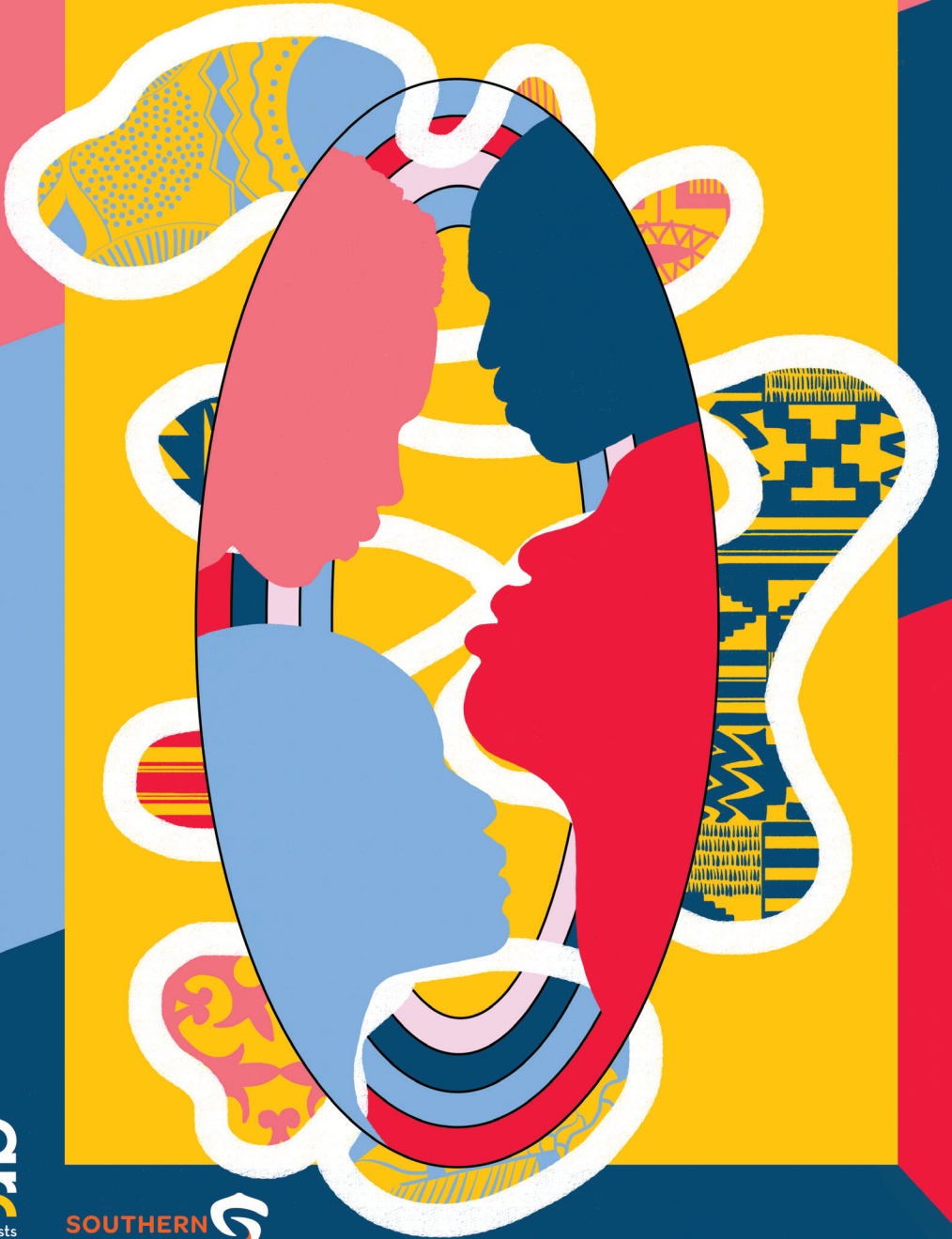


WE HAVE ALWAYS HAD TO FIGHT

African Artists on Human Rights
and Artistic Freedom



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African Artists on Human Rights and Artistic Freedom*
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This report summarizes the findings of a closed virtual workshop convened in November 2021 by PEN America's Artists at Risk Connection (ARC) and the Southern Africa Human Rights Defenders Network (SouthernDefenders). Welcoming participants from across Africa, the workshop explored the most pressing challenges to artistic freedom throughout the continent.

The [Artists at Risk Connection](https://artistsatriskconnection.org) (ARC), a project of PEN America, safeguards the right to artistic freedom of expression around the world and works to ensure that artists of all disciplines everywhere can live and work without fear. With a global network of 800 organizations providing crucial resources for artists and cultural practitioners at risk, ARC plays a critical role in liaising between threatened artists and the organizations that support them. We raise awareness of threats to artistic freedom, spotlight the work of persecuted artists, and mobilize arts and cultural institutions to play a more active role in assisting their field's most vulnerable members. Since its inception, ARC has supported more than 500 artists from over 63 countries, referring them to partner organizations that offer fellowships and residencies, emergency funding, legal assistance, and advocacy, among other forms of aid. For more information, go to artistsatriskconnection.org.

[SouthernDefenders](https://southerndefenders.org) promotes, protects, and enhances the resilience of human rights defenders and social justice activists throughout Southern Africa in the face of attacks and shrinking civic space, both offline and online. Through strategic partnerships, advocacy, awareness-raising campaigns, and the building of local, national, and regional networks, SouthernDefenders works to mitigate the effects of repression and provide rapid, practical, comprehensive, and inclusive protection to human rights workers at risk. For more information, go to southerndefenders.org.



The report is made possible thanks to the generous support of the Helen Frankenthaler Foundation and the Andrew W. Mellon Foundation.

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EXECUTIVE SUMMARY

In recent years, there has been a troubling rise in restrictions on artistic freedom throughout Africa. This situation has been exacerbated by a spate of recent military coups (in Burkina Faso, the Central African Republic, Chad, Guinea, Mali, and Sudan), political crises (in Tunisia, Ethiopia, Mozambique, and Nigeria), and flawed elections (in Uganda, Chad, and Benin)¹—along with the crippling effects of the COVID-19 pandemic. These restrictions have led to significant closures of the civic spaces needed for artistic freedom to flourish.

In response to these and other serious threats to African artists and their freedom, in mid-November 2021 PEN America's [Artists at Risk Connection \(ARC\)](#) and the [Southern Africa Human Rights Defenders Network \(SouthernDefenders\)](#) conducted a four-day closed virtual workshop titled “Artistic Freedom in Africa: Challenges and Opportunities.” The overarching goals of the workshop were to hear directly from African artists, lawyers, activists, and representatives of human rights organizations and cultural institutions about their most acute challenges; to forge connections among these groups; and to brainstorm possible solutions and strategies.

Thirty participants from 17 countries attended the workshop, which covered topics such as the impact of COVID-19, censorship, artists and human rights defenders (HRDs), legal challenges, and strategies for countering persecution.

Key findings from the workshop include:

- Despite various local, regional, and international constitutions and documents supposedly guaranteeing freedom of expression and the right to arts and culture, there is often a huge gap between law and practice.
- Censorship proliferates in a context of conflict, lack of respect for human rights, repressive or violent regimes, and precarious socioeconomic and political environments. Topics that commonly draw censorship include politics, religion, LGBTQIA+ and gender issues, and supposed immorality, vulgarity, indecency. Perpetrators are usually governmental bodies and political parties, but there is also community censorship and self-censorship.
- The pandemic has threatened artists' sustainability and heightened their vulnerability. This pressure has spurred the art community to better organize, devise new ways to work and survive, and produce politically engaged artwork despite the risks. Digital spaces, which flourished during the pandemic, have been

a mixed blessing. On the one hand, they have raised artists' visibility and provided alternative platforms to showcase art, promote solidarity campaigns, and express opinions. On the other hand, not all artists can afford or access the internet, and technology enables new forms of surveillance, censorship, and repression.

- The relationship between artists and human rights defenders needs to be more widely understood and accepted. Many artists are also human rights defenders and cultural rights defenders. Yet there is a large communication and knowledge gap in these areas. Artists often know little about the available local, national, regional, and international mechanisms that protect them. Their knowledge of the legal frameworks and language of the human rights field is even more limited. On the other side, although human rights organizations are active in Africa, they rarely focus or work on artists' cases. For this and other reasons, artists are unaware of these organizations.

Recommendations that emerged during the workshop include:

- Establish solidarity networks for African artists so that when a crisis arises they can easily access information on who to approach for help, where to find a safe haven, and how to obtain any other resources they require.
- Broaden support for at-risk artists to ensure both a holistic and specialized approach. Psychosocial and mental health support are key.
- Help artists build legal literacy so they understand what their rights are, how to protect themselves, and how to optimize the law for human rights defense. Artists who create socially and politically engaged work should receive resources to learn more about the system and language of human rights, ahead of time if possible, so that when they need support, they can position themselves as human rights and cultural rights defenders.
- Establish emergency funding sources for artists with urgent needs, such as those who have to relocate within or beyond national borders. The fund could also help artists who are unable to find financial support for their work as a result of being in exile or having their accounts frozen by the authorities, among other situations.
- Develop an online resource map of artists and artists' organizations engaged in artistic human rights defense work, including civil society institutions.
- Advocate for legal and policy reforms and get involved in national legislative and policy-making processes to ensure that lawmakers address artists' concerns.

NOTES

¹ Nic Cheeseman, “Africa in 2021: The End of Democracy,” The Africa Report, December 20, 2021, theafricareport.com/158603/africa-in-2021-the-end-of-democracy



INTRODUCTION

INTRODUCTION

“On this difficult crossroad, when the ugliness and suffering of aggression is so present, our rights to have in our lives the beauty, the warmth and strength from our varied and wonderful cultures, our rights to have access and create and participate in the arts, our right to work closely and in sync with nature—these rights become even more important in the world.”

— Alexandra Xanthaki, *UN Special Rapporteur in the field of cultural rights at the UN Human Rights Council, March 8, 2022*²

Africa is a wellspring of all forms of creative expression. It is also home to some of the world’s most authoritarian regimes, with much of their repression targeting freedom of expression.³ Artists and creatives often bear the brunt of crackdowns on dissent and independent thought. Their work leaves them vulnerable to threats, harassment, arrest, imprisonment, torture, and even death. An ongoing state of uncertainty and tension can set in, inhibiting their creative process and jeopardizing their livelihoods and in some cases their lives.

Artists on the African continent face risks on a daily basis, from governmental and nongovernmental entities alike, perpetuated by the toxic, unstable political environments and shrinking civic spaces in most African countries. This predicament mirrors a surge in the persecution of artists around the world, with particular ramifications for those who contest traditional political ideologies, religious beliefs, and social conventions. Even Western democracies, seen until recently as bulwarks of stability and models of free expression, have been backsliding as never before. The COVID-19 pandemic has exacerbated the tension between cultural professionals and the governments they live under—giving cover to nations inclined to backtrack on previous commitments to freedom of expression or to escalate their censorship of work they deem threatening. This censorship takes many forms—from surveillance to restrictions on social media to freezing the assets of artists and cultural organizations—and has left many creatives isolated and without a clear sense of where to find support.

In 2021, the NGO Freemuse registered 1,251 acts that violated artistic freedom—128 of them in 20 African countries (including 38 in Egypt, 25 in Nigeria, 10 in Senegal, and 9 in both Ghana and Kenya). African countries that detained artists (such as Nigeria, Egypt, Ghana, Tanzania, Algeria, Lebanon, and Botswana) also had an active year.⁴ In addition, according to PEN America’s 2021 *Freedom to Write Index*, Egypt ranked 6th in the world and Eritrea 10th in the imprisonment of writers and intellectuals.⁵

Between ARC’s inception in 2017 and 2021, we have received 335 requests for support from artists around the world, 81 of them (40 percent) from Africa. (Note that these numbers do not include the approximately 300 requests that ARC received from Afghanistan following the Taliban takeover in August 2021.)

To address these distressing numbers, in mid-November 2021 PEN America’s Artists at Risk Connection (ARC) and the Southern Africa Human Rights Defenders Network (SouthernDefenders) convened a four-day closed virtual workshop. Titled “Artistic Freedom in Africa: Challenges and Opportunities,” the workshop aimed to gain a deeper understanding of the dynamics between artists and the governmental and nongovernmental agents that endanger them and to develop strategies to sustain creative networks while facing threats of censorship and exile.

The overarching goal was to collectively and meaningfully contribute to a more just, inclusive, democratic, peaceful, and prosperous Africa that values the protection of artists and upholds the core tenets of artistic freedom. This report summarizes the proceedings of the workshop and highlights key discussions, insights, findings, and recommendations for how to move forward together.

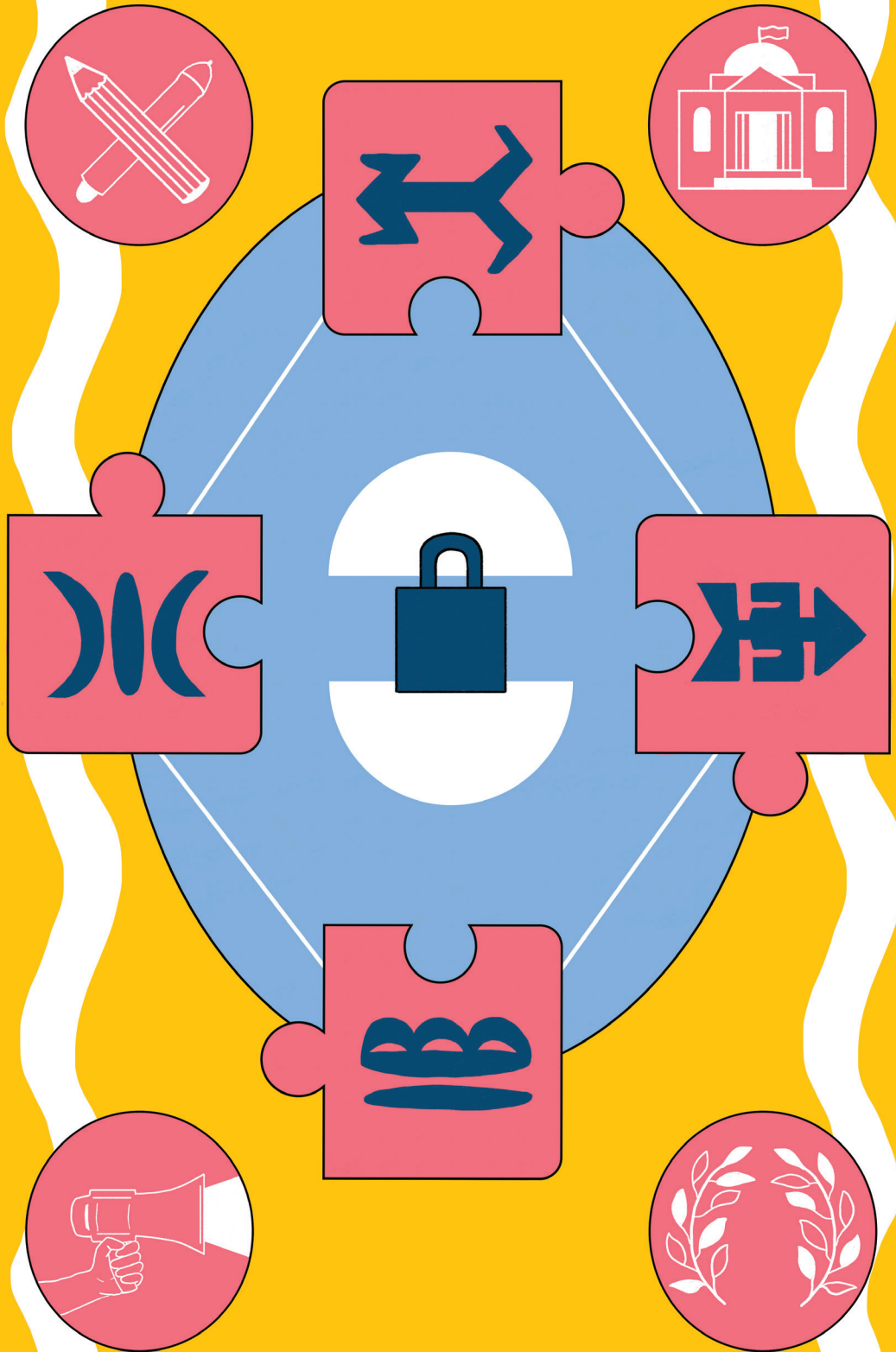
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² Alexandra Xanthaki, “Interactive Dialogue Statement,” OHCHR, March 2022, <https://www.ohchr.org/en/statements-and-speeches/2022/03/interactive-dialogue-statement>.

³ Freedom House, “Global Freedom Status,” Freedom House, June 2022, freedomhouse.org/explore-the-map?type=fiw&year=2022

⁴ Freemuse, “The State of Artistic Freedom 2022,” Freemuse, September 2022, freemuse.org/media/yk2paxxb/saf-report-2022.pdf

⁵ PEN America, “Freedom to Write Index 2021,” PEN America, April 13, 2022, pen.org/report/freedom-to-write-index-2021



METHODOLOGY

METHODOLOGY

Organizing the Workshop

ARC and SouthernDefenders collaborated on planning every facet of the virtual workshop. SouthernDefenders brought on-the-ground expertise and regional connections that were invaluable to the sessions' organization and execution.

Before the workshop, all participants completed a preliminary survey of their experiences with artistic freedom and persecution and their goals for the sessions. Based on this feedback, the workshop was broadly organized into four thematic breakout sessions, each guided by an expert facilitator from the continent: censorship and its various forms; constitutional, legal, and policy considerations for protecting artists; positioning artists as human rights defenders; and the impact of COVID-19 on artists. The workshop also included plenary sessions, artistic performances from several participants, and presentations from institutional representatives, who highlighted possible areas of synergy and collaboration. An additional "open space" session allowed participants to discuss ways to move forward beyond the workshop.

Participants and Facilitators

Four facilitators, from Morocco, Kenya, Cameroon/Uganda, and Zimbabwe, helped plan the program and led the breakout sessions. ARC and SouthernDefenders identified and chose the facilitators based on their expertise in the workshop's core issues.

In addition to the facilitators, there were 30 participants from 17 countries—Cameroon, the Gambia, Kenya, Madagascar, Mauritania, Morocco, Nigeria, Rwanda, Somalia, South Africa, Sudan, Tanzania, Tunisia, Uganda, Western Sahara, Zambia, and Zimbabwe—representing all regions of the continent. Among the workshop participants were artists, activists, cultural professionals, human rights practitioners, human rights defenders (HRDs), lawyers, curators, researchers, and producers. The artists who attended were poets, political cartoonists, authors, playwrights, singers, performing arts directors, and musicians. Participants were invited and selected with an eye to regional, gender, disciplinary, and professional diversity.

Security and Confidentiality

In light of the sensitive nature of the topics covered, the workshop was kept closed, with no open calls for participation and no promotion or announcements in the public domain. The proceedings were governed by the Chatham House Rule, urging strict confidentiality regarding any personal information or intellectual property shared during the discussions. To create a safe space for dialogue, all participants, facilitators, and organizers were requested to 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."

All attendees understood that any reference to discussions and information shared in this safe space must exclude names or other identifying features of the people and organizations involved, including in this report. All participants agreed not to share information about the workshop in the public domain and understood that all materials were intended for internal distribution and discussion only.



CENSORSHIP AND
ITS VARIOUS FORMS:
EMERGING ISSUES
AND TRENDS

CENSORSHIP AND ITS VARIOUS FORMS: EMERGING ISSUES AND TRENDS

“We have a classification board for films, with an overzealous team that had four pastors who are not qualified to be on the board but who are there to talk about the morals.”

—Kenyan participant and cultural practitioner

Censorship has always been a central challenge for artists. A tactic deployed worldwide to stifle independent thought, it can be subtle or overt, and it takes many forms: political, religious, corporate, community, social. In Africa, censorship proliferates in a context of conflict, lack of respect for human rights, repressive or violent regimes, and precarious socioeconomic and political environments. Artists brave enough to pursue activism or create critical art often face dire consequences, including violence, arrest, imprisonment, harassment, and denial of venues to display or perform their work. Many are forced into exile.

Countries such as Nigeria and Zimbabwe have censorship boards for the film and the TV industries, and many have licensing and registration boards without an explicit censorship mandate that nonetheless filter production and distribution by withholding license approval. In Uganda, the government implemented the Stage Plays and Public Entertainments Act 2019, which includes regulations requiring the vetting of new songs, videos, and film scripts prior to their release. Musicians, producers, filmmakers, all other artists, and promoters have to register with the government and obtain a license that can be revoked for a range of violations, including for content deemed to contain offensive language or to be lewd.⁶ Censors are typically governmental bodies and political parties, but intra-community censorship for perceived violations of norms and taboos is also prevalent.

Topics that frequently run afoul of censors include politics, religion, LGBTQIA+ and gender issues, and supposed immorality, vulgarity, and indecency. More specifically, hot-button subjects like corruption, political opposition, sexual and gender violence, and genital excision often provoke the wrath of the powerful, as do contemporary crises like climate change, refugees, economic upheaval, the rise of populism, dictatorships, the legacy of colonialism and de-colonialism, and, more recently, the COVID-19 pandemic. Women artists (or women as subjects of artistic creation), members of the LGBTQIA+ community, and others from marginalized communities are frequently singled out as targets.

Certain issues trigger censorship in specific countries. In Mauritania, for example, discussions of slavery and ethnic and racial discrimination are taboo. A Mauritanian workshop participant highlighted the case of Abdallahi Salem Ould Yali, a poet and activist, who in 2018 was detained and charged with inciting violence due to Facebook posts that encouraged the Heratines, an ethnic group descended from slavery, to resist discrimination and assert their rights. He was ultimately released after an advocacy campaign on his behalf.⁷ Mauritania has also implemented strict laws against apostasy—the abandonment of one’s religion—which have been used to imprison political opponents and human rights defenders, such as Mauritanian blogger Mohamed Mkhaitir, who was detained for more than five years.⁸ Apostasy is a crime punishable by death under Mauritania’s penal code.⁹ In Cameroon, discussions about Anglophone Cameroon are often censored. In 2016, the government banned all radio and television discussions of the political situation in English-speaking regions,¹⁰ and in 2017, around the start of the country’s so-called Anglophone crisis, it instituted an internet shutdown in English-speaking regions.¹¹

FORMS OF CENSORSHIP

Workshop participants noted that government officials often censor artists indirectly. They employ a variety of means, including travel bans, financial restrictions, blacklisting, defamation, harassment, and imprisonment. An artist and workshop participant in Uganda explained that artists there are frequently blocked from renting spaces or being granted permits because of “holds” on their tax forms and accusations that they have circumvented state and local tax structures. Throughout the continent, funding cuts remain a real fear for a sector largely dependent on public support for the realization of its creations, and the loss of government funding can significantly limit an artist’s career opportunities. In other cases, artists have been banned from traveling outside the country, limiting their ability to partake in cross-cultural exchange or participate in international exhibitions or shows.

In the digital age, censorship often happens online, within and between communities. Menacing comments, including death threats, and the increasingly easy access to personal identifying information online have led many artists to reconsider the work

that they share over social media. Although socially and politically active artists face the biggest risks online, large social media companies stifle more obscure voices as well, often through algorithms that block accounts and delete artistic works through automated content-moderation technology and confusing rules. Sometimes artists inadvertently sign on to or accept this review software when faced with initial terms of agreement, which often consist of a long and arcane list of conditions too convoluted to be accurately and understood by any user.

One of the most drastic, and effective, forms of censorship is exile: Artists forced to leave may feel safe and free to express themselves in their new countries, but their former tormentors know that back home their voices no longer resonate. A workshop participant from Sudan noted that her country's 30-year dictatorship, from 1989 to 2019, fermented an environment where artists were frequently targeted for their creative work and there was no state support for artists or art institutions. As a result, many artists struggled to support themselves financially and were forced to choose between leaving the country to pursue their art or finding a new career at home. She noted that today most successful Sudanese visual artists are living in exile.

“When people are releasing something that is subversive or controversial, that speaks out against the government, against the system, against discrimination, the government doesn't want people to know about it, and they cut the flow.”

—Mauritanian participant, rapper, music producer, and activist

EMERGING CENSORSHIP TRENDS

As African regimes evolve with the times, their preferred censorship tools include politically motivated internet shutdowns, falsely charging people with financial crimes, and a rise in digital repression and harassment through surveillance, doxing, death threats, hacking, trolling, impersonation, and cyber mobs.¹² With political activism and artistic expression increasingly moving online, African governments have responded in kind by adopting new measures to dampen expression there. To counter the rise in internet activism—which drove the Arab Spring, toppled governments in Egypt and Tunisia, and more recently fueled campaigns against police brutality in Nigeria (#EndSARS) and arbitrary detention in Uganda (#FreeBobiWine)—repressive African governments have invested in digital surveillance, disinformation, and internet disruption technology.¹³ Digital freedoms have disappeared almost as quickly as they appeared, a trend that openDemocracy refers to as playing “whack-a-mole with Africans' digital rights.” A workshop participant from Sudan echoes this formulation, explaining that although the internet initially gave artists some leeway for expression

and new platforms for their work, such as YouTube and social media, these spaces are now targeted by the Sudanese government.

African governments frequently shut down the internet entirely in times of unrest, particularly during protests and elections. A report from Access Now found that in 2021, at least 12 African countries shut down the internet 19 times.¹⁴ In November 2021, for example, the internet in Sudan was shut down for several weeks in response to the “Million Man” protests that swept the capital of Khartoum in the wake of the country's military takeover. In addition to imposing severe and widespread economic consequences—a recent report found that global internet censorship cost the world \$5.5 billion in 2021¹⁵—these shutdowns make it much more challenging for artists and other HRDs to use the internet for activism and engagement with their communities.

States continue to use a roster of other tactics, like attempting to foster division among artists by inviting them to sit on censorship boards or commissions while alienating outsiders, such as Zimbabwe's Board of Censors, which was established in 2017 to regulate and control the film and media industry.¹⁶ Another tactic is to criminalize artistic expression through laws that don't explicitly censor but have been used to harass and intimidate artists. For instance, Egypt's Anti-Terrorism Law No. 94, adopted in 2015, which vaguely defines terrorism and expands the government's powers to crack down on it, has regularly been employed to detain, prosecute, and imprison artists who express dissent. The law also allows for severe punishment, including the death penalty and pretrial detentions that can last for up to two years. Social media administrator Mustafa Gamal, for example, was arrested in 2018 and remained in pretrial detention until 2020 for “being a member of terrorist group” due to his suspected associations with singer Ramy Essam. In Kenya, the government's use of censorship boards and public morality and indecency laws has been so heavy-handed that it has led to community censorship, such as when a singer called on the censorship board to ban the song “Regina,” by Juma Jux and Otile Brown, for blasphemy.¹⁷ “Name and shame” policies are yet another common tactic, in which individuals are publicly rebuked for alleged wrongdoing, such as defaulting on payments, in order to sway public opinion against them. Such defamation of artists occurs through the mass media, social media, or whisper campaigns¹⁸ and often also involves labeling artists and human rights defenders “enemies of the state” or “agents of the West” and excluding them from support and funding. Governments also censor artists by weakening unions and collectives,¹⁹ dismissing dissident artists from their jobs,²⁰ and spreading a culture of fear to intimidate whistleblowers and crush attempts at solidarity.

SELF-CENSORSHIP AND CONFORMING TO THE STATUS QUO

“Artists are just so resigned to not getting as involved in resistance work, as [others] are. Because in Uganda artists are just so tired, and so fearful. The penalties are very difficult, very harsh.... [So they] have become regime praisers, dictatorship praisers.”

—Ugandan participant and author

Government control of expression extends far beyond direct censorship, as artists who fear repercussions often censor themselves. To earn a living and avoid punishment, which in extreme cases can entail imprisonment or exile, many artists feel pressure to create work that conforms to the status quo and avoids antagonizing the powerful. But even for those who choose conformity, it takes great effort to operate within the strictures of oppressive societies and to avoid controversial interpretations of their art. Some artists steer clear of themes that are considered politically unacceptable and projects that are critical of their government. Some portray their work as strictly for entertainment or aesthetic enjoyment, lacking any identifiable political stance. Others address politics but only in the safest, most palatable way. Workshop participants from Rwanda noted, for example, that almost every artist there seems to create work that deals with the 1994 Rwandan genocide, or with peace and love, while avoiding more controversial topics like President Paul Kagame's two decades of authoritarian control and recent human rights abuses. Like artists behind the Iron Curtain who felt safe criticizing Nazis but not communists, Rwandans find that portraying the horror of genocide, while disturbing, is seen as more politically neutral than addressing contemporary government offenses like tampering with elections, bribing journalists, and threatening—even assassinating—critics.

A participant from Madagascar talked about how, despite his country's reputation for being safer for artists than other African countries, artists often find themselves under close scrutiny, and many respond by avoiding political or activist work to limit the potential for the government to perceive them as having dangerous associations. While artists may not always identify this self-censorship as censorship, and some of it may be unconscious, it still severely inhibits creative expression. In Tanzania, the government must authorize performances, while in Nigeria filmmakers are among those most muzzled by the censorship boards.²¹ Artists require the approval of these authorities to sustain their careers, and the chilling effect of meeting these boards' standards should factor into any observations about the apparent lack of political or critical engagement in creative work.

“The discussion of, as an artist, trying to make peace or to be at peace with the devil is demanding so much from my own humanity. What you do is either surrender because you don't want to go to prison tomorrow, or you surrender because you want to be at peace at your own expense. That is a very huge deduction on my own humanity.”

—Zambian participant and musician

Even absent fears of legal or social backlash, financial imperatives force many artists to shy away from dissent. Although the cultural sector is one of the continent's largest employers, governments and private patrons alike are often reluctant to devote funding to potentially critical work. As a result, critical or dissident art and culture are often funded by the West, through organizations such as the Goethe-Institut and the Open Society Foundation (OSF). Notwithstanding the good intentions of such efforts, they come with their own subtle and complex brand of self-censorship, as African artists may feel pressure to skew their work to conform to Western hegemonic ideas, both to maintain their funding and to attract foreign consumers. This tension represents a continuation of colonial legacies: Well-funded Western institutions with strong international reputations can choose which artists to fund based on the values their work espouses. Although not an example from Africa, one participant cited dissident Chinese artists receiving Western attention and funding to keep creating artwork critical of the Chinese Communist Party, effectively conditioning their creative freedom on a political stance.

“We are fighting locally against oppressive regimes using resources and policies that come from abroad, which themselves are hegemonic and problematic. So ... it's up to us to be quite sophisticated and nuanced as to how we go about doing that.”

—South African participant and cultural professional

Whether self-censoring to mollify oppressive regimes, government-appointed gatekeepers, public and private funders, or audiences, such restraint can take a harsh psychological and emotional toll on African artists. When choosing to be “non-political” is its own political position, artistic expression can feel like an inescapable trap, leaving no way for artists to both survive and be true to themselves. Yet this excruciating predicament also highlights the potency of art: It possesses the ability to win hearts and minds, to reinforce ideas or challenge them, to drive change. Governments censor art because they are fully aware of this soft yet mighty power and fear its ability to shape public opinion more decisively than they can.

COUNTERING CENSORSHIP

In countries like South Africa, Tunisia, and Kenya, where civic space is more robust, civil society organizations (CSOs) play a critical role in countering government attempts to censor and violate free expression. CSOs can spearhead advocacy campaigns, engage with official institutions more readily than individuals, spread awareness of human rights violations, and document those violations. In countries where civic space is drastically shrinking or nonexistent—including Uganda, Sudan, Ethiopia, and Rwanda—international organizations and organizations in other countries can help. Examples include Amani: Africa Creative Defence Network,²² PEN International, Amnesty International, and Human Rights Watch.

Other vehicles for countering censorship include international exposure, media support, internet and alternative safe spaces, and networks of allies. While digital censorship and repression are on the rise, workshop participants reported that the digital realm sometimes enables access to content that would previously have been hidden. A Nigerian participant pointed to the Afrobeat anthem “I Am Nigeria,” by legendary artist-activist Fela Kuti, which the government banned for its politically charged content but can still be found on YouTube. Digital spaces are not always sufficient or reliable, and in some countries artistic freedom flourishes outside the government’s purview, in places like foreign cultural institutes and embassies and in donor-supported settings. A workshop participant from Sudan explained that, because successive authoritarian governments have shut down online platforms, performance venues, and publications, the remaining venues for artistic expression include the British Council, the Alliance française, and the houses of ambassadors, creating a closed circle and limiting access for much of the population but allowing an outlet nonetheless.

When those outlets are not sufficient and artists are detained for their creative expression, participants emphasize the value of international exposure and media support. African governments are often eager to protect their international image and maintain a facade of democracy to maintain trade and foreign aid relationships with Western countries. Participants noted the cases of Vitali Maembe, a Tanzanian musician who was detained for one day in December 2021 and released following an international outcry, and Bobi Wine, a Nigerian musician-turned-politician who was detained for two days in November 2020 and released after the #FreeBobiWine campaign went viral on social media.

“When a song is banned or a film is censored, people are casual about it.... [In Nigeria,] censorship is one of the legacies of the military. People don’t really take it as a violation.”

—Nigerian cultural professional

NOTES

⁷ Human Rights Watch, “Mauritania: Activist Arrested for Social Media Posts,” Human Rights Watch, February 10, 2018, [hrw.org/news/2018/02/10/mauritania-activist-arrested-social-media-posts](https://www.hrw.org/news/2018/02/10/mauritania-activist-arrested-social-media-posts)

⁸ Amnesty International, “I Slept with Voices Demanding My Death and Woke Up with Shouts Calling for Me To Be Killed: Mauritanian Blogger Mohamed Mkhaitir Tells the Story of His First Days in Prison,” Amnesty International, August 28, 2019, [amnesty.org/en/latest/campaigns/2019/08/le-blogueur-mauritanien-mkhaitir-raconte-ses-premiers-jours-en-prison/](https://www.amnesty.org/en/latest/campaigns/2019/08/le-blogueur-mauritanien-mkhaitir-raconte-ses-premiers-jours-en-prison/)

⁹ End Blasphemy Laws, “Mauritania,” End Blasphemy Laws, accessed August 17, 2022, endblasphemylaws.org/countries/middle-east-and-north-africa/mauritania/

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¹¹ Ekonde Daniel, “Cameroon’s 3-Year Separatist Crisis: Online Threats, Attacks on Identity and Freedom of Expression,” Advox, May 18, 2020, advox.globalvoices.org/2020/05/18/camerouns-3-year-separatist-crisis-online-threats-attacks-on-identity-and-freedom-of-expression/

¹² PEN America, “Ugandan Writer and Activist Released from Prison on Appeal of ‘Cyber Harassment’ Charges,” PEN America, February 21, 2020, [pen.org/press-release/stella-nyanzi-ugandan-writer-activist-released](https://www.pen.org/press-release/stella-nyanzi-ugandan-writer-activist-released)

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ARTISTIC FREEDOM
IN AFRICA:
HISTORICAL,
CONSTITUTIONAL,
AND CREATIVE
CONSIDERATIONS

ARTISTIC FREEDOM IN AFRICA: HISTORICAL, CONSTITUTIONAL, AND CREATIVE CONSIDERATIONS

Conditions in African countries range from partially democratic and free environments in Ghana and South Africa to completely hostile and undemocratic landscapes for expression in Somalia and Cameroon.²³ Some countries, such as South Sudan, Cameroon,²⁴ Egypt, and Ethiopia,²⁵ are transitioning toward democracy, while others, like Kenya and Nigeria, are experiencing deep social transformations marked by political instability and the regression of civic and political institutions. Across the continent, there has been a rise in religious conservatism, heightened social and religious authoritarianism, backsliding on human rights, and escalating terrorist acts. Nigeria, for instance, has in the past three years endured a resurgence of terrorism in the northwest led by Boko Haram splinter groups;²⁶ a spike in religious tensions leading to the mob murder of a college sophomore, which provoked national outrage;²⁷ and a state-led massacre of peaceful protesters against police brutality.²⁸

CREATIVE EXPRESSION BY LAW

“We are coming from countries where our rights have never been guaranteed, so we need always to fight for freedom of expression. We always need to fight to vote. We always need to fight to make our voices heard.”

—Tunisian participant and cultural practitioner

Arts, culture, and freedom of expression are rarely a priority for African governments. Even where constitutional and legal rights exist, there is often a huge gap between

laws on the books and practice in daily life. In many ostensibly democratic countries, constitutional guarantees of free expression lack the political culture of constitutionalism and robust institutions needed to support them. Most African countries have ratified the main international and regional conventions related to freedom of expression. International and regional protections for free expression, artistic freedom, and the right to culture are enshrined in:

- the UN Declaration on Human Rights, which all 54 African nations have ratified through at least one binding treaty²⁹
- the International Covenant on Civil and Political Rights, which only Comoros and South Sudan have not signed or ratified³⁰
- the International Covenant on Economic, Social, and Cultural Rights, which only Botswana, Mozambique, and South Sudan have not signed or ratified, and which Comoros has signed but not ratified³¹
- the Constitutive Act of the African Union, which all African nations except Morocco (due to the recency of its entry into the Union) have signed and ratified³²
- the African Charter on Human and Peoples' Rights, which only Morocco has not yet signed or ratified and which Egypt, South Africa, and Zambia have ratified despite declared reservations³³
- the Cultural Charter for Africa, which is the least enforced, having been ratified by only 35 nations (about two thirds of the total African nations)³⁴

In reality, though, freedom of expression on the continent is restricted, especially through laws and practices that governments apply so broadly that they restrict expression far beyond their stated purposes. Laws, statutes, and regulations dealing with counterterrorism, cybercrime, pornography, hate speech, and apostasy are particularly subject to abusive interpretations and are deployed to muzzle artists.

OBLIGATIONS OF NATIONAL GOVERNMENTS TO SUPPORT AND PROTECT HUMAN RIGHTS DEFENDERS

Some nations have structures in place to support human rights defenders, typically through national or international bodies set up to monitor human rights in a particular country or region, such as the Kenya National Commission on Human Rights, the African Court on Human and Peoples' Rights, the Open Society Initiative for West Africa, and the Ghana Center for Democratic Development. These bodies often fall short of their intended purpose. For example, while the African Court was established to “ensure the protection of human and peoples' rights in Africa,” it consists of only 33 of 54 states, out of which only 8 currently allow individuals to submit cases directly—meaning that large swaths of the continent lack access to a unified mechanism for addressing human rights violations. States that have ratified the protocol that

established the African Court take a quasi-judicial approach, choosing which cases to recommend to the African Commission on Human and Peoples' Rights, which then decides whether to escalate cases by referring them to the court. Unfortunately, the process of seeking justice is so convoluted and time-consuming that HRDs often find it more demoralizing than vindicating.

“The foundation of activism is a direct effort to influence policy to change laws or repeal punitive laws that may hinder freedom of expression.”

— Kenyan participant and artistic director

Having governments involved in the support and protection of HRDs provides resources and power to the human rights workers but also allows those governments to veto initiatives they don't like. There have, however, been opportunities for HRDs to expand their networks to include sympathetic state actors. For instance, a workshop participant reported that having built a level of trust at both a local and national level, HRDs in Kenya are sometimes called in by the police to help deal with local justice-related issues and obviate escalation to the formal judicial system.

COLONIAL LEGACIES

Colonial conquest, slavery, and oppression, lasting from roughly the “Scramble for Africa” period beginning in the 1880s to decolonization through the 1970s, have left legacies that remain enmeshed in many nations' constitutions and laws and contribute to a political environment that devalues the arts. Contemporary ruling parties often cite this history of violence and control to deflect criticism of their own policies.

“In seeking truth, in seeking justice, in seeking democracy, yes—they all sound like Western concepts because it seems like they came from there first. But we go back into our history, and there are forms of democracy that we had that have just been ignored.”

— Nigerian participant and musician

Governments installed across the continent by Belgium, Britain, France, Germany, Italy, and Portugal disrupted existing dynamics among ethnic groups and splintered communities around artificial lines of control, imposing new, brutal structures that demanded total obedience and forbade dissent.³⁵ The colonizers introduced draconian laws that created new categories of crimes, many of which directly

affected artists and other cultural practitioners, including laws governing social gatherings, censorship, cultural performances, the use of language, and education.

Most African countries gained independence between the 1950s and 1970s. Seeking democratic transitions away from colonial governance structures and policies, they adopted constitutions that sought to provide stability through an emphasis on state sovereignty, institutional checks and balances, bills of rights, and power-sharing formulas. But not long after, many African countries began to renege on these democratic promises and restore colonial practices. Others have maintained aspects of colonial-era legislation since gaining independence. For example, 32 African countries, including Uganda, Nigeria, Kenya, and Zimbabwe, continue to criminalize homosexual conduct based on provisions introduced by the British colonial government.³⁶ Likewise, film and censorship boards across the continent can trace their origins back to the Colonial Film Committees of the 1930s, known for channeling pro-British propaganda into cinemas as a way to stifle criticism of a weakening empire.

Despite some progress after the end of the Cold War, when democratic structures, multiparty politics, and constitutional and legal reform were on the ascent, many African nations again reverted to authoritarian tendencies as a result of a complex blend of factors, including the vestiges of colonialism, which left weak political foundations that have struggled to sustain liberal democracy in the intervening decades; the continued presence of religious and ethnic rivalries; the prevalence of cronyism and corruption; and, most recently, the COVID-19 pandemic, which many governments have exploited to push back on elections and control the movement of citizens.³⁷ This instability and oppression have created hostile environments for artists, cultural workers, human rights defenders, and other governance activists. As countries backslide, many have directly or indirectly recreated colonial conditions that place dissident artists in financial or physical peril. For example, in 2014, Kenya passed a law banning same-sex relationships, based on colonial-era sodomy laws, that is used today to censor, fine, threaten, and arrest artists.³⁸

“Sometimes, you think that you are in a democratic country and that our activism and engagement is impactful, and we have results... But in many cases, you find out this is not the guarantee anymore—democracy is not guaranteed. Our freedom of expression is at stake.”

— Tunisian participant and cultural professional

Among the most durable legacies of colonialism is that its ruthless and very real repercussions provide ready absolution to today's rulers, who are quick to blame colonizers for their own failures, cruelty, weakness, and greed. A Nigerian musician

in the workshop pointed out that when attempting to consolidate power, government officials often justify repressive laws by pointing to Western influence. One such law, Uganda's Computer Misuse Act, was ostensibly created to prevent online abuse and harassment and to foster safer digital spaces³⁹ but has frequently been directed against activists. By charging activists with cyber harassment, offensive communication, or violating the right to privacy, or by selectively enforcing COVID-19 measures like curfews, governments apply a veneer of legitimacy to their efforts to prevent and punish protest.⁴⁰ A Tunisian cultural professional observed that every incoming government, no matter how seemingly progressive, changes the law to fit its own needs and give itself more power. A South African playwright said that progressive constitutions on the continent have rarely translated to laws, procedures, and other measures that match the spirit of those documents.

“Nigeria is a dictatorship with a democratic face. The government will come out and say they want us to exercise our rights, but truly they don't. And behind the scenes, they are attacking a lot of young people, especially those in the creative sector.”

— Nigerian participant and musician

ISOLATION, SOLIDARITY, AND THE WEST

There is a clear need for more international, continental, and national solidarity with African creative professionals—and that solidarity must reflect the particular needs of Africans. Supranational solidarity tends to be episodic, rising alongside elections, leadership changes, or spikes in violence, like the artist-supported End SARS movement to protest police brutality in Nigeria and the #BlueforSudan campaign to post blue artwork online in tribute to a murdered protester whose favorite color was blue. But while all expressions of solidarity are welcome and needed, they would have more impact if they were more sustained. Stronger and more permanent solidarity networks among artists, activists, and human rights advocates should be preexisting and ready to deploy rather than ad hoc.

Artists can and should learn from human rights defenders and other activists. In particular, they should meticulously document human rights violations, gathering evidence that can be used for future prosecutions within or outside the country. Such documentation can also help with advocacy efforts and is crucial when applying for support from organizations. Artists should also obtain resources that help them determine who is considered a human rights defender, how they might fit the definition, and how to access the multiplicity of support available to HRDs. Artists in rural areas, who might lack internet service, are especially in need of such knowledge.

“We must learn from each other the same way dictators learn from each other.”

— Kenyan workshop facilitator

But international solidarity is complex. Working with people from outside Africa, especially Westerners, can lead to ostracism by their compatriots. Artists from Uganda, in particular, said that they or their organizations have been falsely labeled agents of foreign governments⁴¹ when they have received outside funding. On the other hand, participants noted that when African artwork becomes popular abroad, especially in the West, it can eventually make its way back into the artist's home country with less scrutiny from the authorities. As such, one workshop participant from Rwanda proposed that allies abroad could help distribute art that has been censored in an artist's home country. Exiled artists also find that creating artwork in another country changes their art.⁴² As one participant explained, life in exile can decontextualize their work and make it alien to audiences back home. But while such issues must be addressed, cross-border solidarity is nonetheless essential, fortifying artists' courage, supporting their work, and protecting their lives and livelihoods.

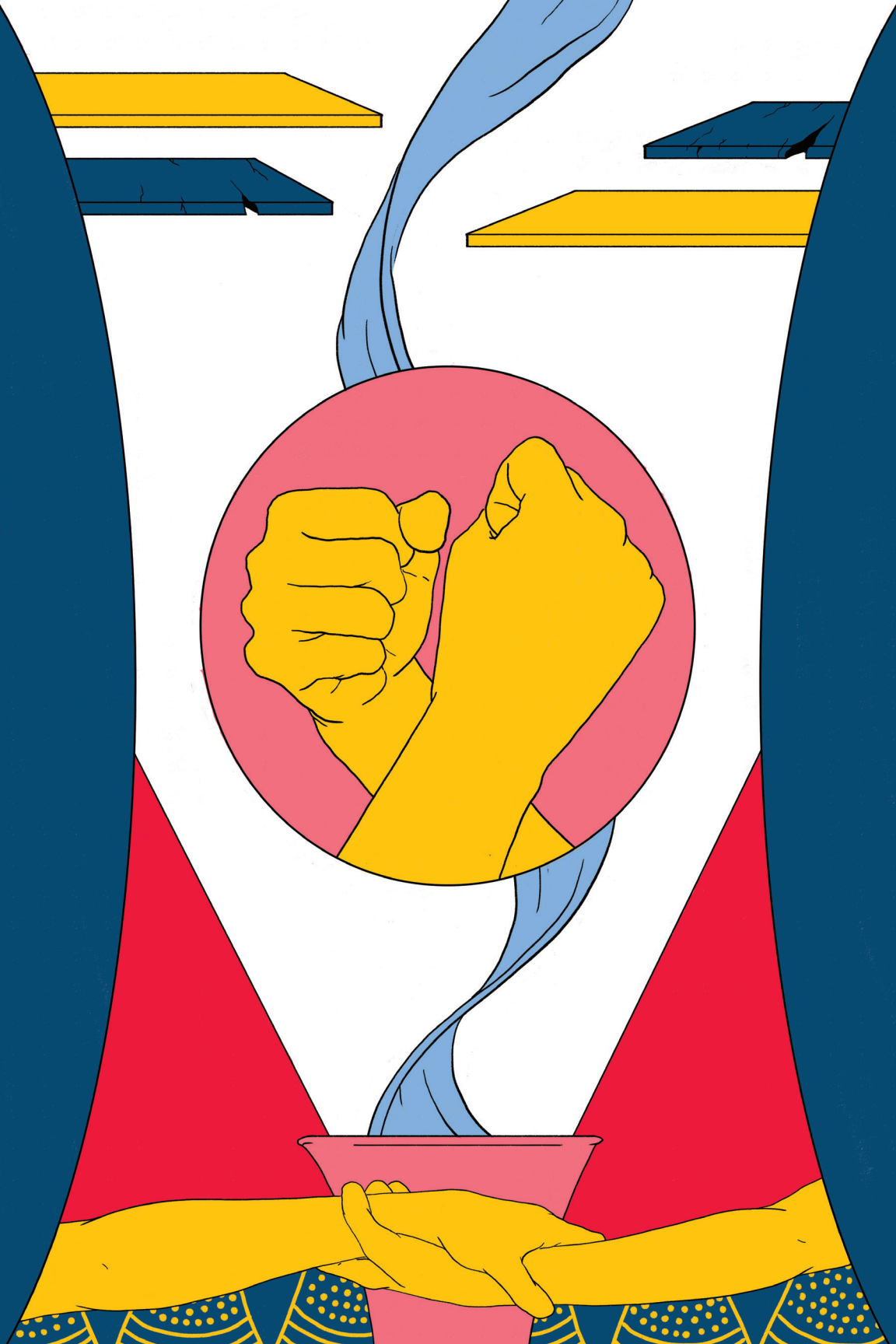
Additionally, human rights groups themselves should promote greater solidarity. Their advocacy needs to be understood as universal, not contingent on personal identity or beliefs. The first line of support for HRDs is engagement with other HRDs engaged in similar activities, often through networks such as Defend Defenders, African Defenders, and National Human Rights Commissions. Such groups understand the risks of human rights work and know where to turn to for human rights defense. It is equally important for artist HRDs to offer mutual support and advocacy. They should share work, attend one another's events, expand one another's networks, help to document or store evidence of threats and attacks, advocate for at-risk artists, and generally approach their work with the attitude that human rights groups are stronger together.

“Yes, artists are scared to engage more, but it's important for them to understand that if they do not do it now, then it's not sustainable. You will leave it to the next generation, and again and again. They need to take action today, and not wait.”

— Cultural professional and participant from Madagascar

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ARTISTS AS HUMAN
RIGHTS DEFENDERS:
CHALLENGES AND
OPPORTUNITIES

ARTISTS AS HUMAN RIGHTS DEFENDERS: CHALLENGES AND OPPORTUNITIES

By the nature of their work, many artists are exceptionally sensitive to the culture and politics around them, making them ideal messengers for human rights issues involving freedom of speech and expression. In a world where cultural and ethnic differences are often at the root of discrimination and persecution, this cultural sensitivity is an important prerequisite for human rights work and activism. Artists' efforts as cultural ambassadors generate trust and lend them credibility as leaders of nonviolent resistance to injustices.

In Africa, the term “human rights defender” is often narrowly associated with those who work in registered nongovernmental organizations (NGOs) or civil society organizations (CSOs). But the UN Declaration on Human Rights Defenders defines HRDs as “people who, individually or with others, act to promote or protect human rights.” Anyone—including artists—can be considered a human rights defender if they address human rights issues at a local, national, or international level. For example, when artists deal with specific social or political issues in their creative work—a film about the struggle of immigrants, a play about LGBTQIA+ experiences—they are and should be considered human rights defenders, with all the rights and resources that status entitles them to. Furthermore, human rights defenders who specifically defend the right to culture are considered cultural rights defenders (CRDs), a subset of human rights defenders.⁴³

But many artists whose creative work engages human rights issues are unaware that they are HRDs, and thus unfamiliar with existing protection mechanisms and funds. Positioning an artist as a human rights defender comes with unique advantages as well as challenges.

“We always have to lace our actions with a cultural petticoat.... Therefore, I think a human rights defender is a culturally sensitive person.”

— Kenyan participant and artistic director

ASSESSING RISK

Whether artists choose to pursue human rights work or human rights work chooses them, it is often difficult, usually demanding, and sometimes dangerous. While the activities inherent to defending human rights—speaking out against violations, criticizing powerful governments and non-state actors, defending marginalized communities, and illuminating shared humanity—can be risky, it is important to know that there are protection mechanisms available to human rights defenders that minimize these risks and bolster their security. A risk analysis should always take into account the individual situation of an HRD: their identity and gender, their activities and location, their artistic discipline, the level of peril in their area of operation, and the specific predicament they are in, among others.

Finding the right type of help for an African artist can be especially difficult because legal frameworks on the continent vary significantly by country. It is critical for artists to familiarize themselves with these legal differences when seeking aid. Beyond institutions, communities can provide invaluable support, whether they comprise other artists, members of a group, neighbors and compatriots, or any kind of affinity or affiliation, physical or online. Note, however, that communities can also be sources of additional threats, especially if an artist or HRD breaks accepted norms.

“[Artists] are at the front line, and they put their lives at risk to defend our freedom and our rights.”

— Tunisian participant and cultural practitioner

CORE DILEMMAS AND CHALLENGES

Rising threats from state and non-state entities remain a core challenge for artists who defend human rights in Africa. Recent tactics brought up by workshop participants include:

- **Labeling by the state.** Many HRDs are tagged as “enemies of the state” or “agents of the West” in attempts to discredit them in the eyes of the public and

their communities. For instance, President Museveni of Uganda has on several occasions accused singer and former presidential candidate Bobi Wine of being an agent of the West due to his support from LGBTQIA+ groups in foreign countries.⁴⁴

• **Typology.** Before escalating to direct attacks, states often target HRDs and artists more insidiously, seeking to divide people and to discourage them from calling themselves HRDs and availing themselves of protections that stem from that status. Women human rights defenders face particular challenges, frequently encountering more severe backlash for speaking out. In some cases, the label of human rights defender is so polarizing that artist activists actively eschew it. In Nigeria, for example, many people prefer to be called cultural advocates or activists.

• **Surveillance.** Many African governments routinely use surveillance and travel bans to monitor the activities of artists and restrict their movement. Over a dozen African countries have deployed surveillance technology, typically procured from Chinese telecommunications companies and often used under the guise of fighting crime.⁴⁵ For example, in a suit filed on July 28, 2017, through the Center For Legal Aid (CLA), Dr. Stella Nyanzi challenged the Ugandan government for clandestinely placing her name on a no-fly list, confiscating her passport, and subsequently ignoring a filed administrative complaint about her mistreatment at Entebbe International Airport.⁴⁶ Also in Uganda, a *Wall Street Journal* investigation found that officials intercepted Bobi Wine's encrypted communications using digital surveillance tools.⁴⁷

• **Charges of financial crimes.** This tactic is often deployed when there is no real crime to charge an activist or artist with. Instead, false or exaggerated financial charges are brought against them to justify detaining, discrediting, or arresting them. Such charges can lead to further financial repercussions. For example, Promise Ezenwanyi Uhuo, a young Nigerian writer, poet, actress, and youth activist, assisted protesters in obtaining funds, only to find that her account was flagged by the federal government and subsequently frozen by the Central Bank of Nigeria.⁴⁸

“I find that a lot of the protection is tailored around men and how men human rights defenders and men activists and men artists perform.”

—Ugandan participant, poet, and activist

Besides government tactics, African artists who defend human rights struggle with other challenges, hardships, and threats, including:

• **Lack of a support network.** Many artists lack a strong support network, a crucial source of expertise, goodwill, safe havens, financial resources, and legal backing. Without a robust network behind them, activist artists are less able to marshal the moral strength and resilience needed for their difficult, time-consuming, and emotionally draining work.

• **Bureaucratic funding processes.** Currently, funding for African artists in crisis is mired in red tape. Artists at the workshop felt that this byzantine process was incapable of meeting the urgency of most situations and actually ended up being more harmful than helpful to artists.

• **Lack of solidarity.** Considering the often hierarchical nature of human rights defense work, in which some HRDs and causes attract much more attention and support than others, those needing help may find themselves vying for limited resources rather than joining forces. Work that focuses on LGBTQIA+ rights or women's reproductive rights, for example, often receives less aid than work on free elections.

• **Sexual abuse:** Sexual harassment and abuse are frequently weaponized against human rights defenders, especially women, and their families. According to Human Rights Watch,⁴⁹ documented cases of sexual abuse are prevalent in prisons in countries including Mozambique, Zambia,⁵⁰ and South Africa.⁵¹

• **Poor prison conditions:** According to Penal Reform International, conditions in African prisons are some of the worst in the world, with high rates of pretrial detention, overcrowding, and unsanitary conditions.⁵² It is therefore likely that artists who are detained for their creative expression will suffer from abuse and hardship while incarcerated.

“Art, to me, is an expression of experience, and anyone who expresses art without real-life experiences to me is just using art ... I'd like to give an example, citing Fela Aníkúlápó Kuti. He was an artist. He lived his work. As an artist, we must live the things we preach, we must live the things we say.”

—Nigerian participant, musician, and activist

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IMPACTS OF
COVID-19
RESTRICTIONS
ON ARTISTS

IMPACTS OF COVID-19 RESTRICTIONS ON ARTISTS

As COVID-19 spread across Africa in 2020, many authoritarian-leaning countries used measures intended to combat the virus as a pretext for limiting freedoms, consolidating power, and silencing artists' voices and creative expression. Since March 2020, there have been 187 new measures instituted by African governments in response to the pandemic, with 47 countries taking legislative action to cope with COVID-19 and 41 either fully or partially disallowing public gatherings.⁵³ As in the rest of the world, common measures adopted on the continent included nationwide curfews, border closures, bans on public gatherings, and total lockdowns, which, in the context of Africa, paved the way for greater erosion of civic spaces and heightened challenges for creatives.

Many African governments cracked down on online media and curbed freedom of expression. In Zambia, the Independent Broadcasting Authority canceled the license of an independent television station⁵⁴ after it refused to broadcast the government's COVID-19 messaging for free. Tanzania's government suspended Kwanza Online TV's license⁵⁵ after its Instagram account shared information from the U.S. embassy about the elevated risk of contracting COVID-19 in the country. Zimbabwe enacted more sweeping measures,⁵⁶ restricting freedom of expression and facilitating defamation lawsuits against journalists, artists, activists, and individual citizens.

Because art and creativity thrive on social connection, the physical distancing necessitated by COVID-19 imposed a steep price on both artists and audiences. A rise in censorship, compounded by a marked drop in funding and greater restrictions on performances and interactions, has led to the widespread denial of artistic expression. As a result, there is an urgent need to push back and expand the breadth of civic life while enhancing the resilience of artists.

Artists have faced, and continue to face, an array of complex challenges during the COVID-19 pandemic, which has exacerbated and added new forms of disinformation, police brutality, restricted access, and mental health concerns.

The fallout from COVID-19 has included:

• Disinformation

Most governments have not been transparent about accurate infection statistics or safety measures, making it difficult for people to prepare and protect themselves. In Tanzania, for instance, the government denied the existence of COVID-19,⁵⁷ and its leaders discouraged wearing masks in public places, removed hand-washing facilities, prohibited the media from running public awareness campaigns, and threatened civil society professionals and activists who fought such measures. Artists who tried to use their work to distribute correct information were silenced by various government policies. Likewise, in Uganda, author Kakwenza Rukirabashaija was arrested for allegedly writing a social media post urging a better pandemic response and stating that the government, not COVID-19, should be blamed if famine struck the country.⁵⁸

• Police brutality and injustices

Artists have been charged or threatened for speaking out about conditions during the pandemic and have faced severe consequences for protesting COVID-19 restrictions and other government responses. In 2020, after holding rallies during his presidential campaign, Uganda musician and opposition politician Bobi Wine was arrested, charged with COVID-19 violations, and released on bail. In South Africa, when opera singer Sibongile Mngoma⁵⁹ protested the closure of an arts and culture center, police dragged her away from a government building, leaving her bruised and with her blouse torn off.

“We are free only when we do what the government wants us to do. Outside [of] that, we are not free.”

—Ugandan participant, author, and poet

• Limited internet access

While many artists and their audiences in poor countries suffer from a dearth of internet access, in Africa this problem is particularly acute, leaving the continent behind as the rest of the world experiences huge growth in connectivity. According to data compiled by the World Bank, approximately 30 percent of the population of sub-Saharan Africa had internet access in 2020,⁶⁰ compared with 60 percent of people globally.⁶¹ In North Africa, access rates ranged from 18 percent in Libya to 84 percent in Morocco.⁶² With much of the continent un-wired, few African artists worked digitally before the pandemic. So while artists everywhere experienced extreme disruption as the lockdown forced them to move all their work online (remember all those exuberant videos of dancers and musicians?), Africans suffered exponentially. For artists and audiences to connect online, both need access to electricity, internet data, and the right devices—resources that are far

from universally available. Artists also require consistent access to a live-streaming platform or videoconferencing app. As a result, when the already exclusionary digital space became the sole option for African artists, engagement plummeted, chilling artistic expression and isolating them from their audiences.

Even where there were no connectivity issues, several African governments restricted internet access. For instance, workshop participants complained about Uganda's imposition of online curfews, which forced artists, especially musicians holding concerts, to switch off early. These online curfews happened at the same time as regular curfews, from 7pm to 4am.⁶³

• Digital oppression

Internet access isn't the only technological challenge for African artists driven online in the age of COVID. As in many restrictive parts of the world, in Africa the internet is a mixed blessing for artists, lending itself to both larger audiences and more persecution. Under the watchful digital eye of prying governments and individuals, artists endure heightened risks of censorship and other repressive tactics. A number of African governments consistently monitor online content, especially on social media. The leaders of Uganda shut down Facebook, Twitter, and other social media sites on the eve of elections in January 2021, "until the government deems they are safe from being used to inflame tensions."⁶⁴ Nigeria officially banned Twitter for deleting a tweet by President Muhammadu Buhari that the company said violated its rules against abusive behavior.⁶⁵

• Political favoritism and elitism

Some African artists were able to circumvent COVID-19 lockdowns and border restrictions due to their political affiliations. In addition to deepening inequality in the art world between those who could travel and share their work and those who could not—reserving the right to free expression for the politically well-connected—this imbalance exacerbated self-censorship among artists who were supported by powerful patrons and funders and were expected to skew their creative output toward the interests of these benefactors, who could both boost their careers and help them get around pandemic restrictions.

• Mental health problems

During the pandemic, the combined challenges of social isolation, loss of income, widespread death and illness, and general uncertainty have led to a well-documented decline of mental health everywhere. A study from the World Health Organization found that global rates of mental illness rose 25 percent worldwide during the first two years of the pandemic.⁶⁶ Although there is little Africa-specific (or artist-specific) data available, one study found that 10 to 20 percent of 220 people surveyed in South Africa reported "potent experiences of anxiety and fear" as a result of the pandemic, and a survey of 12,000 women from low-income communities in Uganda and Zambia found an increase in "persistent stress, anxiety

and depression." The UN has noted that Africa has one of the lowest rates of government spending on mental health services.⁶⁷

Many artists who experienced a grave loss of work and income have found themselves struggling to restart their careers and shake off conditions like depression and suicidal urges. "The main source of income for us here is events," a Gambian artist explained to *The Guardian* in July 2021. "The fact that artists haven't been able to organize anything for more than a year has put a deep hole in their pockets." Workshop participants said that they or other artists they know have had to change careers, move to cheaper accommodations, or move in with extended families to get by. While most COVID-19 restrictions have since been relaxed, many artists are still finding it hard to get back on their feet.⁶⁸

• Insufficient aid

Although many governments on the continent promised to provide financial assistance to artists during COVID-19 lockdowns, workshop participants reported that in countries such as Uganda, Kenya, and Zimbabwe the aid never reached the intended recipients due to government corruption. Countries like Tunisia, where, according to a workshop participant, the government fulfilled this promise and artists received US\$115 per month, are an exception rather than the norm. Even there, though, migrant artists were left out, as the stimulus package was limited to Tunisian nationals.

NOTES

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KEY FINDINGS AND RECOMMENDATIONS

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Key Findings

The arts and creative freedom are not high priorities in most African countries, and despite various local, regional, and international constitutions and documents supposedly guaranteeing freedom of expression and the right to arts and culture, there is often a huge gap between law and practice. Throughout the workshop, African artists stressed the need for greater solidarity—locally, regionally, and internationally—to fight these challenges and help create a free and safe climate for art.

“If we want more purposeful art, we need to build strong enough movements to push and sustain artists who create that work.”

—Ugandan participant, poet, and author

Censorship has long been a central concern. It thrives in a context of conflict, lack of respect for human rights, repressive or even violent regimes, and precarious socioeconomic and political conditions. Topics that commonly draw censors include politics, religion, LGBTQIA+ and gender issues, and purported immorality, vulgarity, and indecency. The censors are usually governmental bodies and political parties, but community censorship and self-censorship are also prevalent. Artists who do create socially and politically engaged art wish that more of their colleagues would do the same and are frustrated with what they see as conformity and, worse, complicity in repression.

Despite the prevalence of active and robust human rights organizations in Africa, few of them focus or work on artists’ cases. Partly for that reason, many artists are unaware of the constellation of human rights organizations and mechanisms that do exist and could potentially protect them at local, national, regional, and international levels. Artists seem to know even less about the legal frameworks and language used in the human rights field—information that could point them toward resources, advocacy, and ways to protect themselves from harm. Lacking such connections, many workshop participants said that in times of need, they place a great deal of trust in their personal contacts in civil society groups, such as legal and residency organizations.

Participants resoundingly agreed that the relationship between artists and human rights defenders needs to be more widely understood. Artists should be aware that they themselves often qualify as human rights defenders, with all the rights and resources that status entitles them to. Art can promote human dignity, equality, and justice, and many artists are on the front lines of protests and demonstrations. For their part, human rights organizations must include artists in their mandates and provide them with needed support and guidance. It’s time for these two overlapping sectors to bridge the gulfs and constructively engage.

The COVID-19 pandemic has aggravated the challenges facing African artists. Compounding the effects of the virus itself, government policies, even well-intentioned ones meant to curtail spread of the disease, have taken a toll on artists’ personal and professional sustainability. On the one hand, digital spaces, which of necessity have flourished during the pandemic, have raised some artists’ visibility. They have also provided alternative platforms to showcase censored art, promote solidarity campaigns, and express opinions. On the other hand, not all artists have access to the internet, and those who do often find it hard to monetize their work amid scads of free content. Worse, digital platforms give authoritarian governments new opportunities to censor and repress. Many governments have exploited these opportunities, surveilling and monitoring artists and their work, cutting off their internet connections, and, in the most repressive countries, shutting down the internet nationwide. There are hopeful signs in artists’ responses to these hardships: Many have organized more effectively, come up with inventive adaptations in their work, and produced daring and politically engaged art despite the risks.

“There is freedom of speech but no freedom after speech.”

—Zimbabwean participant and satirist

Recommendations

• Establish solidarity networks

African artists, with the help of human rights defenders and human rights organizations, should establish solidarity networks, online and offline, so that when a crisis arises they can easily access information on who to approach for help, where to find a safe haven, and how to obtain any other resources they require. These networks should start at the grass roots and reach outward—from personal contacts to civil society organizations and human rights groups—to protect artists’ rights to free expression and expeditiously support their urgent physical, financial, and psychosocial needs. Ideally these networks should be in place before crisis strikes, ready to respond individually to personal emergencies or en masse in times of war, conflict, or pandemics. But solidarity networks should exist beyond

emergencies, as artists should support one another, morally and creatively, during happy times as well.

• **Broaden support for at-risk artists**

Support for artists in crisis needs to be more holistic. It needs to consider, for example, the specific needs of female and LGBTQ+ artists. Additionally, mental health assistance often ignores considerations like gender discrimination, the trauma of relocation, and the treatment of mental illness, which is stigmatized in many African countries, resulting in a reluctance to seek help and a lack of available resources. Artistic and cultural institutions should establish mental well-being centers to assist artists and destigmatize treatment. Relocation programs should do more to facilitate socioeconomic and cultural integration, including language aid, to avoid cultural displacement.

• **Help artists defend themselves**

Artists, organizations, and individuals alike need to spread awareness that artists are human rights defenders. Once it is more widely known that artists and cultural rights defenders qualify as HRDs, the UN and other strategic institutions can expand and streamline access to information, support, and resources through established human rights mechanisms. It is also critical for artists to build their legal literacy and strengthen their understanding of human rights advocacy so they can mount more effective defenses against oppressive regimes. Artists should learn the language of human rights, and human rights organizations should conduct targeted outreach to artists to help them acquire such knowledge.

• **Establish alternate funding procedures and sources**

The byzantine process of obtaining funding for at-risk African artists not only fails to meet the urgency of most situations but sometimes ends up being harmful. African artists should join together to establish an emergency fund to respond to crises, whether individual cases of harassment or collective debacles like the COVID-19 pandemic. The emergency fund could be financed through a network of African human rights defenders and money raised by artists. Workshop participants strongly emphasized that this financial support, whether from artists or other donors, should come without any conditions that compromise artistic expression by requiring or prohibiting certain types of work or by otherwise interfering in the creative process. The emergency fund could help artists not only with physical safety issues but also with their economic well-being, subsidizing those unable to get their work financed, either because the powers that be find it too controversial, because they have frozen their bank accounts, or because the artists are in exile. In addition, human rights leaders should expand the practice of so-called “guerilla funding,” which ensures that aid money is untraceable to the artists who receive it.

• **Compile a resource guide for African artists**

Develop an online resource map of artists and artists’ organizations engaged in human rights defense, including civil society institutions. In addition to the basics, it should include such information as upcoming events like conferences and festivals, news about persecuted African artists, ways to coordinate support, and funding opportunities. This guide would help both artists and organizations build support networks, expand their offerings, find information, and connect to available resources.

• **Shape legal and policy reforms**

Artists throughout the continent need to actively shape laws and policies that fight oppression and expand freedom of expression, human rights, democratic institutions, the rule of law, and constitutionalism. To make their voices heard, they should proactively identify areas for reform and become active participants in national and local legislation and policy making. To learn from both the successes and failures of the past, participants in this reform process should document the experiences and lessons of previous struggles for democracy and the ways that artists, activists, and human rights defenders contributed to those efforts.