A person wearing a white, flowing dress is floating horizontally in a dark space. Above them is a large, wrinkled blue fabric that appears to be suspended. The person's arms are outstretched, and their legs are slightly bent. The lighting is dramatic, with a warm orange glow on the person's dress and a cool blue glow on the fabric above.

# *The Ultimate Cookbook*

FOR CULTURAL MANAGERS

The Artistic Freedom  
Regulatory Framework  
in the EU

DECEMBER 2025

# *The Ultimate Cookbook for Cultural Managers*

## The Artistic Freedom Regulatory Framework in the EU

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## ***EFA Care for and Share the Alliance (2025-2028)***

**Care for and Share the Alliance** is the Creative Europe Network programme 2025-2028 of the European Festivals Association (EFA). It will explore the guiding question: *“How do the arts, arts festivals, cities and regions specifically contribute to better living conditions of people and of the planet?”* The project focuses on two priorities: increasing accessibility to and of the festival sector for participation and interaction in the Alliance; deepening Alliance stakeholders’ capacities and expand their impact.

EFA aims to develop and improve the awareness, responsibility and critical thinking of festivals and festival cities and regions to play an active role within our societies. Besides networking and capacity building, EFA’s activities contribute to the social and cultural development of localities, nations, and international communities within the EU and beyond, equipping festivals and their stakeholders with new models of trans-sectoral work.

Initiatives focusing on the arts and the communities are at the core of EFA’s work, developing a language tailored to their needs while engaging colleague networks and audiences in activities and policy dialogue to share this language and create a meaningful impact. For that, EFA teams up with The Festival Academy, A Soul for Europe and Pearle\*.

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*Let us  
set the stage for  
artistic freedom!*

# Prologue

The European Festival Association (EFA) and Pearle\*-Live Performance Europe have been working together since 2014 to improve knowledge on the practical and legal aspects of cross-border cooperation in the performing arts. This cooperation was made possible with the support of the Creative Europe programme through the RISE project from 2014 to 2017, the EFA RISE 2 project from 2017 to 2021, and the Revealing the Alliance project from 2021 to 2024. This fruitful collaboration now continues for another four years with the Care for and Share the Alliance programme that runs from 2025 to 2028.

Back in 2015, EFA and Pearle\* organised a series of seminars and workshops with contributions from legal and academic experts, addressing a wide range of topics related to the cross-border dimension of live performances. Participants were invited to formulate their questions in advance, revealing many common challenges faced by cultural managers across Europe. These seminars led to the creation of The Ultimate Cookbook for Cultural Managers series, which blends theoretical explanations with practical cases and suggestions for solutions. Over time, the scope of the series expanded to cover European policies with major implications for our sector, such as the green and digital transitions.

This successful series continues and builds further on those approaches under the Care for and Share the Alliance project. Adapting to the needs and challenges of the live performance sector, the cookbooks also look beyond the administrative topics covered in previous editions to provide guidance on broader societal issues that impact the day-to-day practice of cultural professionals. This brochure will focus on the topic of artistic freedom, that more festivals, theatres, concert halls and venues are confronted with.

In this cookbook, you will find all the essential ingredients to identify the various aspects and understand the legal framework of artistic freedom, along with practical recipes for action to defend and promote it.

We would like to thank Pearle\* and EFA members for sharing their experiences, and all those who are committed to defending and promoting artistic freedom.

# Introduction

Artistic freedom is a fundamental right and a cornerstone of democratic societies. It enables artists and cultural professionals to express themselves, explore complex ideas, challenge power structures, and offer diverse perspectives to the public.

This freedom is enshrined in European and international law, yet, despite these protections, artistic freedom is increasingly under threat across Europe. A growing number of restrictions and interferences are undermining the ability of artists to work freely, and the autonomy of cultural institutions. These threats take many forms: performance bans, the dismissal of cultural professionals for their (political) views, budget cuts targeting organisations that promote experimental or socially engaged work, and funding conditions that subtly enforce ideological alignment. In some cases, threats are overt through censorship or intimidation. In others, they are more deceptive, fostering environments where self-censorship becomes the norm.

Concerning patterns have emerged across several EU Member States. While each case reflects national political and cultural contexts, together they reveal a broader horizontal trend that affects the entire Union and also affects live performance organisations that work across borders, which is the starting basis of our series of cookbooks.

Cultural institutions are increasingly drawn into political battles,

with governments and movements seeking to shape narratives by controlling which voices are amplified or silenced.

Public funding is at times weaponised, with support made conditional upon conformity to specific values or norms. This not only restrains freedom of artistic creation but also compromises the independence of cultural institutions and undermines the role of culture as a pillar of democratic life.

Although artistic freedom is formally protected by law, a persistent gap remains between legal provisions and their implementation in practice, making it difficult to challenge the limitations imposed on artistic freedom. Moreover, the weakening of artistic freedom is frequently accompanied by broader attacks on academic freedom and media pluralism, pointing to a wider erosion of democratic principles.

This guide offers an insight into what artistic freedom means by considering current challenges to artistic freedom in Europe, with a focus on the live performance sector. It seeks to equip cultural professionals with the tools to identify risks, understand the legal landscape, and take action to defend and promote artistic freedom. Protecting this freedom is not only about safeguarding artistic expressions, individual artists and cultural organisations — it is about preserving a society in which culture can flourish, critical thought is encouraged, and diversity is valued.

*Let's take  
a closer look  
at what artistic  
freedom means  
and why it plays  
a vital role in  
society.*



# Understanding Artistic Freedom

## ? What is artistic freedom?

UNESCO<sup>1</sup> provides a widely cited definition of artistic freedom that stresses not only the artist's liberty to create without fear, but also the public's liberty to access artistic works<sup>2</sup>.

*"Artistic freedom is the freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-State actors. It includes the right of all citizens to have access to these works and is essential for the well-being of societies. Artistic freedom embodies a bundle of rights protected under international law."*

In UNESCO's view, these rights include:

- ✓ **The right to create without censorship or intimidation**  
Artists should be free to develop and share their creative ideas without fear of suppression or retaliation.
- ✓ **The right to have artistic work supported, distributed and remunerated**  
Creators are entitled to fair opportunities to disseminate their art and to receive fair payment.
- ✓ **The right to freedom of movement**  
Artists should be able to travel and circulate their works across borders.
- ✓ **The right to freedom of association**  
Artists can form or join organisations, unions, and networks to pursue their creative and professional interests collectively.
- ✓ **The right to the protection of social and economic rights**  
Artists deserve labour rights and social benefits (like other workers), ensuring decent working conditions and social security.
- ✓ **The right to participate in cultural life**  
All people have a right to access and enjoy artistic expressions as part of their cultural rights.

1. United Nations Educational, Scientific and Cultural Organization

2. [Re|Shaping Cultural Policies: Advancing creativity for development, UNESCO, 2018](#)

## ? *Why does it matter?*

In essence, UNESCO highlights that **artistic freedom is multifaceted**: it includes freedom from censorship and repression, access to markets and audiences, mobility and collaboration, fair pay and social rights for artists, and respect for the cultural rights of audiences — all of which are essential for democratic societies to thrive and grow.

When this freedom is jeopardised, whether through censorship, political pressure, financial insecurity, or fear of retaliation, the effects extend far beyond the cultural sector. Societies risk becoming less open, less imaginative, and less capable of responding to change. Public conversation becomes narrower, and communities lose crucial spaces for dialogue, creativity, and shared meaning.

## 🔑 *In a nutshell, artistic freedom:*

- ☑ *Gives voice to underrepresented perspectives.*
- ☑ *Strengthens resilience against authoritarian and extremist ideologies.*
- ☑ *Contributes to building societies where diverse ideas and identities can coexist peacefully.*

*A clear  
understanding  
of the legal  
foundations  
is key to defending  
artistic freedom  
in practice.*

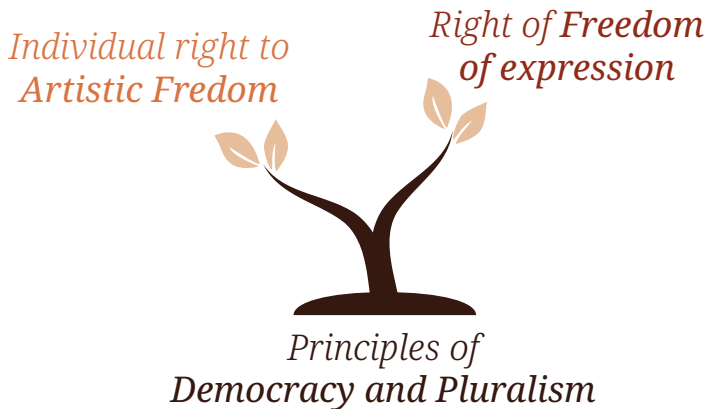
# *International and European Legal Framework for Artistic Freedom*

Artistic freedom is a legally protected right, grounded in international and European human rights law. Not only is this right established individually in many cases, but it is also often addressed within the scope of broader rights, such as freedom of expression and the principles of democracy and pluralism. Together, these protections form a strong foundation for the right to create, perform, share, and access artistic works without undue interference.

At the same time, the fact that its protection is spread across different legal instruments, levels of governance, and areas of law can make it more difficult to identify, defend, and enforce when it comes under threat.

## *In Europe*

In Europe, the legal framework covers international, European, and national systems. A network of treaties, conventions, and court rulings helps uphold artistic freedom across a variety of contexts.



## ? What are the main international legal instruments protecting artistic freedom?

### Article 27 of the Universal Declaration of Human Rights (UDHR), 1948

*“Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”*

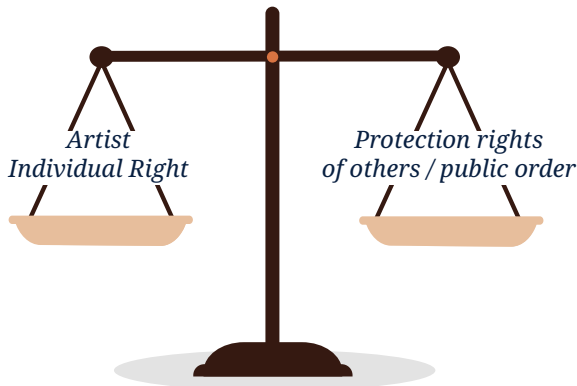
This was the first instance where recognition of **cultural rights** was mentioned in an international treaty. The UDHR, adopted by the United Nations General Assembly, is a foundational human rights document. Although not legally binding, it influenced the moral and legal basis of many other international treaties.

### Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR), 1966

*“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”*

The **ICCPR** is a legally-binding international treaty that has been ratified by all EU Member States.

! **Article 19(3)** allows certain restrictions on freedom of expression but **only** if they are provided by law and necessary for the respect of the rights or reputations of others, or the protection of national security, public order, public health, or morals.



The broad and subjective nature of terms such as "public order" and "morals" can leave room for an ambiguous interpretation, which can lead to States misusing this article to justify restrictions on artistic freedom. However, the UN Human Rights Committee, in **General Comment No. 34**, has underscored that those restrictions must be applied narrowly and meet strict requirements of legality, necessity, and proportionality<sup>3</sup>.

In addition the reference to "regardless of frontiers" is important for live performance organisations that operate in an international context and tour across Europe and the world.

### Article 15(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

*"The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity."*

→ Just like the ICCPR, the ICESCR is also legally binding and has been ratified by all EU Member States.

In addition to guaranteeing freedom indispensable for scientific research and creative activity under Article 15(3), Article 15 affirms a broad set of cultural rights, including everyone's right to take part in cultural life, and to benefit from the protection of the moral and material interests related to their scientific, literary, or artistic creations.

Besides these, UNESCO has consistently emphasised the importance of protecting artistic freedom. It often calls on States to safeguard the freedom of creation, improve the status of artists, and ensure freedom of expression as a fundamental condition for artistic activity.

✎ *Through key instruments such as the 1980 Recommendation concerning the Status of the Artist<sup>4</sup> and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions<sup>5</sup>, UNESCO underlines the role of artists in society and the need for their rights to be fully respected and upheld.*

3. General Comment No. 34: Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, United Nations Human Rights Committee, 2011

4. Recommendation concerning the Status of the Artist, 1980, Guiding Principles 3 and 6, UNESCO, 2018

5. Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Article 2(1) and Article 7(2), UNESCO, 2005



## *What are the main European instruments protecting artistic freedom?*

Europe has two major legal systems that are relevant to artistic freedom: the Council of Europe (which oversees the European Convention on Human Rights) and the European Union (with its Charter of Fundamental Rights). Although they are distinct systems, they complement each other and provide multiple layers of protection.

### **Article 10(1) of the European Convention on Human Rights (ECHR), 1950**

*“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”...*

The European Convention on Human Rights was adopted in 1950 by the Council of Europe, an intergovernmental organisation composed of **46 Member States**. Its primary mission is to uphold human rights, democracy, and the rule of law in Europe.

The European Court of Human Rights (ECtHR), seated in Strasbourg, is the institution that ensures compliance with the Convention. Individuals who claim their rights under the ECHR have been violated by a State **can bring a case directly before the Court**, making it a powerful mechanism for the protection of rights, including artistic freedom.



*The attentive reader will have noted that the European Convention on Human Rights was adopted just two years after the Universal Declaration of Human Rights, reflecting the urgency felt in post-war Europe to safeguard democracy and fundamental freedoms.*

*The next part  
explores how  
**the ECHR** plays  
a role in the  
interpretation of  
Artistic freedom.*



# Artistic Freedom in the European Court of Human Rights

## Artistic freedom under Article 10 ECtHR

As mentioned, Article 10 of the ECHR guarantees freedom of expression, and the European Court of Human Rights (ECtHR) has confirmed that this protection fully covers artistic expression, even though **artistic freedom** is not explicitly named in the text of Article 10.

The Court has interpreted the terms “opinions,” “information,” and “ideas” in Article 10(1) broadly to include not only the substance of expression but also the form in which it is conveyed (for example, art, poetry, fiction, etc.).

→ **In the landmark *Handyside v. United Kingdom* case (1976)<sup>6</sup>**, the Court famously stated that freedom of expression applies not only to agreeable or innocuous speech but also to material that may “**offend, shock or disturb** the State or any sector of the population.” Such tolerance for unpleasant or controversial expression, the Court noted, is essential for a democratic society requiring pluralism and broadmindedness. **This principle has set the tone for how the ECtHR approaches artistic works under Article 10.**

## Notable ECtHR Cases on Artistic Expression

Several significant judgments illustrate the ECtHR's approach to artistic freedom and the balance between creativity and potential restrictions.

### — **Müller and Others v. Switzerland (1988)<sup>7</sup>**

A group of artists was convicted of obscenity for displaying paintings with explicit sexual scenes at a public exhibition. The Court recognised that the works were protected as artistic expression under Article 10. However, it found no violation of the Convention, ruling that the conviction and temporary confiscation of the artworks were justified.

The judges stressed that States have a wide margin of appreciation in matters of public morality, but any restriction must still follow a legitimate aim and be necessary in a democratic society.

6. ECtHR, *Handyside v. United Kingdom*, App. No. 5493/72, Judgment 7 Dec. 1976, §49

7. ECtHR, *Müller and Others v. Switzerland*, App. No. 10737/84, Judgment 24 May 1988

— **Karataş v. Turkey (1999)<sup>8</sup>**

The applicant, a poet, was convicted under Turkey's anti-terrorism laws for publishing poems said to glorify violence and separatism. The ECtHR found this violated Article 10. It highlighted that poetry reaches a limited audience and has only an indirect impact, unlike mass propaganda. While some verses expressed sympathy for Kurdish rebels, they did not amount to direct incitement.

The Court concluded that artistic speech, including poetry, is part of political and cultural debate, and that the heavy penalties imposed were disproportionate and not “necessary in a democratic society.”

— **Gündüz v. Turkey (2003)<sup>9</sup>**

This case concerned Mr Gündüz, the leader of an Islamist sect, who was convicted of inciting hatred after criticising secularism and advocating for Sharia law during a late-night television debate. The ECtHR held that his conviction violated Article 10. The Court emphasised the format and context: his remarks were made in an open debate where opposing views were presented and his arguments could be challenged.

In this setting, the statements, though offensive, did not amount to a direct call for violence or hate speech. The judgment confirmed that even disturbing or controversial views can be protected when expressed in a forum that encourages public dialogue, and that the form of expression matters in judging necessity.

— **Alınak v. Turkey (2005)<sup>10</sup>**

Mahmut Alınak wrote a novel critical of state actions during the conflict with Kurdish villagers, including graphic depictions of torture by security forces. Turkish courts banned and seized the book, claiming it incited hatred and violence. The ECtHR found this violated Article 10. It stressed that the work was a novel, a piece of fiction, and artistic expression with a limited audience.

Although some passages were hostile in tone and could be interpreted as sympathetic to rebellion, the Court viewed them as an expression of anguish at tragic events rather than a direct call to violence. The ban was therefore disproportionate and unjustified.

8. ECtHR, *Karataş v. Turkey* [GC], App. No. 23168/94, Judgment 8 July 1999 (1999-IV)

9. ECtHR, *Gündüz v. Turkey*, App. No. 35071/97, Judgment 4 Dec. 2003

10. ECtHR, *Alınak v. Turkey*, App. No. 40287/98, Judgment 29 March 2005

# Council of Europe Policy Initiatives on Artistic Freedom

Beyond its case-law, the Council of Europe (the parent organisation of the ECtHR) has in recent years made artistic freedom a policy priority.

In 2020 it launched, and in 2022 formally endorsed, a ***Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era***<sup>11</sup>. The Manifesto reaffirms that artistic expression is part of the fundamental right to freedom of expression, and that artists must be protected from censorship, intimidation, or other undue pressure. It stresses that any restriction on artistic speech must comply with the European Convention on Human Rights and the case-law of the European Court of Human Rights. The document warns that censorship and political interference threaten democratic pluralism and urges governments to defend artistic voices as essential to a free and open society.

Most recently, in 2025, the Council's Steering Committee for Culture, Heritage and Landscape established ***CreateToBeFree***<sup>12</sup>, a new platform for policymakers, cultural professionals, and researchers to exchange knowledge and support artistic freedom. The initiative is aligned with the ***Reykjavik Declaration of May 2023***<sup>13</sup>, in which Member States reaffirmed their commitment to democratic values.



*Together, these developments show the Council of Europe's commitment to safeguarding artistic freedom not only through the Court's judgments but also through policy initiatives, collaboration, and public awareness.*

11. [Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era](#)

12. [CreateToBeFree](#)

13. [Reykjavik Declaration of May 2023](#)

# The European Union Framework on Artistic Freedom

Although the European Union does not have direct competence to legislate on artistic freedom, several foundational texts and policy instruments reinforce its importance as part of the EU's broader commitment to democracy, human rights, and cultural diversity. Artistic freedom is protected at the intersection of EU values, fundamental rights, and soft law competences in the field of culture.

## Treaty on European Union (TEU), Article 2

*“...respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”*

Article 2 of the TEU lays out the Union's founding values. While it does not refer explicitly to artistic freedom, its references to freedom, democracy, and the rule of law create a normative environment where artistic expression must be respected. This foundational principle requires that any limitations on expression, including in the arts, must be justified within a democratic society governed by the rule of law.

## Charter of Fundamental Rights of the European Union (2000)

The Charter is the most explicit EU-level text recognising artistic freedom.

### — Article 13 – Freedom of the Arts and Sciences

*“The arts and scientific research shall be free of constraint. Academic freedom shall be respected.”*

This provision anchors artistic freedom in EU law and places it on equal footing with academic and scientific freedom. It provides a clear and specific legal reference to protect artists from undue interference, particularly when EU law is at play.

### — Article 11 – Freedom of Expression and Information

*“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”*

Protects the right to hold opinions and to receive and impart information and ideas, aligning with broader protections similar to those under the ECHR.

#### — Article 21 – Non-Discrimination

*“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”*

Prohibits discrimination based on political opinion, among other grounds. This is relevant for artists whose works express political views and who may face retaliatory actions or exclusion as a result.

#### — Article 22 – Cultural, Religious and Linguistic Diversity

*“The Union shall respect cultural, religious and linguistic diversity.”*

Recognises and respects cultural pluralism within the Union. This article supports the idea that diversity in artistic expression is a value in itself, to be protected and promoted.

### Limitations of the Charter – Article 51(1)

It is important to note that the Charter applies only **when Member States are implementing EU law**. This limits its scope in purely national situations but does not reduce its symbolic or political importance. The Charter remains a powerful reference point for advocacy and soft law development within the EU.

### → *European Union Agency for Fundamental Rights (FRA)*

Established in 2007 and based in Vienna, the European Union Agency for Fundamental Rights (FRA) is the EU's independent centre for expertise on fundamental rights. Its main purpose is to provide evidence-based advice to EU institutions and Member States on how to ensure that fundamental rights are effectively protected and promoted when implementing EU law.

The FRA conducts research, issues reports and opinions, and collects data on a wide range of issues, including freedom of expression and non-discrimination. While it does not have enforcement powers, its analyses and recommendations play a key role in shaping EU policies and legislation, offering practical guidance to strengthen compliance with the Charter of Fundamental Rights across the Union.

# EU Competence and Cultural Policy

## Article 167 TFEU

Under Article 167 of the Treaty on the Functioning of the European Union (TFEU), the EU's role in cultural matters is supportive and complementary. It may encourage cooperation among Member States and promote cultural diversity and artistic expression through funding and soft policy instruments, but it cannot legislate directly on issues such as censorship or artistic restrictions.

### Article 167 highlights the EU's commitment to:

- The dissemination of European cultures and histories.
- Non-commercial cultural exchanges.
- Artistic and literary creation, including in the audiovisual sector.

This reflects the **subsidiarity principle**, which limits EU intervention to areas where added value is clear and Member States agree to cooperate. While this means EU institutions cannot directly enforce artistic freedom, they can act as influential **advocates, conveners, and funders**.

In addition, the **European Culture Council's 2023–2026 work plan** highlights artistic freedom as a fundamental element of cultural work and a key link between culture and democracy. It stresses that artists and cultural stakeholders are encountering new and increasingly difficult challenges, and that joint efforts are essential to ensure they can freely exercise their professions across the EU. The issue extends beyond working conditions to the very question of whose voices are heard in society.



**Note:** covered under the Swedish presidency in 2023, the Ministers of Culture adopted Conclusions specifically focusing on at-risk and displaced artists<sup>14</sup>.

14. [Council Conclusions on at-risk and displaced artists \(2023/C 185/09\)](#)

*The next part  
explores how  
the CJEU plays  
a complementary  
**role** in interpreting  
Artistic **freedom**.*

## Case Law from the Court of Justice of the European Union (CJEU)

Although the CJEU has issued relatively little case law directly concerning artistic freedom, its jurisprudence on freedom of expression shapes the legal environment in which artists and cultural professionals operate.



**In general, the CJEU tends to defer to the ECtHR's jurisprudence on Article 10 ECHR when assessing freedom of expression claims.** Thus, while not a primary forum for artistic freedom cases, the CJEU plays a complementary role in interpreting rights that indirectly affect artists and cultural professionals.

### CJEU relevant cases to freedom of artistic expression

#### — Deckmyn v Vandersteen (C-201/13)<sup>15</sup>

In the area of copyright law, this landmark case defined the concept of parody under the **Information Society Directive (2001/29/EC)**. The Court held that parody is an autonomous concept of EU law and must:

- A. evoke an existing work;
- B. be noticeably different from it;
- C. constitute an expression of humour or mockery.

Importantly, the Court stressed that a fair balance must be struck between the rights of the original author and the freedom of expression of the parody maker. **This case is directly relevant to artistic freedom as it delineates the legal boundaries for transformative and critical uses of existing works.**

#### — Pelham Case (C 590/23) / Advocate General's Opinion<sup>16</sup>

In a recent opinion, the Advocate General argued that copyright holders' exclusive rights are not only rooted in property but also in artistic freedom (Article 13 CFR). **The opinion explored how the rights of original creators and derivative artists must be balanced, highlighting how artistic freedom increasingly informs EU intellectual property debates.**

15. CJEU, *Deckmyn v. Vandersteen*, Case C-201/13, Judgment of 3 September 2014, ECLI:EU:C:2014:2132

16. CJEU, CG and YN v. Pelham GmbH and Others, Case C-590/23, Request for a preliminary ruling lodged 25 September 2023 — Opinion of Advocate General delivered 17 June 2025, ECLI:EU:C:2025:452



— **NH v Associazione Avvocatura per i diritti LGBTI – Rete Lenford (C-507/18)**<sup>17</sup>

In the area of labour law, while not related specifically to culture, this case illustrates how freedom of expression is balanced against other fundamental rights. The Court held that public statements refusing to hire LGBTIQ+ persons constituted discrimination under the **Employment Equality Directive**. The judgment clarified that freedom of expression cannot justify discrimination, showing how expressive rights are weighed against equality and dignity.

➔ **Directive 2000/78/EC (Employment Equality Directive)** prohibits discrimination on grounds such as religion or belief, disability, age, or sexual orientation in employment and occupation. This framework can apply to artists and cultural workers, helping to safeguard equal treatment in their professional activities.

➔ ***The Rule of Law Mechanism and Artistic Freedom***

The **rule of law** is a central principle of the EU's identity, as reaffirmed in Article 2 TEU. The Commission monitors respect for the rule of law in Member States through the Annual Rule of Law Reports, which cover topics such as judicial independence, media pluralism, and anti-corruption efforts.

However, **artistic freedom is not currently a dedicated category** within these reports. Advocacy efforts by civil society organisations and cultural stakeholders have called for the inclusion of artistic freedom, stressing that its restriction is often an early warning sign of democratic backsliding. The **European Parliament** has echoed these concerns, in its **Resolution on the Commission's 2024 Rule of Law Report**<sup>18</sup>, calling on the Commission to expand the scope of the Rule of Law Reports to reflect cultural and artistic rights.

Despite this momentum, the **Council of the EU** must agree on expanding the monitoring framework. Due to political sensitivity and divergent views among Member States, progress has been slow. Still, this advocacy has brought artistic freedom into the **political conversation on democratic values**, making it increasingly relevant in EU-level debates on fundamental rights.

17. CJEU, *NH v. Associazione Avvocatura per i diritti LGBTI – Rete Lenford*, Case C-507/18, Judgment of 23 April 2020, ECLI:EU:C:2020:289

18. European Parliament resolution of 18 June 2025 on the Commission's 2024 Rule of Law Report

## *In Conclusion*

The EU's protection of artistic freedom is shaped by a **patchwork of fundamental rights, values, and soft competences**. While it lacks direct regulatory power in this area, the **Charter of Fundamental Rights, founding treaties, and policy instruments** offer important legal and normative foundations. Moreover, ongoing advocacy has placed artistic freedom firmly on the EU's **political agenda**, linking it to broader struggles for human rights, democracy, and the rule of law in Europe.

Although not addressed in this brochure, national case law remains a vital component of the protection of artistic freedom.

*The freedom  
to imagine and create  
can be eroded  
in subtle ways,  
and **understanding**  
these **risks** is key  
to defending  
both artists  
and the communities  
they serve.*

# Artistic Freedom Today: Risks, Challenges and How to Address Them

In this chapter, we will explore the main risks and challenges that threaten artistic freedom today, and how these pressures affect both the cultural sector and society at large.

Despite the protection guaranteed by international and European frameworks, the reality is far more challenging for cultural organisations and artists, who must often make decisions that balance ethical, financial, reputational, and safety considerations.

## Censorship and Self-Censorship in Content Decisions

### *For example*

*A festival announces a theatre piece satirising government policy. Local officials publicly criticise the work, and the municipal venue asks the organiser to “postpone” the performance, citing reputational risk. No formal ban is issued, but the show quietly disappears from the programme.*

Explicit censorship, such as banning or cancelling artistic presentations, has an immediate impact on audiences. Yet restrictions often arise more quietly, through self-censorship. Pressure from authorities or funders can narrow creative freedom — cultural organisations may withdraw politically or socially challenging works to avoid controversy or secure funding, whether public or private, resulting in programming that appears diverse but gradually becomes predictable and risk-averse.

Over time, this dynamic leads to a homogenised cultural offering where provocative or critical works disappear, leaving only “safe” content.

### **Where law meets practice**

In principle, freedom of artistic creation is protected under international law. In practice, however, it can be limited in indirect ways — for example, through restrictive venue rules, vague appeals to “public order”, or the strategic use of copyright and defamation laws.

## → Advice

Copyright is meant to protect creators, but it can sometimes be weaponised to restrict artistic freedom. Rightsholders may refuse permission for political or satirical uses, or issue legal threats, even when parody and quotation exceptions should apply. Automated systems, like online content filters, can also block transformative works without distinguishing between piracy and legitimate artistic use.

Under EU law, copyright grants rightsholders long-term control over the use of works, but Member States may introduce exceptions for quotation, criticism, parody, or pastiche<sup>19</sup>. If these exceptions are narrow or unclear, artists face legal uncertainty, leaving room for strategic threats that deter transformative or critical expression. In this way, a system intended to promote creativity can end up limiting it.

- The *Observatoire de la liberté de création* has documented cases in France where expansive copyright or defamation claims created a chilling effect, preventing artists and venues from pursuing critical or experimental work.

## 🔍 Signals to watch

Abrupt de-programming of announced shows, “postponements” without clear criteria, or unusually restrictive house rules are red flags. Likewise, repetitive legal threats (cease-and-desist letters over content, dubious copyright takedown notices, defamation allegations with little chance of success) indicate pressure to self-censor.

## 📋 Recipe for action

**Keep written records** of any interference or requests to alter programming. Insist on **transparent programming criteria and documented justifications** if a show is altered or pulled.

Before cancelling or modifying content, **seek independent legal review** to verify if restrictions are truly necessary. **Build solidarity**, for example, through coordinated public statements or joint responses with partner institutions and artist networks so that no one faces such pressures in isolation.

**For copyright, know the exceptions in your country**, and consult legal advice before dropping a critical element of a work.

19. [Directive 2001/29/EC \(InfoSoc Directive\)](#); [DSM Directive \(EU\) 2019/790](#)

# Polarised Audiences and Public Backlash

## For example

*An art installation on migration triggers a storm of online outrage. A coordinated campaign floods social media with misleading claims that the exhibit is “offensive” and even accuses the organisers of “deceiving consumers” by using public funds for “propaganda.” As the controversy escalates, sponsors and local officials voice concern. Fearing reputational damage, the venue pulls the artwork at the last minute.*

This illustrates another form of **self-censorship**, driven not by authorities or funders, but by audience reactions and public backlash. The consequences are similar: institutions become risk-averse and shy away from the subjects most likely to spark democratic debate.

## Where law meets practice

Tactics in these backlashes sometimes invoke consumer rights or public funding rules as a cover for censorship. For example, detractors may frame an artistic work they dislike as “fraudulent” or harmful to viewers, **misusing consumer-protection language to justify its removal, masking the censure.** Likewise, the use of public funds to support a project does not grant vocal minorities the right to dictate its content. The principles of free expression remain fully applicable.

## Signals to watch

Be alert to orchestrated complaint campaigns, for instance, identical email or comment templates circulating online, sudden spikes of outrage not proportional to the actual audience of the work, or vague claims of “harm” that cite no laws. Threats by interest groups to withdraw sponsorships or funding over content disagreements are another warning sign, especially if accompanied by politically charged rhetoric.

## Recipe for action

Cultural organisations should adopt a clear artistic freedom policy affirming their commitment to presenting diverse views and fostering public debate.

When controversy arises, a **clear crisis-response plan** is essential. Instead of removing the artwork, institutions can **address misconceptions with Q&A sheets, contextualise the piece through programme notes, artist talks, or content advisories, and communicate its artistic intent and social relevance to the public.** At the same time, **any harassment or threats should be carefully documented, and serious incidents (especially those involving violence) must be reported to the authorities.**

# Threats to physical safety in cultural spaces

## *For example*

*A concert faces a wave of violent threats from an extremist group upset by the performing artist's views. Lacking sufficient police support or affordable insurance for the event, the organiser feels compelled to cancel “for safety reasons.”*

When theatres, music venues, galleries, or festivals are perceived as unsafe due to the risk of violence, artistic freedom is undermined. Artists may avoid certain locations known for weak protection, and staff are left to cope with stress or even danger in their workplace.

## **Where law meets practice**

Security in public cultural spaces has become an increasing policy priority.

In the United Kingdom, the **Terrorism (Protection of Premises) Act 2025** — commonly known as Martyn's Law, after a victim of the 2017 Manchester Arena attack — requires venues to adopt proportionate measures against terrorist threats.

At the EU level, the **2020 Counter-Terrorism Agenda** and related strategies call for stronger cooperation to protect public spaces, including cultural venues, while keeping them open and accessible. In practice, this means balancing security measures such as bag checks, guards, and evacuation plans with the need for venues to remain welcoming.

## **Signals to watch**

Venues should take action if risk assessments flag threats, but no mitigation measures are implemented. Warning signs can include security agencies refusing support, insurance costs that make an event unviable, or poor coordination with police forces. Repeatedly classifying certain art as a “public order risk” instead of addressing those making threats may also signal a chilling environment.

## **Recipe for action**

Cultural organisers should update risk assessments and stay in contact on a regular basis with police or security advisors. Staff and volunteers should be trained on emergency procedures, and in case of larger events, venues should use proportionate measures like bag checks or controlled entry that ensure safety without deterring audiences.

If a specific show faces threats, work with authorities on solutions such as adjusting times or adding patrols, rather than cancelling. In extreme cases, relocation or postponement may be better than cancellation.

# Autonomy of cultural institutions

## *For example*

*A regional government restructures the board of a public theatre, installing new members with veto power over the season's lineup. Soon after, proposed plays that are critical of the government are flagged as “not aligned with public values” and quietly removed from the schedule.*

The threat to artistic freedom can also come from politicised governance. When programming depends on political approval or ideological tests, creative choices are narrowed down to what is politically acceptable. Leadership posts and funding rules may be adjusted to favour compliance, pushing organisations toward safer content. This undermines their artistic mission and risks turning cultural venues into mouthpieces for those controlling the funds, rather than independent spaces for creativity.

## **Where law meets practice**

There is no single EU law guaranteeing the independence of cultural institutions, and national approaches to arts funding differ. Nevertheless, European good governance norms require that public support be allocated in line with principles of transparency, equal treatment, and non-discrimination. **The EU's Financial Regulation<sup>20</sup> sets out these standards, requiring open and fair procedures for the award of Union grants.**

If state aid or grants are used as an ideological filter — for example, by systematically denying support to projects critical of those in power — this could breach these principles by discriminating based on viewpoint.

## **Signals to watch**

Watch for sudden governance changes that give political appointees more control over programming or hiring. Funding calls with vague criteria, such as “respecting national values”, can be used to exclude politically troublesome projects. Repeated rejections of critical or experimental art without clear reasons also signal pressure.

20. Regulation (EU, Euratom) 2024/2509 on the financial rules applicable to the general budget of the Union





## Recipe for action

Defending institutional autonomy begins with arm's-length governance, such as independent arts councils or boards shielded from politics or biased political intervention. Good practice is when directors or managers are appointed by a neutral selection committee. Managers should push for clear, merit-based funding rules and demand written justifications for decisions.

In cases of interference, support can be sought from arts councils, ombudsmen, or international networks defending artistic freedom. Diversifying income through public, private, and crowdfunding sources reduces dependence on a single funder. Embedding clauses on editorial or programming independence in funding or sponsorship contracts also provides a legal basis to resist content-based interference.

## Mobility Barriers: Visas, Borders, and Content Controls



### For example

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*A non-EU ensemble is booked for several European festivals, but bureaucracy intervenes, and at the border, one of the artists is questioned about past critical performances and refused entry on dubious grounds.*

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This scenario shows how visas, work permits, and border controls can hinder artistic freedom and cultural exchange. Last-minute decisions and high costs may discourage organisers from booking artists seen as “high-risk”, reducing diversity on stage. In extreme cases, denying entry because of an artist’s views sets a dangerous precedent of content-based travel restrictions.



### Where law meets practice

Within the EU, citizens move freely, but non-EU artists face a patchwork of visa rules. **There is no unified “cultural visa,” and Schengen procedures often do not match the tight schedules of performers. Requirements, processing times, and flexibility vary by country.** Artists known for dissent may face extra scrutiny or even denial of entry under the guise of security, creating a chilling effect as organisers avoid inviting outspoken figures to reduce visa risks.

## Signals to watch

Red flags include frequent last-minute visa denials or delays affecting artists from specific countries or groups, while others face no such issues. Border officials questioning artists about their work or beliefs is also a warning sign, as this goes beyond normal protocol and hints at scrutiny of lawful expression.

## Recipe for action

For organisers, the best defence is **early planning**, start visa applications well in advance and allow realistic lead times. Standardised invitation letters with proof of funding, itinerary, and return commitments can help show the cultural purpose of the trip. **Work with Mobility Info Points<sup>21</sup> or specialised organisations in your respective country for guidance and support in difficult cases.** Always prepare a backup plan, such as a local standby artist or digital presentation, so the event can continue if visas fail.

## *Displacement of at-risk artists*

Beyond visas and borders, mobility challenges also affect artists who are displaced by war, repression, or persecution. For these at-risk creators, legal safety in exile does not automatically translate into artistic freedom.

Displacement brings safety from persecution but not necessarily freedom to create. Even with legal residence, artists in exile often face barriers such as delayed work permits, ineligibility for local grants, lack of rehearsal space, or non-recognition of their qualifications. Language obstacles, survival jobs outside the arts, and online harassment can further silence their voices.

EU frameworks acknowledge these challenges. **The Temporary Protection Directive (2001/55/EC)**, activated in 2022 for Ukrainians, guarantees the right to reside and work. More recently, the **Council Conclusions on the working conditions of artists and cultural professionals and on at-risk and displaced artists (May 2023)** reaffirmed the need to protect and enable exiled creators, encouraging measures such as “cities of refuge,” residencies, and integration programmes.

Civil society also plays a crucial role. Still, support varies across countries, leaving gaps in funding access, credential recognition, and long-term integration.

21. See [On The Move](#)

*Audiences  
have a  
fundamental role  
in artistic freedom.*

# Artistic Freedom and the Rights of Audiences

Artistic freedom is often framed in terms of the rights of creators and cultural institutions. Yet audiences, and therefore citizens, are an equally essential part of the equation. The freedom to imagine, create, and perform holds little meaning if the public cannot access or engage with the resulting works.

→ The right of audiences to participate in cultural life is firmly established in international law, most prominently in Article 27 of the *Universal Declaration of Human Rights* (1948) and Article 15 of the *International Covenant on Economic, Social and Cultural Rights* (1966). These provisions affirm that the enjoyment of the arts is not a privilege, but a fundamental human right shared by all.

→ These cultural rights, however, are not guaranteed in practice. Audiences may encounter barriers that directly shape their ability to take part in cultural life.

## — Censorship silences the audience

Censorship and self-censorship on performances or exhibitions deprive audiences of access to a work and reduce the variety of cultural expression available. **Such decisions are made for audiences rather than by them, limiting their ability to engage with art and form independent views.**

The result is a gradual narrowing of cultural life. Riskier, more experimental pieces disappear from programmes, leaving audiences with safer choices and fewer opportunities to encounter art that provokes reflection or debate.

## — Disinformation

In the digital age, **disinformation campaigns** have become a growing threat to both artistic freedom and the rights of audiences. Organised social media groups sometimes spread misleading or false information about a forthcoming performance or exhibition (for instance, by labelling it “offensive” or deliberately mischaracterising its content) to stir public outrage. **Under pressure from this manufactured controversy, institutions may fear reputational harm and decide to cancel the event before it takes place, resulting in self-censorship.**

### — Safety in cultural spaces

**Artistic freedom also depends on the safety of both artists and audiences in cultural spaces.** In some cases, controversial art exhibitions or performances have faced violent threats from extremist groups or individuals. If organisers cancel a show due to credible threats (for example, a gallery calling off an exhibit because of fear of violent protests), the public loses not only the chance to experience that art but also confidence in the safety of cultural venues.

When people do not feel safe attending cultural events, participation inevitably declines. This undermines the social function of cultural institutions as communal meeting points for dialogue and exchange. Ensuring artistic freedom, therefore, requires a commitment to protecting the safety of audiences and artists alike.

### — Economic barriers to access

**Artistic freedom for audiences is also shaped by economic and social conditions.** Even when there is no censorship or other direct threat to cultural works, the experience can remain out of reach if it is unaffordable.

When public funding for culture is reduced and ticket prices rise, concerts, theatre, or museums may become too expensive for lower-income individuals and families. Access to the arts then shifts from being a shared democratic right to a privilege for those who can pay.

### — Education and Access to Culture

Education plays a fundamental role in ensuring the right of audiences to participate in cultural life. From an early age, children and adolescents should be entitled to an education that includes access to history, languages, culture, and the arts. Exposure to artistic practice not only nurtures creativity and critical thinking but also strengthens empathy and civic values.

Integrating the arts into education (through **STEAM** approaches) helps develop well-rounded individuals capable of both analytical and imaginative thought. **Ensuring equal access to cultural and artistic education is therefore essential to building inclusive, culturally aware societies and fostering future generations of artists and engaged audiences alike.**

- ➔ This kind of exclusion may potentially deny a large part of society the benefits of cultural life. It also narrows the cultural conversation, since only the perspectives of more affluent audiences are regularly represented.

### *In a nutshell: Audiences as co-creators in artistic freedom*

Audiences are not passive recipients of artistic work; they are active participants in the cultural ecosystem. Just as artists need the freedom to create, audiences need the freedom to access, interpret, and respond to those creations. Restrictions on artistic freedom, therefore, harm both sides of the cultural exchange.

Ensuring artistic freedom is a shared responsibility, it means protecting the artist's right to create and the audience's right to experience. Policymakers, cultural institutions, and civil society must recognise that defending audience rights to access culture safely, affordably, and without undue restriction, is as important as protecting free expression for artists.

Audiences themselves also play a role. By supporting works that push boundaries and speaking out when artistic voices are silenced, they help preserve cultural freedom. In some cases, strong public backing has even overturned bans, allowing suppressed art to reach the stage. Such engagement sends a powerful message: that society values and defends its cultural freedoms.

*The European  
Media Freedom Act  
(EMFA)  
as an Inspiration  
for a Mechanism  
Protecting  
Artistic Freedom.*

# *The European Media Freedom Act (EMFA)*

As explained before, the European Union's competence in cultural matters is limited. Under the Treaties, the EU can only support, coordinate, or supplement Member States' actions in culture, without harmonising national laws.

This constrains its ability to create binding protections for artistic freedom. Nonetheless, cultural organisations have called for EU-level monitoring of artistic freedom, including its incorporation into the annual Rule of Law reports, as a way to highlight and address threats to artistic expression across Member States.

One emerging idea is to take inspiration from the **European Media Freedom Act (EMFA)**, a landmark regulation adopted in 2024.

➔ **The EMFA** was designed to safeguard media pluralism and independence in the internal market, and it represents one of the EU's most assertive interventions in defence of freedom of expression within its limited competences.

The EMFA includes several key provisions:

☑ **Editorial independence**

Member States must respect the effective editorial freedom of media service providers, protecting them from political or economic interference, including in public service media.

☑ **Protection against unjustified content removals**

Very large online platforms must follow transparent procedures before deleting or restricting lawful media content, ensuring safeguards against arbitrary takedowns.

☑ **Protection against surveillance**

The use of spyware or other intrusive surveillance tools against journalists and their sources is prohibited, with only narrow exceptions under strict judicial control.

☑ **Transparency in ownership and funding**

Media outlets are required to disclose ownership structures, and the allocation of state advertising or funding must be transparent and non-discriminatory.

☑ **European Board for Media Services**

A new EU body composed of national media regulators will oversee the implementation of the regulation and foster cooperation across Member States.



Although focused on the media sector, the EMFA's underlying rationale — strengthening freedom of expression and pluralism in the EU — is directly relevant to artistic freedom. Both journalists and artists engage in the creation and dissemination of ideas, both are vulnerable to censorship or political interference, and both are essential to democratic life.

This has led some in the cultural sector to explore whether a similar framework could be envisioned for the arts. A European mechanism for artistic freedom could, for instance, provide early warnings of restrictions, offer guidance to national authorities, and give artists better access to EU-level support or redress.



**Significant obstacles remain.** Because the EU lacks a harmonising competence in culture, any such framework would likely have to rely on soft law, monitoring, cooperation among Member States, and strong political will. As seen in the negotiations over the EMFA, securing consensus on sensitive issues linked to sovereignty, public morality, and free expression is complex and often contentious.

Nevertheless, the EMFA sets an important precedent. It demonstrates that, when political momentum exists, the EU can act more assertively to defend fundamental rights, even in areas of limited direct competence. For the arts and cultural sector, it may represent the first step in a broader conversation about institutionalising protections for artistic freedom — linking culture more firmly to the EU's democratic values and fundamental rights framework.

# Summary

Artistic freedom is a fundamental right grounded in international and European law and essential to democratic life. It protects the creation, performance, and circulation of artistic works, and it safeguards the public's right to access diverse cultural expressions. In practice, this right is upheld by a web of norms and institutions rather than a single rule. When any strand weakens, the overall space for artistic freedom is reduced.

Across Europe, restrictions rarely appear as outright bans. More often, they accumulate through programming pressure, funding conditions, legal ambiguity, security concerns, and online backlash. These forces create a climate in which artists and institutions anticipate conflict and adjust choices in advance. The result is a quieter form of censorship that limits experimentation, reduces diversity of voices, and distances culture from difficult conversations.

This Cookbook highlights the main risks that undermine artistic freedom. Programming choices can be shaped by political pressure or by the strategic use of legal tools such as copyright. Polarised debate may fuel campaigns demanding removals, often framed in the language of consumer harm. Institutional autonomy is weakened when governance or funding becomes tied to ideological alignment, while safety concerns can lead to cancellations if proportionate measures and public support are missing.

For displaced artists, legal status does not always translate into practical access to work, space, or funding. Cross-border exchange is fragmented by visa and mobility barriers for third-country nationals, and within the sector, precarious employment and misclassification discourage creative risk-taking.

Audiences are directly affected too. When artistic freedom is curtailed, the public loses access to challenging works and diverse perspectives. Confidence in cultural spaces declines when safety cannot be guaranteed, while economic and social barriers further restrict participation. Mobility hurdles reduce cross-border exchange, narrowing cultural experiences. In the end, limiting artists also limits citizens.

Protecting artistic freedom is both a legal task and a cultural practice. It requires vigilance, documentation, and cooperation among artists, institutions, funders, public authorities, and audiences.

# *Seven tips for daily practice*

To translate these principles into everyday practice, cultural professionals can rely on a set of concrete steps to identify risks early and safeguard artistic freedom in their work.

- 1. Keep written records** of interference, risk assessments, legal threats, and decisions affecting programmes.
- 2. Track signals to watch:** vague “values” criteria, repeat rejections without reasons, “pending visa” defaults, and shrinking international line-ups.
- 3. Communicate with audiences as partners:** explain public interest, provide context materials, and invite dialogue rather than retreat.
- 4. Request transparent grant** procedures and written justifications for funding decisions.
- 5. Build a copyright playbook:** know quotation, parody, and pastiche exceptions; seek legal review before releasing content.
- 6. Adopt an artistic freedom policy and a crisis-response plan** for backlash and disinformation (Q&A notes, contextualisation, spokespersons).
- 7. Balance security with openness:** proportionate measures, trained staff, liaison with police, and clear public messaging.

# *Glossary*

**Artistic freedom** - The right to imagine, create, and share cultural expressions without censorship, political interference, or pressure from non-State actors. It also includes the public's right to access these works.

**Charter of Fundamental Rights of the European Union** - EU document (2000, binding since 2009), guaranteeing rights including freedom of expression (Article 11) and freedom of the arts (Article 13), among others.

**Chilling effect** - The indirect limitation effect of legal threats, political pressure, or controversy that discourages artists and institutions from exercising artistic freedom.

**Council of Europe (CoE)** - Intergovernmental organisation of 46 member states (distinct from the EU) promoting human rights, democracy, and the rule of law.

**Council of the European Union** - Institution where EU Member State ministers adopt laws and coordinate policies. In cultural matters, it adopts Council Conclusions and Work Plans for Culture, which guide Member States but are not legally binding.

**Council Conclusions** - Official positions adopted by EU ministers in the Council, providing policy direction but not legally binding.

**CreateToBeFree (2025)** - Platform launched by the Council of Europe's Steering Committee for Culture, Heritage and Landscape to support cooperation on artistic freedom.

**Court of Justice of the European Union (CJEU)** - Judicial body of the EU interpreting EU law.

**European Union Agency for Fundamental Rights (FRA)** - EU agency overseeing the respect of fundamental rights in the EU.

**European Convention on Human Rights (ECHR)** - Regional treaty (1950) under the Council of Europe.

**European Court of Human Rights (ECtHR)** - International court based in Strasbourg that makes sure countries respect the European Convention on Human Rights (ECHR).

**European Media Freedom Act (EMFA)** - Regulation (EU) 2024/1083 establishing EU-wide safeguards for media pluralism and independence.

**International Covenant on Civil and Political Rights (ICCPR)** - UN treaty (1966), legally binding, guaranteeing freedom of expression including in artistic forms.

**International Covenant on Economic, Social and Cultural Rights (ICESCR)** - UN treaty (1966), legally binding, protecting cultural rights and freedom indispensable for creative activity.

**Rule of Law Reports** - Annual European Commission reports evaluating judicial independence, media pluralism, anti-corruption, and democratic safeguards in EU Member States.

**Self-censorship** - Voluntary withdrawal, modification, or avoidance of artistic expression due to fear of sanctions, loss of funding, or criticism.

**Soft competence** - Non-legislative EU power relying on coordination, funding, and support, rather than binding regulation.

**Subsidiarity principle** - Legal principle ensuring EU action is limited to cases where objectives cannot be sufficiently achieved by Member States.

**Treaty on European Union (TEU)** - One of the EU's main founding treaties. It sets out the Union's core values, including democracy, the rule of law, and human rights, which form the basis for protecting artistic freedom.

**UNESCO** - United Nations Educational, Scientific and Cultural Organization, a UN agency promoting international cooperation in education, science, culture, and communication.

**Universal Declaration of Human Rights (UDHR)** - Foundational UN declaration (1948), not legally binding, but highly influential in shaping international human rights law.

**1980 Recommendation on the Status of the Artist** - A UNESCO instrument calling on States to improve the professional, social, and economic status of artists, including fair pay, social protection, and recognition of their role in society.

**2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions** - A binding UNESCO treaty that commits States to support cultural diversity, promote international cultural exchange, and create conditions that allow artists to produce and share diverse cultural works.

## *Legal and policy references*

1980 UNESCO Recommendation concerning the Status of the Artist

2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Charter of Fundamental Rights of the European Union

Council Conclusions 2023/C 185/09 of 5 June 2023 on the working conditions of artists and cultural professionals and on at-risk and displaced artists

Council of Europe European Convention on Human Rights (ECHR), 1950

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

Council of Europe Reykjavík Declaration of May 2023

Council Resolution on the EU Work Plan For Culture 2023–2026

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Employment Equality Directive)

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons (Temporary Protection Directive)

Court of Justice of the European Union (CJEU), Deckmyn v. Vandersteen, Case C-201/13, Judgment of 3 September 2014

Court of Justice of the European Union (CJEU), NH v. Associazione Avvocatura per i diritti LGBTI – Rete Lenford, Case C-507/18, Judgment of 23 April 2020

Court of Justice of the European Union (CJEU), CG and YN v. Pelham GmbH and Others, Case C-590/23, Opinion of Advocate General delivered 17 June 2025

Culture Action Europe (Greens/European Free Alliance Group) - Freedom of Artistic Expression in the European Union

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc Directive)

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market (DSM Directive)

European Court of Human Rights (ECtHR), Handyside v. United Kingdom, App. No. 5493/72, Judgment of 7 December 1976

European Court of Human Rights (ECtHR), Müller and Others v. Switzerland, App. No. 10737/84, Judgment of 24 May 1988

European Court of Human Rights (ECtHR), Karataş v. Turkey [GC], App. No. 23168/94, Judgment of 8 July 1999

European Court of Human Rights (ECtHR), Gündüz v. Turkey, App. No. 35071/97, Judgment of 4 December 2003

European Court of Human Rights (ECtHR), Alınak v. Turkey, App. No. 40287/98, Judgment of 29 March 2005

European Parliament resolution of 18 June 2025 on the Commission's 2024 Rule of Law Report

General Comment No. 34 on Article 19 of the ICCPR, United Nations Human Rights Committee, 2011

International Covenant on Civil and Political Rights (ICCPR), 1966

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market (European Media Freedom Act)

Treaty on European Union (TEU)

Universal Declaration of Human Rights (UDHR), 1948

## *Useful websites and resources*

### *Official Institutions:*

UNESCO - [Re|Shaping Cultural Policies Reports](#)

Council of Europe - [Free to Create: Report on Artistic Freedom in Europe](#)

Council of Europe - [CreateToBeFree](#)

European Commission - [Charter of Fundamental Rights explained](#)

European Commission - [Annual Rule of Law Reports](#)

[European Union Agency for Fundamental Rights \(FRA\)](#)

### *Other:*

On the Move – [Mobility Info Points](#)

[Artists at Risk](#)

[Artistic Freedom Initiative](#)

ICORN - [International Cities of Refuge Network](#)

[Freemuse](#) - Artistic Freedom Monitoring

[Observatoire de la liberté de création](#) (France)



## About EFA

The European Festivals Association (EFA) is a community dedicated to the arts, the artists and the audiences. EFA's main role in the permanently developing world of digitisation and globalisation is to connect festival makers to inform, inspire and enrich the festival landscape. In this perspective, EFA is a festival's service, knowledge and training provider; the oldest cultural network of European festivals set up in 1952.

EFA is a “We” story, linking people and organisations active in the arts management field. The EFA community, including at its core its members as well as cities and regions holding the EFFE Seal, The Festival Academy Alumni, EFFE Labels and more, take the joint responsibility to offer arts to audiences. It is a story that is reaching beyond Europe as it strives to consolidate interaction between continents, countries and cultures so that there can be mutual inspiration, influence and confrontation.

EFA guides the discourse on the value of arts festivals. A sector that is so unique and that shares a myriad of concerns on intellectual, artistic, material and organisational levels deserves a strong umbrella organisation that supports local initiatives and gives arts festivals a unified voice.

The European Festivals Association is a trusted alliance of festival makers, including:

- 110 EFA members; strong and long-standing festivals and national associations of festivals coming from different countries in Europe and beyond,
- An ever-growing group of 3.500 festivals in 45 countries registered on the FestivalFinder.eu website, among which 400 festivals received the EFFE Label 2024-2025,
- 1400 alumni of The Festival Academy, EFA's global peer-to-peer learning and capacity sharing programmes for young festival managers,
- 33 cities and regions have joined the EFFE Seal for Festival Cities and Regions, and more than 80 have taken part in EFA's conversations.

EFA joined Pearle\* in 2005.

## *About Pearle\**

Pearle\*-Live Performance Europe is the European umbrella association for live music, performing arts and live event industry.

It represents, through its national federations and associate members - leading organisations in their respective countries and European networks - more than 14,000 enterprises, both nonprofit and profit-making. Around 45% are performing arts organisations, more than 30% are music organisations, and about 15% are festivals. The remaining 10% includes a wide range of other organisations, such as visual arts, cinema, providers, technical companies, and more, reflecting the broad spectrum of the performing arts sector.

Pearle\*-Live Performance Europe was founded in 1991 and has built a trustworthy relationship with European institutions in a wide range of European policy areas and regulatory affairs.

Pearle\*-Live Performance Europe aims to establish a stable environment by supporting sustainability and promotion of the live performance sector across Europe through three main strands:

- As a sector federation – representing the specific interests of the sector at European level and internationally
- As an international network – regrouping the leading federations in the sector in their respective countries and European networks and providing a forum for exchange
- As an employers' association – putting social affairs issues and the human capital at the heart of its operations

# *The Ultimate Cookbook for Cultural Managers*

What began as an inside joke soon became the title for this series: the Ultimate Cookbooks for Cultural Managers. These booklets aim to present complex topics in a clear, accessible and easy-to-read format. In other words, they offer both the ingredients and the recipe—along with a few helpful tips—for cultural professionals to cook up great performances.

The series started with the aim of providing cultural professionals with legal, administrative and managerial issues that came with cross-border cultural cooperation. A big part of artists, festivals, venues, touring and production companies in the live music and performing arts sector is about working internationally. This means that understanding European legislation and procedures is necessary for the collaboration to take place smoothly.

Under the auspices of legal experts with an in-depth understanding and knowledge of the sector, a first series of booklets was designed as part of the EFA Rise projects (2014-2017 and 2018-2021) to help navigate important procedures.

- [Visas for Third-Country National Artists Travelling to the Schengen Area](#) (Original version, 2018 / Updated version, 2020)
- [Social Security in an International Context](#) (Original version, 2016 / Updated version, 2021)
- [Artist Taxation in an International Context](#) (Original version, 2016 / Updated version, 2021)
- [Copyright Clearing for Live Events in an International Context](#) (Original version, 2017 / Updated version, 2021)
- [VAT in an International Context](#) (Original version, 2016 / Updated version, 2021)

In a second series of cookbooks, we drew on the lessons learned from the COVID-19 crisis. Four key areas were identified for deeper exploration: sustainability, digital, resilience, and mobility.

The pandemic required cultural actors to become more flexible and acquire a greater range of skills to be able to navigate the new ways of creation, production, and emerging opportunities. Performing arts professionals strived to learn new technical skills, many related to the digital environment, and continued to critically think about long-term issues such as sustainability. The next Cookbooks aimed to steer the sector towards a more sustainable practice and help reduce the impact of a global crisis if it were to hit. As part of the EFA Revealing the Alliance project (2022-2024), three more editions were produced on:

- [The EU Green Deal and Live Performance Organisations](#) (March 2023)
- [Connecting the EU Digital strategy with live performance organisations](#) (December 2023)
- [Third-Country National Artists Working in the EU](#) (December 2024)

This third series widens its scope and aims to address broader social and societal issues that impact the day-to-day practice of cultural professionals, beginning with a focus on artistic freedom. This Ultimate Cookbook for Cultural Managers is part of the EFA Care for and Share the Alliance project (2025-2028).

EFA Care for and Share the Alliance is supported between 2025 and 2028 by the Creative Europe Programme of the European Union.

# *The Ultimate Cookbook for Cultural Managers*

## The Artistic Freedom Regulatory Framework in the EU

EFA/Pearle\* partnership in the context of the EFA RISE, EFA RISE 2, EFA Revealing the Alliance and EFA Care for and Share the Alliance projects. EFA Care for and Share the Alliance is supported between 2025 and 2028 by the Creative Europe Programme of the European Union.



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