

## QUESTIONNAIRE ON THE RIGHT TO ARTISTIC FREEDOM

1. Is the right to artistic freedom expressly protected under the Constitution in your country? If so, please, provide the relevant provisions, or if needed, a translation of these provisions.

*The following articles from the Constitution of Georgia are related to the issues of culture and artistic freedom:*

### **Article 34**

- 1) *The state shall promote the development of culture, the unrestricted participation of citizens in cultural life, expression and enrichment of cultural originality, recognition of national and common values and deepening of international cultural relations.*
- 2) *Every citizen of Georgia shall be obliged to care for the protection and preservation of the cultural heritage. The state shall protect the cultural heritage by law.*

### **Article 38**

- 1) *Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public.*
- 2) *In accordance with universally recognized principles and rules of international law, the exercise of minority rights shall not oppose the sovereignty, state structure, territorial integrity and political independence of Georgia.*

2. If relevant, please, provide a brief summary of important decisions relating to artistic freedom adopted by judicial authorities in your country over the last ten years.

*The Law of Georgia on “Artists and Artists Unions” (1999) followed by the amendments of the recent years.*

3. Has your country adopted any official policy relating to art and artistic freedom? If so, please provide a summary of the main elements included in such a policy.

*The Ministry of Culture and Monument Protection of Georgia is currently working on the policy guidelines related to art and artistic freedom.*

4. Is there a legal definition of “artist” in your country? If so, does this definition have any bearing on the status of artists, as well as their artistic freedom? Do organizations of artists agree with such definition?

*According to the Law on Artists and Creative/Artists Unions (chapter II, article 7), if the artist is the member of the Union, his/her status is defined by the statute of this Union. If the artist is not the member of any Union, in this case, his/her status is defined by the professional certificate, which is issued by special National Artists' Union's collegial body. The certificate is given according to the statute of the mentioned Union and it is based on the professional/artistic activities of the artist and evaluation of his/her work.*

5. Is there an official legal definition of 'artisans' and craftsmen/women? If so, which consequences does this definition have on the status of artisans and craftspeople in terms of their artistic freedom? Do organizations of artisans/craftswomen agree with such definition?

*No legal definition of 'artisan' and craftsmen/women exists in Georgia.*

6. In your view, what are the main impediments encountered by artists in their work in your country?

*Certainly, artists face certain challenges with regard to their work, however, the Ministry of Culture and Monument Protection has adopted the mechanism of social support for artists, having no title or prize and living in poverty, who have made valuable contribution to the area arts and culture. The artists, who are the laureates of special prizes, such as the title of Public artist, Sh. Rustaveli Prize, also receive a scholarship from the Ministry of Culture.*

7. In this regard, what measures are required to combat these impediments?
8. What support is provided by State authorities, including public institutions and semi-autonomous bodies to artists, in particular financial support for artistic creations and exhibitions? What are the specific mechanisms to ensure that those benefiting from State support enjoy artistic freedom and that all artists compete equally for State resources, without discrimination based on, for example, gender, ethnic origin, location in State territories, political opinion or belief?

*The Ministry of Culture and Monument Protection finances the following programs:*

1. *Development of Fine Art*
2. *Development of Georgian professional Theatre art*
3. *Support to Georgian film*
4. *Development of Georgian professional musical art*
5. *Support to Georgian books and literature*

6. *National program of support to folklore*
7. *Support to arts education*
8. *Support to the activities for protecting cultural heritage*
9. *Support to international cultural events*
10. *Georgian Season – support to the popularization of Georgian culture*
11. *Support to national minorities*
12. *Support to culture in the regions of Georgia*
13. *Support to cultural events*
14. *Support to people with disabilities*
15. *Extra sources for other events*

*There is a Special Commission at the Ministry of Culture and Monument Protection of Georgia, which is in charge of decision making concerning the applications to the Ministry by individuals or groups of artists for financial support. The projects are forwarded to the relevant departments/programs that are responsible for the area. Subsequently, the application is forwarded to the abovementioned Commission, which makes decision on the allocation of grants based on the necessary evaluation process.*

9. Under national law, what kind of legitimate restrictions can be imposed on artistic freedoms? Please provide information on most recent relevant cases in your country, if any.

*There are no legitimate restrictions imposed under the national law on artistic freedom.*

10. Are there any legal provisions or traditions in your country which restrict certain art forms, including the use of instruments and songs, or public display/performances? If so, do such restrictions apply to certain categories of people, for example on the ground of, gender, ethnic origin or age?

*No legal provisions or traditions restrict art forms or public performances.*

11. Please indicate whether specific bodies or institutions, either state or non-state, are mandated to decide on possible restrictions to be imposed on artworks (e.g. film censor boards).

*No institution (whether state or non-state body) is mandated to impose restrictions on artworks.*

12. Please provide information on the possibilities for artists to perform street art and/or to use public spaces in general for their artistic performances, such as public gardens. What are the approval procedures for this?

*In order to use public spaces and/or to perform street art, artists are obliged to submit the request on using public space to the local/city municipality and should present the overview (type of meeting, aims, place, time, names of responsible persons and their contact details) of the project. The right on using the public space is given in accordance with the law on “Meetings and Manifestations”.*

13. Please provide a short summary of any public debates that may have taken place at the level of legal/policy making bodies relating to the impact of free market policies on artistic freedoms, and or on achieving the balance between private/public sponsorship.

*Jazz Festival, which is held every year in Georgia is one of the good examples of achieving balance between private/public sponsorship. The festival is organized by the private company: Eastern Promotion and the Ministry of Culture is co-financing the event. There are also a number of other similar projects, demonstrating practical experience of making balance between private/public sponsorship.*

14. Does your country have an independent artists’ council, representing professional artists? If so, does the State consult the council on matters related to the status of artists or has the State developed channels of regular communication (through for instance consultations, debriefings, public hearings, etc.) between relevant authorities and independent organizations representing artists?

*A number of unions represent professional artists, such as: Artists’ Union, Composers’ Union, Society of Theatre Workers, Architects’ Union, Musical Society, Film Union, which represent Non-profit legal entities. Mainly, these unions function independently. They also benefit from the financial support of the Ministry of Culture and Monument Protection through requesting grants for various projects.*

15. Are there any State or artists’ organizations in your country established to collect the income from artistic creations/performances for re-distribution to artists? What is the annual in-and outflow of money to and from such organizations?

*A number of organizations/foundations work in this direction, for example:*

- 1) **Lado Ataneli International Charity Foundation “Support”**. The aim of this foundation is to support young and talented vocalists. The foundation holds charity concerts and music competitions in Georgia and the income from these events are re-distributed to several musicians and music institutions.

2) ***Paata Burchuladze International Charity Foundation “Iavnana”*** organizes high class gala concerts and events in Georgia and abroad as well is aiming at assisting talented children in their future studies and works to provide them with motivation.

3) ***Tbilisi International Piano Competition***

*“The Georgian Music Competitions Fund” plays an important role in the development of national performing school. Its main goal is to support the young talented musicians and promote the artistic careers of the laureates. More than 1000 young musicians from 30 countries have taken part in it. Today many of them have become world-famous musicians, prize winners of numerous international competitions and festivals.*

*In the framework of the competitions organized by the Fund, the prominent jury members and invited guest-musicians conduct master classes.*

4) ***Liana Isakadze Foundation – charity events***