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The ARTS RIGHTS JUSTICE (ARJ) Programme

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Abstract

This article examines the ARTS RIGHTS JUSTICE (ARJ) Programme, developed at the University of Hildesheim in Germany, to address the growing global suppression of artistic freedom and expression. Launched in 2017, the programme includes summer academies that train experts in supporting artists at risk and includes an online library providing resources on artistic freedom. The author contextualises this initiative within UNESCO's 2005 Convention on Cultural Diversity, along with debates over decolonising international cooperation. The programme identifies critical thematic areas requiring attention: censorship mechanisms, advocacy, networking, monitoring, fair collaboration, mobility justice, and hosting at-risk artists. Collaboration emerges as essential for sector-strengthening, exemplified by partnerships with organisations like ICORN and UNESCO. The article emphasises the need for globally distributed, locally-rooted actors, to ensure that universal human rights principles are integrated within diverse cultural narratives, contexts, organisations and institutions.

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Introduction

The human right to freedom of expression is not a new subject of cultural policy analysis or discussion. But developments all over the world make clear that this 'right' is not something generally understood, accepted, respected or valued; it is more often criticised and outright suppressed. We live in times where an anti-democratic skepticism toward the universality of human rights, and the human rights agenda of the United Nations, is increasing in more and more countries of the world. And, it is increasingly the case that, on the other side, *diversity* in expression, opinion and behavior, is more and more merely a request to be *tolerated* — not a cultural policy to be cultivated. Altogether, the balance of interests between individual rights and collective rights is also under pressure — and from different standpoints. The number of artists who are 'at risk' is growing annually, especially in relation to conditions that restrict their freedom, yet, it is the case that research and information is growing and the rights and freedoms of artists are becoming more internationally visible.

There is a growing momentum in support for artists around the world, not abandoning their mission or see them stand alone in their daily struggle to think, act and survive as independent artists; and there is a growing organisation-based solidarity with those limited and silenced by others — since the 1990s more and more initiatives and informal networks of like-minded experts have emerged, some formed as CSOs, others aim to shape the thematic scope of important organisations, such as UNESCO. Many of these initiatives are based in Europe or the United States, but the number of initiatives and actors from other regions of the world is growing, though the extent of funding and finance does mean that the general momentum remains focused on European and North American concerns, agendas and conceptual frameworks.

In 2012, the UNESCO Chair at the Institute for Cultural Policy at the University of Hildesheim, (under its first incumbency — of Professor Wolfgang Schneider — entitled 'Cultural Policy for

the Arts in Development') innovated a research and teaching focus on the value of artistic expression and freedom of opinion. The conviction animating this innovation was that artistic expression and freedom of opinion is not just central to the dynamics of a healthy society, but to international cooperation more broadly. The conviction morphed into a shared purpose with regard broader commitments to democracy, human rights, and the terms of the UNESCO's 2005 Convention.

In 2014, a number of related agencies, initiatives and informal networks — for example ICORN, the International Cities of Refuge Network — contacted the UNESCO Chair with the aim of collaborating in establishing training for those who support or accompany 'artists at risk'. During that time there was a growing understanding in the European cultural sphere that the growing range of knowledge transfers and exchanges around the protection and promotion of artistic freedom, could well require a framework for common understanding and a means of enhancing organisational effectiveness. In addition to the existing networking, and the various state and non-state collaborative approaches that had emerged by 2014, there was an evident need for involving academic partners and institutions in move towards developing a cultural-political debate on both differentiating and strengthening the sector in this area.

As a university with over 45 years of experience in training arts and cultural managers and other professional fields — situated between artistic practice, the audience and stakeholders — Hildesheim was the appropriate host for a summer school and an online library focused on the subject of artists at risk and artistic freedom. The ARTS RIGHTS JUSTICE PROGRAMME was launched.

In 2017 and 2018, two pilot summer schools (the ARTS RIGHTS JUSTICE Academy), took place at Hildesheim *Kulturcampus*, each time gathering 35 young experts from different regions of the world regions. As a unique gathering of emerging experts in the fields of arts production, arts

management, and human rights, the interdisciplinarity actually provided an effective means of extending professional knowledge and comprehending how culture often works within legal frameworks around the world.

Funding from the German Foreign Office and ICORN made it possible to organise the academies without requiring participants to cover substantial financial costs for travel and participation in the program. In addition, the collaboration with the German Foreign Office facilitated access to visas to Germany for all participants without the significant hurdles that particularly affect artists from the Global South (the frequently questioned intent to return after the end of the meeting in Europe).

In addition to the ARJ academies and following the aim of knowledge sharing, in 2019 the ARTS RIGHTS JUSTICE Library (www.arj-library.de) was launched and made accessible as a free access online facility. It assembles the most relevant reports, analyses, 'toolkits' and guidelines, in the realm of artistic freedom (and cognate subjects) and makes them available with the express purpose of extending approaches to both knowledge and practice of supporting the freedom of artistic creation worldwide. Artistic freedom is not a new subject, and it has gained significant attention over the past 15 years, but as a species of knowledge it needs to be further analysed and examined, extending our academic theory and methodologies. This project, as a university-based venture, only serves to underscore how to ensure that artistic freedom is upheld internationally we require a strong knowledge infrastructure, active research, and a robust political-legal sense on why artistic freedom is so necessary.

Cultural policy debates since the 1980s, and especially the 1990s, were influenced mainly by the UNESCO-facilitated discourse on 'Culture and Development' — the fulcrum of which were the global intergovernmental conferences on cultural policy, starting with the Moniacult in Mexico City in 1982 and reaching consolidation in Stockholm in 1998. In parallel, and in some ways emerging

from the intergovernmental conferences, was the policy and legal concern on the 'status of the artist', later developed in Canada, South Korea and around nine African countries, and which remains significant as a concurrent approach. UNESCO's 1980 statement, 'Recommendation concerning the Status of the Artist', later gained traction in the context of both multiculturalism in Europe but also the lead up to the formulation of the UNESCO 2005 Convention — which today is probably the principal global medium of the promotion of artist rights. From today's perspective, the process of defining the parameters of the Convention since 2005 has generated very valuable and diversified debate about the framework of artistic practice and broader questions of cultural expression within a diversity of societies and economic systems.

Such processes have always been initiated and accompanied both by governmental bodies and simultaneously, often separately, by civil society groups. Significant in this context is the way in which the UNESCO 2005 Convention consolidated a long discourse on the formation and role of cultural policy itself, and its function for government, law and governance. Since the 1970 pioneering congress, the Venice Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies, UNESCO has been developing policy frameworks aiming for UN member states to embed them in their public policymaking and governance.

The 2005 *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* was introduced in the UN at a time when global cultural conflict (largely inspired by reactions to Islamic terrorism) was threatening to emerge as symptomatic of an intractable 'clash of civilisations' (Samuel Huntington's now famous, or infamous, phrase). In the few years after the US 'war on terror', there emerged a concerted effort by UNESCO to validate 'diversity' as a global policy principal, to legitimise cultural activities and people that may not be recognised or allowed a role in their own societies, i.e. do not 'fit' or are socially or politically harmonious with their socio-

economic environment. 'Diversity' as a policy term has been steadily strengthened by discourse-building, made possible by the fact that the 2005 Convention is the first UN convention to formally involve, by statute (a convention article) 'civil society' in its delivery. 'Diversity' demands inclusivity, and that extends to artists, writers or performers who step outside their local or national boundaries of acceptability (i.e. may offend, or express dissent, or simply represent 'difference'). While censorship and persecution is often based on (national or local) laws or regulations, it is equally is often a matter of tradition and custom, social prejudice, religion and belief, or even just superstition. The 2005 Convention promulgates a revision and reassessment of the role of creativity and culture, demanding that member states re-assess and evaluate the social, economic and customary frameworks in which creativity and culture takes place in their country, and to protect it on the basis of the Convention and not on past or current established preferences. UNESCO's active human rights lobbying, which takes place within the Convention (as well as without) can approach and apprehend governments or others who can be petitioned in this regard. Diversity, however, has also a more established function establishing an 'l'exception culturelle' (initially for France, then Canada) at the UN's negotiations called the General Agreement on Tariffs and Trade (GATT) negotiations in 1993. This established the unique value of creative and cultural goods within international markets (and in 1995 with the successor framework, the World Trade Organization (WTO), the 'global economy'.

The 2005 Convention initially did not explicitly focus on the issue of artistic freedom, but followed the trajectory from GATT and the WTO and emphasised cultural production and trade (i.e. more of a US-influenced 'free market' approach, being promulgated by World Bank and IMF (international Monetary Fund) to global development. But, as a cultural convention it was able to develop the cultural policy dimension of its aims, particularly in response to the highly influential 2003 statement on 'UN Common Understanding on a Human Rights-Based

Approach to Development Cooperation', which led to a systemic UN revision of the role of human rights in all policies, management, project delivery, and importantly, treatise administration. What became the 'HRBA' or Human Rights Based Approach is now the normative basis of all UN work, and thus treatise and conventions find it easier to emphasise certain aspects of their aims or agreements. This became evident in 2015 in the thematic structure of the first UNESCO 'global report' titled "RE | SHAPING CULTURAL POLICIES – made possible by the 2005 Convention (and also the quite extraordinary unanimity in the General Assembly that had earlier greeted the 2005 Convention). UNESCO's 'global report' was subtitled 'A Decade Promoting the Diversity of Cultural Expressions for Development', and highlighted artistic freedom and creative expression (something evident even in UNESCO's turn to exceptional graphic design and media production as a means of disseminating the Convention's aims and principles, civil society networks and events, research and reports, and broad-based consensus-building, particularly in the face of governments and pressure groups intolerant of free-thinking).

In 2025, out of 200 countries worldwide, 156 have officially ratified the 2005 convention. This leaves some doubt as to its global reach. However, it should be noted that the subsequent implementation processes, which effectively represent the actual enactment of the Convention's contents, can be prolonged and are sometimes nearly absent. It is also important to understand that implementation of the Convention's objectives occurs even in countries that have not ratified the Convention – and can be managed through development aid or Human Rights or other treaties obligations. Although ratifications of UN documents can only be undertaken by state representatives, UNESCO has made it clear from the beginning that the implementation of UNESCO's goals (and by extension, those of the United Nations) represents a joint task for all UNESCO members including civil society forces. Therefore Irina Bokova as Director-General of UNESCO stated in 2011: "Making the Convention work is the responsibility of all. (...)

policy will be effective only if it is meaningful for civil society, for individual creators, for groups of cultural entrepreneurs and for citizens.

Governments must help ensure 'space' for artistic creation and for freedom of expression and association." (Irina Bokova, Director-General of UNESCO, foreword, basic texts, of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2011 : https://www.unesco.de/sites/default/files/2018-08/basic_text_2005_convention_protection_promotion_diversity_of_cultural_expressions.pdf)

But UNESCO as an organisation, and the entire idea of the United Nations, is increasingly being called into question. The 'universality' of human rights, and thus the global quest for artistic freedom, does not find unrestricted global consensus – and more so in relation to the debates on decolonisation in international cooperation. Axiomatic principles of individual rights often stand in conflict within the context of social movements, claims for collective or group rights, and policy debates on the preservation or alteration of traditions, particularly concerning indigenous peoples, family and gender relations, religiously motivated societal orders, and national identity.

Against the backdrop of increasing – and warranted – debates on the need to 'decolonise' international cooperation, cultural policy concepts, and funding practices, additional challenges are now emerging regarding how the idea of globally and universally applicable cultural rights and understandings of human rights can be realised in policy. The so-called 'value-based foreign policy' approach, as designated by the current German government, aims to set clear accents by aligning itself with the universal understanding of human rights. However, it also encounters limitations when this orientation of foreign policy is perceived as moralising or didactic (in making demands on partners, donor countries or recipients). This additionally highlights how important it is that actors striving to protect and promote artistic freedom are globally spread – much beyond Europe-based – and represent local contexts. As a responsibility of cultural policy

supporting artistic freedom, we must ensure that the idea of the universality of human rights is integrated into the diversity of narratives and local relevance and adaptability.

Thematically, the ARTS RIGHTS JUSTICE PROGRAMME, has identified a number of topics which need intellectual and research investment in order to strengthen the cultural sector internationally and to protect and promote artistic freedom. They are not all on the same level, but correspond with each other.

Dealing with censorship mechanisms, advocacy work, building up networks, monitoring, implementation, fair collaboration, mobility, hosting artists at risk, and beyond first urgent actions within so-called 'safe haven' residencies, the diversification of funding must also be linked to structures in the Global South. This means approaching language barriers and diversity, understanding the different work contexts, their specificities, their professional jargons, their argumentations and justifications, roles and responsibilities of governments and of civil society, dealing with conflict, gender equality, criticism and forms of resilience are, alongside possible other topics. Within a policy context, these are all in need of further clarification, research, knowledge sharing and capacity building. They form the basis for further actions in continuing the ARTS RIGHTS JUSTICE programme or related activities by interating experts from different fields and geographic regions and contexts especially from arts, management, law and human rights

Collaboration is one of the central dynamics that will strengthen our cultural and creative field, respecting the limited options to receive funding, and at the same time to focus on the right subjects and include the right actors. One example for collaboration was the continuation of the ARTS RIGHTS JUSTICE programme in 2023 in Athens, Greece and not Hildesheim, Germany. Another step is the so-called 'garden sessions' or workshops appended to the global network Safe Havens Conference, where around 30 young experts were assembled to exchange and give and

receive knowledge related to the urgent issues and topics indicated above. This time UNESCO, the network Action for Hope and the Swedish Arts Council were supporters.

As a further example, the field of monitoring and reporting, which may seem only administrative, is nonetheless an opportunity for collaboration, particularly extending voices from the Global South. It is a means of forming the parameters of a collaborative approach to design for methodological approaches to knowledge production generally (and the kind of data useful for the supporting the civil society challenge within the 2005 Convention). It also generates the form of data that challenges the relevant authorities (of member states and others), who have power to act. Collaboration, place-based partnership and representation, innovation in meeting, dialogue and solidarity, policy research and discourse-building, are all essential activities that the ARJ activity facilitates and takes our universal principles of artistic freedom into the real contexts of artistic creation in diverse world regions.

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Research and Archive

Arts Rights Justice Library

<https://www.uni-hildesheim.de/arts-rights-justice-library/>

Agencies

Artists at Risk Connection

<https://artistsatriskconnection.org/>

Freemuse

<https://freemuse.org/>

Human Rights Foundation

<https://hrf.org/>

Index on Censorship

<https://www.indexoncensorship.org/>

Selam

<http://selam.se/eng/>

Koalisi Seni

<https://koalisiseni.or.id/en/>

National Coalition Against Censorship

<https://ncac.org/>

Nhimbe Trust

<https://www.nhimbe.org/>

PEN International

<https://pen-international.org/>

Safe spaces and residencies

Artistic Freedom Initiative (AFI)

<https://artisticfreedominitiative.org/>

Culture Resource (Al-Mawred Al-Thaqafy)

https://mawred.org/rp_languages/eng-lish/

Ettijahat – Independent Culture

<https://www.ettijahat.org/>

International Cities of Refuge Network (ICORN)

<https://icorn.org/>

Artists at Risk (AR)

<https://artistsatrisk.org/>

Martin Roth-Initiative

<https://www.martin-roth-initiative.de/>

Worldwide Sanctuary City movement

<https://www.globalrefuge.org/news/sanctuary-cities-explained/>

Safemuse

<https://safemuse.org/>

Help and Support

Avant-Garde Lawyers (AGL)

<https://avantgardelawyers.org/>

Front Line Defenders

<https://www.frontlinedefenders.org/>

Networked associations

Culture Action Europe

<https://cultureactioneurope.org/>

European Alliance of Academies

<https://allianceofacademies.eu/>

European Composer & Songwriter Alliance (ECSA)

<https://composeralliance.org/>

European Music Council

<https://www.emc-imc.org/>

Safe Havens Freedom Talks (SH|FT)

<https://sh-ft.org/>

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