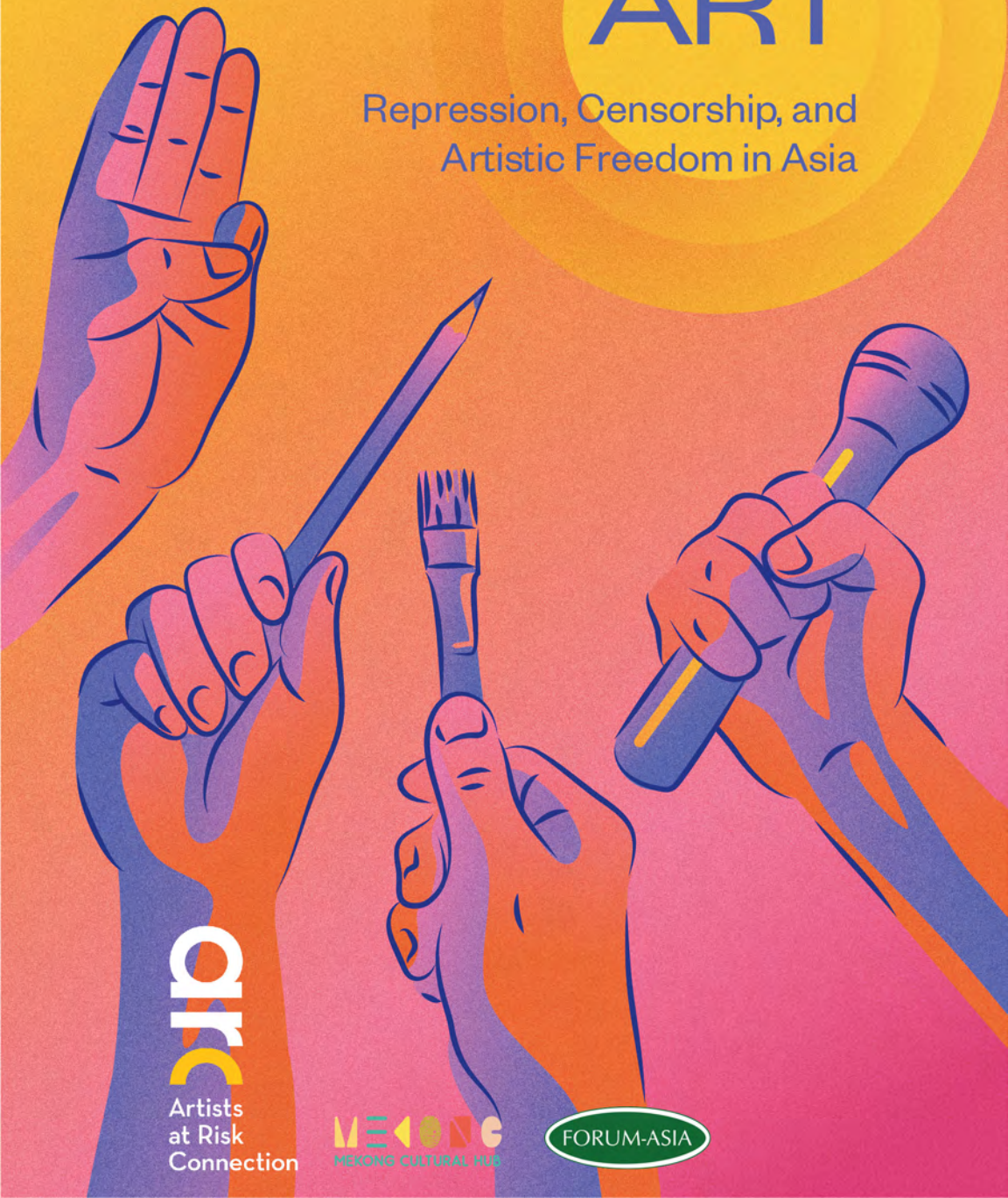


ARRESTING ART

Repression, Censorship, and
Artistic Freedom in Asia



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Artists
at Risk
Connection

MEKONG
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FORUM-ASIA

Arresting Art: Repression, Censorship, and Artistic Freedom in Asia

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Arresting Art: Repression, Censorship, and Artistic Freedom in Asia summarises the findings of a closed virtual workshop convened in December 2020 by PEN America's Artists at Risk Connection (ARC), Mekong Cultural Hub (MCH), and Asian Forum for Human Rights and Development (FORUM-ASIA). Welcoming participants from across South Asia, Southeast Asia, and East Asia, the workshop was aimed at exploring central issues facing artistic freedom in Asia.

Artists at Risk Connection (ARC), a project of PEN America, manages a coordination and information-sharing hub that supports, unites, and advances the work of organizations that assist artists at risk globally. ARC's mission is to improve access to resources for artists at risk, enhance connections among supporters of artistic freedom, and raise awareness of challenges to artistic freedom. For more information, go to artistsatriskconnection.org.

Mekong Cultural Hub (MCH) empowers diverse artists and cultural leaders to bring to life their visions for a sustainable and inclusive Mekong Region. MCH connects people who work at the intersection of arts and society in Asia, and creates opportunities for professional exchange, co-creation and collaboration. MCH has a special focus on Cambodia, Laos, Myanmar, Taiwan, Thailand and Vietnam. For more information, go to mekongculturalhub.org.

The Asian Forum for Human Rights and Development (FORUM-ASIA) is the largest membership-based human rights and development organisation in Asia with a network of 81 members in 21 countries across the region. FORUM-ASIA works to promote and protect all human rights for all, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond. For more information, go to forum-asia.org.



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ARRESTING ART

REPRESSION, CENSORSHIP, AND

ARTISTIC FREEDOM IN ASIA

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EXECUTIVE SUMMARY

In the past few years, threats to freedom of expression in Asia have persisted at alarming rates. The COVID-19 pandemic has deepened dangers to artistic expression by putting artists' lives and livelihoods at risk, curtailing their mobility, and minimizing their access to safe cultural spaces. To better understand these growing threats, in December 2020 PEN America's [Artists at Risk Connection](#) (ARC), [Mekong Cultural Hub](#) (MCH), and [Asian Forum for Human Rights and Development](#) (FORUM-ASIA) convened a closed virtual workshop. With 30 participants and five facilitators from 17 countries across South Asia, Southeast Asia, and East Asia,^{*} the workshop explored three key issues central to curbing artistic freedom: censorship, free expression, and state action. The workshop aimed to bridge the arts and human rights sectors and to understand the connections and disconnects between the two. The choice of themes and sessions arose from data collected through a comprehensive, confidential pre-workshop survey of stakeholders in the region.

In an effort to address the threats to artistic freedom in Asia, this report summarises and analyses the insightful stories, discussions, suggestions, and strategies shared by the workshop's participants and facilitators.

The report acknowledges the following assumptions:

- There is a gap between the arts and human rights sectors.
- Because artists in Asia are extremely diverse (representing a wide variety of identities, ages, genders, geographic locations, cultures, religions, ethnicities, and socioeconomic circumstances), there can be no one-size-fits-all formula to address violations of their artistic freedom.
- Censorship is experienced differently in different countries in the region.

Key findings from the workshop include:

- Due to the ongoing COVID-19 pandemic, many artists—who typically were already in precarious financial straits—find themselves without work (whether in the arts or other sectors) and thus unable to continue creating art. Workshop attendees report that the pandemic has also resulted in both an alarming shrinkage of civic space for artists whose work engages human rights issues and a rise in threats to their safety and well-being.
- Digital security laws and regulations are normalising internet-based censorship and unlawful detention under the guise of protecting national security and sovereignty.

- Community-based censorship and ostracism, often motivated by communal and traditional interests, are fast becoming commonplace, both online and offline, leaving artists vulnerable and trapped in a so-called 'culture of conformity'. Attendees report that the most threatened artists are from minority religious, ethnic, and gender groups.

The discussions revealed that there is a pressing need for greater solidarity, security, and shared resources among the arts community. There is also an urgent need for attention to the emotional and mental toll of being an artist under threat—problems that can be addressed through networks of solidarity, specialised institutional support, or a mix of the two. Many artists in Asia find themselves in precarious situations, lacking trust in civil society and unable to obtain timely assistance in a language they understand. This distrust was among the most significant and disconcerting findings of the workshop, pointing to the need for civil society organisations to commit to overhauling their approaches and methodologies so they can be more inclusive and effective when serving artists. It also points to the importance of fostering deeper collaboration between civil society, including human rights organisations, and the arts sector.

The workshop participants identified the following recommendations:

- Build sustainable and secure networks to connect artists at risk, cultural institutions, and human rights organisations and to facilitate the exchange of important information and resources.
- Revamp the assessment methods employed by civil society organisations to make their resources and services more accessible to artists at risk.
- Retool funding methods and channels so that they facilitate, rather than hinder, artists' work, especially on difficult subjects.
- Build capacity and bolster training in areas such as digital rights, data security, financial security, and physical and mental well-being to make artists more aware of their rights and available resources.
- Step up legal aid and emergency measures to provide artists with immediate and actionable steps that can be implemented swiftly during a time of crisis.

NOTES

^{*} Because of heightened security concerns related to surveillance and other digital restrictions, none of the participants were from mainland China, and as a result, this report focuses on conclusions in the region outside of this country (with the exception of Hong Kong). China is, however, one of the world's worst perpetrators of censorship and violations of free expression. For example, according to PEN America's Freedom to Write Index 2020, China is the worst jailer of writers of any country, with the total number increasing to 81 from 73 the previous year. In many respects, the problems faced by artists in China mirror those outlined in this report: Artists who identify as minorities like Uyghur and Hui face heightened risks, online threats are rising, artists are regularly prosecuted under national security laws, and dangers are generally increasing as a result of the targeting of writers and online commentators who speak out about the government's handling of and response to COVID-19. But many factors unique to China fall outside the scope of this report, including, but are not limited to, the Chinese Communist Party's authoritarian strictures, the mass detention of Muslim minorities, sovereignty conflicts for semiautonomous regions like Tibet and Xinjiang, rigorous and systematic online censorship, and state regulation of information.



INTRODUCTION

INTRODUCTION

Asia is a region of great cultural diversity and creative richness—and countless restrictions on artistic expression. The dangers are widespread and varied, subjecting artists to censorship, unlawful arrests, detention, and other threats to their safety and their ability to work. PEN America’s most recent [Freedom to Write Index](#) found that in 2020 the Asia-Pacific region imprisoned or detained 121 writers—nearly half of those documented in the global index. (The vast majority, 81, were held in China.) Freemuse noted in [The State of Artistic Freedom 2021](#) that in 2020 the region accounted for 15 percent of artists arrested worldwide.

To better understand and address the startling number of threats to artistic freedom in Asia, in late December 2020 PEN America’s [Artists at Risk Connection](#) (ARC), [Mekong Cultural Hub](#) (MCH), and [Asian Forum for Human Rights and Development](#) (FORUM-ASIA) held a closed virtual workshop. Embedded in our discussions was an awareness that the work of protecting artists poses its own risks and challenges, especially in a post-COVID-19 world.

This report summarises the ideas shared at the workshop. In the interest of security, we have kept attendees’ identities and some details confidential, but whenever possible we have provided examples and context to accurately portray the artists’ plights and best the way forward.

“Artists, cultural professionals and the entire cultural sector have a fundamental role in promoting well-being and resilience, guaranteeing access to information, encouraging awareness and tolerance and building the capacities to imagine the societies of the future, which are already in formation due to the ongoing global upheaval.”

— Karima Bennoune, UN Special Rapporteur in the field of cultural rights. *“Impact of the COVID-19 pandemic on cultures and cultural”* (2021)

While threats to free expression occurred at an alarming rate before COVID-19, attendees noted that the pandemic has exacerbated the problem, putting artists’ lives and livelihoods at risk and restricting their access to safe cultural spaces. Artists in Asia have been hit particularly hard, with a wave of unlawful detentions and censorship. There were 148 violations against artists in 17 countries across

the Asia-Pacific region in 2020, many of them targeting those who criticised their governments, including the governments’ handling of the health crisis. As always, certain demographics faced the harshest treatment, among them women, LGBTQIA+ individuals, and members of ethnic and religious minorities, along with artists whose work or advocacy relates to these groups.

At the time we were organising the workshop, we had already witnessed distressing actions against artists in Hong Kong, Thailand, Cambodia, Bangladesh, and Sri Lanka, to name a few. Through both state and non-state actions, artists throughout Asia who voiced political or socioeconomic dissent endured widespread bans, arrests, and disappearances. For example, Shafiqul Islam Kajol, a Bangladeshi photojournalist, disappeared for nearly 53 days and was eventually ‘found’ handcuffed in custody, having been arrested under Bangladesh’s infamous Digital Security Act (DSA). Dechathorn Bamrungmuang, frontman for the Thai group Rap Against Dictatorship, was unlawfully arrested on a range of charges, including sedition, for performing at a student-led pro-democracy protest. These reports were top of mind as we developed the themes and topics of the workshop. We also collected data from monitoring bodies, networks of artists and human rights defenders, and a tailored survey of stakeholders in the region.

The workshop themes foreshadowed the ongoing crisis that followed the political coup in Myanmar earlier this year.



METHODOLOGY

METHODOLOGY

Organizing the Workshop

Responding to the alarming rate of threats to artistic freedom in Asia, ARC felt the need for a dedicated meeting of stakeholders from the arts and human rights spheres in the region, and in 2019 we began to work with MCH to develop the program. Our initial aim was to gather representatives from throughout Asia in the same place, with a view towards discovering shared experiences and identifying coping strategies—a plan whose locations but not intentions shifted once COVID hit.

To help bridge the gap between the cultural and human rights domains, ARC and MCH partnered with FORUM-ASIA. Together, the three organisations worked to find potential participants and facilitators and to develop the workshop's themes and framework.

A key step was sharing a questionnaire with all the participants. The survey of approximately 30 questions was broadly divided into three parts: the status of artists and cultural workers in the community, issues of expression, and networks. Participants were asked to respond based on their personal knowledge and experience.

The organisers used the responses to devise the workshop sessions, topics, and structure.

The core of the workshop was five breakout sessions on the themes of:

- The strategic impact of art as activism.
- Surviving challenges to freedom of expression.
- Protecting artists and artworks at risk.
- Censorship and its various forms.
- The role of civil society in protecting artists.

Participants and Facilitators

Each breakout session was led by a dedicated facilitator. The facilitators are practitioners and experts with diverse regional and international experience in issues relating to artistic freedom, violations of free speech and expression, human rights advocacy, cultural policy, and regional cooperation.

All participants attended all five sessions over four days. The workshop also created an 'open space' where participants shared bespoke projects and held focused, crowdsourced discussions.

A total of 30 stakeholders (25 participants and five facilitators) from 17 countries in East Asia, Southeast Asia, and South Asia took part (Central Asia was beyond the scope of the workshop and this report). Among the 25 participants were visual artists, musicians, writers, curators, civil society organisers, activists, human rights defenders, representatives of human rights organisations, lawyers, cultural managers, and digital security experts.

Security and Confidentiality

To ensure a safe, encouraging, respectful, and open exchange, we decided on a closed workshop experience. All stakeholders were invited, and we issued no public calls for participation. Everyone agreed to observe a set of house rules, one of which was to maintain confidentiality.

The workshop was hosted on a secure platform, and we exchanged all information on sessions and stakeholders through secure networks. We requested that all participants refrain from sharing anything about the workshop in the public domain and that they observe the Chatham House Rule: 'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

That rule also applies to this report, in which we refrain from sharing names of people and organisations or any identifying features.

All stakeholders who agreed to participate signed a pledge to abide by the above terms and obligations, to keep any intellectual property shared during the workshop strictly confidential, and to refrain from reproducing it in any manner or form without prior permission. It was understood that confidentiality extended to any session recordings and to the survey responses, all of which will be secured for internal discussion and distribution only among the organisers and will not be publicly accessible.



SILENCING ART AND ARTIST

SILENCING ART AND ARTIST

Freemuse documented 289 cases of censorship worldwide in 2020, affecting 469 artists, artworks, events, and venues. Sixteen percent of those cases were in Asia, and 25 percent of worldwide cases were online. While these statistics are concerning enough, it is important to note that every day, many instances of censorship go unrecorded. Across Asian countries, legal instruments and provisions that engender censorship have been an increasing source of alarm, with several of them permitting the immediate arrest and detention of artists who critique their government, its handling of the pandemic, or social and religious practices. According to workshop attendees, censorship most commonly takes the form of state-backed, community-based, or peer-based limitations on an artist's ability to freely express and communicate their work.

'The scary thing about this constructed culture of conformity is that it drives towards subconscious community self-censorship, which in turn channels the pressure to art and other critical practices.'

— Session facilitator, Indonesia-based cultural manager, and activist on the fear-based practices adopted by governments in Asia to promote a culture of conformity

Workshop discussions revealed a troubling trend of state-sponsored censorship that sought to enforce a culture of conformity based on a 'climate of fear', which in turn led to self-censorship. Stakeholders from Singapore and Myanmar were forthcoming about their experiences with this form of censorship, stating that it had almost been normalised and was their governments' preferred propaganda method.

Among the most disturbing observations was that state-backed censorship has been trickling down to the community level, with members of society increasingly being encouraged to respond to dissent with 'moral corrections'. The most insidious aspect of this sort of censorship is that it is part of people's daily living experience, showing up in their interpersonal interactions. As one workshop participant, a Hong Kong-based artist, said, 'It is at our dining tables now'.

The workshop discussions suggest that this discomfiting form of censorship has

been years in the making and is now part of the fabric of societies across Asia. When a participant, a curator from Singapore, remarked that there is now 'no independent thought' in any aspect of daily life, the session's facilitator lamented that this covert censorship is causing the gradual demise of people's creative spirit and sense of imagination.

Along with shrinking imaginations have come shrinking spaces, another way of constraining free expression. Stakeholders from Cambodia, Thailand, Pakistan, and India reported a lack of safe spaces to engage in creative practices, as both state enforcement agencies and civil society intimidate merely by making their presence known. Visits from local law enforcement and police are enough to rattle art collectives, venues, and artists, who must also bear the brunt of their neighbours' moral backlash. A workshop participant and theatre arts practitioner from Thailand reported that after receiving such a visit, the neighbours' anxiety was resolved through amicable dialogue, education about the artist's work, and an invitation to the community to embrace it. Such community outreach is a powerful way both to build support for artists' work and to fight censorship.

Asian Values?

Unfortunately, significant ideological conflicts can be harder to resolve than misunderstandings among neighbours. For example, supporters of the ruling party in India often cite religious reasons to justify censorship when the sources of discord are more complex, stemming less from religion than from issues of caste. Using communal or traditional values as a pretext to perpetuate conformity has been a longstanding tactic in several Asian countries. Artists and artworks that do not align with 'Asian values' (defined by workshop attendees as 'commonly held understandings of propriety within the culture of a country or region') are often censored. Certain kinds of work are selectively promoted under the guise of safeguarding culture and tradition, grounds that are often exploited to advance specific political agendas. Sometimes artists are deployed against each other, given incentives to collaborate with government-backed propaganda machines and to shun those who don't conform. Certain artists and art forms are protected and favoured, while others are left vulnerable—sometimes without the state's direct involvement.

'In a healthy society, there should not be only one voice.'

— *Dr. Li Wenliang, 李文亮. Chinese doctor known for raising awareness of early COVID-19 infections.*

In addition to government- and community-backed censorship, donors and institutional support influence what gets expressed. Grants and funds come with predetermined conditions, which can limit creative freedom for those who don't slavishly adhere to them. Like other forms of censorship, the financial gatekeepers help create a culture of conformity, determining whose expression is acceptable and unacceptable. Funding agencies and donors sometimes must contend with gatekeepers of their own, making sure that their grantees' projects don't offend the popular or the powerful. One participant, for example, a visual artist from South Korea, had to reimagine an art installation when a funder limited who could work on the design crew. Ultimately, the imperative to avoid complications and political confrontations with the government prevented the artist's project from being fully realised.

Online Surveillance

An exploration of censorship in Asia would be incomplete without an understanding of the growing government surveillance in several Asian countries. This surveillance extends to digital spaces and content, and thus to the monitoring and policing of artists online. Many Asian countries have enacted laws that restrict digital activities, such as Bangladesh's Digital Security Act (DSA). Others are developing guidelines and legislative provisions to regulate streaming platforms like Netflix. There are rigorous crackdowns on social media, which artists use both to distribute their work and to help vulnerable colleagues respond to threats. In the past year, numerous artists, including India's Rachita Taneja and Bangladesh's Ahmed Kabir Kishore, have found themselves targeted by the state for using social media to amplify statements critical of their governments' handling of the COVID-19 pandemic. Decisions on what constitutes 'bad' art that must be restricted are made by the ruling political powers or dominant community, leaving artists and creators in a constant state of panic. The stakeholders at the workshop agreed that there is an urgent need to address this climate of oppression, in part by vigorously promoting the idea that art is a necessary element of democracy rather than a threat to it.



CHALLENGES FACED BY ARTISTS AT RISK

CHALLENGES FACED BY ARTISTS AT RISK

The purpose of art, according to a Pakistan-based poet, art historian, and consultant to civil society organisations, is threefold: It is therapeutic, activist, and revelatory. In addition to healing our souls, it is an agent for change and an amplifier of discourse that makes the invisible visible. During 2020, a year when, according to the 2021 Freemuse Report, a record number of artists faced legal consequences for their peaceful expression, artistic and otherwise, several artists in Asia found themselves in trouble for criticizing governmental actions on COVID-19 and other sociopolitical issues. With freedom of expression severely curtailed through legislative and other means, there is an urgent need to consolidate strategies for how to survive and respond. To identify the most effective strategies, it is necessary to first understand the nature of the overt and covert threats.

Artists Face a Wide Range of Threats

As became clear in the workshop discussions, overt threats often involve direct intimidation, while covert threats often take the form of what was referred to as ‘bureaucratic strangulation’. These threats vary widely, perpetrated by both government-backed and non-state actors. Examples include undemocratic laws that constrain free expression, the censorship of media and the arts, compromised judicial processes, restrictions on financial accessibility (by, for example, seizing bank accounts and preventing certain artists from conducting business), the falsification of cases and arrests, threats to personal safety, raids, evictions, and, in extreme cases, internment in secret camps and violent attacks. Among non-state actors, the actions mentioned most frequently at the workshop were community-based harassment that took the form of trolling artists, shaming and heckling them offline and online, circulating false narratives about them, and physically attacking them. At the intersection of state and non-state action, stakeholders spoke of vigilantes and populist groups being granted impunity to commit violent and aggressive acts.

Emotional and Mental Well-Being Under Threat

While attempting to characterize the threats to freedom of expression, workshop stakeholders touched on another significant yet often overlooked subject: the mental and emotional trauma that come with the onslaught of harassment. Whether bearing witness to violence or personally enduring it, dreading the separation from loved ones

or actually experiencing it, abuse takes its toll. Often fear alone is enough to force an artist into silence, especially given the pervasive stigmatisation of mental health problems and the lack of available support to cope with them.

Survival Strategies—Networks, Knowledge, and a Need for Training

During the workshop, it became apparent that most participants chose their immediate communities and peers, rather than institutional support, as their first line of defense against threats. Fostering these local connections and educating the artists’ networks about rights and resources thus becomes an imperative long-term strategy. Many stakeholders contend that the artistic community must also receive training in areas critical to self-preservation, such as physical defense, legal rights and remedies (including regional and international protection mechanisms), protection from financial threats, and the consequences of identity theft.

Strategic Marginalisation of Artists and Its Impact

Things get more complicated when community support falters. A Sri Lankan spoken word artist told of a particular creative work that received both government and community backlash, reaffirming the need for survival strategies beyond the boundaries of the community. A South Asian participant recounted how their work had met with criticism from the government, their peers, and dominant members of their community, forcing the participant to turn to international resources for support. A Vietnamese performance artist spoke of experiencing hostility from the local Vietnamese population in a foreign country for criticising the foreign country’s populist government—even though the government itself was tolerant of the performance artist’s expression. Such scenarios raise powerful questions about relying on community and civil society as a sole source of security and point to the need for ostracised artists to seek assistance from international partners and institutions, which can play a crucial role in supporting artists at risk.

Geopolitics and Strategic Alliances

Occasionally, the right timing is more important than the perfect ally, and a flawed actor can perform a humanitarian act. When deployed strategically and

opportunistically, the flawed actor can, for example, bring global awareness to grievous human rights violations, attracting international support where and when it is badly needed. A participant noted that not long ago U.S. President Donald Trump, a controversial political figure, drew international attention to the plight of the Uyghur people, a religious-ethnic minority in China, creating an opening to apply pressure and alleviate at least some risk to human rights defenders and artists who were members of this group.

Trojan Horse Strategies and Other Ruses

Sometimes a subversive approach works best. The strategies for countering censorship must be as creative as the forms of censorship being deployed, and artists have been known to find clever, unobtrusive ways to express their message without triggering restrictive laws. In Thailand, for instance, artists have employed a so-called Trojan horse strategy, using K-pop songs for protest performances to deliver their political statements in trendy or celebratory forms that slip under the radar of state authorities. Another Trojan horse tactic is to use messaging with double meanings so artwork that touches on sociopolitical issues can bypass state censorship. In Pakistan, flash mobs have distracted authorities just long enough to prevent them from noticing that street plays were critiquing the government or draconian community practices. These simple, dramatic performances are fleeting and public; like any flash mob, they dissipate almost as quickly as they start.

A visual artist from Vietnam also described learning to live with restrictions by working around them. Employing creative interpretations of the law, the artist effectively masked any aspects of their work that might be deemed suspect by, for example, using iconography and symbols that were not readily associated with banned or taboo subjects but have come to assume such context within the community. An India-based activist and cultural researcher advocated strategies that rely on a more feminist-based, 'ethics of care' approach, subversively reimagining the dynamic between artist and state by exploring new ways to collaborate on issues deemed taboo or sensitive by the government.

Struggles to Access Help and Support

Despite the thoughtful strategies, some problems remain intractable. Threats to emotional and mental well-being continue to impose a heavy burden, and available support is limited. Stakeholders from the workshop noted that civil society organisations, donor support, and institutional mechanisms are less friendly to artists at risk than to other human rights defenders, partly because these organisations' definitions of risk are less inclusive than they should be. As a result, artists in trouble often find that they don't qualify for organisational support. It is crucial that donors and institutional support mechanisms reassess the ways they identify those at risk and modify their criteria for extending support to prevent those in need from falling through the cracks.

'Human rights defenders and other support organisations will often not come forward to help activists unless a direct link can be established between their activism and the punitive action, even though governments are getting more sophisticated about avoiding the causal link.'

— Session facilitator, Nepal-based journalist and consultant on issues of free speech and expression in South Asia

Assistance for artists who face financial disempowerment is similarly constrained. Again, somewhat confoundingly, artists who promote work that is censored or otherwise restricted often fall outside the mandates of existing organisations. And again, qualifying for grants often involves criteria that are not amenable to many artists who are in dire need of support. Across Asia, increasingly onerous administrative restrictions hit artists hard. At times, receiving international funds has been misrepresented, used as grounds to accuse recipients of money laundering or anti-government propaganda. These tactics have been common in nearly all Asian countries, including Hong Kong, where several grassroots artist collectives were shut down for accepting international funding, and India, where non-governmental organisations (NGOs) were shut down without notice for supposedly propagating anti-government alliances.



CIVIL SOCIETY
ORGANISATIONS AND
THE ARTS

CIVIL SOCIETY ORGANISATIONS AND THE ARTS

Whether based on survey responses or workshop discussions, we were surprised to note that most stakeholders in the region do not trust civil society organisations, including non-governmental human rights organisations, as their first line of defense when faced with threats.

A Climate of Fear and a Lack of Faith

Over the years, there has been a systematic loss of faith in civil society organisations as credible and functional resources for support and risk management. Part of the problem stems from the lack of a unified stance on basic issues of free expression and censorship, which have different meanings and implications in different Asian countries.

To better understand the diverse, multilayered nature of the sociopolitical landscape in Asia, workshop stakeholders decided to map the 'climate of fear', identifying the strategies employed to perpetuate censorship in various locales. This exercise revealed that most stakeholders were unaware of the situations in their neighbouring countries. Residents of each country suffered in silence, separately: Artists in Hong Kong were resigned to threats from Mainland China. Vietnamese and Cambodian artists became accustomed to smaller creative communities and shrinking art spaces. Those in Myanmar, India, and Bangladesh normalised systemic censorship. The fragmented awareness of shared problems have fostered self-censorship and impeded efforts to find common solutions.

While each country's challenges vary somewhat by geopolitical setup, certain tactics appeared all over the 'climate of fear' map, including crackdowns on dissent, the use of ambiguous policies and implementation as a weapon, and professional and personal attacks that put artists' livelihoods and lives at risk. Stakeholders from Thailand and Vietnam spoke about students who participated in protests and were penalised at school or received visits from local police. Academics, cultural practitioners, and artists in Bangladesh and India received threats that they would lose their jobs if they participated in protests or criticised the government. These fear tactics, employed by society and government alike, reinforce existing legal restrictions and force artists to second-guess any expression.

It was surprising and disappointing that not a single stakeholder from the workshop suggested that allying with civil society organisations was the best way to oppose the climate of fear. For many, these organisations were either too insignificant or too close to the government. Rather than rely on them, artists and cultural workers said they prefer community or occasionally regional support networks when seeking resources and solidarity. Stakeholders from Vietnam, Thailand, Singapore, and Hong Kong agreed that creativity and storytelling continued to be vital tools for connecting communities and providing support to artists who feel isolated and pressured.

'For many artists and cultural workers, a key strategy for living in a climate of fear has been to find and depend on a community of like-minded and trustworthy individuals, no matter how small this might be. The smallness is of course borne of the kind of distrust sowed within communities, and [as a result] cross-border regional solidarity among artists and artist communities was seen as a viable strategy for moving forward.'

— *Session facilitator, Philippines-based cultural researcher and activist*

Many stakeholders supported the idea of creating an emergency plan or survival kit, including protections from personal and financial threats, to assist those at risk. Although civil society organisations don't instill confidence, the discussions crystallised the need for a common platform and greater regional solidarity. There was broad consensus on the need to identify and develop dedicated regional networks of cooperation as well as secure platforms to provide real-time information on the state of art and democracy in Asia.



**ART,
ACTIVISM, AND
IN-BETWEEN**

ART, ACTIVISM, AND IN-BETWEEN

While art has long served as a lens through which to view society, not all art involves activism. Still, activism often draws inspiration from art and uses it to propel social change. The work of Marina Abramović, for instance, while not activism in itself, has inspired creative campaigns. A better understanding of when art becomes activism can help clarify which activist strategies are most effective for artists in crisis. Understanding this transition can also help bridge the existing gaps between artists and civil society groups and facilitate collaboration between them.

Languages of Arts and of Human Rights

One reason for the alienation between artists and civil society groups is that the two camps speak different languages. While artists tend to value storytelling and a highly personal voice to articulate their messages, civil and human rights groups often emphasise, in the words of one stakeholder, ‘complex accuracy over simple storytelling’. This communication gap is widened by differences in the vocabulary and jargon, as well as the misalignment between artists’ sometimes oblique approach to issues and rights groups’ more linear, goal-oriented thinking. On this last point, NGOs might have something to teach artists, helping them to navigate the jargon and bureaucratic structures of their organisations. Artists, for their part, can teach NGO types that resonant, compelling message can do wonders to advance a good cause.

Bridging the communication gap can also help bridge the policy gaps that prevent artists from qualifying for aid. The workshop revealed that human rights organisations have been measuring the impact of activist artwork based on criteria that are far removed from the lived experience of social movements, relying too much on

‘Metrics used by civil society to evaluate the impact of their work can be particularly challenging for artists wishing to work with organisations and/or access funding. This in turn can act as a barrier to them working together—particularly in regard to applying for funds (e.g., persuading the funder on the efficacy of the project and how to measure impact).’

— Session facilitator, Hong Kong-based communications strategist and consultant on issues of free speech and expression in Asia

procedural markers. As a result, many artists have been confounded when work that they believe falls within the boundaries of activism has failed to meet the criteria for grants or funds.

Opportunities for Closer Collaboration

Acknowledging these differences, many workshop stakeholders stressed the need for human rights organisations to broaden their policies to more accurately conform to the practices of the art world. By adopting a less technical and jargon-heavy approach and allowing for more flexibility in the structures and conditions of support, human rights organisations could be infinitely more helpful to artists in need. And by more clearly explaining their own methodologies and process, artists could help the organisations help them. Overall, the common thread in these discussions was the need for more dialogue, so that better understanding could translate to better support.

Flexible Networks Allowing for Difference

Despite seeing the merits of less dense bureaucracy and closer collaboration between the art and human rights worlds, some attendees suggested that too much cosiness can compromise artists’ independence. According to this alternate view, artists should coordinate with civil society groups on urgent issues like protecting their careers and lives, but they should maintain a reasonable distance to preserve their creative integrity and freedom. One participant, a visual artist and activist, told about receiving funding from a prominent environmental NGO to create a sculpture and then being forced to modify and rename the work in keeping with the organisation’s perspective on certain sensitive issues. These changes, the artist argued, substantially altered the spirit of the work and, to some extent, infringed on their artistic freedom.



**PROTECTION
UNDER THE LAW**

PROTECTION UNDER THE LAW

According to [UNESCO's 2020 Freedom & Creativity Report](#), welcoming diverse narratives and world views in the programming of national museums, cultural institutions, and galleries is an important way for states to promote and protect artistic freedom. But when art expresses views that offend government authorities or powerful communities, they sometimes exert pressure to withdraw funding or other support.

Issues of access become especially fraught when the powers that be control access not only to the purse strings but also to the cultural venues, whether physical or digital, that artists need to create and share their work. Many of these cultural gatekeepers prioritize adherence to their preferred social and political agenda, making safe spaces for creating art extremely rare. The more political or outspoken the artwork, the harder it can be for the artist to break through.

'Intra-sectoral cooperation is ever more essential, and arts and human rights should jointly move forward on the common basis which those international frameworks, namely the Universal Declaration of Human Rights, UNESCO Recommendation concerning the Status of the Artist, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in particular.'

— *Session facilitator, Japan-based artist and policy specialist on issues of artistic freedom and diversity of cultural expression*

Even in states where the art world is regulated more by the market than the government—as is common in Asia, according to the workshop attendees—finding the opportunities, logistics, and grants to produce and exhibit work depends on the content of the work and the willingness of donors, funding agencies, programmers, and curators to support it. Academic credentials can also determine which artists get noticed and get opportunities, but those without in-group connections are often shut out.

While the UNESCO 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions mandates that countries actively uphold artistic freedom, there is little to no on-the-ground enforcement of this directive. One of the workshop participants, a South Korea-based mixed-media artist and activist, observed that in addition to the lack of enforceability of such protective measures, international bodies like the United Nations often serve to perpetuate the ideological views of the member states. In the real world, international institutional support is not accessible to everyone and not as promising in practice as on paper. But combined with community groups, it can be a start, a way to build local solutions on an international framework.

A Cambodia-based cultural manager pointed out that artists in Asia must constantly balance the tension between international and national values, between global norms and state sensitivities. A Bangladeshi photojournalist spoke of balancing the tension between national identity and personal identity, between culture and individuality. Resolving these tensions is challenging to both artists and arts institutions. It has sometimes incited clashes, as in the withdrawal of works from the [2019 Aichi Triennale](#) and protests at the [2020 India Art Fair](#). As the standoffs between populist opinion and artistic freedom, and between states and artists, show no signs of abating, there is an urgent need to ensure that artists throughout Asia can express themselves freely and safely.



**KEY FINDINGS
AND
RECOMMENDATIONS**

KEY FINDINGS AND RECOMMENDATIONS

Key Findings

Nearly everyone at the workshop reported feeling isolated in the wake of threats from state and non-state actors. COVID-19 has only exacerbated this sense of alienation and amplified artists' existing economic challenges. With workshop attendees reporting fewer funding opportunities and a shrinking creative economy, many artists, especially those whose work pursues social justice, find themselves without the financial wherewithal to continue. Some states have used the pandemic as a pretext to increase internet-based censorship and unlawful detention in the name of national security and sovereignty. At the same time, community-based censorship and ostracism, often motivated by traditional interests, are fast becoming commonplace—leaving artists, especially those from minority religious, ethnic, and gender groups, vulnerable to a 'culture of conformity'.

To cope with the financial challenges, threats, and persecution, there is a pressing need for greater solidarity, collaboration, and sharing of resources between the art and human rights worlds. But differing communication styles, unresponsive bureaucracies, and divergent outlooks currently leave many artists and cultural NGO workers outside the purview of civil society organisations and thus unable to get help. Most artists at risk in Asia find themselves in precarious situations, and everyone in attendance agreed on the need for more nuanced and timely support from the human rights sector.

A stark revelation from the workshop was that in much of Asia, the disconnect between the arts and civil society realms has degenerated into outright distrust, with most artists saying they felt neglected or unsupported at times of risk. Bridging this gap is urgent and necessary, not only to protect the rights of artists but also to strengthen free expression in the societies they live in.

Recommendations

A few recommendations from the workshop:

• Build Sustainable and Secure Networks

There is an urgent need to build and promote one or more protection networks for artists at risk, so they can share resources and information and stay connected. Networks can reinforce solidarity among artists while also providing real-time information on threats in a given country—a potentially huge step in mitigating and

redressing problems. Activating local networks can in turn amplify cases to attract national and international attention and support. In addition to protection, networks can play a therapeutic role, allowing artists to safely share stories and learn from one other's experiences.

• Refine Civil Society Assessment

To provide better support to artists at risk, civil society organisations should re-evaluate their existing approaches and goals and make them more accessible and effective. An overhaul of their criteria for identifying those at risk would make them both more inclusive of diverse communities and more responsive to artists' real-life needs overall. Rather than relying heavily on the methodologies and technical language of the human rights world, organisations should engage in closer study of the arts community with the intention of creating more constructive relationships. At the same time, artists and arts organisations should learn from the human rights sector, devising better ways to explain their own perspectives and gaining a clearer understanding of how the groups work and how they can help.

• Redefine Funding Opportunities

It is important to recognize that donors and grant funders, even well-intentioned ones, sometimes have agendas that don't line up perfectly with artistic expression. This mismatch can perpetrate a third form of censorship, often inadvertent. By encouraging engagement with a wider, more diverse range of sociopolitical subjects, funders and donors can provide artists with financial support and institutional assistance without unduly restricting their freedom. Artists should also explore alternative, independent means of financial support, such as art auctions and market places to establish alternate revenue streams.

• Build Capacity and Training

Arts institutions and civil society organisations should augment the available capacity and training to provide better protection from and responses to threats. The most promising strategies embody holistic security, including digital security, physical security, psychosocial well-being, mental health, and financial empowerment.

• Strengthen Legal Aid and Emergency Measures

With threats to artistic freedom reportedly rising and becoming increasingly arbitrary, there is a pressing need for international NGOs to provide immediate assistance to artists on the ground. They should have proactive emergency measures in place that can be activated as soon as a threat occurs, as well as appropriate legal assistance to prevent escalation of the threat.

GLOSSARY

ACTIVIST

A member of a group or movement campaigning for a social or political cause through direct action.

ARTIST

'Any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association' (UNESCO 1980, p.3).

ARTISTIC FREEDOM

'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 wellbeing of societies' (UNESCO 2019).

Artistic freedom embodies the following bundle of rights protected under international law:

- the right to create without censorship or intimidation
 - the right to have artistic work supported, distributed, remunerated
 - the right to freedom of movement
 - the right to freedom of association
 - the right to protection of social and economic rights
 - the right to participate in cultural life.
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CIVIL SOCIETY

Nongovernmental organisations (NGOs), nonprofit organisations, professionals in the cultural sector and associated sectors, groups that support the work of artists, and cultural communities (UNESCO 2005 Operational Guidelines, p. 55).

CIVIL SOCIETY ORGANISATIONS (CSOS)

Non-state, not-for-profit, voluntary entities formed by people in the social sphere that are separate from the state and the market. They can include community-based organisations as well as nongovernmental organisations (NGOs).

CULTURAL RIGHTS DEFENDER

Any human rights defender who defends cultural rights in accordance with international standards. Cultural rights include the right of all to take part in cultural life, without discrimination (including accessing and enjoying cultural heritage), and the rights to freedom of artistic expression and scientific freedom (OHCHR A/HRC/43/50, p. 2).

HUMAN RIGHTS DEFENDER

A person who, 'individually and in association with others,' promotes and strives 'for the protection and realization of human rights and fundamental freedoms at the national and international levels' (UN 1999, p.3).
