

# Why Europe Needs a European Artistic Freedom Act

## Artistic Freedom: A Cornerstone of Democracy

Artistic freedom is essential to democratic life. It sustains open public discourse, supports diversity of expression, and enables all citizens to participate in cultural life. As defined by UNESCO, it is “*the freedom to imagine, create, and distribute diverse cultural expressions free of governmental censorship, political interference, or the pressures of non-state actors.*” This freedom encompasses the rights of artists, cultural workers, and institutions to operate autonomously, as well as the right of all citizens to access diverse cultural works. To safeguard artistic freedom across the European Union (EU), legislative action is urgently needed to establish binding guarantees.

## Eroding Artistic Freedom Across Europe

Recent years have witnessed a marked deterioration in artistic freedom across several EU Member States. Hungary and Poland (under the former PiS government) restructured their cultural sectors through constitutional, legal, and policy changes that **brought cultural institutions under direct political control**. More recently, Slovakia and Italy have rapidly dismantled their arts sector through similar politicised interventions.<sup>1</sup>

Common patterns of cultural interference across the region include:

- **Bureaucratic encroachment on cultural institutions:** Partisan managerial appointments and institutional restructuring that centralise control over cultural governance at the expense of artistic merit.
- **Politicisation of arts funding:** Centralised funding mechanisms that reward political loyalty, marginalise independent voices, and deprive critical programmes of support.
- **State media control:** Transformation of public broadcasters into instruments of government influence, used to discredit independent artists and critical cultural journalism.

- **Restrictions on civil society:** Legal and financial measures that impose excessive administrative burdens, stigmatise independent organisations, and deter cultural engagement.

These restrictions both reflect and reinforce wider democratic decline and the erosion of the rule of law.

## Existing Frameworks and the Enforcement Gap

Article 10 of the European Convention on Human Rights provides protection for artistic expression and upholds pluralism as a core democratic value, yet jurisprudence reflects a narrow conception of artistic freedom that falls short of the comprehensive framework articulated in UNESCO’s instruments, beginning with the 1980 Recommendation on the Status of the Artist.

UNESCO’s 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and its subsequent monitoring reports advance a broader understanding of artistic freedom that links creation, production, distribution, and participation, and that imposes both negative and positive obligations on states.

The EU’s Work Plan for Culture 2023–2026, together with the forthcoming Culture Compass, aim to strengthen the enabling environment for artistic freedom and guide member states in developing coherent, rights-based cultural policies.

However, these frameworks lack binding legal force. Without enforceable EU-level safeguards, artists and cultural institutions remain vulnerable to censorship, interference, and discrimination. This enforcement gap calls for a coordinated and binding Union response.

1. See Freemuse State of Artistic Freedom 2025 <https://www.freemuse.org/state-of-artistic-freedom-2025>, Artistic Freedom Initiative reports on Hungary, Poland and Slovakia <https://artisticfreedominitiative.org/our-programs/advocacy-for-artistic-freedom/research-2/> and “Italy: Giorgia Meloni’s cultural takeover”, *Le Monde diplomatique* (2024).

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## Towards a European Artistic Freedom Act

As the regional trends became clear, artists and civil society came together in Bratislava in May 2025. Culminating in the Bratislava Declaration, the meeting called on the EU institutions to work together with the sector, to develop a **European Artistic Freedom Act (EAFA)**.

The proposed EAFA would establish a coherent legal framework, guaranteeing artistic freedom throughout the Union. It would draw inspiration from the recently adopted **European Media Freedom Act (EMFA)** which provides a similar legal framework and recognises for the first time the right to reliable information.

The **Legal Basis for EU action** would draw on sources:

- **Article 2 Treaty of the European Union (TFEU)** – enshrines the Union’s foundational values: democracy, freedom, equality, and respect for human rights.
- **Article 114 TFEU** – empowers the EU to ensure the proper functioning of the internal market. Discriminatory or restrictive measures that limit artistic services and mobility risk distorting the effective functioning of the market.
- **Article 167 TFEU** – mandates the EU to promote the “flowering of the cultures of the Member States” while respecting national diversity.
- **Articles 11 and 13 of the Charter** – guarantee freedom of expression and freedom of the arts and sciences.

By establishing a harmonised framework, the EAFA would make these rights **operational across all Member States<sup>2</sup>**, ensuring that artists enjoy the same protections and freedoms regardless of where they work.

## What the EAFA Would Do

The European Artistic Freedom Act would apply to all forms of artistic expression and both public and private cultural institutions. It would:

- **Guarantee rights** of artists and cultural institutions to create, perform, exhibit and distribute works free from censorship, discrimination, or political interference;

- **Ensure access** for citizens and residents to diverse and independent artistic content.
- **Safeguard institutional independence**, protecting public cultural bodies from political control.
- **Promote cross-border cooperation** and ensure fair conditions within the internal market for cultural services.

The Act could also establish a **European Board for Cultural Services**, serving as a hub for guidance, training, and best-practice exchange between Member States.

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## A Call to Action

We – an informal coalition of cultural institutions, legal experts, networks, and activists – call on the European Commission to initiate the process of establishing a European Artistic Freedom Act. This Act would transform artistic freedom from a principle into a practical, enforceable right, securing an environment in which artists and cultural workers can operate without fear of censorship or retaliation and contribute to a democratic, diverse, and resilient Europe. In an era of polarisation, disinformation, and closing civic space, Europe must act decisively to uphold its core values.

Protecting artistic freedom is not only a cultural imperative; it is a democratic necessity.

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## Collaborating organisations:

- Artistic Freedom Initiative (AFI)
- ARC Research and Consultancy (ARC)
- Culture Action Europe (CAE)
- European Theatre Convention (ETC)
- Freemuse
- Open Culture Platform (OCP)
- Opera Europa
- Pearle\* Live Performance Europe
- Vienna Festival (Wiener Festwochen) | Free Republic of Vienna

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NOW!**

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2. As the Charter is only applicable when Member States are ‘implementing EU law’ an EAFA would create a coherent framework that gives practical effect to the Charter across the Union.