

## **IMC STATEMENT IN FAVOUR OF FREEDOM OF ARTISTIC EXPRESSIONS AND CREATIVITY**

Paris, 26 April 2018

*"All persons enjoy the right to freedom of artistic expressions and creativity, which includes the right to freely experience or contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations."*<sup>1</sup>

IMC Music Rights Champion Ramy Essam, "the singer of the Tahrir Square" who has been living in exile in Northern Europe since 2014, released a new song in February 2018. We were informed that the author of the song's lyrics, Galal El-Behairy was arrested, beaten and tortured. Charges against him include being a member of a terrorist group, spreading false news, the abuse of social-media networks, blasphemy, contempt of religion and insulting the military. An arrest warrant in the same case has been issued against Ramy Essam in absentia.

In a statement issued a few days ago, Ramy expresses their motivation to write the song: "With this song we wanted to remind everyone of the freedom we once had, granted by the revolution. We wanted to remind everyone of the right to speak, the right to criticize, and the right to dream of change. [...] It is music, it is how we feel. It is a song."

The International Music Council stands for its 5 Music Rights, which include the right for all children and adults to express themselves musically in all freedom. This right echoes the explicit provisions protecting the freedom of artistic expression and creativity that are to be found in article 15 of the International Covenant on Economic, Social and Cultural Rights as well as article 19 of the International Covenant on Civil and Political Rights. Similar provisions are contained in article 42 of the Arab Charter of Human Rights.

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<sup>1</sup> Report on the right to freedom of artistic expression and creativity by UN Special Rapporteur in the field of cultural rights (2013)

In her report on the right to freedom of artistic expression and creativity (2013), the then Special Rapporteur of the UN in the field of cultural rights, Farida Shaheed, declared: "Artists may entertain people, but they also contribute to social debates, sometimes bringing counter-discourses and potential counterweights to existing power centres. The vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies. Artistic expressions and creations are an integral part of cultural life, which entails contesting meanings and revisiting culturally inherited ideas and concepts."

The above-mentioned Covenants and other texts provide parameters for defining possible limitations of artistic freedoms, for ex. these "must be necessary and proportionate, and established by legal rules that are transparent and consistently applied in non-discriminatory way". Such restrictions refer to e.g. "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility of violence" or "the purpose of promoting the general welfare in a democratic society".

IMC fully aligns with the following statement of Ms Shaheed: "what may be morally objectionable (from one point of view) may not necessarily be legally inadmissible and condemnable. Criminal sanctions should be the very last resort measures only, to be applied in strictly justifiable situations."

In conclusion, we wish to highlight one of the recommendations of the Special Rapporteur: "Decision makers, including judges, when resorting to possible limitations to artistic freedoms, should take into consideration the nature of artistic creativity (as opposed to its value or merit), as well as the right of artists to dissent, to use political, religious and economic symbols as a counter-discourse to dominant powers, and to express their own belief and world vision. The use of the imaginary and fiction must be understood and respected as a crucial element of the freedom indispensable for creative activities".

The International Music Council advocates for decision-makers to be guided by the spirit of this recommendation and strongly urges that they do not penalise Ramy Essam or Galal El-Behairy for a song, lyrics or video created.

*END*

# 5 Music Rights



**THE  
RIGHT**

**1** To express themselves  
musically in all freedom

**FOR  
ALL**

**2** To learn musical  
languages and skills

**CHILDREN  
AND  
ADULTS**

**3** To have access to musical  
involvement through  
participation, listening,  
creation, and information

**THE  
RIGHT  
FOR**

**4** To develop their artistry and  
communicate through all  
media, with proper  
facilities at their disposal

**ALL  
MUSICAL  
ARTISTS**

**5** To obtain just  
recognition and fair  
remuneration for their work