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European Union

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LIMITE

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COPS 175  
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**NOTE**

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From: General Secretariat of the Council

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To: Delegations

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No. prev. doc.: 7195/23

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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 20 April 2023, delegations will find attached a clean and re-numbered version of the text prepared by the Presidency for the last CAC meeting on 30 March 2023 (doc. 7195/22).

At the CAC meeting on 30 March 2023, a large number of delegations expressed support to the Presidency text as it stands. One delegation suggested two amendments, but no other delegation expressed support to such amendments.

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TREE.1.B LIMITE **EN**

In accordance with point 16 of Annex V to the Rules of Procedure of the Council, Delegations who did not take the floor at the CAC on 30 March are deemed to support the Presidency text as it stands<sup>1</sup>. This means that at this stage, all delegations except one can support the Presidency text that is attached to this Note without further amendments.

Against this background, the Presidency's aim is to confirm the agreement of all delegations on the attached text at the CAC meeting on 20 April 2023, in order to subsequently submit it to Coreper and Council for final approval.

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<sup>1</sup> Rules of Procedure of the Council, Annex V (Council working methods), point 16: "Unless indicated otherwise by the Presidency, delegations shall refrain from taking the floor when in agreement with a particular proposal; in this case silence shall be taken as agreement in principle".

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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>2</sup> as well as regional<sup>3</sup> human rights instruments, for maintaining human dignity, cultural diversity, pluralism, democracy and culture's intrinsic value,
2. the work of international organisations on the freedom of artistic expression, such as UNESCO – whose 2005 Convention recognises the need to take measures to protect the diversity of cultural expressions, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment<sup>4</sup> – and the Council of Europe<sup>5</sup>, particularly with regard to its Manifesto on the Freedom of Expression of the Arts and Culture in the Digital Era,

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<sup>2</sup> *Inter alia* Article 27 of the Universal Declaration of Human Rights, which celebrates its 75<sup>th</sup> anniversary in 2023, or Article 15 of the International Covenant on Economic, Social and Cultural Rights.

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

<sup>4</sup> UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

<sup>5</sup> Basing its work on the European Convention on Human Rights (ECHR), the Council of Europe has e.g. published a report on Artistic Freedom and launched 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.

3. the conclusions of the European Council of 15 December 2022 and of 9 February 2023, which reiterate its resolute condemnation of Russia’s war of aggression against Ukraine, reaffirm the Union’s full support for Ukraine’s independence, sovereignty and territorial integrity within its internationally recognised borders<sup>6</sup>, and reiterate the commitment to reinforce support of displaced persons<sup>7</sup>,
4. the European Parliament resolution on cultural solidarity with Ukraine, which expresses sincere solidarity with artists<sup>8</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 the Ukrainian artists and creators who have acted in resistance to the Russian invasion by practising their art<sup>9</sup>,
5. the EU Work Plan for Culture 2023-2026<sup>10</sup>, which contains several actions<sup>11</sup> relating to the topic of at-risk<sup>12</sup> and displaced artists.

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<sup>6</sup> EUCO 34/22.

<sup>7</sup> EUCO 1/23.

<sup>8</sup> See Annex II for the definition of ‘artists’.

<sup>9</sup> European Parliament resolution of 20 October 2022 on cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe (2022/2759(RSP)).

<sup>10</sup> Council Resolution on the EU Work Plan for Culture 2023-2026 - OJ C 466, 7.12.2022.

<sup>11</sup> I.e., 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>12</sup> See Annex II for the definition of ‘at-risk artists’.

## CONSIDERING THAT

6. 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,
7. artists should therefore be offered protection, in accordance with existing regulations, against threats and violations of any kind and form that put them in danger because of their artistic work,
8. Russia's war of aggression against Ukraine is also an attack on Ukraine's cultural identity, and that the cultural dimension has an important part to play in the different forms of support to Ukraine.

## UNDERLINING

9. the courage and determination of all artists, in particular women artists, who raise their voice through the power of culture to promote just and peaceful societies, freedom and democracy, and opposing war, persecutions and intolerance,
10. the significant role, historically and today, of exiled artists in promoting peace, mutual understanding, freedom, democracy and cultural diversity, and the importance of at-risk and displaced artists being given the opportunity to continue their artistic work and to continue to bear witness to ongoing events,
11. that artists can no longer continue their artistic work safely in countries all over the world where democratic values are oppressed or prohibited, including Russian and Belarusian artists who are critical of the regime and therefore are particularly subjected to threats and persecution,
12. that Russia's war of aggression against Ukraine has triggered a large-scale displacement of Ukrainian citizens and a humanitarian crisis on a scale not seen in Europe since the Second World War, with immense impacts, including on artists and their freedom of expression, and has reaffirmed the need for preparedness in Europe to offer support to at-risk and displaced artists on both the short and the long term, through the appropriate institutional and legal frameworks.

## WELCOMES

13. the measures taken by the EU and its Member States to provide a safe haven<sup>13</sup> for artists, including arts students, and independent journalists<sup>14</sup>, fleeing Russia's war of aggression against Ukraine, and the initiatives taken in the Creative Europe<sup>15</sup> programme for supporting Ukrainian artists affected by the war, as well as in the Erasmus+ programme to support Ukrainian arts students.

## INVITES THE MEMBER STATES, AT THE APPROPRIATE LEVELS, AND THROUGH THE APPROPRIATE INSTITUTIONAL AND LEGAL FRAMEWORKS, TO:

14. consider taking further measures to enhance the capacity to offer safe havens and so-called 'cities of refuge'<sup>16</sup> for at-risk and displaced artists from different parts of the world, and contribute to networking for such artists,
15. consider adapting, where appropriate, 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,
16. consider applying a long-term and holistic approach when welcoming at-risk and displaced artists and their families, complementing the urgent need for a safe haven with possibilities to become a part of the local community and cultural life and to remain artistically active and heard, and encouraging the learning of the host country's language.

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<sup>13</sup> See Annex II for the definition of 'safe haven'.

<sup>14</sup> See for example Council conclusions (2022/C 245/04) on the protection and safety of journalists and other media professions, e.g., inviting Member States and the Commission to support independent and exiled journalists and media professionals, particularly from countries such as Ukraine, Belarus and the Russian Federation.

<sup>15</sup> European Commission, Support for Ukrainian artists, cultural and creative professionals and organisations.

<sup>16</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>17</sup>, IN THEIR RESPECTIVE AREAS OF COMPETENCE AND AT THE APPROPRIATE LEVELS, TO:**

17. 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 and diversity of the cultural sector,
18. 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,
19. 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,
20. consult with actors active in providing safe havens for at-risk and displaced artists in advance of the periodic reports to the 2005 UNESCO Convention<sup>18</sup> and, where relevant, include the issue of safe havens for at-risk and displaced artists in those reports.

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<sup>17</sup> While respecting the principle of subsidiarity as set out in Article 5 TEU.

<sup>18</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:**

21. make available a comprehensive overview 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,
  22. contribute to networking and the exchange of information, best practices and experiences between Member States and non-state actors supporting at-risk and displaced artists,
  23. support cross-sectoral transnational policy cooperation on artistic freedom, including supporting actions for at-risk and displaced artists, taking into account experiences from the Creative Europe call for support for Ukrainian displaced people and the Ukrainian cultural and creative sectors.
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  - United Nations General Assembly, The Universal Declaration of Human Rights (UDHR). General Assembly Resolution 217 A(III), 1948
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**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) 2021/818 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.

At-risk artists: artists who are threatened by armed conflict, persecution, or oppression.

Emergency residency: a place for the temporary relocation of an artist at risk, providing accommodation and opportunities to continue their work in a safe place. An emergency residency can be formed by already existing artistic residence programmes or by creating new artistic residencies for the specific purpose of supporting displaced artists fleeing armed conflict.

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>19</sup>

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<sup>19</sup> International Cities of Refuge Network.