "Notorious Crony Organizing Myanmar Junta Propaganda Campaigns", available at: <https://www.irrawaddy.com/news/burma/notorious-crony-organizing-myanmar-junta-propaganda-campaigns.html>, 15 December 2022

<sup>2</sup> Myanmar Now (2022), "Junta releases celebrities from prison so they can 'participate in nation building' with their art", available at: <https://myanmar-now.org/en/news/junta-releases-celebrities-from-prison-so-they-can-participate-in-nation-building-with-their>, 2 March 2022

<sup>3</sup> DVB (2022), "Burma to reopen cinemas as junta consolidates propaganda machine", available at: <https://english.dvb.no/cinema-reopen-propaganda/>, 29 March 2022

<sup>4</sup> The Irrawaddy (2022), "Notorious Crony Organizing Myanmar Junta Propaganda Campaigns", available at: <https://www.irrawaddy.com/news/burma/notorious-crony-organizing-myanmar-junta-propaganda-campaigns.html>, 15 December 2022

## Art in exile

The creative scene which had started to flourish during the decade-long political opening has been decimated by the military. A very few younger and well-networked creatives, like Bart Was Not Here, have managed to find opportunities abroad to continue creating.<sup>1</sup> Some of those are winning acclaim at home and internationally by continuing to create works contesting the coup and the military's human rights violations.<sup>2</sup> Other artists have gone abroad to create only to be stuck with a choice between claiming asylum or going home.<sup>3</sup> Many are trapped and fearful living as illegal migrants along the Thai border.<sup>4</sup>

Many of those continuing to create while inside Myanmar have moved online, which, while threatened by military blocks and surveillance, is far freer than the country's offline environment.<sup>5</sup> Facebook, though blocked since the coup, is still an important space for creatives to share their work with the public. A major benefit of the online space is the ability to remain anonymous, producing work that would otherwise attract the military's attention and violence.<sup>6</sup> Musicians and music collectives like Rap Against the Junta have utilised anonymity to galvanise the public rejection of the coup.<sup>7</sup>

1 Haynes, S [2021] "Myanmar's artists captured the spirit of the resistance. Now they are continuing the fight from abroad." *Time* available at: <https://time.com/6074482/myanmar-artist-resistance/>, 22 June 2021

2 Cabot, C [2021] "Meet one of the artists making work to resist Myanmar's military junta" *France24* available at: <https://www.france24.com/en/culture/20210919-the-burmese-artist-using-paintings-to-flight-against-myanmar-s-military-junta>, 19 September 2021

3 Campbell, C [2022] "'The world is doing nothing.' A Myanmar artist's daring mission to tell the story of his father and their country's suffering." *Time* available at: <https://time.com/6149413/myanmar-coup-art-sai/>, 14 March 2022

4 Naing, I [2023] "Stranded Myanmar refugees seek answers in Thailand" *VOA* available at: <https://www.voanews.com/a/stranded-myanmar-refugees-seek-answers-in-thailand-/6914924.html> 11 January 2023

5 Freedom House and Free Expression Myanmar [2022] "Freedom of the Net Myanmar" available at: <https://freex-pressionmyanmar.org/wp-content/uploads/2022/10/freedom-of-the-net-2022.pdf>

6 PEN America [2021] "Stolen freedoms: Creative expression, historic resistance, and the Myanmar coup" available at: <https://pen.org/report/stolen-freedoms-creative-expression-historic-resistance-and-the-myanmar-coup/>

7 Fishbein, E [2022] "Kicking back at the regime: artists open another front in the Myanmar war" *Guardian* available at: <https://www.theguardian.com/global-development/2022/feb/08/kicking-back-at-the-regime-artists-open-another-front-in-myanmar-war>, 8 February 2022

## Conclusions

Musicians, writers, poets, filmmakers, graphic designers, and other artists have continued to be an inspirational force for the pro-democracy movement in Myanmar, particularly online, despite the acute dangers they face from a military junta in gross violation of its international human rights obligations to protect the right to life, freedom from torture and arbitrary arrest, and freedoms of expression, assembly, and association. The 2022 airstrike on a music concert in Kachin State was seemingly a breach of the Geneva Conventions that protect non-combatants<sup>1</sup>, and the most striking example of the military's brutal attempt to suppress the entire sector, viewing any form of independent creative and artistic expression as "political" and a threat to the success of the regime. While the military has been unable to completely control creativity, particularly online, it has ramped up – through force and through bribery – its co-option of a minority of artists into a vast propaganda machine last seen under the previous military junta. The public may be conscious of such propaganda right now, but without continued public vigilance and domestic and international support to independent artists there is a risk that the military may succeed in subduing the previously burgeoning creative sector, seriously undermining grassroots opposition to the junta.

International stakeholders, including the United Nations and powerful member states, should make restoring peace, human rights, and democracy in Myanmar a greater priority, recognising that all previous international and regional efforts have failed.

International human rights and humanitarian law monitors should ensure that the military's persecution of culture and cultural groups, including artists, is explicitly included in investigations as an important element of ongoing crimes against humanity (Rome Statute 7).

The international cultural community, including artists from all mediums, should provide support, solidarity and encouragement to their colleagues inside Myanmar to continue their creative work. Similarly, for those who have had to flee, support and safe havens should be provided, enabling artists to continue to express their creativity while in exile.

<sup>1</sup> Human Rights Watch [2022] "Myanmar Junta airstrike apparent laws-of-war violation" available at: <https://www.hrw.org/breaking-news/2022/10/25/myanmar-junta-airstrike-apparent-laws-war-violation>, 25 October 2022



# NIGERIA

*FILMMAKERS AND SATIRISTS* **UNDER PRESSURE**

- Musician is appealing against a death sentence for blasphemy
- State actors resort to baseless and unfounded allegations to discredit movies portraying the state of insecurity in the country
- Political office holders abuse criminal defamation laws to clamp down on satirical sketch makers
- Censorship enforcement and court rulings embolden extremist groups to act with impunity in the north of the country

Artistic freedom remains a grossly violated right in Nigeria, especially in the northern part of the country. Artists are confronted with censorship imposed by a variety of actors. There are federal censorship bodies, such as the National Broadcasting Commission (NBC), which controls content (including works of art) on radio and television, and the National Film and Video Censors Board (NFVCB), which makes it mandatory for producers of movies and audiovisual works to seek approval before public exhibition of their works. Some states also have their own censorship bodies, a situation which directly or indirectly imposes double censorship mechanisms on artists and creative practitioners operating in these states. At the federal level, the NBC and the NFVCB heavily restrict "uncomfortable" artistic expressions that touch on politics, religion and culturally sensitive issues. In the 12 northern states where the Sharia legal system has been adopted, censorship rules enforced by state censors are influenced by conservative doctrines that are intolerant of artistic freedom and inconsistent with international human rights standards. When these censorship rules are defied, artists stand the risk of being arrested, prosecuted and imprisoned. All these are further exacerbated by the actions of non-state actors who are bolstered.

### 'Nollywood' under restraint

Throughout 2022, in a bid to cover up the government's failure to protect lives and property, in a climate of rising ritual killings<sup>1</sup>, kidnappings, banditry and other violent crimes in Nigeria, the Police and the Federal Ministry of Information and Culture resorted to spreading unfounded allegations against the Nigerian movie industry, known as 'Nollywood'. Filmmakers were accused of promoting ritual killings, kidnapping and other violent crimes through their movies.<sup>2</sup> This campaign of disinformation also resulted in legislative oversight by federal lawmakers. In March 2022, a resolution was passed by the Federal House of Representatives ordering the NFVCB to stop filmmakers from releasing

movies depicting violent crimes. At the end of July 2022, the Inspector General of Police introduced a new policy banning the use of police uniforms and the portrayal of the police institution in movies and comedy skits without authorization.<sup>3</sup> Members of the artistic community criticised the policy as an attempt by the Police authorities to lump illegal activities of criminals together with issues of human rights and freedom of expression of artists, so as to protect themselves from scrutiny and satire. It has also been pointed out that any attempted application of the Act would not be a simple matter due to contradictory and confusing stipulations. For example, Section 251 of the Criminal Code Act provides that, "any person who wears the uniform of the armed or police forces but who is not a member in such a manner likely to bring contempt on that uniform" is liable to imprisonment for three months or a fine. However, the same Act, Section 110 (2) that prohibits the wearing of the uniform of the armed forces by anyone not a member of such forces has an exception for artists whose use of the uniform is for the purpose of performance or entertainment.

### Non-state actors' attacks on artists bolstered by actions and inaction of government institutions

Censorship boards' approach to enforcing rules in the predominantly Muslim North, emboldens non-state actors, such as religious extremists, to act with impunity. Capitalizing on religiously biased pronouncements by these censorship boards, extremist groups have threatened and attacked artists, whose works were accused of promoting immorality. In January 2022, filmmaker **Aminu Umar Mukhtar**, popularly known as Aminu Nasara, was declared wanted by the Kano Censorship Board for refusing the Board's invitation to appear before it. The invitation over alleged "immoral content" was sent to the filmmaker after the release of the trailer for *Makaranta* (The School), a drama series on sex education and advocacy for girls' rights.<sup>4</sup> He received several death threats from extremist groups

1 Ayandiji, IN [2022] "Shocking reality of ritual killing in Nigeria" *The Cable* available at: <https://www.thecable.ng/shocking-reality-of-ritual-killing-in-nigeria>, 12 March 2022

2 Oyero, K [2022] "FG directs filmmakers to avoid money ritual content" *Punch*, available at: <https://punchng.com/just-in-fg-directs-filmmakers-to-avoid-money-ritual-content/>, 21 February 2022

3 Ayitogo, N [2022] "IGP threatens arrest of skit, filmmakers over unauthorized use of police uniform, kits", *Premium Times*, available at: <https://www.premiumtimesng.com/news/headlines/546042-igp-threatens-arrest-of-skit-filmmakers-over-unauthorised-use-of-police-uniform-kits.html?tztc=1>, 31 July 2022

4 Daniel, E "CSOs seek protection for filmmaker declared wanted in Kano" *The Guardian* available at: <https://guardian.ng/news/csos-look-for-protection-for-filmmaker-declared-wanted-in-kano/>, 3 March 2022

and later narrowly escaped death after being attacked.<sup>1</sup> The filmmaker had to flee the region for his safety.



Publicity poster for 'Makaranta'. Permission: Aminu Nasara

### Musician Yahaya Sharif-Aminu appealing death sentence for blasphemy

A case that continued to reverberate in 2022 was that of Sufi musician **Yahaya Sharif-Aminu**. He had been sentenced to death on 10 August 2020 by the Kano Upper Shari'ah Court, after being convicted of blasphemy. Before his arrest and conviction in 2020, the singer shared an improvised song, accompanied by a speech in a WhatsApp voice note, where he argued that the late Sheikh Ibrahim Niyas of the Tijjanniya, a popular Sufi Islamic order which originated from the Maghreb but now is more widespread in West Africa, was the most prominent Islamic figure whom people should respect and recognize, as opposed to the Prophet Muhammad. He was accused of blasphemy by elevating the late cleric above the Prophet. A mob of extremists stormed his family house, but the singer had fled. The home was reportedly burnt down. A week later, protesters marched to the office of the Hisbah Corps, a religious police in Kano, where they demanded the singer's arrest. The Kano Hisbah Commander, Harun Ibn-Sina, assured them that the singer would be arrested. He also informed the crowd that the singer's parents were already in custody.<sup>2</sup>



Yahaya Sharif-Aminu

<sup>1</sup> Freemuse [2022], 'Nigeria: Filmmaker Declared Wanted for Allegedly Promoting Immorality in Film' available at: <https://freemuse.org/news/nigeria-filmmaker-declared-wanted-for-allegedly-promoting-immorality-in-film>, nd.

<sup>2</sup> Maishanu, A.A. [2020] "Protest in Kano over alleged blasphemy against Prophet Muhammad", Premium Times available at: <https://www.premiumtimesng.com/news/headlines/380230-breaking-protest-in-kano-over-alleged-blasphemy-against-prophet-muhammad.html?tztc=1>, 4 March 2020



Although federal laws in Nigeria do not explicitly prescribe punishment for blasphemy, the 12 states in the north where Sharia has been adopted, have laws with explicit provisions for blasphemy. Kola Alapinni, an international human rights lawyer and the head of the legal team defending Yahaya, said, "the northern states criminalize blasphemy through their various Sharia Penal Code laws." "In Kano State for instance, it is Section 382 (B) of the Kano State Sharia Penal Code Law of 2000," he concluded. This section stipulates that "any person, who-soever, found using any expression by means of words or gesture abusing the Holy Prophet Muhammad shall be convicted to death."<sup>1</sup> The singer's legal team argued his case should be tried in a secular court and challenged the legality of Nigeria's Islamic courts. However, in a concerning decision, in August 2022, a federal court ruled that Yahaya's case should be retried in a Sharia court.<sup>2</sup>

The Foundation for Religious Freedom (FrF), the organization coordinating the singer's defense, expressed disappointment in the judgement. According to the FrF, the justices held that Section 10 of the Constitution was justiciable, meaning it is a matter that can go to court – affirming separation of religion from the state. However, they went ahead with a judgement that remitted the singer to Sharia Court for re-trial.<sup>3</sup> On 9 November 2022, the singer, through his lawyer, approached the Nigeria Supreme Court to appeal against the decision, challenging the constitutionality of blasphemy laws in Kano.<sup>4</sup>

### Clampdown on skit makers

In 2022, artists using satirical comedy skits to protest bad governance, state corruption and related issues, were targeted, arbitrarily arrested, detained, and prosecuted by state actors. For example, in November 2022, two skit makers, **Mubarak Muhammad** (a.k.a. Uniquepikin) and **Nazifi Muhammad**, were sentenced by a magistrate court to flogging of 20 lashes each for allegedly defaming the character of Governor Abdullahi Ganduje of Kano State through satirical comedy skits posted on their TikTok accounts some years before. Magistrate Aminu Gabari also ordered the comedians to sweep and scrub the toilets on the court's premises for 30 days, in addition to each having to pay a fine of N10,000 (approx. US\$20) for the alleged offence. The Magistrate further ordered the comedians to apologize to the governor with a fresh video distributed on the same social media platform where they had posted the original skit. Before the judgement, the comedians had been held in custody after pleading guilty to making the video skits. The contentious skit depicts the governor as a corrupt politician – something which has been previously satirized by other artists.<sup>5</sup> In 2018, the online *Daily Nigerian* published a video of the governor referring to allegations of corruption against him, which went viral.<sup>6</sup> Nigeria's anti-corruption and law enforcement agencies' refusal to investigate the allegations prompted some artists, including the two comedians, to satirize the issue as a form of protest aimed at pressuring the government to investigate the accusations against the governor. The artistic freedom monitor, Unchained Vibes, also disclosed that the skit for which the two comedians were sentenced, had been made in 2018

1 Mgboh, D [2022] "Blasphemy: Court sentences Islamic cleric to death by hanging", *The Sun* available at: <https://www.sunnewsonline.com/blasphemy-court-sentences-islamic-cleric-to-death-by-hanging>, 16 December 2022

2 Obiezu, T [2022] "Nigeria Activists Concerned as Secular Court Upholds Islamic Court Trial for Blasphemy", VOA, available at: <https://www.voanews.com/a/nigeria-activists-concerned-as-secular-court-upholds-islamic-court-trial-for-blasphemy/6708963.html>, 19 August 2022

3 Foundation for Religious Freedom [2022] "Kano Appeal Court orders Yahaya to be retried for blasphemy, available at: <https://frf-nigeria.org/2022/08/17/kano-appeal-court-orders-yahaya-to-be-retried-for-blasphemy/>, 17 August 2022 (accessed)

4 Sahara Reporters [2022] "Nigerian Singer Sentenced To Death, Sharif-Aminu Appeals Conviction At Supreme Court, Wants Blasphemy Declared Unconstitutional", available at: <https://saharareporters.com/2022/11/09/nigerian-singer-sentenced-death-sharif-aminu-appeals-conviction-supreme-court-wants>, 9 November 2022

5 PEN America [2022] "PEN America and Amani: Africa Creative Defense Network Condemn "Unjust Sentences" and Flogging of Nigerian Tiktok Comedians over Satirical Video Skits" available at: <https://pen.org/press-release/pen-america-and-amani-africa-creative-defense-network-condemn-unjust-sentences-and-flogging-of-nigerian-tiktok-comedians-over-satirical-video-skits/>, 15 November 2022

6 Exclusive video of Kano governor, Abdullahi Ganduje, receiving bribe, [online video], *Daily Nigerian*, 14 October 2018, <https://www.youtube.com/watch?v=MGCvXTISNns&t=86s>

but only resurfaced online in November 2022 around the time of political campaign rallies for the 2023 general elections.<sup>1</sup>



*Mubarak Muhammad (Uniquepikin) and Nazifi Muhammad Image: Amnesty International Nigeria / Twitter*

## Conclusions

The consistent pattern of attacks on artistic freedom in Nigeria brings it in conflict with its commitments under Article 19 of the United Nations' International Covenant on Civil and Political Rights, which protects the right to freedom of expression, including through the arts, as well as the African Charter on Human and Peoples' rights, Article 9 of which states that "Every individual shall have the right to express and disseminate his opinions within the law". Furthermore, the Constitution of the Federal Republic of Nigeria, Section 39 (1), expressly states that: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference." The Nigerian government must act within these commitments to protect artistic freedom.

The Nigerian Constitution in Section 10 explicitly underlines the separation of religion and state, noting that "The Government of the Federation or of a State shall not adopt any religion as State Religion". Yet the existence of the crimes of blasphemy under the Sharia penal code laws in certain northern states runs counter to this constitutional provision. Blasphemy laws are inconsistent with international human rights law and should be abolished.

Criminalisation of defamation is also inconsistent with international human rights standards. Criminal defamation laws should be abolished and replaced with an adequate civil regime for defamation.

<sup>1</sup> Ganiu, A [2022] "Statement on the Detention and Flogging of Kano Skit Makers" *Unchained Vibes* available at: <https://www.unchainedvibesafrika.com/statement-on-the-detention-and-flogging-of-kano-skit-makers/> 12 November 2022

A watercolor illustration of several hands of various colors (pink, blue, green, yellow) holding each other in a circle, symbolizing unity and support. The background is a soft, light-colored wash of colors.

# RUSSIA

*ANTI-WAR ARTISTS **DETAINED,**  
**THREATENED AND FORCED TO FLEE***

- The situation for artistic freedom in Russia was already dire before the invasion of Ukraine in February, notably with the application of anti-extremism laws in recent years and amendments to the 'foreign agent' law, expanding its status to private persons.
- Since the invasion, anti-war artists have been detained, threatened, and forced to flee Russia, adding to the numbers of those who had previously been penalised for shedding light on sensitive issues such as LGBTQ+ rights or labelled 'extremists' for their anti-government views.
- Some artists who have left Russia, as well as those of Russian descent who were already living abroad, have been affected by the sanctions imposed on their country – even though some have been openly anti-war. They have lost contracts, been fired from their posts, or had their work withdrawn from exhibitions and were not able to perform.

## Restrictions on artistic freedom before the outbreak of war

Russia's Law on Combating Extremist Activity of 2002,<sup>1</sup> as well as legislation restricting the promotion of what it calls "non-traditional sexual relations and/or preferences", which was adopted in 2013 and expanded in 2022,<sup>2</sup> are among the main tools used against those in the art circles in Russia who speak out against the government or comment on sexual orientation or gender identity. The repressive legislation was further strengthened and harshened with the implementation of the Foreign Agent Law of 2012<sup>3</sup> and the Undesirable Organisations Law of 2015, also expanded in 2021<sup>4</sup>. Although these two laws do not ban Russian civil society groups and individuals as such, their ability to operate freely has been drastically curtailed.

A new law, Article 207.3 of the Criminal Code enacted immediately after the invasion, introduces sentences of up to 15 years for publishing 'fake news' about the war and up to three years for calls for sanctions against Russia. Media outlets, including BBC Russia, temporarily stopped broadcasts from Russia, and others no longer cover the conflict.<sup>5</sup>

In 2021, artist and feminist activist **Daria Apakhonchich** was among the first individuals to be labelled a foreign agent soon after the law was expanded to private persons at the end of 2020<sup>6</sup>. She believes she was targeted for her feminist activism. As is the case for all 'foreign agents,' she had to submit quarterly reports on her finances and activities to the Ministry of Justice. In April 2022, she posted on her Facebook site her quarterly report, this time

in a very non-standard format as it contained images decrying events in Ukraine.<sup>7</sup> [see the image below]. She has since left the country. Other artists labelled as foreign agents include Pussy Riot members **Nadya Tolokonnikova** and **Veronika Nikulshina**,<sup>8</sup> who are now living in exile, and **Marat Guelman**, a gallery owner known for featuring works by anti-government artists, who has been based abroad for years.<sup>9</sup> He was designated a foreign agent in 2022.



*Daria Apakhonchich's quarterly report for the Ministry of Justice, April 2022, decrying events in Ukraine. Daria Apakhonchich / Facebook*

1 SOVA Center for Information and Analysis [2009] "The Structure of anti-extremist legislation" European Parliament available at: [https://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/droi/dv/201/201011/20101129\\_3\\_10sova\\_en.pdf](https://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201011/20101129_3_10sova_en.pdf)

2 Human Rights Watch [2022] "Russia: Expanded 'Gay Propaganda' Ban Progresses Toward Law" available at: <https://www.hrw.org/news/2022/11/25/russia-expanded-gay-propaganda-ban-progresses-toward-law>, 25 November 2022

3 State Duma [2022] "New law on activities of foreign agents" available at: <http://duma.gov.ru/en/news/54760/>

4 Radio Free Europe/Radio Liberty [2021] "Russian Bill Approved Expanding 'Undesirable' Organizations Law" available at: <https://www.rferl.org/a/russian-lawmakers-bill-undesirable-organizations/31298911.html>, 9 June 2021

5 Current Time [2022] Putin signed the law of imprisonment up to 15 years for "fakes about Russian army" available at: <https://www.currenttime.tv/a/putin-zakony-feiki/31736694.html>, 4 March 2022

6 Kishkovsky, S [2021] "Darya Apakhonchich is first artist labelled foreign agent by new repressive law in Russia" The Art Newspaper available at: <https://www.theartnewspaper.com/2021/01/14/darya-apakhonchich-is-first-artist-labelled-foreign-agent-by-new-repressive-law-in-russia>, 14 January 2021

7 Moscow Times [2022] Artist sends Russian Justice Minister an illustrated letter about the Ukraine war" available at: <https://www.themoscowtimes.com/2022/04/21/artist-sends-russian-justice-ministry-an-illustrated-letter-about-ukraine-war-a77435>, 21 April 2022

8 BBC Online [2021] "Russia labels Pussy Riot foreign agents" available at <https://www.bbc.com/news/world-europe-59832838>, 30 December 2021

9 Kishkovsky, S [2022] "Foreign agent" scrawled on Russian gallerist's door in blood red" The Art Newspaper available at: <https://www.theartnewspaper.com/2022/01/18/foreign-agent-scrawled-on-russian-gallerists-door-in-blood-red>, 18 January 2022

There have, however, been rare examples of victories in legal battles as in the case of **Yulia Tsvetkova**, a feminist activist and artist from Komsomolsk-on-Amur, who was acquitted in July 2022 after an excruciating 3-year-long criminal case against her on charges of 'disseminating pornography'. Her 'crime' was to produce a play with LGBTQ+ content for young people. Added to the list of 'foreign agents', and fearing further legal persecution, Tsvetkova and her mother, Anna Khodyreva who had been outspoken in her defence of her daughter, decided to flee Russia.

### February 24 and its aftermath – arrests and persecution of anti-war artists

Russia's attack on Ukraine has had negative implications for people working in the arts, both inside and outside the country. Some had the opportunity to flee Russia but faced difficulties abroad. Others decided to stay, regardless of their anti-war stance; while there are others who support the Russian government's launch of a full-scale war on Ukraine.

Soon after the war broke out, there was a spate of 'artivism,' with artists joining other protestors speaking out against the Ukraine invasion, some of whom were arrested. Among them were:

**Yelena Osipova**, 76-year-old artist in St Petersburg and veteran protestor against government policies, has been detained on numerous occasions for holding placards and her artworks decrying the war. She is a well-known figure who since the early 2000s has staged many protests, including against Putin's rise to power and the Russian annexation of Crimea in 2014.

Also in St Petersburg, in March 2022 **Yevgenia Isayeva** staged a street performance, where, in a white robe doused in blood, repeated the phrase "My heart is bleeding" over and over again as she was led away by police. She was charged with 'hooliganism' and detained for eight days.

Many well-known and popular musicians who have spoken against the war have left Russia. One of them, the rap musician Oxxxymiron, who was designated a 'foreign agent' in the fall of 2022<sup>2</sup>, shared this ironic post on his Instagram site.



*Oxxxymoron Instagram*

1 Kishkovsky, S [2022] "Russian artist Yulia Tsvetkova—who faced six years in prison on pornography charges for her drawings—is acquitted in court" The Art Newspaper available at: <https://www.theartnewspaper.com/2022/07/15/russian-feminist-artist-yulia-tsvetkovawho-faced-six-years-in-prison-for-her-drawingsis-acquitted-in-court>, 15 July 2022  
2 Guardian [2022] "Russia declares popular rapper and writer 'foreign agents'" available at: <https://www.theguardian.com/world/2022/oct/07/russia-declares-popular-rapper-and-writer-foreign-agents>, 7 October 2022

In December 2022, the street artist known as **Ffchw**, based in Perm, Russia, was detained by the police while creating one of his works called "We will see each other" ("Svidimsya"). This word appeared in the work in various languages, including Georgian and Ukrainian. On 31 December 2022, the artist announced that he had to leave Russia, stating that from outside, "My team and I are going to do what we regard [as] important."<sup>1</sup>

### Impacts of anti-Russian sentiments on artists abroad

A number of countries imposed trade sanctions against Russia in response to its military aggression against Ukraine. For example, the EU adopted sanctions that included travel bans and asset freezes against high-ranking officials and businesspeople, as well as bans on financial services, transport equipment, energy, and the trade of raw materials and luxury goods, among others. There are also visa restrictions and some Russian media outlets are banned from transmitting outside of Russia.<sup>2</sup> While sanctions against Russian artists and their work were not intended to be aimed at individual artists, they found themselves to be subject to boycotts, as noted in a report by Avant-Garde Lawyers. As the organisation which supports artists at risk explained,



*We used to dream of building museums/now we can hardly put words together. From Ffchw Instagram page.*

<sup>1</sup> *ItsMyCity.ru* [2022] "Street art artist from Perm left Russia after being detained by police" available at: <https://itsmycity.ru/2022-12-31/stritart-hudozhnik-izpermi-pokinul-rossiyu-posle-togo-kak-ego-zaderzhala-policiya>, 31 December 2022

<sup>2</sup> *European Council* [2022] "EU sanctions against Russia explained" available at: <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/#sanctions>

While many [governments] stated that their intention (to condemn the use of violence by Russia) was not to penalise individual artists, this is precisely what the exclusions have factually achieved<sup>1</sup>. Nevertheless, the international reaction within the cultural sector towards Russian artists since the invasion has been sharp and diverse. Exhibitions of Russian art and concerts were cancelled. Some Russian artists working with arts and music institutions abroad had their contracts annulled. Artists of Russian descent or who hold Russian citizenship, who have lived outside Russia sometimes for decades, have also found themselves penalised. This has had a profound effect on artists' capacity to continue their work outside Russia.

### The Finnish context

The debate on whether or not to exclude Russian artists has been hotly contested in Finland. As in other European countries, Russian musicians have been prevented from performing. One artist, violinist **Nikita Boriso-Glebsky** was initially disinvited from performing with the Kymi Sinfonietta in Spring 2022 despite having EU citizenship<sup>2</sup>. After other musicians protested, the decision was later overturned, and the concert was performed as a charity event in support of Ukraine. The Finnish composer Kalevi Aho commented that the case was "an unfair decision based entirely on the fact that [Boriso-Glebsky] is Russian"<sup>3</sup>. Soon after the invasion, the **International Jean Sibelius Violin Competition**, held every five years in Finland, banned the participation of two competitors, a Tatar and a Kazakh, because they held Russian passports. This led to a fraught debate among Finnish art circles and the media<sup>4</sup>. Although there had been an announcement that the two violinists, Ravil Islyamov and Galiya Zharova, had qualified to take part on 8 March two weeks after the start of the Russian offensive – and the Festival had issued a statement noting that it approved the participation of the musicians who are Russian citizens – the two were excluded a month later, on 8 April.

It would appear that there is an apparent reluctance among some non-Russian artists to oppose the restrictions on their Russian colleagues for fear of repercussions. As one musician, active in the music scene in Finland, stated in an interview for this report on condition of anonymity, "I know that many people disagree strongly with these policies, also in Finland, but few dare to voice their dissent in public."



Russian artist Vadim Zakharov protests against the invasion of Ukraine outside the Russian Pavilion at the Venice Biennale 2022. Permission of the artist.

1 Avant Garde Lawyers (2022) "White Paper: Artists under boycott" available at: <https://avantgardelawyers.org/white-paper-artists-under-boycott/>, 21 December 2022

2 Lehtoranta, S [2022] "Kymi Sinfonietta peruu venäläisviulistin konsertin - "Emme pysty mitenkään takaamaan venäläisille esiintyjille turvallista konsertointiympäristöä" Kymen Sanomat available at: <https://www.kymensanomat.fi/paikalliset/4502356>, 4 March 2022

3 Aho, K [2022] "Orkesterimusikkia sodan varjossa. Kunniapuheenjohtaja Kalevi Ahon juhlapuhe 57. orkesteripäivillä Tampereella" Suomen Sinfoniaorkestrit ry available at: <https://www.sinfoniaorkestrit.fi/fl/artikkeli/?id=44> 4 May 2022

4 Helsingin Sanomat [2022] "Paras soittaja ei välttämättä voita Sibelius-viulukilpailua, sillä venäläisopiskelijat suljettiin pois: Näin kiistellyä päätöstä nyt perustellaan" available at <https://www.hs.fi/kulttuuri/art-2000008819351.html> 18 May 2022



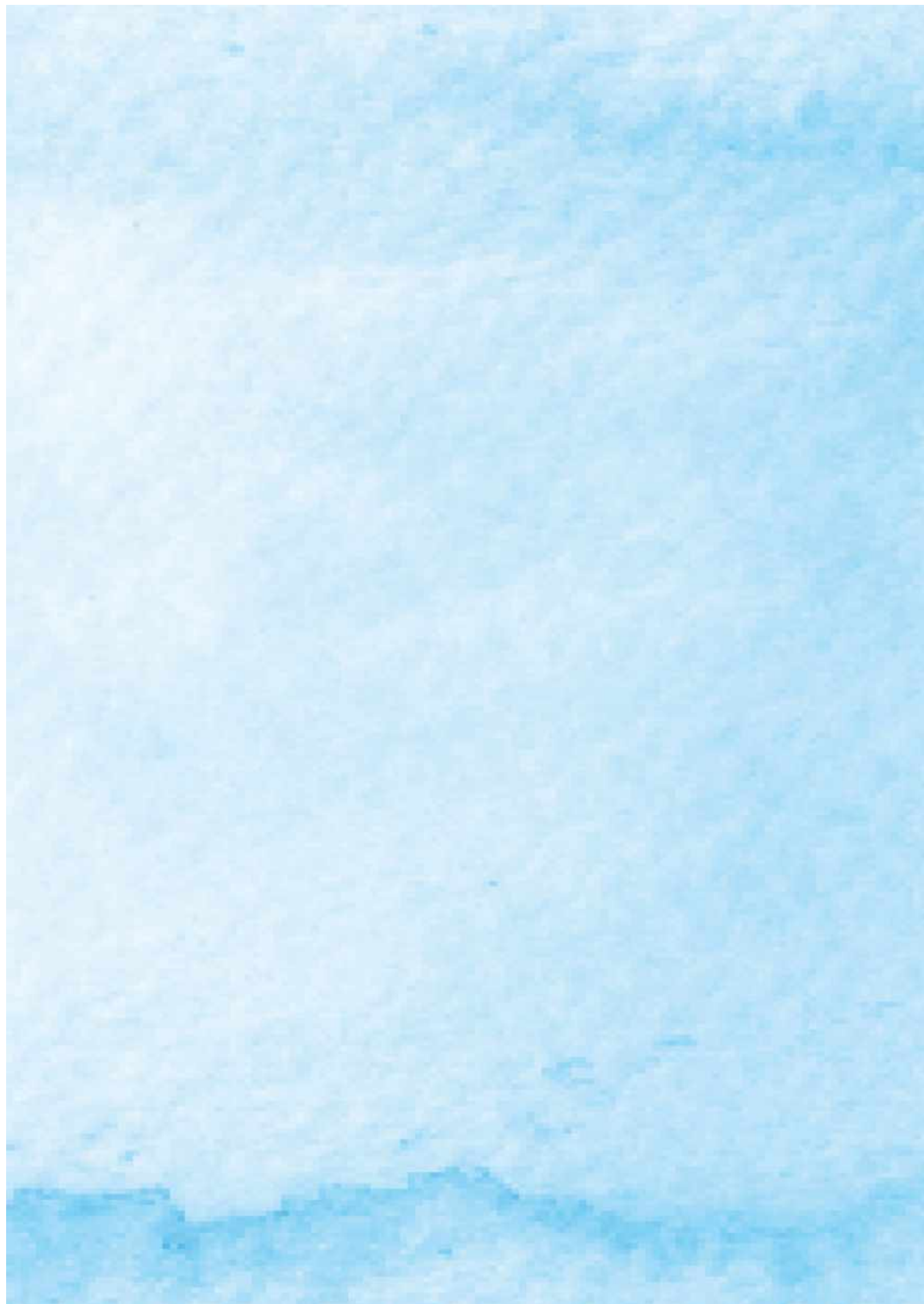
**Philipp Los**, the artistic director of the Russian Theatre of Estonia, is appealing against a decision to have him fired from his post after he made comments on social media about the status of Russians in Estonia, suggesting it was reminiscent of the treatment of Jews in WWII (Los is a Russian Jew). Los and his supporters explain that his comments were made in a moment of upset. His case will be heard in early 2023. He told Freemuse that after a period of *"... almost complete professional isolation, lack of work and no visible prospects to continue my work as a theatre director, I have come to believe that almost any person of art who is a holder of the Russian passport in Europe, may find themselves in a similar situation."* He also expressed his belief *"... that in the most difficult and intense periods of history the most important condition for the creation of works of art, be it paintings, books or theatrical performances, is the artist's right to freedom of expression, which can be limited by legal norms but never by violence and political preferences."*

## Conclusions

At this time of crisis, attention is naturally focused on the absolute need for an end to the war, the removal of Russian forces from Ukraine and with this an end to deaths and destruction. The state of artistic freedom in Russia also requires some attention as artistic expressions of anti-war sentiment have particularly come under attack.

As outlined in this chapter, the space for artistic expression has long been curtailed, and increasingly so with the expansion in recent years of the foreign agent law to include individuals, among them artists, leading to arrests and loss of employment. Arts, cultural and human rights defenders are urged to recognise the challenges faced by Russian artists who confront Russian government policies censoring discussion on the invasion of Ukraine, any criticism of President Putin and his government, and attacks on LGBTQ+ rights. Such attacks should be widely condemned, and support provided for artists who are being penalised for speaking out.

At the same time, economic and trade sanctions imposed by other countries are, if unintentionally so, also leading to the suppression of the artistic freedom of Russians abroad. Subsequently, some anti-war artists find themselves unable to function freely either at home or abroad. In setting and enacting such sanctions, governments should make it clear that artistic freedom is crucial at times of conflict and thus culture is exempt. Cultural and arts organisations need also to be wary of not discriminating against individuals because of their Russian nationality or descent.





# THAILAND

***THE LAND OF (NO) SMILES***

- Lèse-majesté laws were used to arrest and prosecute artists for defaming the monarchy.
- Peaceful, mass protest movements were suppressed, with artists among those arrested.
- Online surveillance and fears of repercussions led to self-censorship and self-exile for some artists.

'The land of smiles' is how many people around the globe know Thailand, a country of 67 million people in Southeast Asia. It is a predominantly Buddhist country, and principles of Buddhism surround the way of life and culture in Thailand. It is also a constitutional monarchy, with the King as head of state and the prime minister as head of government. In 2014, the military junta seized power, and the country subsequently faced a period of repression of fundamental rights, censorship and blocks on public discussion of the state of human rights and democracy<sup>1</sup>. In 2019, the country transitioned from a military dictatorship to a semi-elected government, although the military continued to sway significant influence, including by appointing members to the Senate. This has a strong influence on many aspects of the life of Thai people and is closely linked to the problems surrounding human rights and artistic freedom.

Beginning in mid-October 2020, Thailand experienced a rise in massive pro-democracy protests against the military-dominated government and the monarchy, mainly led by students in provinces across the country. Despite Covid-19 pandemic restrictions, thousands of people gathered at protests held at key sites; for example, the Democracy Monument, the Ratchaprasong intersection and Sanam Luang (Royal Plaza) in central Bangkok. The protesters' demands included the dissolving of parliament, amendments to the constitution, and calling for the release of detained critics of the monarchy and government.<sup>2</sup> This marked a significant change in the country as the protesters broke a taboo against criticizing the monarchy publicly. The mass rallies resulted in the arrests of thousands of protesters, and

the use of force by police to disperse the demonstrators who in some cases resisted. Thai Lawyers for Human Rights documented that in the month of November 2022 alone over 1,800 people had been prosecuted for their involvement in the protests.<sup>3</sup> The key laws used against them were Section 112 of the Penal Code, which stipulates that lèse-majesté is a crime and provides for sentences of up to 15 years for insult to the monarchy<sup>4</sup>, and Section 116 that provides sentences of up to 7 years for actions that "raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country"<sup>5</sup>.



*Rap Against Dictatorship join the protests  
Image from R.A.D.'s Facebook page*

<sup>1</sup> Phasuk, S [2019] "Unending repression under Thailand's military junta" Human Rights Watch available at: <https://www.hrw.org/news/2019/05/22/unending-repression-under-thailands-military-junta>, 22 May 2019

<sup>2</sup> Amnesty International [2022] "Thailand 2022" available at: <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/thailand/report-thailand/>, n.d.

<sup>3</sup> Thai Lawyers for Human Rights [2022] "November 2022: 1,886 people politically prosecuted in 1,159 cases" available at: <https://tlhr2014.com/en/archives/51466#:~:text=According%20to%20the%20TLHR%20statistics,years%20old%20in%2010%20cases,> 14 December 2022

<sup>4</sup> Article 19 [2021] "Thailand: repeal repressive lèse majesté provision" available at: <https://www.article19.org/resources/thailand-lese-majeste/>, 4 March 2021

<sup>5</sup> CIVICUS [2021] "Thailand: halt prosecution of pro-democracy activists and protestors" available at: <https://www.civicus.org/index.php/media-resources/media-releases/open-letters/5118-thailand-halt-prosecution-of-pro-democracy-activists-and-protestors>, 17 June 2021

The pro-democracy protests were mainly led by youth and student protesters, who brought new, creative actions to the demonstrations. One example was the Free Arts network<sup>1</sup> that staged street performances depicting the violence meted out against demonstrators, and “graduation ceremonies” where students who could prove that they had participated in the demonstrations were given certificates, among other actions<sup>2</sup>. At the same time, some artists spoke out about the mass protests. Over 350 artists, under the name Arts and Culture Network for Democracy, issued a joint statement in support of the protesters. Solidarity for the demonstrations was also expressed by artists at the 2020 Bangkok Biennale, including high-profile international artists.<sup>3</sup>

Finally, the protests and the response from the authorities also hugely affected artists’ rights and freedom, restricting their involvement in the democracy movement, or their ability to present art commenting on the political events around them. Some key examples follow.

### You are Thai, but you cannot wear Thai

Thailand has one of the harshest lèse-majesté laws in the world. In addition to the aforementioned Section 112 of the Criminal Code, the Thai Constitution also stipulates that, “The King shall be enthroned in a position of revered worship and shall not be violated. No person shall expose the King to any sort of accusation or action,”<sup>4</sup> and lèse-majesté is the law to ensure just that. It prohibits actions or writings seen to be defaming, insulting, or threatening to leading royal family members, including the King, the Queen, the heir apparent, and the Regent. However, this law can be interpreted quite broadly, as there is no clear definition of acts or speeches that defame, insult, or threaten the monarch.

One of the most well-known cases of prosecution under this law was the ‘People’s Runway’ fashion walk by **Jatuporn Saeoueng** (also known as New), a 23-year-old activist from Buriram, which took place in October 2020, on

Silom road, in the Bangkok central office and nightlife district. Jatuporn walked a mock “red carpet” wearing a traditional Thai costume, for which she was charged with lèse-majesté. She was accused of mimicking the Thai Queen Suthida.<sup>5</sup> In Thailand, lèse-majesté laws are stringent, with a punishment of up to 15 years in jail. According to Thai Lawyers for Human Rights, Jatuporn was initially sentenced to three years’ imprisonment for violating the law, a sentence later reduced to two years.

Almost two years later, in September 2022, a jury of the Thai Criminal Court upheld the guilty verdict and Jatuporn was sentenced to two years in prison. She was sent to the Central Women’s Correctional Institution and released on bail on application to the Court of Appeal. As of the end of 2022, Jatuporn was free on 300,000 baht (€8,357) bail and was awaiting an appeal hearing.



*A cartoon of Jatuporn herself and when dressed in a traditional Thai costume  
Image courtesy of: iLaw – (<https://freedom.ilaw.or.th>)*

<sup>1</sup> Free Arts on Facebook <https://www.facebook.com/FreeArtsTH>

<sup>2</sup> Chotpradit, T [2021] “Never forget: on Thai art and politics” *Terremoto* available at: <https://terremoto.mx/en/online/sobre-el-arte-y-la-politica-en-tailandia-no-olvidamos/>, 29 January 2012

<sup>3</sup> PrachataiEnglish.com [2020] “BKK Art Biennale artists express support to Thai democracy protestors” available at: <https://prachataienglish.com/node/8865>, 22 October 2020

<sup>4</sup> Constitution of the Kingdom of Thailand. Available at: [https://constitutionnet.org/sites/default/files/2017-05/CONSTITUTION+OF+THE+KINGDOM+OF+THAILAND+\(B.E.+2560+\(2017\)\).pdf](https://constitutionnet.org/sites/default/files/2017-05/CONSTITUTION+OF+THE+KINGDOM+OF+THAILAND+(B.E.+2560+(2017)).pdf)

<sup>5</sup> Jones, D [2022] “Activist in Thailand sentenced to years in jail for insulting country’s queen” *ABC Action News* available at: <https://www.abcactionnews.com/news/world/activist-in-thailand-sentenced-to-years-in-jail-for-insulting-countrys-queen>, 12 September 2022

## Mu(te)sic

Social media surveillance and trolling, combined with the overlying negative environment for freedom of expression, can lead to artists self-censoring and even to leave Thailand.

The case of **Peeralada Sukawat** (also known by her stage name Pyra) is a case in point. Pyra entered Thailand's music industry when she was very young, as the voice of the Mother's Day song 'Ka Nam Nom' when she was just nine years old. She later was able to pursue her dream in the music industry, signed up with Warner Music Thailand and quickly became successful for what she describes as "genre defying dystopian pop".<sup>1</sup> In late 2020, Pyra released the song 'Bangkok', whose lyrics criticised the crackdowns on political activism by the Thai authorities over the years, and was dedicated to the activists who had "fought bravely and sacrificed so much for the cause of freedom and democracy".<sup>2</sup> Although controversial, the song slipped under the censorship radar, in part because the lyrics were in English, and also because the music video accompanying the song used ambiguous visual references that might not have been immediately understood as critical by those outside protesters' circles.<sup>3</sup>

In 2022, Pyra released a short music video clip on TikTok called 'Welcum 2 Thailand', in which she again exposed the country's ugly side.<sup>4</sup> Pyra already had a huge following on the platform for her music and commentary, reaching over five million followers. After the clip's release, she suddenly gained many more, which she suspected to be the Royal Thai Army's Information Operation (IO), tasked with waging information warfare against those who express anti-government sentiment, especially on social media<sup>5</sup>. Pyra then came to a mutual agreement with Warner Music Thailand to terminate her contract with them and left for the UK to pursue her career as a global artist. Pyra told Freemuse that "the reason I chose to leave the country is because I do not want to compromise my art." Pyra could have been charged with sedition under Section 116 of the Thai Criminal Code, relating to offences against the kingdom's internal security, described as any acts that could cause unrest and disturbance in the country, as explained earlier. With no space for freedom of speech for her art, she decided to flee the country.



Screenshot from Pyra's video: "Bangkok"  
from YouTube  
<https://www.youtube.com/watch?v=PSBYuJL->

<sup>1</sup> Pyra interviewed for Metal Magazine available at: [https://metalmagazine.eu/en/post/interview/pyra\\_n.d](https://metalmagazine.eu/en/post/interview/pyra_n.d).

<sup>2</sup> Pahl, E [2021] "Artists demand reform: the dissident Thai music scene", Horizons Newspaper available at: <http://horizons-newspaper.com/index.php/2021/09/15/artists-demand-reform-the-dissident-thai-music-scene/15> September 2021

<sup>3</sup> View the video here: <https://www.youtube.com/watch?v=PSBYuJL-BtJU>.

<sup>4</sup> Poomsawai, C [2021] "Pyra: Being an artist means having the freedom to express myself without limitations" NME available at: [https://www.nme.com/en\\_asia/features/music-interviews/pyra-thailand-ep-2021-yellow-fever-bangkok-3019715](https://www.nme.com/en_asia/features/music-interviews/pyra-thailand-ep-2021-yellow-fever-bangkok-3019715), 16 August 2021

<sup>5</sup> <https://www.rappler.com/newsbreak/investigative/thailand-online-information-operations-support-offline-tactics/>

The rap group, Rap Against Dictatorship or R.A.D., experienced the suppression of their freedom of expression for their part in the protests. The group was formed in 2017 and gained wide recognition in Thailand when they released the song "Prathet Gu Mee" (translated as "My Country Has") in October 2018, which went viral. The lyrics are about corruption in Thailand, mainly within the military government. This led to the Technology Crime Suppression Division of the police to investigate if the song contained "faulty information" as stipulated under the Computer Crimes Act, or if it caused unrest and disturbance in the country, as punishable under the sedition law – Section 116. However, police were unable to find any evidence against the group, and no action was taken.

R.A.D continued working on their music. In 2019, they released the song "250 Sor Plor" (250 Sycophants) just before the general election. The song criticised the 250 senators that the military junta had appointed, as a part of the semi-elected government. Moreover, R.A.D. had joined the pro-democracy youth-led protests in July 2020, where they sang their song "Prathet Gu Mee" and a Thai version of "Do you hear the people sing?"<sup>1</sup>. One of the group members, Dechathorn Bamrungmuang or "HOCKHACKER", was arrested and charged under the sedition law. In late 2020, the artists released another song entitled "Patrioop" ("Reform")<sup>2</sup>, which criticised the military government and called for reform. The music video was blocked on YouTube Thailand after the government filed a legal complaint.<sup>3</sup> In 2022, R.A.D. came back with the song "Ban Koed Muang Non" (Homeland) criticising government mismanagement and tackling issues around corruption, freedom of speech, equality, and welfare.<sup>4</sup>

### National(artist)

In Thailand, a state-sponsored program awards artists National Artist status, which is granted by the Office of the National Cultural Commission based on criteria of excellence and the individual's contribution to the country's cultural profile. The award benefits include a monthly salary for life, among others. Critics of the award note that the awarded artists are already well-established and barely need the support, and that the awards should be granted to, for example, early-career artists who have limited access to social and economic rights in Thailand. However, these privileges can also be removed if the artist 'misbehaves.' National artist, **Suchart Swasdsri**, who took part in founding the award in 1984, was the first-ever national artist to be stripped of the title. Suchart was awarded the National Artist title in 2011 for literature, and in 2021 his title was revoked because of his support for the aforementioned pro-democracy protests or, as the Office of the National Cultural Commission put it, 'inappropriate behavior.'<sup>5</sup> This evidently demonstrated that in order to obtain and maintain the national artist status, this is not only based on the artist's body of work; the political opinions of the artist are taken into consideration as well. Suchart Sawasdsri continues to protest despite the withdrawal of his National Artist status.

1 The song is featured in the musical version of *Les Misérables* and has since been adopted as a protest song by movements world-wide.

2 View video on YouTube: <https://www.youtube.com/watch?v=T3ueqEZmSjk>

3 Singh, S [2021] "Rap against dictatorship's reform music video blocked from YouTube in Thailand" NME available at: [https://www.nme.com/en\\_asia/news/music/rap-against-dictatorships-reform-music-video-blocked-from-youtube-in-thailand-2849316](https://www.nme.com/en_asia/news/music/rap-against-dictatorships-reform-music-video-blocked-from-youtube-in-thailand-2849316), 5 January 2021

4 Patansophon, N [2022] "Rap Against Dictatorship makes a strong comeback with a defiant new song" *Thai Enquirer* <https://www.thaienquirer.com/38165/rap-against-dictatorship-makes-a-strong-comeback-with-a-defiant-new-song/>, 3 March 2022

5 *Bangkok Post* [2021] National artist Suchart loses title over protest support" available at: <https://www.bangkokpost.com/thailand/politics/2168683/national-artist-suchart-loses-title-over-protest-support>, 21 August 2021



## Conclusions

Thailand has ratified the UN International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, the former specifically protecting freedom of expression, including in the arts, and the latter freedom for creative activity. Arrests and prosecutions of artists for their criticism of the government and of the monarchy, and for taking part in peaceful protests, are clear breaches of the Thai government's commitments to these principles. Also bestowing financial incentives or recognition, and the threat that such benefits will be removed if an artist speaks out, encourages self-censorship and also runs contrary to these principles.

Furthermore, lèse-majesté laws, wherever they are applied, have been widely condemned as anachronistic and counter to the fundamental right to freedom of expression and should be repealed. A strongly worded press release in February 2021 signed by several UN human rights experts stated, "We have repeatedly emphasized that lèse-majesté laws have no place in a democratic country, ... Their increasingly harsh application has had the effect of chilling freedom of expression and further restricting civic space and the enjoyment of fundamental freedoms in Thailand."<sup>1</sup>

<sup>1</sup> UN Office of the High Commissioner [2021] "Thailand: UN experts alarmed by rise in use of lèse majesté laws" available at: <https://www.ohchr.org/en/press-releases/2021/02/thailand-un-experts-alarmed-rise-use-lese-majeste-laws>, 8 February 2021





# TÜRKİYE

*ARTISTIC FREEDOM UNDER ATTACK -*

***ARBITRARY AND REPRESSIVE PRACTICES***

- Violations of freedom of expression for musicians multiplied in 2022, with an increase in the number of banned concerts, festivals, restrictions placed on street musicians, and defamation cases against prominent singers.
- Bans on artists, artistic expression, and events have been framed as part of the fight against “immorality”; various forms of expression were targeted, ranging from plays, film screenings, concerts, and festivals, to the censoring of streaming services featuring LGBTQ+-related content.
- Turkish “national values” have been cited as justification for banning artists and artistic works.

2022 was yet another challenging year for artists and cultural workers in Türkiye. The ever-growing authoritarianism of the AKP (Justice and Development Party) government in the last decade of its 21-year-long rule governance has been mirrored by the normalization of political and cultural repression against minority groups, academia, dissident media, and human rights defenders.

Taboo topics that can result in the authorities' ire include criticism of President Recep Tayyip Erdoğan and his rule, the deepening economic crisis, the Kurdish language and cultural expression or support for the Kurdish "cause"<sup>1</sup>, LGBTQ+-related content, and any connection to the (lawful and overwhelmingly peaceful) Istanbul Gezi Park protests that spread across Türkiye in 2013.<sup>2</sup>

*1 For many artists, performing in Kurdish or simply being Kurdish has been seen as synonymous with making "terrorist propaganda" or being "members of a terrorist organization" under the Anti-Terror Law.*

*2 In May 2013, activists staged a sit-in to contest the urban development plan for Istanbul's Taksim Gezi Park. The forced eviction of protesters from the park and the excessive use of police force sparked an unprecedented wave of mass demonstrations and nationwide anti-government unrest.*

# Turkey statistics

## Speak Up Platform reports violations of artistic expression in 2022

*The Istanbul-based arts freedom monitor, Speak Up Platform<sup>1</sup> (Susma Platformu), documented more than 172 cases of violations of artistic expression in the culture and arts, in 2022. These violations by government and non-government entities include targeting artworks and artists; preventing plays, concerts, and music festivals; defamation and delegitimization by pro-government media outlets; hate speech and threats on social media.*

### Music (66 cases)

- Physical attacks on musicians: 4 cases (1 resulted in the death of the artist)
- Concert and festival cancellations by local administrations: 47 cases
- Targeting and threats: 4 cases
- Arrests: 5 cases
- Legal cases and prison sentences: 6 cases

### Cinema (15 cases)

- Detention: 2 filmmakers
- Directors/actors tried or waiting for trial: 5 cases
- Arrests and fines: 3 cases
- Censorship (impacting festivals/financial restrictions by the Ministry of Culture and Tourism): 2 cases
- Screening bans by local administrations: 3 cases

### TV-Internet Broadcasting (26 cases)

- Censorship (by streaming services/social media): 12 cases
- Censorship (on/by TV channels): 14 cases

### Publishing (17 cases)

- Writers arrested/tried: 6 cases
- Physical attacks: 1 case
- Censorship by prison administrations (preventing inmates from accessing books): 4 cases
- Publications deemed obscene: 1 case (against 7 books)
- Confiscation of books: 5 cases

### Specifically art-related/artistic freedom related cases in academia (23 cases)

- Investigation into students and academics: 4 cases
- University press censorship: 1 case
- Administration bans on in-campus concerts and activities: 10 cases
- Bans related to the resistance at Boğaziçi University on campus or course cancellations: 8 cases

### Theatre (12 cases)

- Bans on plays, mostly carried out by local administrations

### Other cases (13 cases)

- Bans by mostly local administrations on art exhibitions and on LGBTQ+-related events were on the rise during Pride Month

<sup>1</sup> <https://susma24.com> and <https://susma24.com/en/> (English website)

For the latest annual report, please check: <https://s3.fr-par.scw.cloud/fra-susma24-tr/2023/02/Susma-Ocak-Aralik-2022-TR-internet.pdf>

## Artists and arts supporters face harsh sentences and prison terms

Philanthropist and founder of the arts organization Anadolu Kültür **Osman Kavala** has been jailed since 1 November 2017. In April 2022, he was sentenced to aggravated life imprisonment for "espionage and using violence to disrupt constitutional order" during the 2013 Gezi Park protests, based on Articles 309 and 312 of the Turkish Penal Code.<sup>1</sup> No evidence has been presented that he has committed any of the suggested crimes. Kavala's detention has been widely condemned as unlawful<sup>2</sup> and "politically motivated" by the Turkish state to silence him and other human rights defenders.<sup>3</sup> Through Anadolu Kültür and other projects, Osman Kavala has played a significant role in supporting cultural rights and artistic freedom for various minority groups in Türkiye. Prior to his arrest in 2017, he had been subjected to a smear campaign in the pro-government media accused of allegedly "financing the Gezi Resistance" and "toppling the government."<sup>4</sup>

Ex- and current members of Anadolu Kültür's Executive Board were also targeted.<sup>5</sup> Sentenced to 18 years in the same trial, film producer **Çiğdem Mater** (Anadolu Kültür's advisor) and documentary filmmaker **Mine Özerden** (a board member) have been in prison since April 2022 for "helping Kavala to overthrow the government." Also targeted in connection with the Gezi Park protests, were director and actor **Memet Ali Alabora** and his partner actor **Pınar Öğün**, who were subjected to a series of threats for producing a play in 2012, a year before the unrest, that the authorities said "was a rehearsal for the protests."<sup>6</sup> They were forced to flee and have been living in exile in Wales,

UK since 2013. In a separate case, unrelated to the Gezi Park protests, documentary filmmaker and journalist **Sibel Tekin** was jailed on 17 December 2022 on charges of "making terrorist propaganda" following a complaint that she filmed a police car while shooting for her documentary in a public space.<sup>7</sup> Tekin was released from prison on 30 January 2023.

## Musicians repeatedly targeted, subjected to bans and attacks

For many workers in the music and entertainment industry, the AKP government attempts to impose its political and cultural control through intimidation, financial suppression, and threats of violence against anyone or any group that opposes or does not conform to its policies. Since the pandemic started in March 2020, musicians have borne the brunt of pandemic restrictions in Türkiye. Having next-to-nothing in state support during strict lockdown conditions forced them to search for other jobs to make ends meet. Based on official records, more than 100 musicians committed suicide during this period.<sup>8</sup>

1 Criminal Code available at: <https://www.wipo.int/edocs/lexdocs/laws/en/tr/tr171en.pdf>

2 OHCHR [2022] "Türkiye's dismissal of European Court rulings sets dangerous precedent: UN expert" OHCHR available at <https://www.ohchr.org/en/press-releases/2022/10/turkiyes-dismissal-european-court-rulings-sets-dangerous-precedent-un-expert>, 31 October 2022

3 EEAS [2022] "Turkey - Statement by the Spokesperson on ECtHR ruling against Turkey in the Kavala case" EU External Action available at: [https://www.eeas.europa.eu/eeas/turkey-%E2%80%93-statement-spokesperson-ecthr-ruling-against-turkey-kavala-case\\_en](https://www.eeas.europa.eu/eeas/turkey-%E2%80%93-statement-spokesperson-ecthr-ruling-against-turkey-kavala-case_en), 11 July 2022

4 Al-Jazeera [2022] "Turkish court sentences activist Osman Kavala to life in prison" Al-Jazeera available at: <https://www.aljazeera.com/news/2022/4/25/turkish-court-sentences-activist-osman-kavala-to-life-in-prison>, 26 April 2022

5 Anadolu Kültür [2022] "Anadolu Kültür's statement on the unlawful decisions in Gezi trial" Anadolu Kültür available at: <https://www.anadolukultur.org/EN/35-announcements/1510-anadolu-kulturs-statement-on-the-unlawful-decisions-in-gezi-trial/>, 26 April 2022

6 Dang, L. [2018] "Turkey's thought-provoking playwrights, actors and directors have little choice but to become exiles" Index on Censorship available at: <https://www.indexoncensorship.org/2018/09/turkey-thought-provoking-playwrights-actors-directors-exiles/>, 11 September 2018

7 Susma24 [2022] "Documentary filmmaker and journalist Sibel Tekin was arrested" Susma24 available at: <https://susma24.com/en/index.php/documentary-filmmaker-and-journalist-sibel-tekin-was-arrested/>, 19 December 2022

8 Duva.R [2020] "Almost 100 musicians committed suicide during pandemic in Turkey" Duva.R English available at: <https://www.duvarenglish.com/culture/2020/09/16/almost-100-musicians-committed-suicide-during-pandemic-in-turkey>, 16 September 2020 and Susma24 (2021) 'Detention of musician who protested for musicians who committed suicide' Susma24 available at:

<https://susma24.com/intihar-eden-muzisyenler-icin-eylem-yapan-muzisyene-gozalti/>, 19 May 2021

Musicians and the music industry were particularly subject to repression in 2022, as they had been in the previous year.<sup>1</sup> Many concerts and festivals were banned by local administrations (governorships) after receiving direct orders from the government and by municipalities affiliated with the AKP. Local administrations used state-sanctioned powers and authority through decree laws, that were passed during the two-year-long state of emergency that was imposed after the July 2016 coup attempt, and continue to be in use today. Consistent with previous years, reasons for the restrictions were diverse, not always officially declared, and mostly carried out through arbitrary and last-minute cancellations. “Ensuring public safety and health” to protect against the Covid-19 pandemic and “public order” were among the most cited justifications. In August 2022, a concert scheduled to be held in Ceylan, south-eastern Türkiye, by musician **Ilkay Akkaya** was cancelled at the last minute after pro-government media targeted her for being an outspoken critic of the government. A municipal official apologised for cancelling the concert, saying that this had been done under orders from the governor’s office. Three other concerts by Akkaya were also later banned.<sup>2</sup> Kurdish musicians also continue to be arrested, tried, and sentenced to prison terms for “making terrorist propaganda” for singing Kurdish songs. Musician **Çiya Şenses** is facing a trial for performing certain songs, including *Serhildan jiyan e* (Life is rebellion) and *Herne pe* (Forward), for Newroz (Kurdish new year) celebrations at his concerts. He told Speak Up Platform that there have been seven cases filed against him under the Anti-Terror law. He has been acquitted in one case, and the others are ongoing before the Court of Appeals and the Constitutional Court.

Many musicians (including non-Turkish musicians from abroad) were targeted on social media by religious associations, far-right politicians, or pro-government media outlets and

this led to concert cancellations. Four concerts by Iranian singer **Mohsen Namjoo**, scheduled for December 2022, were cancelled after conservative associations launched smear campaigns, accusing him of “mocking the Qur’an by composing songs with Qur’anic verses.”<sup>3</sup> South Korean K-Pop band **Mirae**, was scheduled to perform as part of the Capital Culture Road Festival in May, yet the concert was cancelled at the last minute following complaints on social media that it was “spreading homosexuality and imposing a genderless lifestyle.”<sup>4</sup>

### Musicians attacked for “denigrating religion”

Popular singer **Gülşen** was arrested on 25 August 2022 after a video was released on social media where she made a joke on stage about religious vocational schools in Türkiye. Detained for “denigrating religion” and “inciting hatred and animosity within society,” she was first placed under house arrest on 29 August until her trial on 21 October. Her house arrest was lifted on 12 September upon her lawyer’s request, but her travel ban remained intact.<sup>5</sup> Gülşen has long faced harassment and defamatory comments on social media and pro-government media outlets over her stage costumes and for supporting LGBTQ+ rights, having, for example, displayed a trans flag on stage during her concerts.

In one of the most controversial cases of 2022, renowned singer **Sezen Aksu** faced a criminal complaint for “denigrating religious values”. A smear campaign, launched on pro-government social media accounts, targeted Aksu for the lyrics “*Say hello to the ignorant Eve and Adam*” in her song from 2017. Threats peaked when President Erdoğan publicly condemned Aksu. He stated: “*No one can defame his holiness, Adam. It is our duty, when the time comes, to rip out the tongues of those who defame him. No one can defame her holiness, Eve.*” There was wide outcry in support of Aksu on social

1 *Freemuse* [2022] “The state of artistic freedom 2022” available on-line at: <https://freemuse.org/media/yk-2paxxb/saf-report-2022.pdf>

2 *Susma24* [2022] “Governorship bans on Ilkay Akkaya concerts in Adana and Mardin” *Susma24* available at: <https://susma24.com/en/index.php/governorship-bans-on-ilkay-akkaya-concerts-in-adana-and-mardin/>, 30 August 2022

3 *Susma24* [2022] “Mohsen Namjoo’s concerts canceled” *Susma24* available at: <https://susma24.com/en/index.php/mohsen-namjoos-concerts-canceled/>, 19 October 2022

4 *Susma24* [2022] “K-pop group’s concert is banned” *Susma24* available at: <https://susma24.com/en/index.php/k-pop-groups-concert-is-banned/>, 17 May 2022

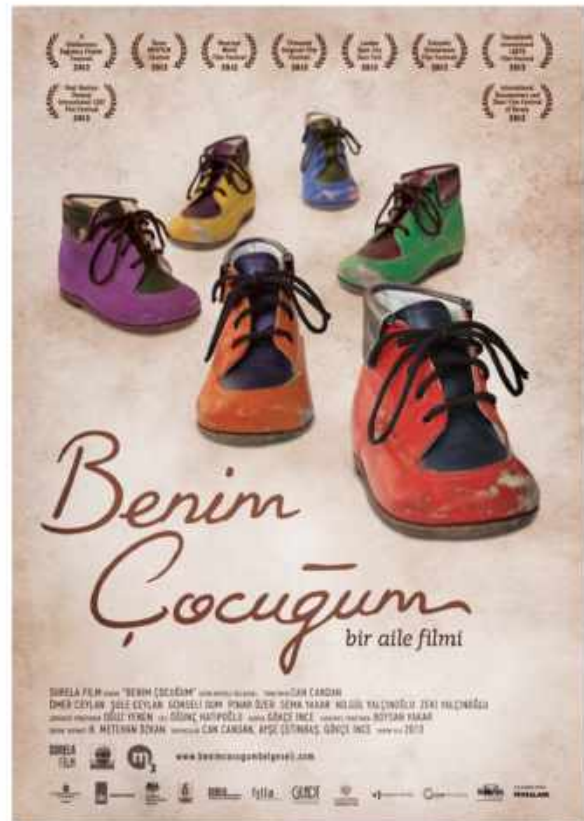
5 *Al-Jazeera* [2022] “Turkey releases pop star from house arrest” *Al-Jazeera* available at: <https://www.aljazeera.com/news/2022/9/13/turkey-releases-pop-star-from-house-arrest>, 13 September 2022



media,<sup>1</sup> leading Erdoğan to later declare that his comments did not address her, specifically. Nevertheless, such threats heighten the danger of attacks.

### Bans on artists, artistic expression, and events due to “immorality”

In 2022, local administrations banned events organized by LGBTQ+ communities in at least eight cities under vague justifications, including “public morals and societal sensitivities,” most notably during the June **Pride Month** when police blocked marches and detained over 200 people.<sup>2</sup> Exploring the experiences of parents of LGBTQ+ children, the documentary *My Child* (*Benim Çocuğum*, 2013) was set to be screened in the city of Datça, only to be banned by the District Governor’s Office.



Publicity poster for ‘My Child’ (*Benim Çocuğum*)

<sup>1</sup> *Bianet* [2022] “203 artists express support: Aksu Sezen will never walk alone” *Bianet* available at: <https://bianet.org/english/freedom-of-expression/256657-declaration-of-support-from-203-artists-sezen-aksu-will-never-walk-alone>, 24 January 2022

<sup>2</sup> *France24* [2022] “Turkish authorities arrest more than 200 at banned Pride march in Istanbul” *France24* available at: <https://www.france24.com/en/middle-east/20220626-turkish-authorities-arrest-dozens-in-istanbul-over-banned-pride-march>, 26 June 2022

Musician **Mabel Matiz** was targeted for a video clip for the song *Karakol*, based on his own romance. The Radio and Television Supreme Council (RTÜK) banned the video since it shows a male actor alongside Matiz, who is openly gay.<sup>1</sup> After publishing a social media post criticizing an anti-LGBTQ+ march organized in Istanbul, singer **Aleyna Tilki** was targeted by a local branch of the Turkish-Islamic Union for Religious Affairs who said they were against "LGBTI advocates, who live contrary to the morality of the society."<sup>2</sup> As a result, the municipality cancelled Tilki's scheduled concert.

Streaming services, including Disney+ Türkiye and Netflix, censored LGBTQ+-related content in compliance with the officially stated demands by Turkish state authorities and so as not to lose their share in the digital market. For instance, the Disney+ series *Baymax!* and *Love, Victor*, alongside the movies *Lightyear* and *Strange World*, were not included in the Disney+ Türkiye show catalogue since they include LGBTQ+ characters. By the same token, RTÜK, the government media watchdog, had ordered Netflix to remove *Jurassic World Camp Cretaceous* from its catalog due to the depiction of a same-sex kiss.

### Resorting to Turkish nationalism and "national values" to ban minority artists

The Turkish state penalises artists who criticise the so-called "national values of Türkiye" and nationalist narratives of history that in turn have long led to repression of minorities. For many artists, performing in Kurdish or simply being Kurdish has been seen as synonymous with making "terrorist propaganda" or being "members of a terrorist organization" under the Anti-Terror Law<sup>3</sup>. For example, even adaptations of classic works into Kurdish have been banned; Molière's *Tartuffe* and Cervantes' *Don Quijote*, which were produced by the Diyarbakır-based Amed Theater Company were banned in some municipalities, although permitted in others in 2022.<sup>4,5</sup>



Publicity poster for *Tartuffe*.  
Source: Amed Theater Company

1 Susma24 [2022] "Alleged censorship against Mabel Matiz" Susma 24 - available at: <https://susma24.com/en/index.php/alleged-censorship-against-mabel-matiz/>, 5 December 2022

2 Susma24 [2022] "Aleyna Tilki's concern in Çorum has been canceled" Susma24 available at: <https://susma24.com/en/index.php/aleyna-tilkis-concert-in-corum-has-been-canceled/>, 19 September 2022

3 Türkiye refuses to distinguish between an armed/terrorist group fighting for a Kurdish independent state and democratically elected representatives of Kurdish communities. See Human Rights Watch world report 2021 available at: <https://www.hrw.org/world-report/2021/country-chapters/turkey#>

4 Susma24 [2022] "Kurdish 'Tartuffe' play banned by Adana governorate" Susma24 available at: <https://susma24.com/en/index.php/kurdish-tartuffe-play-banned-by-adana-governorate/>, 7 June 2022

5 Susma24 [2022] "Staging of Don Kixot was banned" Susma24 available at: <https://susma24.com/en/index.php/staging-of-don-kixot-was-banned/>, 17 May 2022

Directors **Ertuğrul Maviöğlü** and **Çayan Demirel** have been on trial since May 2018 for allegedly “making terrorist propaganda” through their documentary *Bakur (North)* on Kurdish guerilla forces, which was filmed inside Kurdish guerilla camps and portrays the daily lives of guerilla fighters.<sup>1</sup> In 2019, they were each sentenced to 4 years and 6 months in prison. In February 2022, an appeals court overturned the sentences but the case will be retried. As of December 2022, the case was still pending.<sup>2</sup> The trial has become like a Damocles’ sword over film circles, as it is a reminder that not even cinema is free from persecution.

Now living in exile in Germany, Kurdish folk singer **Ferhat Tunç** has endured numerous cases of “anti-terrorism” charges, as well as smear campaigns on social media over the years, and the threat has extended beyond Türkiye’s borders.<sup>3</sup> In January 2022, a German Prosecutor’s Office denied a request from a Turkish court for “judicial assistance” in an ongoing case against the singer in which Tunç is accused of defaming President Erdoğan.<sup>4</sup>

### Other instances of censorship against artists who criticize official policies of the Turkish state

Artist **İzinsiz** altered a painting on a billboard in Istanbul by drawing a silhouette of a body hanging from a crescent and a star (symbolizing the Turkish flag) onto it, to highlight the increase in the number of suicides due to the economic crisis. He was tried for “degrading the Turkish nation, its flag, and its institutions” under Article 301 of the Turkish Penal Code. In June 2022, İzinsiz was acquitted of this charge but was still sentenced to prison for “insulting the president” under Article 299, in connection with another drawing he made about Erdoğan.<sup>5</sup>



Police record artist İzinsiz’s ‘defacement’ of tourist billboard. Source: Susma 24

<sup>1</sup> Susma24 [2020] “Cinema on trial: Timeline of the Bakur trial” Susma24 available at: <https://susma24.com/en/index.php/cinema-on-trial-timeline-of-the-bakur-trial/>, 9 April 2020

<sup>2</sup> Bianet 2022] “Appeals court overturns sentences of directors of documentary about PKK” Bianet available at: <https://bianet.org/english/freedom-of-expression/257385-appeals-court-overturns-sentences-of-directors-of-documentary-about-pkk>, 8 February 2022

<sup>3</sup> For more details on the extent of the harassment Tunç has been enduring over the years, see: <https://m.bianet.org/english/human-rights/231669-freemuse-campaign-in-5-languages-drop-charges-against-ferhat-tunc>

<sup>4</sup> Stockholm Center for Freedom [2023] “Germany rejects Turkey’s request for judicial assistance in trial of Kurdish singer and activist Ferhat Tunç” Stockholm Center for Freedom available at: <https://stockholmcf.org/germany-rejects-turkeys-request-for-judicial-assistance-in-trial-of-kurdish-singer-and-activist-ferhat-tunc/>, 11 January 2023

<sup>5</sup> İzinsiz talked about his practices and the legal processes he faced on the Safe Havens Freedom Talks panel, organized by Speak Up Platform: <https://www.youtube.com/watch?v=xyO5IJGrBaA>

## Conclusions

Türkiye has ratified the United Nations International Covenant on Civil and Political Rights, a key article of which protects the right to freedom of expression. However, the pledge to uphold this article has been consistently flouted over the years and no less so than in 2022. The country has also ratified the International Covenant on Economic, Social, and Cultural Rights, which protects the right to participate in cultural life, a right that is repeatedly denied to Kurdish and other minority artists. The UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which includes the right to artistic freedom and access to culture, is another international treaty that the Turkish authorities choose to ignore.

International human rights bodies must call for Türkiye to end its systematic attempts to shut out critical voices and abide by its commitments. Arts and cultural associations should support their colleagues in Türkiye to demand that creative and cultural production be free from censorship and any violations of artistic freedom, in accordance with Articles 27 and 64 of the Turkish Constitution.<sup>1</sup>

The Turkish state and international human rights bodies must recognize that concepts such as “terror,” “terrorist organization,” “membership to a terrorist organization,” and “disseminating propaganda on behalf of a terrorist organization” are vaguely defined in the Anti-Terror Law. This results in arbitrary and unconstitutional practices against cultural producers and must be clarified by law. Similarly, anti-terror legislation must not be applied against artistic and creative works that clearly have no connection with, nor propagate, violence.

<sup>1</sup> *Article 27 promotes the freedom of science and the arts. Article 64 protects the arts and the artists in Türkiye.*

The background is an abstract watercolor composition with a torn paper effect. It features soft washes of color including light green, pale blue, and muted red, layered together. The edges of the colors are irregular and jagged, as if pieces of paper have been torn and layered on top of each other. The overall texture is soft and painterly.

UKRAINE  
*ARTISTS **SURVIVING** WAR*

- Ukraine's cultural institutions come under bombardment in an apparent attempt to annihilate Ukrainian culture.
- Artists are among the many thousands of civilians who have been killed.
- Resilience of the creative sector continues to be a source of courage and strength despite life under bombs and power cuts, displacement from homes and from Ukraine itself.

On 24 February 2022, Russian forces invaded Ukraine, wreaking appalling devastation, destroying large swathes of cities, towns and villages, and killing thousands of civilians. Images of Ukraine's cultural institutions, walls shattered, their contents burned, are seen as symbolic of attempts by Russia not only to defeat and claim Ukraine by military means, but also to annihilate Ukrainian culture itself. Yet rather than its annihilation, the war has instead strengthened Ukrainian culture, both within and outside the country.

### Artists among the dead - starvation, abduction and execution

The death toll among the civilian population in Ukraine has been horrendous. The UN High Commissioner on Human rights recorded 21,580 civilian casualties as of 26 February 2023: 8,101 deaths, among them many children. These figures, the Commissioner concedes, are likely to be higher, given that in the areas of most intense hostilities and under annexation, information is difficult to obtain.<sup>1</sup> Artists and cultural workers were among them. Here are three.

#### Lyubov Panchenko

In March 2022, a Russian missile fell near a small building in the town of Bucha. A small dog ran out, and recognising it as his elderly neighbour's pet, a man entered the home to find her emaciated and near death. She was taken to hospital, and a few weeks later, on 30 April, artist, Lyubov Panchenko died. Unable to leave her home under the Russian occupation, left with no food, when she arrived at the hospital, emaciated and starved, a doctor described her as 'beyond exhausted.'<sup>2</sup> As a fashion designer and painter, she had been influenced by Ukrainian folk art, which was discouraged under Soviet rule, and this limited her opportunities for work. She was only able to exhibit as a solo artist after the collapse of the Soviet Union in 1992. Captured by the Russians on 27 Feb-

ruary 2022, Bucha became the scene of horrific war crimes. When the town was recaptured by Ukrainian forces on 1 April, over 450 bodies were found, with evidence of severe torture, executions and rape. On 2 February, just three weeks before the invasion, Panchenko had received visitors at her home from the Museum of the Sixties to celebrate her 85<sup>th</sup> birthday and to discuss a digital exhibition of her work.<sup>3</sup>



Lyubov Panchenko

<sup>1</sup> UN Office of the High Commissioner on Human Rights [2023] "Ukraine: civilian casualty update 27 February 2023" OHCHR.org available at <https://www.ohchr.org/en/news/2023/02/ukraine-civilian-casualty-update-27-february-2023>

<sup>2</sup> Shulzhenko, D. [2022] "Ukrainian artist Liubov Panchenko died after month of starvation in Russian-occupied Bucha" *The Kyiv Independent* available at: <https://kyivindependent.com/hot-topic/ukrainian-artist-liubov-panchenko-died-after-month-of-starvation-in-russian-occupied-bucha>, 4 July 2022

<sup>3</sup> Sources include: <https://kyivindependent.com/hot-topic/ukrainian-artist-liubov-panchenko-died-after-month-of-starvation-in-russian-occupied-bucha> and <https://holodomormuseum.org.ua/en/news/artist-of-the-sixties-lyubov-panchenko-died-of-starvation-during-the-occupation/> - Details of the Bucha Massacre can be found here: [https://en.wikipedia.org/wiki/Bucha\\_massacre](https://en.wikipedia.org/wiki/Bucha_massacre)

## Yuriy Kerpatenko

Yuriy Kerpatenko, principal conductor of the Gileya chamber orchestra at the Kherson Regional Philharmonic, was reportedly shot dead at his home on 1 October by members of the occupying Russian forces.<sup>1,2</sup> Kerpatenko, aged 46 and a virtuoso accordion player, was known for being outspoken<sup>3</sup>, and had posted defiant messages on his Facebook site up until May 2022<sup>4</sup>. On 14 October, the Ukrainian Ministry of Culture and Information Policy posted on its Facebook site that it had received reports of the killing, adding that the Russian occupying forces had planned to hold a concert to celebrate 1 October, International Music Day, featuring Gileya on the program, as a propaganda effort to show an "improvement of peaceful life" in Kherson. Kerpatenko is said to have refused outright to take part<sup>5</sup>.



Yuriy Kerpatenko: Image from Yuriy Kerpatenko's Facebook site

## Volodymyr Vakulenko

On 28 November, a body which was among over 420 others exhumed from a mass burial site in Izium, Kharkiv region, was identified as that of 50-year-old writer Volodymyr Vakulenko. Izium had been under Russian occupation since March until it was liberated on 10 September. On 22 March, Russian troops had come to Vakulenko's home, seizing him and his 14-year-old son. Vakulenko was stripped and beaten before both were freed. Two days later, on 24 March, soldiers returned and bundled Vakulenko into a military vehicle. Nothing more was heard from him.<sup>6</sup> Vakulenko was the author of 13 books, described as postmodern and absurdist, which were widely translated, winning several national and international awards<sup>7</sup>.



Volodymyr Vakulenko, 25 January 2020 via Wikimedia Commons

1 Higgins, M and Mazhulin, A [2022] "Russian troops kill Ukrainian musician for refusing role in Kherson concert" *The Guardian* available at: <https://www.theguardian.com/world/2022/oct/16/russian-troops-kill-ukrainian-musician-yuriy-kerpatenko-for-refusing-role-in-kherson-concert>, 16 October 2022

2 Note other reports cite 28 September as the date of death.

3 Vincent, I [2022] "Ukraine conductor Yuri Kerpatenko fatally shot after refusing to cooperate with Russians" *New York Post* available at: <https://nypost.com/2022/11/19/ukraine-conductor-yuri-kerpatenko-fatally-shot-after-blas-ting-russians/>, 19 November 2022

4 Kerpatenko, Y (various dates) Comments on his personal Facebook site available at: <https://www.facebook.com/yuriy.kerpatenko>

5 Ukrainian Ministry of Culture and Information Policy [2022] "On October 14, it became known about the brutal murder of the chief conductor of the Kherson Philharmonic" Facebook available at: <https://www.facebook.com/MCIPUkraine/posts/pfbid02M7wZYsnvLMaz9FVS5.8AS6iBgKzGjshx3X8wjd7iWg8mUpJaDa5gQEjNbgBXL6pSl>, 15 October 2022

6 Institute of Mass Information [2022] "Kharkiv bids farewell to Volodymyr Vakulenko, killed by Russians" *imi.org.ua* available at: <https://imi.org.ua/en/news/kharkiv-bids-farewell-to-volodymyr-vakulenko-killed-by-russians-i49507>, 7 December 2022

7 PEN Ukraine [2022] "Volodymyr Vakulenko killed by Russian occupiers" *PEN Ukraine* available at: <https://pen.org.ua/en/volodymyra-vakulenko-vbyly-rosijski-okupanty>, 28 November 2022



## Destruction and looting – the attempted annihilation of Ukrainian culture

The destruction of buildings and infrastructure by the Russian military across Ukraine has been catastrophic, and cultural sites have come under attack – with evidence that some of these were deliberately targeted<sup>1</sup>. Theatres, cultural centres, libraries, churches, galleries and monuments have been damaged, some completely ruined. Architectural treasures have been lost, artworks have been looted, library books destroyed. As of 23 February 2023, UNESCO had verified 241 cultural properties damaged since the outbreak of war.<sup>2</sup> As access to the occupied areas is restricted, it is likely that these numbers are higher.

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### Cultural sites damaged February 2022-February 2023 – UNESCO tally

- Total 241
- 106 religious sites
- 18 museums
- 86 buildings of historical and/or artistic interest
- 19 monuments
- 12 libraries

<https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>

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Some evidence suggests that these sites were specifically targeted or were collateral damage. The aerial bombing on 16 March of the Donetsk Academic Regional Drama Theatre in Mariupol is the scene of the deadliest attack, having resulted in the killing of around 600 adults and children sheltering there. This despite the theatre staff having created large signs stating “children” on the grounds of the theatre that could be read from above in a vain attempt to deter air strikes.<sup>3</sup>

Reports of ransacking were widespread, especially in the occupied areas. Kherson, under occupation from March until its liberation in November, saw wholesale looting of priceless artefacts. **Alina Dotsenko**, director of the Kherson Arts Museum, estimates that 10,000 pieces of its 14,000-item collection has disappeared, some now thought to be in Crimea and others taken to Russia. **Hanna Skrypka**, the art museum manager who stayed in Kherson, tells of how, as the Russians were fleeing the city, she was ordered to make an inventory of the items being taken away by the Russians, in effect being held captive as she did so. Although forced to comply, she says that she was at least able to be an eyewitness and to record the number of items being taken away.<sup>4</sup>

Commentators refer to these actions as a deliberate attempt to annihilate Ukrainian culture, as described by Tetyana Teren of PEN Ukraine. *“Destruction of Ukrainian culture and identity has been one of Russia’s aims, both during the occupation of Crimea and parts of Eastern Ukraine in 2014 and during the full-scale invasion in February 2022 ... These atrocities must be documented and investigated within the framework of national and international accountability mechanisms, and all perpetrators responsible for the deaths of Ukrainian cultural figures and the loss of our cultural heritage punished.”*<sup>5</sup>

The director of a cultural centre in Mariupol, Diana Berg, interviewed for this report, notes that: *“An integral part of Ukrainian identity is our history, culture, and arts. So the Russians target this specifically with their rockets and missiles and artillery. They target museums, they target libraries, they target architectural heritage, they just want to demolish it. They want to destroy it...”*

<sup>1</sup> PEN America [2023] “Open Letter in solidarity with Ukraine one year since Russia’s invasion” available at: <https://pen.org/open-letter-in-solidarity-with-ukraine-one-year-since-russias-invasion/>, 24 February 2023

<sup>2</sup> UNESCO [2023] “Damaged cultural sites in Ukraine verified by UNESCO” UNESCO available at: <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco> (updated weekly)

<sup>3</sup> Hinnant, L., Chernov M., Stepanenko, V. [2022] “AP evidence points to 600 dead in Mariupol airstrike” AP News available at: <https://apnews.com/article/Russia-ukraine-war-mariupol-theater-c321a196fbd568899841b506afcac7a1>, 4 May 2022

<sup>4</sup> Nemtsova, A. [2023] “The bitter truth behind Russia’s looting of Ukrainian art” The Atlantic available at: <https://www.theatlantic.com/international/archive/2023/01/russia-looting-ukraine-art-treasures-kherson/672790/>, 21 January 2023

<sup>5</sup> PEN America [2022] “Report exposes Putin’s far-reaching war of cultural erasure against Ukraine” available at: <https://pen.org/press-release/report-exposes-russias-far-reaching-war-of-cultural-erasure-against-ukraine/>, 2 December 2022

## Life as an artist – under bombardment and in exile

Over 13 million Ukrainians have been uprooted from their homes, according to the UN High Commission on Refugees reporting on the anniversary of the invasion: five million internally displaced in Ukraine and eight million across Europe.<sup>1</sup> Refugees were welcomed into families' houses, and schemes to provide support and accommodation sprang up across Europe. Artists and cultural workers were offered placements at academic and cultural institutions, and projects for at-risk artists also opened their doors enabling them to continue to create in safety.<sup>2</sup>

For artists who remained in Ukraine, some had to abandon their homes when they came under bombardment, becoming internally displaced. At first, artistic creativity came to a halt.<sup>3</sup> Many artists became volunteers, delivering medicines, helping refugees, using their studios to sew uniforms and essential clothing. Others went to the front to fight against the Russian invaders and are among the dead and injured. PEN Ukraine lists at least 30 killed while in action<sup>4</sup>. Yet as the war wore on, creative life returned, even while air sirens warned of fresh attacks. The Kyiv Opera House reopened in May 2022, just three months after the start of the war, to packed seats.<sup>5</sup> Theatre troupes held performances in bomb shelters, using torches and mobile phones for lighting when electricity was cut. Ukrainian artists sold their work on-line. Ukrainian musicians have been invited to tour abroad, although male artists must get permission from the Ministry of Culture to be exempted from military service to be able to do so. The irony is that Ukrainian culture, about which little was known outside the country until the war, is now being celebrated worldwide despite Russian attempts to quash Ukraine as a distinct identity and culture.

Two artists who had to leave Ukraine spoke to Freemuse of their experiences; Diana Berg told of having to leave behind a vibrant cultural centre forced to shut down under Russian annexation. Marichka Lukianchuk, a filmmaker, reflected on her work before and after the invasion.

In 2016, **Diana Berg** founded the Tu cultural centre in Mariupol, a vibrant hub of progressive arts and music that attracted young people to perform, learn and enjoy the arts, with a focus on LGBTQ+ youth<sup>6</sup>. She describes them as *"local youth who had been living in this war for years, who were raised under this war, near the front line, which is only 15 kilometres from Mariupol. You could hear [the shelling] and see it all the time. ... we conducted arts workshops and training. We hosted exhibitions. We said [to the young people] you can be an artist. You can be a musician. If you want to be a DJ, please just study Dj-ing."*

Berg left the city and Tu was forced to shut down when Russian forces entered Mariupol in May. She continues to be in contact: *"We still keep in touch with these kids and what they tell us is that the confidence they gained from Tu has helped them to survive the Mariupol siege."* This is the second time Berg has had to leave. In 2014 she fled her home in Donetsk, after receiving death threats from separatists who had seized control of the city. She had been a leading member of protests against the separatists. The city was annexed by Russia in 2022. Tu continues online, hosting Memoriupol, a 'museum' of memories of the city, its grassroots culture and artists.<sup>7</sup>

1 UNHCR [2023] "Ukraine: one year after the Russian invasion, insecurity clouds return intentions of displaced Ukrainians" UNHCR available at: <https://www.unhcr.org/news/press/2023/2/63f78c0a4/unhcr-year-russian-invasion-insecurity-clouds-return-intentions-displaced.html>, 23 February 2023

2 A list of organisations providing support for Ukrainian artists can be found here: <https://artistsatriskconnection.org/story/resources-for-ukrainian-artists>

3 Tondo, L. [2022] "The artists of Ukraine find their voice in a cry of resistance" The Guardian available at: <https://www.theguardian.com/world/2022/apr/23/the-artists-of-ukraine-find-their-voice-in-a-cry-of-resistance>, 23 April 2022

4 PEN Ukraine [2022] "People of culture taken away by the war" PEN Ukraine available at: <https://pen.org.ua/en/lyudy-kultury-yakyh-zabrala-vijna>, 4 February 2023

5 Hall, S. [2022] "Kyiv's National Opera House defiantly opens as war rages on in Ukraine" Classic FM available at: <https://www.classicfm.com/composers/rossini/ukraine-national-opera-house-reopens-kyiv/>, 23 May 2022 and <https://opera.com.ua/en>

6 Vyshnytska, A. [2021] "Tyu. Mariupol. How Diana Berg made the city the main cultural centre of the east" Zaborona.com available at: <https://zaborona.com/en/tyu-mariupol-how-diana-berg-made-the-city-the-main-cultural-center-of-the-east/>, 26 May 2021

7 Tu (n.d.) 'Memoriupol' Tu.org available at: <https://tu.org.ua/projects/memoriupol/>



*Publicity for a screening of films made by Tu members 2021-2022 hosted by the Fritt Ord Foundation at the House of Artists cinema in Oslo, December 2022*

When asked about life outside Ukraine, Berg said: *"When you are inside Ukraine, you can channel your energy [on things like] finding a mobile signal, finding water... you don't have that much time to have anxiety. [Living outside Ukraine] you are more anxious and scared, because you don't know what's going and you are really scared about how your family doing. There is a lot more psychological pressure."*

Filmmaker **Marichka Lukianchuk** spoke of the changes to her artistic practice outside Ukraine. Before the war, her work was already revolving around Ukrainian narratives and identity. After the war started, she felt she had no choice but to make a film about the war.<sup>1</sup> She notes that some artists still in the country tend to make work to escape what is going on around them. *"I think it's natural that when you live in it and you are literally surviving it, your art can also become the only door through which to escape from the war ..."* She speaks of her work since the war as inspired by the realisation that *"In this situation, art is one of the frontlines because [it is a means of resistance]. This is one of the reasons to fight for the existence and development of our culture."* She adds, *"It's important for me to understand the impact of war on a [psychological level]. And also, to put the war into the historical context of exactly what led to it and the possible future and past scenarios ... freedom and also being an artist is a big responsibility."* However, she adds, it is *"sometimes difficult because you can't close your eyes even for a second. But this is a conscious choice. I don't want to close my eyes ... and I feel like I wouldn't be able to do anything else right now."*

<sup>1</sup>  
tain

Lukianchuk's film, 'Past future mountain,' can be seen here: <https://marichkalukianchuk.com/pastfuturemountain>



Publicity for a screening of films made by Tu members 2021-2022 hosted by the Fritt Ord Foundation at the House of Artists cinema in Oslo, December 2022

## Conclusions

On 23 February 2023, marking the anniversary of the Russian invasion of Ukraine, the United Nations General Assembly passed a resolution that described the invasion of Ukraine by Russia as an attack on the country's sovereignty, independence, unity and territorial integrity. It demanded that there be an immediate withdrawal of Russian forces from Ukrainian territory and the cessation of hostilities. Further, it called for "*accountability for the most serious crimes under international law committed in Ukraine through independent national or international investigations and prosecutions to ensure justice for all victims.*"<sup>1</sup> Justice for the civilians targeted and murdered by the Russian military will no doubt be central to any trials against such crimes against humanity. Freemuse stands with the UN in its call for an end to hostilities against Ukraine by Russia, and for justice to be found for victims of the war.

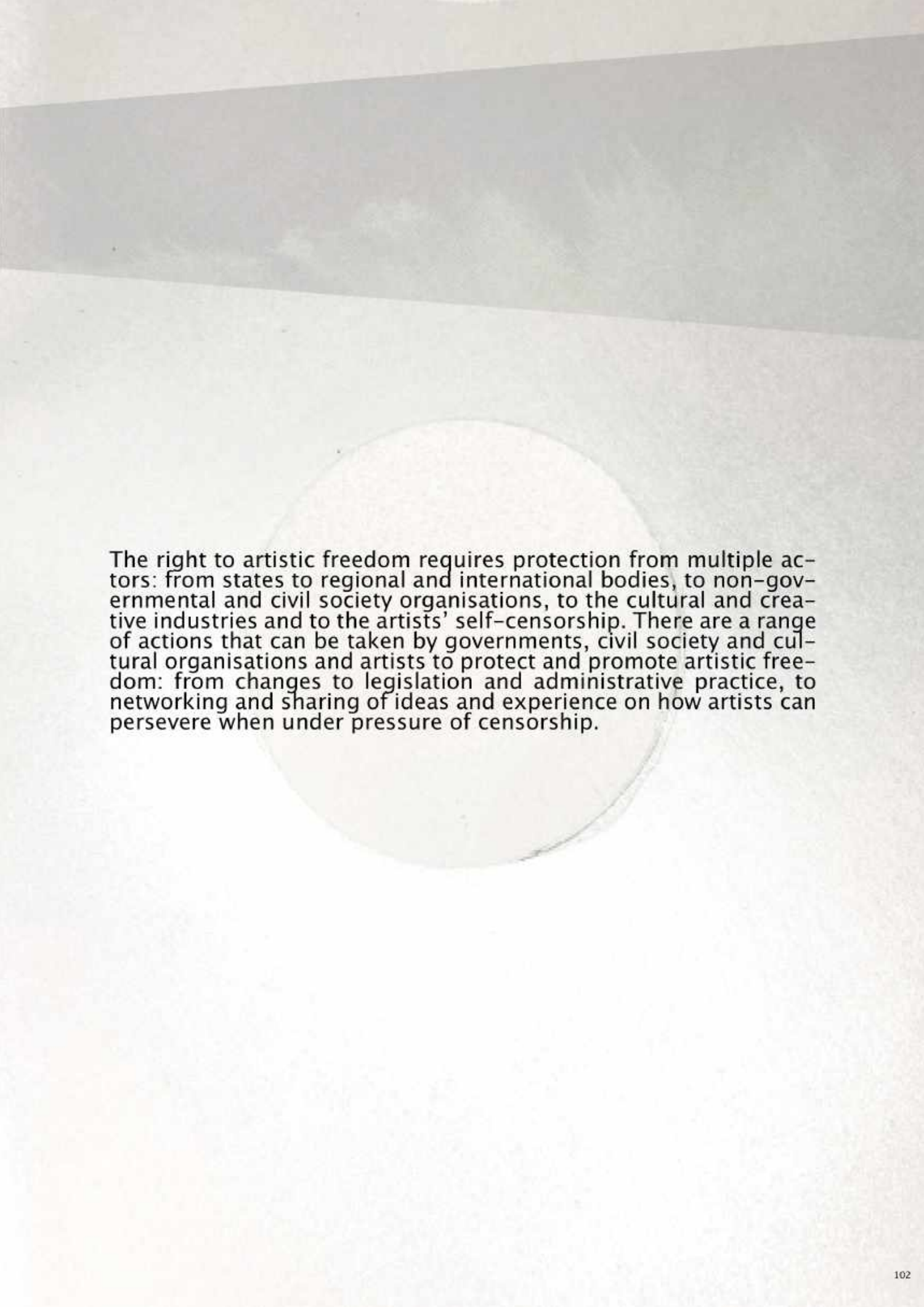
The protection of culture at times of conflict is of paramount importance as stated in the UNESCO 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (also known as the Hague Convention). It declares that: "*damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind,*" adding that this heritage should receive international protection. States party to the convention, which include Russia, pledge to refrain from '*any act of hostility*' and to prevent any theft, pillage or vandalism against cultural property (Article 4). Article 15 adds that any personnel tasked with protecting cultural property should themselves be protected.<sup>2</sup>

<sup>1</sup> United Nations [2023] "UN General Assembly calls for an immediate end to war in Ukraine" United Nations available at: <https://news.un.org/en/story/2023/02/1133847>, 23 February 2023

<sup>2</sup> UNESCO (n.d.) '1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict' UNESCO available at: <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>

The background is a vibrant watercolor composition with a torn paper effect. It features various shades of red, green, blue, and yellow, layered and overlapping to create a sense of depth and movement. The colors are soft and blended, with white spaces where the paper appears to be torn away.

# RECOMMENDATIONS



The right to artistic freedom requires protection from multiple actors: from states to regional and international bodies, to non-governmental and civil society organisations, to the cultural and creative industries and to the artists' self-censorship. There are a range of actions that can be taken by governments, civil society and cultural organisations and artists to protect and promote artistic freedom: from changes to legislation and administrative practice, to networking and sharing of ideas and experience on how artists can persevere when under pressure of censorship.

#### 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.

#### ON THE RATIFICATION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

9. 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.

#### ON LAWS PENALISING INSULT

10. 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.
11. 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.
12. 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

13. 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.
14. 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

15. Must ensure that the measures primarily intended to counter terrorism are not used to suppress forms of artistic expression, including peaceful political commentary.
16. 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.
17. 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

18. Must review and repeal laws and discriminatory provisions criminalising same sex relations, which place undue restrictions on freedom of expression, including artistic expression.
19. 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.
20. 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

21. 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.

22. 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.
23. 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.
24. 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 media companies remove content and their reasons for this removal.

#### ON STRENGTHENING OF ARTS AND CULTURAL INSTITUTIONS

25. 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).
26. 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.
27. 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.

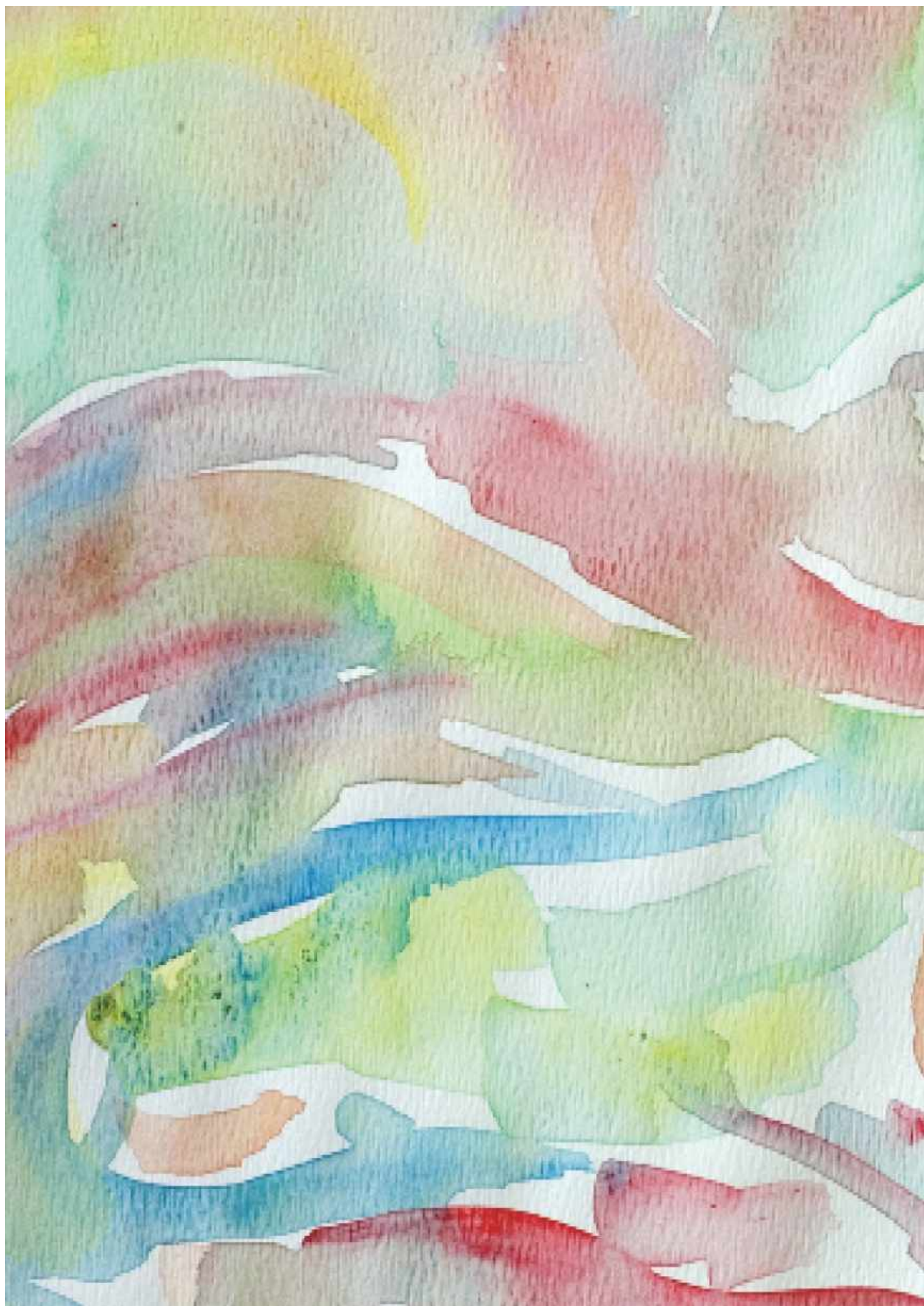
#### UNITED NATIONS AND OTHER INTERNATIONAL AND REGIONAL INTERGOVERNMENTAL MECHANISMS:

28. Should include freedom of artistic expression in all relevant debates, mechanisms and formulations focusing on freedom of expression.
29. 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.

30. 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.
31. 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.
32. 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:

33. 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.
34. Should strengthen their engagement with relevant authorities at the international, regional, and national level to expose illegitimate restrictions on artistic freedom.
35. Should engage with and support individual artists and representatives of the cultural sector to share expertise and joint action in support of artistic freedom.
36. Should work together to monitor attacks on artistic freedom in their own countries, take collective action and provide moral support.
37. 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.
38. 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.
39. 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

## **Sonay Ban**

Sonay Ban is the editor of Susma Platformu (Speak Up Platform), an independent platform that monitors freedom of expression in Türkiye, including artistic freedom. She has a PhD in cultural and visual anthropology from Temple University, USA. She has taught graduate and undergraduate courses at Temple University and Sabancı University. As an independent researcher, she is currently writing a book chapter on ethics in documentary cinema and co-writing a textbook on the history of documentary cinema in Türkiye. More about Sonay Ban here: <https://sonayban.academia.edu>

## **Dounia Benslimane**

Dounia Benslimane is an independent cultural operator based in Casablanca, Morocco. She has been working with non-profits, including international NGOs, for 15 years focusing on culture and cultural rights in Morocco, Africa and the Arab region. She is a Fulbright International Humphrey Alumna of the Humphrey School of Public Affairs (University of Minnesota, USA) with a focus on human rights. More about Dounia Benslimane here: [www.douniabenslimane.com](http://www.douniabenslimane.com)

## **Oksana Chelysheva**

Oksana Chelysheva is a journalist and human rights advocate who has lived in exile in Finland since 2008. She was editor of the Russian – Chechen Information Agency (RCIA), which was banned by the Russian authorities, and she was forced to leave under threats described in her 2013 book “They Followed Me in the Street”. In 2014, she received the prestigious Oxfam Novib Pen Award for Freedom of Expression and the Pimental Fonseca award from the city of Naples.

## **Phitchakan Chuangchai**

Phitchakan Chuangchai is a lecturer in management of cultural heritage and creative industries at Thammasat University, Thailand. Her research has been focused on the implementation of the creative city discourse in Southeast Asia and the development of the creative economy policy in Thailand, which led to her research interest in artistic freedom and social and economic rights of artists in Thailand.

## **Drewery Dyke**

Drewery Dyke is a researcher specialising in the human rights situations in Iran and the countries of the Gulf Cooperation Council. A Senior Research Fellow at the UK’s Foreign Policy Centre, he is the founder-chairperson of the UK charity, Rights Realization Centre and is engaged, at the time of writing, with the Iran-focused Centre for Supporters of Human Rights and mainly Bahrain-focused Salam for Democracy and Human Rights. Between 1999–2017 he was a Researcher with Amnesty International.

## **Ayodele Ganiu**

Ayodele Ganiu is the founder of Unchained Vibes Africa and executive producer of Freedom Vibes, that work towards promoting artistic freedom and the use of music for civic engagements. He has served as Nigerian national coordinator and continental coordinator for Artwatch Africa as well as regional program officer for Africa at Freemuse. He was a recipient of the O’Brien Fellowship by the Center for Human Rights and Legal Pluralism at McGill University, Canada and Reagan-Fascell Fellow at the National Endowment for Democracy (NED), United States.

## **Meijing He**

Meijing He has extensive experience in international cultural exchange, policy, evaluation and administration, with over 18 years of combined experience in the arts and cultural field. She has worked in several locations, including the UK, China, Hong Kong, and Aotearoa New Zealand. She has served as a General Manager at Artspace Aotearoa, a public gallery, as an International Specialist for Auckland’s cultural and economic development agency, and the British Council.

**Cecilia Noce**

Cecilia Noce is a researcher and advocator for human rights and freedom of artistic expression in Latin America. She headed CADAL's Program for the Defense of Artistic Expression for five years. She has regularly written for Latin American outlets on the subject and has produced all three seasons of the Artists in Exile podcast. She now works as an independent consultant for NGOs focused on artistic freedom in the region and is an expert for UNESCO's Aschberg Program.

**Oliver Spencer**

Oliver Spencer has worked in human rights law for 20 years with a focus upon South and Southeast Asia. He has worked as a manager and director for a variety of organisations and is now a consultant for INGOs, CSOs, and UN agencies. Oliver has written or edited over 50 human rights reports, tool-kits, and legal analyses, and also been involved in defending freedom of artistic expression globally since 2006.

**Sumru Tamer**

Sumru Tamer obtained their MA in Sociology in 2017. They started their professional career in 2017 with Hrant Dink Foundation in Istanbul – Turkey and later continued with P24 Association for Independent Journalism, coordinating various projects like "Speak Up Platform" on media, cultural and artistic freedom of expression in Turkey. They are interested in performing music, in literature and poetry. They are an LGBTQ+ and feminist activist based in Istanbul.

**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 is passionate about non-violence, migrant rights, 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|Free to Create program.



Ukrainian artist Mariia Mytrovanova in Krakow, 2022. Permission of the artist.