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**LIMITE**

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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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No. prev. doc.: 5081/23

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Subject: Draft Council conclusions on at-risk and displaced artists  
– Revised Presidency text

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With a view to the upcoming meeting of the Cultural Affairs Committee (CAC) on 13 February 2023, delegations will find attached a revised text prepared by the Presidency in light of the comments made at the CAC meeting on 20 January and the written suggestions subsequently received from delegations.

New words or texts with respect to the previous version of these draft conclusions are marked in **bold** or **bold underlined**, and deletions are indicated by [...].

Without prejudice to the discussion that will take place at the CAC meeting on 13 February 2023, delegations may send written comments and drafting suggestions to the Presidency ([david.ek@gov.se](mailto:david.ek@gov.se); [tobias.adolfsson@gov.se](mailto:tobias.adolfsson@gov.se); [manochehr.endalib@regeringskansliet.se](mailto:manochehr.endalib@regeringskansliet.se); [robert.nilsson@regeringskansliet.se](mailto:robert.nilsson@regeringskansliet.se) ) and the GSC ([andres.tobias@consilium.europa.eu](mailto:andres.tobias@consilium.europa.eu) ; [eycs@consilium.europa.eu](mailto:eycs@consilium.europa.eu) ) by **Friday 17 February 2023 c.o.b.**

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**DRAFT COUNCIL CONCLUSIONS ON AT-RISK AND DISPLACED ARTISTS**

**THE COUNCIL OF THE EUROPEAN UNION**

**ACKNOWLEDGING**

1. the importance of creative and cultural rights, as enshrined in global<sup>1</sup> as well as regional<sup>2</sup> human rights instruments for maintaining human dignity, cultural diversity, pluralism, democracy and culture's intrinsic value,
  - 1a. **the UNESCO 2005 Convention, which recognizes the need to take measures to protect the diversity of cultural expression, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment<sup>3</sup>,**
2. the [...] Manifesto on the Freedom of Expression of the Arts and Culture in the Digital Era, which states *inter alia* that [...] restrictions on freedom of expression and artistic freedom affect the whole of society, bereaving it of its pluralism and the vitality of the democratic process<sup>4</sup>,
3. the conclusions of the European Council of 15 December 2022, where the European Council reiterates its resolute condemnation of Russia's war of aggression against Ukraine and reaffirms the Union's full support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders<sup>5</sup>,

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<sup>1</sup> Inter alia Article 27 Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> , or Article 15 International Covenant on Economic, Social and Cultural Rights.

<sup>2</sup> [https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch\\_IV\\_03.pdf](https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf)

<sup>3</sup> Inter alia Charter of Fundamental Rights of the European Union

<sup>4</sup> [convention2005\\_basictext\\_en.pdf \(unesco.org\)](https://rm.coe.int/convention2005_basictext_en.pdf)

<sup>5</sup> <https://rm.coe.int/manifesto-on-the-freedom-of-expression-of-arts-and-culture-in-the-digi/1680a056a2>

[...] EUCO 34/22

4. the European Parliament resolution on cultural solidarity with Ukraine, which expresses sincere solidarity with artists<sup>6</sup>, as art and culture will have a fundamental role to play in the healing and rebuilding of Ukraine, and in particular salutes the action of Ukrainian artists and creators who have acted in resistance to the Russian invasion by practising their art<sup>7</sup>,
- 4a. **the EU Work Plan for Culture 2023-2026, which contains several relevant actions, notably on artistic freedom, on preserving cultural heritage and empowering local cultural and creative sectors in Ukraine, and on the role of culture and cultural professionals in the promotion and defence of democracy and human rights in fragile contexts<sup>8</sup>.**

### **CONSIDERING THAT**

5. [...] artists **globally** play an important role in the life, **development** and **resilience** of society **and individuals**, and that they should be **able to do so** [...] while preserving their **creativity** and freedom of expression.
- 5a. **threats to artists, including cyber threats and online violations, are a threat to democracy and open societies, and hence there is a need to offer protection to artists in danger because of their profession.**

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<sup>6</sup> See **Annex II for the** definition of “artists”.

<sup>7</sup> [Texts adopted - Cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe - Thursday, 20 October 2022 \(europa.eu\)](#)

<sup>8</sup> **OJ C 466, 7.12.2022, p. 1**

## UNDERLINING

- 5b. **the courage and determination of all artists, in particular women artists, who raise their voice and act through the power of culture in fighting against war, persecutions and intolerance and in seeking for peace, tolerance and democracy,**
- 5c. **the significant role, historically and today, of exiled artists for peace, mutual understanding between nations, freedom, democracy and cultural diversity, and the importance of at-risk and displaced artists being given the opportunity to continue their work as artists and to continue to bear witness to ongoing events,**
6. [...]
7. that the Russian Federation's war of aggression against Ukraine has triggered a refugee and humanitarian crisis on a scale not seen in Europe since the Second World War<sup>9</sup>, **with immense effects on artists , and has reaffirmed the need for preparedness in Europe to offer both small and large scale support to at-risk and displaced artists on both short and long term, through the appropriate institutional and legal frameworks,**
8. [...] *(moved to new para 5c)*
9. that artists can no longer continue their artistic work safely in countries **all over the world** where democratic values are prohibited, including Russian and Belarusian artists who are critical of the regime and therefore are **particularly** subjected to threats and persecution.

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<sup>9</sup> [Turning to regions and local governments to rebuild Ukraine \(oecd.org\)](https://www.oecd.org/turning-to-regions-and-local-governments-to-rebuild-ukraine/) and [Ukraine Refugee Situation \(unhcr.org\)](https://www.unhcr.org/ukraine-refugee-situation/)

## WELCOMES

10. the measures taken by the European Union and its Member States to provide a safe haven<sup>10</sup> for artists, **including arts students**, fleeing Russia's war of aggression against Ukraine, and the initiatives taken in the Creative Europe programme for supporting artists that are affected by war<sup>11</sup>.

## INVITES THE MEMBER STATES, AT THE APPROPRIATE LEVELS, TO:

11. [...] (*moved to paragraph 15a*)
12. take further measures to enhance the capacity for offering safe havens to at-risk and displaced artists **from different parts of the world**,
13. **consider transforming** regular artistic residencies **into emergency residencies**, **taking into account** the needs of at-risk and displaced artists, **including those emerging from** Russia's war of aggression against Ukraine [...],
14. apply a long-term **and sustainable approach** when welcoming at-risk and displaced artists, complementing the urgent need for a safe haven with **possibilities** to remain artistically active and heard [...],
15. actively promote the creation of safe havens and cities of refuge<sup>12</sup> for at-risk and displaced artists, and contribute to networking for such artists.

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<sup>10</sup> See Annex II for the definition of "safe haven"

<sup>11</sup> <https://culture.ec.europa.eu/news/eu-supports-ukraine-through-culture>

<sup>12</sup> See Annex II for the definition of "cities of refuge"

**INVITES THE MEMBER STATES, THE EUROPEAN COMMISSION AND THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY<sup>13</sup>, IN THEIR RESPECTIVE AREAS OF COMPETENCE AND AT THE APPROPRIATE LEVELS, TO:**

- 15a. encourage the promotion of Ukrainian culture in the EU **through dialogue** with and participation of Ukrainian artists and cultural organisations, while fully respecting the autonomy of the cultural sector,
16. take measures, through all relevant channels, to **uphold and protect** artistic freedom and the rights of artists globally, **including the right to create without censorship or intimidation**,
17. continue supporting **at-risk and** displaced artists in the EU due to the [...] effects of, or their opposition to, **oppressive regimes or** war, in particular Russia's war of aggression against Ukraine,
18. consult with actors active in providing safe havens for at-risk and displaced artists in advance of the periodic reports to the UNESCO 2005 Convention<sup>14</sup> and, **where relevant**, include the issue of safe havens for at-risk and displaced artists in those reports.

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<sup>13</sup> While respecting the principle of subsidiarity as set out in Article 5 TEU

<sup>14</sup> UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Article 9

**INVITES THE EUROPEAN COMMISSION AND THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY TO:**

- 18a. prepare a comprehensive report outlining up-to-date information on the EU's and the Member States' bilateral assistance to Ukraine in the field of culture and creative sectors, including at-risk and displaced Ukrainian artists,**
  19. contribute to networking and exchanging of information, **best practices** and experiences between Member States and non-state actors supporting at-risk and displaced artists,
  20. [...] **support** cross-sectoral transnational policy cooperation on artistic freedom, including supporting actions for at-risk and displaced artists, taking into account experiences from the call for support to Ukrainian displaced people and the Ukrainian cultural and creative sectors.
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References

- United Nations, *Universal Declaration of Human Rights*. Link: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations, *International Covenant on Economic, Social and Cultural Rights*. Link: [https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch\\_IV\\_03.pdf](https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf)
- Charter of Fundamental Rights of the European Union. Link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European democracy action plan. Edited 2020. Link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A790%3AFIN&qid=1607079662423>
- UNESCO, *The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Edited 2015. Link: [convention2005\\_basictext\\_en.pdf](convention2005_basictext_en.pdf) (unesco.org)
- CDCPP, Jaroslav Andel, Giuliana De Francesco, Kata Krasznahorkai, Mary Ann DeVlieg, Sara Whyatt, supported by Levan Kharatishvili, *Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era*. Edited 2020. Link: <1680a056a2> (coe.int)
- [CDCPP, Council of Europe Report on The Freedom of Artistic Expression (to be published)]
- **European Council** conclusions of 24 February 2022 on Russia's unprovoked and unjustified military aggression against Ukraine, Edited 2022. Link: <https://www.consilium.europa.eu/en/press/press-releases/2022/02/24/european-council-conclusions-24-february-2022/>

- [\*\*Council conclusions on the protection and safety of journalists and other media professionals – OJ C 245, 28.6.2022, p.5\*\*](#)
- Declaration of the European Ministers responsible for Culture, Audiovisual and Media, meeting in Angers, Edited: March 2022. Link: [Impression \(europa.eu\)](#)
- European Parliament resolution of 20 October 2022 on cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe, Edited 2022. Link: [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0374\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0374_EN.html)
- **European Parliament resolution of 14 December 2022 on the implementation of the New European Agenda for Culture and the EU Strategy for International Cultural Relations, Edited 2022. Link: [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0444\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0444_EN.html)**
- Regulation (EU) 2021/2018 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013 – OJ L 189, 28.5.2021, p. 34
- Council Resolution on the EU Work Plan for Culture 2023-2026 – OJ C 466, 7.12.2022, p. 1 <https://culture.ec.europa.eu/news/eu-supports-ukraine-through-culture>
- OECD, Policy responses on the Impacts of the War in Ukraine, Edited December 2022. Link: [Turning to regions and local governments to rebuild Ukraine \(oecd.org\)](https://www.oecd.org/policy-responses-on-the-impacts-of-the-war-in-ukraine)
- UNHCR, Ukraine Refugee Situation, Data updated December 2022. Link : [Situation Ukraine Refugee Situation \(unhcr.org\)](https://www.unhcr.org/refugee-situation/ukraine)
- **International Cities of Refuge Network, ICORN, *What is ICORN*. Link: <https://icorn.org/what-icorn>**



## Definitions

For the purposes of these Council conclusions, the following definitions apply:

**Artist:** the definition of “Artist” is to be understood widely, including all professionals within the cultural and creative sectors, as defined in Article 2 of Regulation (EU) 2021/2018 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013.

**Safe haven:** A “Safe haven” is defined as an opportunity provided for artists at risk in their home countries to find protection and, should they so wish, remain artistically active, for a limited period of time in another place.

**Cities of refuge:** according to The International Cities of Refuge Network, (ICORN), “Cities of refuge” are cities or regions offering shelter to writers and artists at risk, advancing freedom of expression, defending democratic values and promoting international solidarity. ICORN Member Cities offer long-term, but temporary, shelter to those put at risk as a direct consequence of their creative activities.<sup>15</sup>

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<sup>15</sup> <https://icorn.org/what-icorn>