

# An Assessment of Artistic Freedom: Ethiopia



# SELAM

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Ethiopian Film Producers Sectorial Association

## Foreword

The year 2022 was significant for Selam; We celebrated our organisation's 25th anniversary, which gave us an opportunity to put together our five-year plan for the continent. This plan includes advocacy and lobbying strategies inspired by the African Union's Plan of Action on Cultural and Creative Industries, whose objectives include, among others, Fostering creativity and innovation for socio-political development, job and wealth creation, and Creating an enabling environment for the growth of Africa's cultural and creative industries. As part of our efforts to contribute to an enabling environment for creatives to freely express themselves, we carried out research in eight African countries to assess the state of artistic freedom in order to understand the lobbying and advocacy strategies required to advocate for creatives' freedom of expression.



The research was part of our Pan African Network for Artistic Freedom project, which was launched in 2021 to promote artistic rights through research, capacity building, network building, and lobbying governments for better policies for the sector. PANAF is being implemented in collaboration with culture and civil society organisations in Nigeria, Kenya, Rwanda, Ethiopia, Uganda, Mozambique, Zambia and the Gambia. The researchers examined the legal frameworks that govern artistic expression, identified the major government agencies, national stakeholders, and artistic unions to be engaged in the lobbying process, and provided an overview of how copyright laws protect artistic works and whether practising artists benefit from them.

The reports note that authorities limit this right across the eight countries, particularly with regard to artists perceived to be government critics. Through direct and indirect means, these artists' ability to perform, display, or disseminate their work is constrained. As a result, few artists remain willing to publicly express their critical opinions or explore contentious themes in their work as a result, and those who do risk facing harsh repercussions. The methods used by the authorities to stifle critical artistic expression, include harassment, intimidation, threats, interference, legal pressure, arrest, imprisonment, and torture with a majority of victims being musicians, film-makers and cartoonists. Finally, the report contains a number of recommendations to authorities and other stakeholders for concrete steps needed to improve the situation of artistic freedom of expression in each country. This report is very essential as it will help sustain Freedom of expression which is at the heart of artistic practice and mission. The sustainability of artistic freedom of expression is critical to the continent's democracy; increasing transparency and accountability within the governments and leaders.

Selam is proud of our partners and researchers for overcoming the challenges and completing this research, especially given the sensitivity of the subject matter. We also want to express our gratitude to all the stakeholders and artists who took part in the data collection process. And finally, the results and achievements of our work are simply not possible without the support of our donors, the Swedish Arts Council. To that end, Selam will continue to work with its partners and other cultural organisations to lobby governments to make it possible for artists to freely express themselves and distribute their work in the interests of socioeconomic development and job creation. In addition, this year will see the launch of a literature review and study to provide context for the challenges faced by women in the cultural and creative sectors, as well as feasible recommendations for achieving gender equality.

A handwritten signature in black ink that reads "Teshome Wondimu". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Teshome Wondimu**

Founder and Executive Director - Selam

April, 2023



***Expression!on  
is a Right***

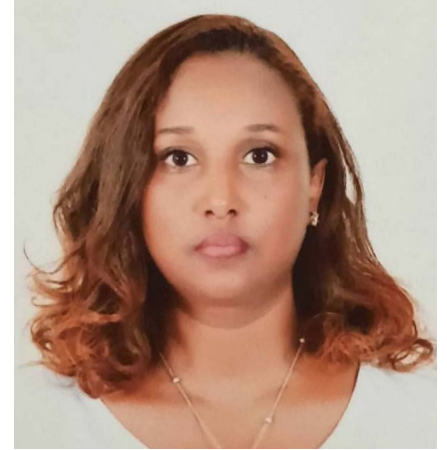
## Acknowledgements

This research paper on the practices, challenges and opportunities of artistic freedom in Ethiopia was commissioned by the Pan-African Network for Artistic Freedom (PANAF). Thus, the consulting firm, Trigona Development Research and Consultancy PLC, would like to thank PANAF for the support provided to complete the research work successfully. We are also deeply indebted to Ethiopian Film Producers Association and Selam Ethiopia for their tremendous support and follow up.

Particularly, we extend our heartfelt thanks to W/ro Arsema Worku, Ato Sisay Mengistie and Lucy Ilado who played a great role by making all necessary arrangements throughout the research process from the beginning to end. Their comments and suggestions during the inception report stage as well as data collection instruments were commendable. Trigona would also like to convey its appreciation to all people who took part in the survey and interviews.

## Executive summary

The study sought to assess the practices, challenges, and opportunities surrounding artistic freedom in Ethiopia, with a specific focus on the Federal government, Addis Ababa City Administration, and Oromia Regional State. Employing a mixed research approach encompassing quantitative and qualitative methods, the study collected data through desk research, one-on-one key informant interviews, and a survey. The primary data sources consisted of 257 artist respondents who participated in the questionnaire survey, along with 15 key informant interviews, while secondary data encompassed international, regional, and national legal instruments.



The findings shed light on the state of artistic freedom in Ethiopia, highlighting the extent to which artists have been able to imagine, create, and distribute their works without censorship or interference from non-state actors in the years following the political reform of April 2018. However, while artists enjoyed considerable freedom in these aspects, other indicators such as the protective role of copyright laws, economic benefits derived from art, and public access to artistic works were found to be performing at suboptimal levels. Consequently, the overall practice of artistic freedom in Ethiopia was deemed moderate, falling short of artists' expectations.

The study identified a range of challenges impeding artists from freely expressing their creative works, including financial constraints, limited human capacity, inadequate equipment and facilities, lack of government recognition, and prevailing insecurity. Furthermore, the study revealed that a significant number of artists in the sector operate on an amateur basis and lack relevant educational backgrounds, which can adversely affect artistic freedom.

Conversely, the research also identified opportunities for artistic freedom, including the high level of commitment among artists, the government's willingness to support the art industry, the existence of a substantial user base for artistic outputs, and the expanding reach of social media platforms for the dissemination of art.

In light of these findings, the study offers several core recommendations to enhance artistic freedom in Ethiopia. These encompass comprehensive government support for private sector art activities, the development of policies and implementation instruments for different art industries, practitioner involvement in arts education delivery, addressing economic challenges by linking art activities to business concepts, privatisation of theatre houses, collaboration with funding agencies, incorporation of artistic freedom studies into legal education, and updating the Copyright Act to account for current dynamics.

The implementation of these recommendations aims to foster an environment conducive to artistic freedom, support the growth of the art sector, and address the challenges faced by artists in Ethiopia. By taking decisive action in line with these recommendations, the government and relevant stakeholders can contribute to the protection and advancement of artistic rights and freedom within the country.

We extend our heartfelt appreciation to Selam for their generous support in providing the research grant for this study on artistic freedom in Ethiopia. With the assistance of this funding, we have been able to conduct an in-depth assessment of the practices, challenges, and opportunities surrounding artistic freedom, enabling us to make informed recommendations for the protection and promotion of artistic rights and freedom in the country.

A handwritten signature in black ink, consisting of several overlapping, stylized strokes.

Arsema worku  
Ethiopian film producers Association  
Secretary General

## Acronyms and Abbreviations

<b>AACA</b>	Addis Ababa City Administration
<b>EPRDF</b>	Ethiopian People Revolutionary Democratic Front
<b>FDRE</b>	Federal Democratic Republic of Ethiopia
<b>FGD</b>	Focus Group Discussion
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>KII</b>	Key Informant Interview
<b>PANAF</b>	Pan-African Network for Artistic Freedom
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organizations

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# 1. Introduction

This introduction section of the report highlights project focus and background, problem analysis, objectives, scope, and significance of assessing artistic freedom. Besides, it comprises expected deliverables of the assessment.

## 1.1 Background and Rationale

Art constitutes an important vehicle for each person, individually and in community with others, as well as groups of people to develop and express their humanity and worldview as well as the meanings they assign to their existence and development. People in all societies create, make use of, or relate to artistic expressions and creations. It is therefore crucial to remember that cultural goods and services, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods (Robin, 2012; Art watch Africa, 2013).

Healthy societies require a thriving cultural life which always entails contestations over meanings and revisiting culturally inherited ideas and concepts. Artists may entertain people, but they also contribute to social debates, sometimes bringing counter-discourses and potential counterweights to existing power centers as well. In this regard, democratic societies demand vibrant cultures, supportive of artistic creativity and expressions in all forms, presenting a plethora of views. It is not a coincidence that extremists seeking appropriate power so frequently move to control, limit, or in extreme cases, simply eliminate this creative dimension of humanity (European Union, 2013).

Artistic freedoms are linked to the right to the freedoms of opinion, thought, conscience and religion, since art is also a means of expressing a belief and developing a world vision. They also relate to the right of peaceful assembly; the right to freedom of association including the right of artists and creators to form and join trade unions; the right to benefit from the protection of the moral and material interests resulting from any literary or artistic production of which a person is the author; and the right to leisure (Robin, 2013; UNESCO Convention, 2005).

Artistic freedom is 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. In line to this, Article 19 of the universal declaration of Human Rights provides that: "Everyone has the right to freedom of opinion and expression" which includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. In addition, United Nations Sustainable Development Goal 16 aims to "ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements" (UN, 2015). The 2005 Convention is an international agreement that provides a unique policy framework to implement Sustainable Development Goal 16 and gives a new impetus to promote and protect artistic freedom as a pillar of the fundamental freedom of expression.

In Ethiopia, Art is one of the sectors that is growing fast and comprises a large number of actors. This sector covers music, theater, drama, film production, etc with the primary objective of entertaining people. In line with artistic freedom, Article 29 (sub article 1 & 2) of the 1995 Constitution of Ethiopia clearly states that everyone has the right to hold opinions and freedom of expression without any interference. The right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any media of his choice (FDRE,1995). Therefore, this study addresses the actual situation in relation to artistic freedom in Ethiopia.

## 1.2 Problem Analysis

According to Art watch Africa (2013), the vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies. Artistic expressions and creations are integral parts of cultural life. Yet, artistic expressions and creative practitioners come under particular risk due to conveying specific messages, and present alternative ideas that challenge the status quo are considered to do so. The social unrest that started in North Africa has inspired the belief that it is possible for people to live in open, transparent social spaces, throw off the shackles of repression and to claim the rights and freedoms as outlined in the Universal Declaration of Human Rights including the rights to freedom of assembly, freedom of expression, freedom to hold views even contrary to those in power, and the freedom to participate in the structures that govern their lives. However, instead of a new era of freedom, those

with political authority or positions of power have tightened their grip on the people and have consequently suppressed dissent and opposition in a variety of ways.

There is a misplaced notion that artistic creativity and expression is a luxury, however, it is a necessity – a defining element of people's humanity and a fundamental human right enabling everyone to develop and express their humanity (Farida, 2013). Artistic freedom is also a global challenge. The rights of artists to express themselves freely are under threat worldwide, especially where artistic expressions contest or critique political ideologies, religious beliefs, and cultural and social preferences. These threats range from censorship by corporations, political, religious, or other groups to imprisonment, physical threats, and even killings.

Threats to human rights and artistic freedom diminish and weaken the diversity of cultural expressions, while eroding individual wellbeing and quality of life. For artists and cultural professionals, particularly those living in conflict situations, these threats can put their lives and livelihoods in peril.

In response to the threats of artistic freedom, governments including Ethiopian are creating policies to protect artistic freedom and organizations. However, presently, there is no well-organized national voice representing Ethiopian artists that can raise cases of abuses against artistic freedom and coordinate with artistic rights organizations in advocacy campaigns at national levels. Additionally, there is no study that shows the status of Ethiopian artistic freedom against the constitution that granted freedom for people to freely express their views using art and other forms of media. In this regard, this study has a paramount contribution in exploring the actual practice in freedom of artistic expression in the country.

### **1.3 Purpose and objectives of the study**

The main objective of this study is to assess the practices of freedom of artistic expression in Ethiopia. In line to this, the study attempted to meet the following specific objectives:

1. Examining the current legal frameworks; components for artistic rights particularly the freedom of expression and the limitations subjected to artistic expression;
2. Identifying gaps as well as the potential opportunities available to enhance artistic freedom in the country;
3. Comparing the legal framework for freedom of expression against relevant regional and comparative human rights standards by reviewing existing extra-legal frameworks for artistic rights at the international and regional levels to which the country holds (The African Charter on Human and Peoples Rights and The International Covenant on Economic, Social and Cultural Rights)
4. Identifying obstacles to artistic freedom advancement in the country by highlighting how governments and other players frequently fail in their tasks or responsibilities to promote and safeguard freedom of opinion and expression.
5. Identifying the major associations by creatives in the sector.
6. Identifying the major stakeholders to be engaged on the national level concerning artistic rights.
7. Determining the gender representation in the creative associations in order to identify the sources of inequality in the cultural and creative industries, as well as the key challenges to gender equality.
8. Determining how the copyright Act protects artistic works and indicates whether practicing artists are benefiting from it.
9. Come up with a workable recommendation to work on the opportunities that could promote Artistic freedom..

### **1.4 Significance of the study**

The result of this study will provide the status of Artistic freedom in Ethiopia. The study will also forward workable recommendations that will help artists, audiences and advocates defend their specific artistic rights to free expression and guide government and other stakeholders in better promoting and protecting the right of Artistic freedom of expression in the country. Furthermore, the result of this study will help "Selam" - the Pan-African Network for Artistic Freedom (PANAF) to launch a new intervention in ensuring the artistic freedom of expression in Africa in general and in Ethiopia in particular.

## 1.5 Scope of the study

This study assesses Artistic freedom in Ethiopia by targeting individuals such as authors, musicians, composers, dancers, comedians, playwrights, film producers, and publishers. Besides, associations of arts and entertainment, individuals in associations such as women and ethnic groups who might be affected by artistic freedom restrictions were covered in this study. Moreover, the study covered the range of actors – both state and non-state who may create obstacles or impose restrictions to expression of artistic freedom. Furthermore, the study assessed the status of artistic freedom, the challenges and opportunities in relation to the artistic freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-state actors inline to the international conventions and legal framework of the country.

## 2. Conceptual and definitional issues

This section presents the definitions of basic concepts, actors creating obstacles to expression of artistic freedom, elements of artistic freedom of expression, the theoretical framework and reviews on legal instruments

### 2.1 Definition of Basic Concepts

Art is defined as the expression or application of human creative skill and imagination typically in audio or visual form. Paintings, sculptures, photographs, music, theater, film, dance, literature, and so on, are all examples of art. Though there is a lack of consensus on exhaustive artistic activities, Wyatt & Reitov (2019) provide three broad categories. These are visual artists (such as painters, sculptors, and art photographers, etc), performance artists (including actors, dancers and musicians of all kinds) and artists who engage in literature related activities (those working with the written word, such as fiction writers, poets, playwrights and screenwriters).

Artistic freedom of expression can thus be defined as the freedom to imagine, create, and distribute diverse personal and cultural expressions without any governmental interference or pressure from non-state actors. It includes the right of any citizen to access these works if they choose to do so (Kakungulu-Mayambala, Solomon, & Makmot, (2019). In other words, artistic freedom is 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.

Artistic freedom is linked to the right to the freedoms of opinion, thought, conscience and religion, since art is also a means of expressing a belief and developing a world vision. They also relate to the right of peaceful assembly; the right to freedom of association including the right of artists and creators to form and join trade unions; the right to benefit from the protection of the moral and material interests resulting from any literary or artistic production of which a person is the author; and the right to leisure (European Parliament, 2013).

According to Robin (2012), Artistic freedom plays a potentially major role in shaping and safeguarding academic freedom. While the extent of constitutional protection for artistic expression remains surprisingly spare and imprecise, the case for such protection seems compelling. That protection should encompass the creative and performing arts in measure comparable to protection for the spoken and printed word, and for recognized media such as film. Protection for artistic expression must not be confined to the creation of works of art, but should extend also to the display, exhibition and performance of those works. To the same extent, government funding for the arts should not attempt to restrict an artist's freedom. Though the government is under no duty to fund art at all, once it decides to do so, it may not use that funding to deprive the recipient of otherwise protected freedoms of expression.

## 2.2 Actors creating obstacles to expression of artistic freedom

The wide range of actors – both state and non-State may create obstacles or impose restrictions to expression of artistic freedom. These include: mass media, broadcasting, telecommunications and production companies, educational institutions, armed extremists as well as organized crime, religious authorities, traditional leaders, corporations, distribution companies and retailers, sponsors, as well as civil society groups, such as parents' associations using a variety of means (European Parliament, 2013). The restrictions can be imposed at various stages of the artistic creation, from the development of the idea, through to production, performance, publication and distribution. Restrictions on artistic freedom may result from oppressive law or regulations, but can also be the outcome of a fear of physical or economic coercions. According to Art watch Africa (2013), there are various ways to explore and unearth the possible limitations of artistic freedoms. These include:

- **The people impacted by the restrictions:** They include authors, musicians, composers, dancers, comedians, playwrights, visual artists, film producers, and publishers. Also explored are sub-categories such as women and ethnic groups who might be affected by artistic freedom restrictions.
- **The motivations for restrictions:** the restrictions based on religious, social, or traditional factors.
- **The actors imposing restrictions and types of threats faced by the artist:** A wide range of actors may create obstacles or impose restrictions on freedom of creative expression. These include state religious authorities, traditional leaders, practices, and social customs. Artists can face threats, attacks, harassment and arrests from these actors.
- **Economic and financial issues:** This restriction is related to the failure of enhancing the status of artistes, identifying, developing and rewarding creative talent, making artistic products contribute to wealth creation both for creative individuals and the nation as a whole.

## 2.3 Element of Artistic Freedom of expression

According to UNESCO (2005), 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

On the basis of UNESCO (2005), the following diagram shows the relationships among the dimensions of artistic freedom, policy framework and expected outcomes/results). Areas of monitoring

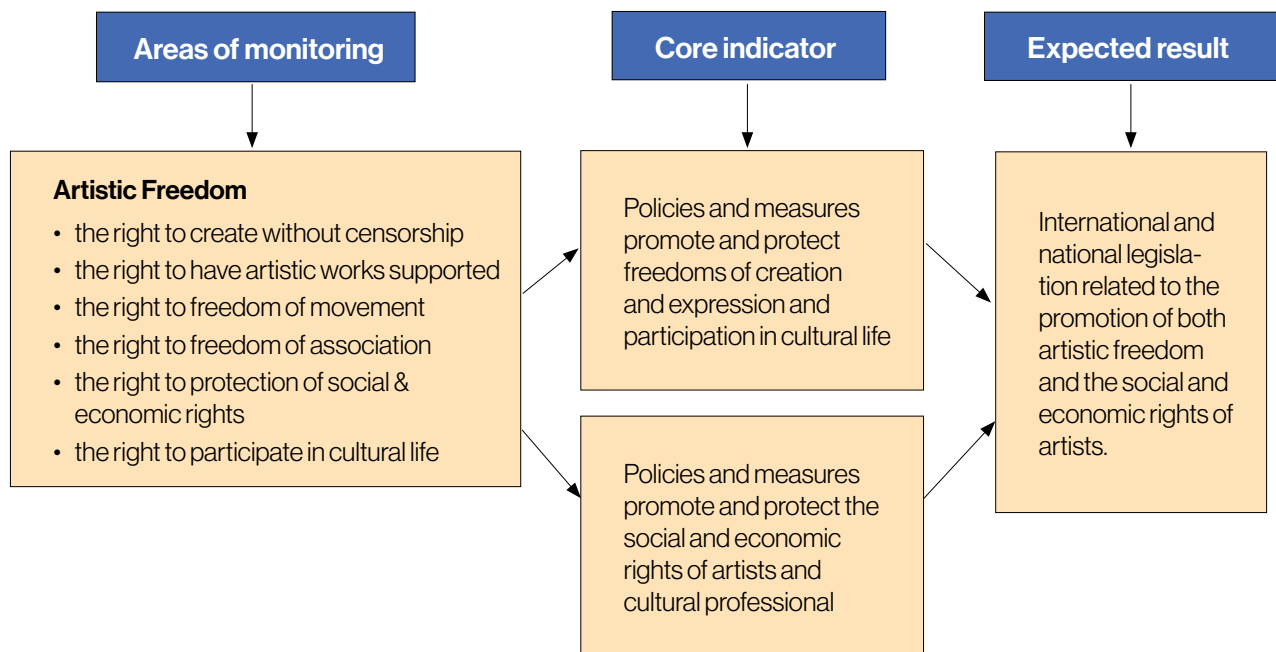


Figure 1: Theoretical Framework  
Source: UNESCO (2005)

## 2.4 Legal instruments on Artistic Freedom: Desk Review Analysis

This section presents desk review analysis with regard to legal instruments on artistic freedom at three levels, namely international, regional (continental), and national levels.

### 2.4.1 Legal instruments at International level

Today freedom of expression is a key right protected by international human rights instruments that protect fundamental freedoms. Therefore, in principle, all persons enjoy the rights to freedom of expression and creativity, to participate in cultural life, and to enjoy the arts. Artists do not enjoy additional rights, but artistic freedom is recognized as falling under the category of freedom of expression and is thus similarly protected and guaranteed (Whyatt & Reitov, 2013). International laws have protected these rights with the declaration of different instruments.

The study reviewed three international instruments/laws that were declared by the UN giving particular focus on artistic freedom. These are: Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR) and The International Covenant on Economic, Social and Cultural rights (ICESCR).

Universal Declaration of Human Rights proclaimed by the 3rd United Nations General Assembly (10 December 1948) which is considered to be an international catalog and standard of the relevant rights. The proclamation had three major consequences relevant to international law. It became the authentic standard of interpretation for the human rights related provisions of the UN Charter; the fundamental principle that human rights are universal became an intrinsic part of international law; and the declaration is considered to be a common denominator for evaluating the human rights-related behavior of the member states, and it had an effect on international lawmaking in human rights (UDHR, 1948).

In UDHR when considering freedom of artistic expression, the most important foundation is Article 27. This article declares that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. It also expresses that everyone has the right to protection of the moral and material interests resulting from any scientific, literary or artistic production. With this article the declaration came one step closer to stating the protection of art in international law; however, its recognition as a human right was still yet to come. On one hand, the regulation provides no protection for the creative process of art, but rather the right to enjoy art, which is the passive, receptive side of artistic life. On the other hand, the text of the second sentence focuses on the

result of the relevant activity, thus the artwork itself, phrasing it as a market term ("product"), highlighting therefore its use—the expressions of moral and material interests clearly refer to copyright protection (UDHR, 1948).

Among 27 major articles in the ICCPR, six articles (18, 19, 20, 21, 22 and 27) specifically describe freedom of expression. While the social activities of human beings enjoy the safeguards of article 18 (freedom of thought, conscience and religion), article 19 (freedom of expression), article 21 (freedom of assembly), article 22 (freedom of association), and article 27 recognizes an individual right of members of ethnic, religious or linguistic minorities to engage in the cultural activities characteristic of such minorities. Article 27 of ICCPR is crucial for guaranteeing the artistic freedoms of persons belonging to ethnic, religious or linguistic minorities. The Covenant explains that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Besides the ICCPR, the UN created the International Covenant on Economic, Social and Cultural Rights as well. The document describes steps to be taken by the States Parties. Among the criteria and steps, three regulations focus on artistic freedom and expressions. "1. The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity." Through this regulatory scheme, the covenant assumed a direction unlike any other international norm.

Article 15 of the covenant is able to encompass almost all aspects of the constitutional models of art. On one hand, item no. 1 adopts the ownership-like approach of artistic activity from Article 27 of the Universal Declaration of Human Rights. On the other hand, item no. 2 requires active participation from the states in relation to issues of culture, however this can be indirectly assumed to extend to art as well. Item no. 3 regulates the status negative behavior of the state towards respecting the freedom of artistic activity, which directly reinforces its freedom-like nature and may be regarded as an implicit forerunner of the principle of state neutrality (ICESCR, 1966).

Generally, the most explicit provisions protecting the freedom of artistic expression and creativity are found in article 27 of UDHR, article 15 (3) of ICESCR, under which States "undertake to respect the freedom indispensable for...creative activity" and in article 19 (2) of ICCPR, which states that the right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds "in the form of art".

Limitations of artistic freedom are described under article 4 of ICESCR and article 19 of ICCPR. Article 4 of ICESCR authorizes "limitations as are determined by law only insofar as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society." Moreover, article 19 of ICCPR calls the right to freedom of expression, including in the form of art, may be subject to certain restrictions that are provided by law and are necessary (a) for the respect of the rights or reputations of others; or (b) for the protection of national security or of public order, or of public health or morals. In this regard Shaheed (2013) recommends that limitations must be necessary and proportionate, and established by legal rules that are transparent and consistently applied in a non-discriminatory way. The study of Shaheed (2013) revealed that some constitutions mirror article 19 of ICCPR, while others regrettably go much further in the restrictions they allow.

According to the Shaheed (2013) report, artistic expressions and creations come under particular attack because they can convey specific messages and articulate symbolic values in a powerful way, or may be considered as doing so. Motivations for restrictions stem from political, religious, cultural, moral or economic interests, and disturbing cases of violations are found on all continents.

Regarding artistic freedom, there are few decisions that are pronounced in the United Nations system that are related to artistic freedom (Shaheed, 2013). In its Communication 926/2000 of 2004, concerning a painter, Hak-Chul Shin, who had been convicted for a painting deemed to be an "enemy-benefiting expression" contrary to the National Security Law, the Human Rights Committee found that the Republic of Korea had violated article 19 of ICCPR. The Working Group on Arbitrary Detention, in its Opinion 32/2011, declared that Lapiro de Mbanga, a famous Cameroonian musician and composer, had been arbitrarily detained for the legitimate exercise of his right to freedom of expression. This implies there is violation

of freedom of artistic expression across the globe (Paul, 2020).

It is at the national level that the aforementioned instruments have exerted their greatest impact. When today anywhere in the world a national constitution is framed, these instruments serve as the natural yardstick for the drafting of a section on fundamental rights. In most countries, they have been made part and parcel of the national legal order although there is no general rule of international law that would instruct States to embrace a specific method of implementation.

### 2.4.2 Legal instruments at regional/Africa level

African Charter on Human and Peoples' Rights, concluded at Nairobi on 27 June 1981 in its Article 6 states that "Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained".

Besides, Article 7 in the charter emphasizes that every individual shall have the right to have his cause heard which comprises:

- The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
- The right to be presumed innocent until proven guilty by a competent court or tribunal;
- The right to defend, including the right to be defended by counsel of his choice;
- The right to be tried within a reasonable time by an impartial court or tribunal.

Moreover, the article notifies that no one may be condemned for an act or omission which did not constitute a legally punishable offense at the time it was committed. No penalty may be inflicted for an offense for which no provision was made at the time it was committed.

In addition, Article 9 (2) clearly depicts that "Every individual shall have the right to express and disseminate his opinions within the law". Again it was clearly stated in Article 10 (1) that "Every individual shall have the right to free association provided that he abides by the law". Furthermore, Article 11 of the Charter notifies as follows;

*Every individual shall have the right to assemble freely with others and the exercise of this right shall be subject only to necessary restriction provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others (African Charter on Human and Peoples' Rights, 1981).*

The Article 17 (2) of the charter also states that "Every individual may freely take part in the cultural life of his community".

All the above articles of the African Charter on Human and Peoples' Rights assure the freedom of expression in the continent that could also work in the art sector even if it does not explicitly state the artistic works. It also requires more effort and attention for the enforcement of the legal framework in the future across the continent.

### 2.4.3 Legal instruments at national level

Oosthuizen & Russo (2001) highlight that freedom of expression is one of essential conditions in order to create a democratic social and political society built on constitutionalism and human rights. Regarded as an integral concept in modern liberal democracies, freedom of speech and expression is the concept of being able to express oneself freely whether through words of mouth, literature, art, or any other medium of communication (Arval, 2016).

The 1995 Ethiopian Constitution does not have a separate provision dedicated to freedom of artistic expression unlike the constitutions of some other states (e.g. Austria, Bulgaria, Czech Republic, Germany, Hungary, Italy, Poland, Portugal, Romania, Russian Federation, Serbia, Spain, Sweden and Switzerland) (Górski, 2017). But, Article 29 (3) gives guarantee for freedom of artistic creativity along with freedom of the press and other media. It reads as 'freedom of the press and other mass media and freedom of artistic creativity is guaranteed'.

Article 29 of the 1995 Ethiopian Constitution guarantees right of thought, opinion, freedom of expression and the press in the following terms:

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.
3. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:
  - Prohibition of any form of censorship.
  - Access to information of public interest.
4. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.
5. Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
6. These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honor and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.
7. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

The constitution in Article 13 (b) further states that the fundamental rights and freedoms including freedom of artistic creativity shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia. In this regard, the Government of Ethiopia ratified the International Covenant on Civil and Political Rights (ICCPR) on 11 June 1993. This covenant imposes formal legal obligations on state parties to respect its provisions and elaborates on many rights embracing freedom of expression. More specifically, ICCPR has the following provisions:

1. Everyone shall have the right to freedom of opinion.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his[/her] choice.

Besides, the African Charter on Human and Peoples' Rights, which Ethiopia ratified on 15 June 1998, guarantees the right to freedom of expression. Furthermore, Ethiopia ratified the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2008. The convention recognizes the sovereign right of States to formulate and implement policies and measures that support the emergence of diverse and dynamic cultural and creative sectors. It also ensures that policies and measures are designed and implemented through informed, participatory and transparent processes. Training and capacity building, establishment of an Arts Council, creation of platforms for cooperation, financial support to creative sectors; lowering of taxation on cultural equipment are among the priority areas addressed by the convention.



In the following few paragraphs we present a review of policies or laws of the Federal Democratic Republic of Ethiopia/ FDRE/, which have direct associations to arts industries and cultural activities. These policies or laws are the 2004 Proclamation to protect Copyright and Neighboring Rights, the 2015 National Cultural Policy and the 2017 Film Policy.

Copyright protection aims to promote the production and dissemination of creative works for the purpose of public interest. Copyright addresses both rights and limitations to serve public interests by providing the necessary incentive for creative innovation and the users' freedom of access to the creative works, respectively. In the Ethiopia context, a proclamation to protect Copyright and Neighboring Rights was enacted in 2004. It gives the creator of artworks, particularly for audiovisual works, the exclusive right of reproduction, sale, rent, transfer and distributing the work to the public (FDRE, 2004).

In line with the objectives of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Ethiopia formulated two important policies for the art sector, namely the national cultural policy and film policy.

The National Cultural Policy was enacted in 2015. It aims to promote the role of culture for peace, independence, democratization and sustainable development. This policy recognizes the strategic importance of cultural industries for the diversity of the country, and calls for action through, for example: support to cultural associations, Investment incentives for entrepreneurs; access to training and credit to associations, individuals and institutions engaged in the cultural industry development sector; protection of intellectual property and other related rights of cultural professionals. The policy further states that "Investment incentives shall be put in place for entrepreneurs who want to establish cultural industries". It also underlines that "Entrepreneurs shall be encouraged to establish theaters, cinemas, galleries for exhibition of paintings and sculptures, and other institutions that support cultural development" (FDRE, 2015).

The Film policy was formulated in 2017 by inculcation a range of key policy issues such as human resources, infrastructure, production, distribution and market development, copyright, financial support and incentives. It also puts forth an implementation strategy, with institutional, legal and regulatory frameworks to be established (e.g., Film Development Fund; Arts Council, National Film Institute; Film library and museum; fiscal incentives; copyright protection; trainings; infrastructures for digital distribution; support for film clubs; health and work related insurance for film workers; etc.). It also underscores the importance of protecting freedom of creation and right to creativity, and the role of public, private and civil society actors in implementing this policy (FDRE, 2017).

From the aforementioned existing legal instruments, it is possible to state that laws in Ethiopia recognize artistic freedom of expression though there is still a lot of work to be done. For instance, it is vital to explicitly decide when and how to limit artistic creativity so that it does not unnecessarily hamper freedom of artistic creativity. In the same way, it is essential to ensure the protection of societal norms against the unacceptable rudeness of uncontrolled art (Oosthuizen, & Russo, 2001). For Arval (2016), freedom of expression is not absolute and may be subject to restrictions in accordance with law. Some of the restrictions aim for (a) respect of the rights or reputations of others; (b) the protection of national security or public order, or of public health or morals. Thus, artistic expressions and works that violate these restrictions shall be deemed to be obscene/impure.



### 3. Methodology of the study

This chapter presents a brief description of the study sector, research approach and design, study population, sample size and sampling technique. It also covers data collection procedures, methods of data analysis, and data quality assurance.

#### 3.1 Brief description of the study sector

As depicted in Figure 1, currently in Ethiopia there are 11 regional states and two city administrations which host a lot of diversity of cultural expressions.



Figure 2: Map of Ethiopia by Regions

The context of this study is the art and culture sector in Ethiopia. In this study, arts and culture sector include not only the traditional art forms, such as theater, music and film, but service businesses such as advertising (which sell their creative skills mostly to other businesses), manufacturing processes that feed into cultural production, and the retail of creative goods (Bop Consulting, 2010).

*Hager Fikir* Theater, the first theater in Ethiopia, was established to motivate patriots and the general public for the second Italo-Ethiopian war (1933-1938). In 1956, the Ethiopian National Theater was built and inaugurated in the presence of Emperor Haile Selassie. The Municipality Theater was built under the building of the Addis Ababa Mayor's office and it started to show performances written and directed by Ethiopian playwrights and directors (Sira, 2019).

Following the overthrow of the Haile Selassie regime in 1974, Derg regime assumed the government and established a military and socialist government. Due to this political change, the themes, presentation and promotion of art and culture was changed to the revolution that motivated the people to safeguard its victory. During this regime, the art sector was characterized by promoting young actors, more female performers who were not, culturally, allowed to perform during the Haile Selassie regime, translation of different well known western plays, opening of the Department of Theatre Arts at Addis Ababa University, the beginning and expansion of Kinet (a small ensemble of performers who stage different cultural music and sketch plays).

In 1991, EPRDF came to power with the change of the political structure, the themes and behaviors of the art and cultural activities. Following the government change, graduates of the Addis Ababa University Theater Department controlled the theater scene as actors, playwrights, directors and managers and helped to develop the industry in a more professional manner. Since its introduction, the language of theater in Ethiopia has been Amharic. After 1991, however, theater started to be staged by other languages like Afaan Oromo and Tigrinya (Sira, 2019).

The current study mainly seeks to assess the practices, challenges and opportunities of artistic freedom in Ethiopia with major emphasis on the Federal government, Addis Ababa City Administration and Oromia Regional State. Currently, there are 2 cultural centers at Federal level, 5 cultural centers in Addis Ababa City Administration and 1 cultural center in Oromia regional state which directly engage in arts and cultural activities.

### 3.2 Research Approach and Design

The research approach of this study is a mix of quantitative and qualitative. Quantitative approach is subject to rigorous quantitative analysis in a formal and rigid fashion. On the other hand, the qualitative approach to research is concerned with subjective assessment of attitudes, opinions and behavior (Kothari, 2004). This research thus employed descriptive mixed research design that combines both quantitative and qualitative approaches.

The study mainly used cross-sectional survey research design to assess the practices, status, challenges and potentials (opportunities) of artistic freedom in Ethiopia. This type of research is important to collect original data for the purposes of describing a study population which is too large to observe directly. Survey research is a type of descriptive research which adopts descriptive and fact-finding enquiries of different kinds. Chawla, & Sondhi (2015) assert that survey research seeks to obtain information that describes existing phenomena by asking individuals about their perception, attitudes, behavior or values.

### 3.3 Population of the study

This study focuses on assessing artistic freedom in Ethiopia at both organizational/institutional level and individual levels. With regard to organizational level, there are 20 (twenty) associations and more than 50 (fifty) advertising/entertainment companies in Ethiopia, which directly engage in the arts and culture sector (Ministry of Culture and Sport, 2022). At individual level, the target population of this study entails all the artists who work in theater and cinema centers, mainly engaged in such activities as film (film production, distribution and exhibition), advertising, music, and performing arts (theater and dance).

### 3.4 Sampling, sample size and Sampling procedure

For individual level analysis that addresses the perceptions of individual artists towards artistic freedom in Ethiopia, the study targets the artists who work in 2 cultural centers at Federal level, 3 cultural centers in Addis Ababa City Administration, 1 cultural center in Oromia regional state, and 3 cinemas from the private sector. In total, these institutions have 701 artists from which a representative sample has been drawn. Accordingly, the sample size is computed using a sample size determination formula given by Consuelo & Sevilla (2007) which is:

$$n = \frac{N}{1 + NE^2}$$

Where;

n = sample size

N = the size of the population

e = the margin of error which is 5%.

Thus, the sample size is computed as:

$$n = \frac{701}{1 + 701(5\%)^2} = n = 257$$

As a result, the total sample size for individual level assessment is 257 and they are individual respondents for the survey part in this study project. With regard to sample selection procedure, stratified sampling technique was employed since it allows taking samples proportional to sub-categories of the population. Table 3.1 in this regard presents detailed information about the target population and sample size of the study.

**Table 1: Summary of target population and sample size**

Region/ Federal	Art & culture theaters and centers	Number of employees (Only in Art and culture divisions/departments)	Sampling proportion	Sample size
Federal	National Theatre	210	$=\frac{n}{N} \times 100$ $=\frac{257}{701} \times 100$ $=36.7\%$	77
	Addis Ababa University Cultural Center	20		7
Addis Ababa	Hager Fikir Theatre	196		72
	Ambassador Cinema	65		24
	Children and Youth Theatre	75		27
Oromia	Oromo Cultural Centre	80		29
Private sector	Alem Cinema	18		7
	Vamdass Cinema	17		7
	Adot Cinema	20		7
Total	701			257

In addition to the survey, the study used interviews in which participants were selected using a purposive technique of non-probability sampling method. Hence, fifteen (15) key informant interviews were undertaken to collect data in relation to the practices, status, challenges and potentials (opportunities) of artistic freedom in Ethiopia. In this regard, participants were drawn from various relevant organizations including art-related associations such as Ethiopian Visual Arts Society, National Association of Women Artists (NAWA), culture and art society of Ethiopia, Ethiopian Musicians Association, Ethiopian Artists Association, Copyright association, Ethiopian Comedian Association, Professional Photographer associations, Fendika Cultural Center, Ethiopian Dance Association, Oromo Artists' Association, St. Yared school music, Alem cinema, Vamdass cinema, and Adot cinema. In addition, other stakeholders such as officials and experts in the Ministry of Culture and Sport at the federal level, Bureaus of Culture and Tourism in Addis Ababa City Administration and Oromia Region.

### 3.5 Data sources and data collection instruments

This study employed both secondary and primary sources. From secondary sources, various legal documents ranging from international and regional to national that pertain to provisions protecting the freedom of artistic expression were systematically reviewed and analyzed. These sources, inter-alia, include United Nations' Universal Declaration of Human Rights (UDHR), The International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), UNESCO's 2005 Convention on the Protection and the Promotion of the Diversity of Cultural Expressions, and Rome Convention on Intellectual Property from international instruments, African Charter on Human and People's Right from regional instrument, and FDRE constitution and cultural policy from national instruments.

From primary sources, data were collected from the artists, which include authors, musicians, composers, dancers, comedians, playwrights, visual artists, film producers, and publishers. In addition, other stakeholders such as officials and experts in the Ministry of Culture and Sport at the federal level, Bureaus of Culture & Tourism in Addis Ababa City Administration and Oromia Region have taken part in this study. The selection of these administrative locations is due to their central location and the presences of almost all cultural activities represented by different cultural domains.

Regarding data collection instruments, this study mainly used checklists for desk research, interview and questionnaire survey. Checklists for desk review mainly covered issues related to general legal protection of the freedom of expression at international, regional and national levels and specific legal protection of artistic freedom in Ethiopia context. Interview questions were used to gather information about the practices, current status, challenges and opportunities of artistic freedom in Ethiopia as well as the needs assessment of the associations in the art, creativity and culture sector.

A questionnaire survey targeting representatives of institutions and individual artists consists of four sections. The first section entails detailed profiles of respondents in terms of gender, age, marital status, types of employment (self-employed or hired) and income level. In the second section, the questionnaire captured information about practices and status of artistic freedom. Accordingly, this section raised question items on (i) artistic expression [which includes freedom to imagine art and cultural activities, freedom to create art and cultural activities, freedom to distribute art and cultural activities, freedom of movement, the right to freedom of association, the right to the protection of social and economic rights, and the right to participate in cultural life], and (ii) artistic enjoyment and consumption aspects operationalized as the right of all citizens to have access to art and cultural works. A third section of the questionnaire addresses challenges of artistic freedom in terms of governmental censorship, political interference, and the pressures of non-state actors, cultural leadership/governance, and repressions with cases. The last section entails opportunities for promoting artistic freedom in Ethiopia.

### 3.6 Methods of Data Analysis

This study employed mixed data analysis methods comprising quantitative and qualitative data analysis procedures. Prior to analysis of the quantitative data, the collected data were coded, classified and tabulated on the basis of the research objectives, and then entered into SPSS software (version 25). Descriptive statistics such as percentages, frequencies and mean were generated and interpreted on the sequence of the objectives of the study.

For standardization of the analysis of Likert-scale data, the mean and percentage range recommended by Andrew (2017) has been considered as shown in Table 2.

**Table 2: Decision rule for Likert scale analysis**

	Low level	Moderate level	High level
Mean	$1 \leq X_i \leq 2.5$	$2.5 < X \leq 3.5$	$3.5 < X_i \leq 5.0$
Percentage	$20\% \leq X_i \leq 50\%$	$50\% < X_i \leq 70\%$	$70\% < X_i \leq 100\%$

Source: Andrew (2017)

Concerning qualitative information that were collected through interview and document review, the study applied themes analysis that entails coding and organizing the issues into categories and sub-categories. The analysis began with recording the audio-taped interviews, focus group discussions and story collection. Consequently, the recorded audio and note-book records were transcribed and summarized based on common themes related to each of the research objectives. Then analysis was done thematically focusing on description of information, classification and making connections. Finally, the organized qualitative information was combined with the quantitative data in a systematic and logical manner for triangulation.

In addition to the aforementioned quantitative and qualitative data, the study maps out associations, stakeholders, think tanks, educational institutions that operate in the arts and culture sector or creative industries in Ethiopia.

### 3.7 Reliability and validity of the data

A reliability test using Cronbach's alpha was run to determine internal consistency and reliability of the three core concepts of the study, namely practices, challenges and opportunities of artistic freedom. Chawla & Sondhi (2015) propose that instruments used in basic research should have reliability (the Cronbach's alpha coefficient) of .70 or better. The value of Cronbach's Alpha coefficients for all the core concepts used in this study are greater than 0.80 confirming that the questionnaires used in this study are quite reliable and acceptable for descriptive and inferential analysis. Thereby, it is possible to use composite means for the concepts. The details of reliability statistics are presented in Table 3.

**Table 3: Reliability test for the main concepts**

No.	Concepts	No. of items	Cronbach alpha	Remark
1	Practices of Artistic Freedom	12	0.837	
2	Challenges	12	0.875	
3	Opportunities	12	0.867	

Furthermore, the validity test was done through a pilot test involving 15 artists prior to the actual data collection. These artists were drawn from various categories of art industries, mainly from film, theater and music. At this stage, the contents, order and sentence structure of the questions were properly evaluated.

### 3.8 Ethical considerations

In regard to making the process ethical, Israel & Hay (2006) highlights that the research participants should agree about objectives of any study on the basis of a fully informed and voluntary decision. The study strongly maintained the ethical considerations such as showing official letters and explaining the personal background of the researchers, the purpose of the study to all participants before data collection to make the participation voluntary based. In line with this, training has been given to data collectors on ethical matters to be conscious about culture and gender sensitive issues while administering the survey questionnaire.

In a nutshell, the consulting firm with due emphasis has taken into account the important principles of research ethics at various stages of the study. At the design stage, the objectives of the study and issues of confidentiality and anonymity were properly explained in the data collection instruments. Before commencement of qualitative data collection, Trigna Development Research and Consulting (TDRC) PLC has officially invited all selected stakeholders to take part in the interview and FGD. At the time of collection, data through survey, interview and FGD were collected from the participants on a voluntary basis and after getting their consents. In the analysis phase, individual responses were held in the strictest confidence and information provided by study participants were used only in aggregated form.

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## 4. Findings and discussions

This chapter presents and discusses the results generated from the data collected using survey questionnaires and interviews. In regard to the response rate of the survey, all questionnaires distributed to the respondents were successfully collected that assures 100% rate of response. The chapter covers the background of the respondents who participated in the survey, the current practices of artistic freedom of expression, challenges pertinent to the freedom of artistic expression and the existing opportunities for enhancing the freedom of artistic expression.

### 4.1 Background information

This section deals with the background characteristics of respondents who participated in the study. This covers the level of work place, workplace of cultural centers, sex, and the highest educational status achieved by the respondents. To this end, Table 4 presents the summary of the background information of respondents.

**Table 4: The Background Profile of Respondents**

Attributes Category	Frequency	Percent (%)	
workplace by level of administration	Federal	84	32.7
	Addis Ababa City Administration	123	47.9
	Oromia	29	11.3
	Private sector	-	-
	Associations	21	8.2
Workplace by cultural centers (theaters and cinemas)	National Theatre	77	30.0
	Addis Ababa University Cultural Center	7	2.7
	Hager Fikir Theatre	72	28.0
	Ambassador Cinema	24	9.3
	Children and Youth Theatre	27	10.5
	Oromo Cultural Centre	29	11.3
	Alem Cinema	-	-
	Vamdaz Cinema	-	-
	Adot Cinema	-	-
	Artist Associations <sup>1</sup>	21	8.2
Sex of the respondents	Male	164	63.8
	Female	93	36.2
Highest educational qualification	Certificate	59	23.0
	Level 4 completed or diploma holder	62	24.1
	First degree (BA/BSc)	115	44.7
	Master's degree or above	21	8.2

Source: Field survey, September 2022

Table 4 clearly shows the background information of respondents who take part in this study. Accordingly, the result shows that the majority of respondents (47.9%) are working at the art sector of Addis Ababa City Administration, followed by those working at federal level art centers with 32.7%. The remaining 11.3 % and 8.2% are from the art centers

<sup>1</sup> The initial plan was to include 21 artists working in the private sector's cinemas. But, these cinemas have no permanent art staff. As a result, artists from art associations took part in the survey.

of the Oromia region and Artistic associations respectively. Concerning the location of cultural centers where the respondents are working, more respondents are from the National Theatre and Hager Fikir Theatre with 30% and 28% respectively. The remaining 11.3% are working with Oromo Cultural center, 10.3% are working with Children and Youth Theatre, 9.3% are working with Ambassador Cinema, 8.2% are members with Artist Associations while 2.7% are working at Addis Ababa University Cultural Center. This clearly shows that the participation of artists in art works is high at National and Hager Fikir Theatres compared to other centers. This could be the long life experience of the centers in artworks.

As far as the sex of respondents is concerned, the majority (63.8%) are male while 36.2% are female artists. This could be due to more engagement of men in the art sector compared to the women counterparts. In regard to educational status, the largest portion of participants (44.7%) are holders of first degree, while 8.2% are holders of MA degree and above. This shows that the sector has qualified human resources that could contribute positively for the development of art works. The remaining 24.1% and 23% are Diploma and Certificate holders. Overall, the sector has educated persons that could enhance creativity of the art works. Contrary to this finding, qualitative data revealed that most of the artists in the sector work on amateur basis and have no direct and relevant educational background.

The study also addressed the domains of culture and art industries where the participants primarily work, the broad categories of art industries addressed and the nature of employment of the participants. To this end, Table 5 summarizes and presents the stated categories of art industry and employment nature of respondents.

**Table 5: The Type of Art Sector and Nature of Employment**

	Frequency	Percent (%)	
The culture and creative industries domains where participants primarily work	Painting and drawing	41	16.0
	Music and dances	49	19.1
	Poetry and literature	45	17.5
	Theatre	58	22.6
	Circus	5	1.9
	Photography, Cinema and Video	20	7.8
	Architecture and sculpture	3	1.2
	Performance and public art interventions	35	13.6
	Other (Please specify):	1	0.4
Art industries: based on broad categories	Visual arts	68	26.5
	Performing arts	169	65.8
	literature related activities	18	7.0
	Other (Please specify)	2	0.8
Types of employment	Self-employed	51	19.8
	Freelancer	38	14.8
	Part-timer	49	19.1
	Permanent employee	116	45.1
	Other (Please specify)	3	1.2

Source: Field survey, September 2022

Table 5 shows the domains of culture and creative industries where the participants are working. In this line, 22.6% of the participants are working at theater, 19.1% are in music and dancing domain, 17.5% are in poetry and literature, 16% are in painting and drawing, 13.6% are in performance and public art interventions. The remaining 7.8% are Photography, Cinema and Video, 1.9% are in Circus and 1.2% are in Architecture and Sculpture. This clearly shows that the engagement of artists is in diverse domains of the art industry.

In regard to the broad category of art industries, the majority of the participants (65.8%) are in Performing arts, 26.5% are in Visual arts and 7% are in literature and related activities. This clearly shows that performing arts allow a large number of artists to engage in art works, followed by visual arts. Concerning the employment nature of artists, the majority (45.1%) are permanent employees, followed by 19.8% of self-employed and 19.1% of part-timers, 14.8% of freelancers. This clearly assures that the art sector is composed of permanent employees which have a positive contribution for the sustainability of the sector. It is also possible to understand that the sector is creating job opportunities for people to engage in art works with employment modality which fits to their interests since Artists and cultural and creative professionals are highly likely to be self-employed, freelancers, work part-time, combine two or more jobs without a permanent contract.

## 4.2 Practices of Artistic Freedom

Artistic freedom is 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. In the assessment of the freedom of artistic expression, the current practice has been addressed and summarized in Table 6 below.

Table 6: Practices of Artistic Freedom in Ethiopia

Items	Min.	Max.	Mean	%
I have a right to create without censorship	3	5	4.85	97.00
I have a right to freedom of association	1	5	3.79	75.88
I have a right to freedom of movement	1	5	3.55	70.97
I have the right to participate in cultural life.	1	5	3.45	68.95
I have experienced free speech.	1	5	3.37	67.47
Citizens have the right to access the work of artists	1	5	3.37	67.39
I have the right to protection of social and economic rights	1	5	3.35	67.00
I have a right to have artistic work supported, distributed, remunerated	1	5	3.30	65.99
The legal framework for freedom of expression fulfills the human rights standards.	1	5	2.82	56.42
The legal framework is protecting my artistic freedom	1	5	2.74	54.79
My artistic works are protected by existing Copyright Act	1	5	2.73	54.55
I have benefited from Copyright Act	1	5	2.70	54.01
Composite mean: Practices of Artistic Freedom		3.20	63.94	

Note: n=257

Source: Field survey, September 2022

The overall practice of Artistic Freedom in the country has been found on average 3.20 (63.94%) which implies the moderate level which could be considered below the expectation of the artists. In this regard, the participants of key informants interview expressed that in the current government, which is led by the Prosperity Party (from 2 April 2018 to present), artists enjoy a lot of freedom to imagine, create and distribute their artistic works though economic benefits are not attractive. They also confirmed that every artist engaged in different art works has freedom to express himself/herself. Besides, they also showed that there is no legal document that is restrictive to artistic freedom. These qualitative data further revealed that there are a number of artistic works that focus on not only criticizing but also 'insulting' the incumbent government. The interviewed people mentioned that there exist unrestricted artistic works such as jazz

poetry, theaters and films shown in 'Tobia/ጦቢያ' and sometimes in Ethiopian National Theater. According to them, such freedom needs to be encouraged for the development of the arts sector, which in turn contributes to deepening democracy in the country.

The result in Table 6 above shows that there is a practice of artistic freedom of expression without censorship of the art works in the country. The qualitative result reveals that there was high censorship before five years for checking the contents in terms of suppression of political dissent, the quest for nation-building and pursuit of hegemonic policies. In some circumstances, "public morality" is being used as a justification for the censorship. Restrictions on the basis of this criteria are often arbitrary, and are resulting in the unnecessary censorship of artworks, and the persecution, imprisonment of artists as well as threats to artists by governments for creating art that is subjectively considered a danger to "public morality". This has made obviously an obstacle to artistic freedoms that might impact a wide range of people: not only artists themselves, whether professionals and amateurs, but all those participating in the creation, production, distribution and dissemination of artworks. The practice of censorship also restricts artistic freedom since it is realized free of governmental censorship, political interference or the pressures of non-state actors.

However, after political reform has been undertaken in the country, since the last four years, there is no censorship of artistic activities in the Ethiopian context. According to Žilová (2011), artistic freedom refers to the space artists can act without others' interference which involves elimination of outer oppression and limitations including moral, religious, social, legislative, financial barriers. This implies that the current situation has a promising contribution to the development of artistic freedom of expression.

In regard to the freedom of association, the mean value of 3.79 (75.88%) implies a better freedom for artists to form artists' associations. This is also assured by the qualitative data from interviews of selected key informants. They underscored that the current government, which is led by the Prosperity Party (from 2 April 2018 to present), relatively allowed artists to enjoy a lot of freedom including the freedom to establish association, compared to EPRDF which repressed their freedom.

Concerning the freedom of artists' movement from place to place, the quantitative result with a mean value of 3.55 (70.97%) confirms the existence of relatively better freedom. In line to this, the key informants have asserted that there is no legal document that is officially restrictive to artistic freedom of movement. They also added that artists have freedom to move to any region across the country for film works as well as to exhibit their art works.

As far as the right of artists to participate in cultural life is concerned, the quantitative result with the mean value of 3.45 (68.95%) indicates the moderate level of practice. The qualitative data from key informants in this regard reveals that the current situation of freedom of expression in artist creativity, particularly, women photographers and drawer artists have freedom to present culture and values of different societies across the country. In addition, it was stated by the representative of the National Association of Women Artists that the photographers and drawer women's art works have a high opportunity to freely address societies' culture in their art creativity. On the other hand, some key informants expressed that artists are susceptible to personal attacks if they produce and publish artworks that may agitate socio-cultural, political and religious sentiments though universal rights guarantee the rights not to believe and to criticize religion and religious practices (Wyatt & Reitov, 2019). These practices obviously prevent artists from creating artworks that are incompatible to the existing social norms and religion.

In regard to the freedom of artists' speech, the quantitative result has been found on average 3.37 (67.47%). This confirms the moderate level of practice with certain limitations. In relation to this, the key informants asserted that there are several barriers to artists as social norms, and religious aspects are untouchable topics in Ethiopia. Those artists who address these areas are susceptible to the personal attacks by religion followers, society as well as government authorities. The key informants also added that during the Federal Democratic Republic of Ethiopia led by EPRDF, the government deliberately made the art industries dysfunctional. During the interview, the key informants further stated that some popular artists were intimidated by the government during the period. Particularly, a number of famous Oromo artists (example, Artists Addungna Ebissa and Usumayyo Musa) were brutally killed by the government forces because of suspecting that their works oppress the political and cultural spheres.

As far as the citizens' right to access the work of artists is concerned, the study has found on average 3.37 (67.39%) level of practices. This level of practice could be considered a moderate level which requires attention for the development of the art sector since it is the accessibility of art works to the public that will allow them to gain economic benefit as well as sharing the message. The qualitative data from the interview also clearly asserts that after the reform made by the current government, the freedom of artistic expression has shown relatively improvement though it still requires more attention. For instance, the reform has increased the platform for free use of social media such as YouTube, Facebook, Instagram, tweeter and others in which artists could disseminate their art works to the public without any restriction which is believed to increase the accessibility of art work to the general public. In addition, artists have the right to move across the country to different regions to present their art works to citizens who are living out of the capital city (Addis Ababa). On the other hand, the representative from the ministry of culture and sport underscored that due to fear for political influence, artists lack confidence to actively engage in creativity of arts and are not able to freely express the artistic creativity that has political issues even if it needs to be shared with the public. The result in general assures that the artworks that have no political contents (issues) can be freely disseminated to the general public to which citizens have freedom to access.

In regard to the artists right to protection of social and economic rights, the current practice has been found on average 3.35 (67%), which implies the moderate level. The key informant interviews reported that the copyright act is very important in protecting the right of artists to disseminate their works, and to gain the corresponding financial benefits from their art works. Again it ensures only the original works to be used among the community and increases in the recognition of artists' contribution. It was also stated that this act builds the moral right of artists so that they will be highly encouraged. However, the copyright act in the country is not effectively protecting the copyright of artists due to which copies of the artists' works are being openly disseminating to the users, particularly the artistic works such as music and film in both audio and video and highly exposed to the forgery (copy). This practice could adversely affect the social and economic rights of artists unless the act in this regard is seriously executed in the country.

Concerning the right of artists to have artistic work supported, distributed, remunerated, the practice was found on average 3.30 (65.99%). This result implies the moderate level of current practice. Cognizant of this, the participant of the key informant interview stated that the freedom that the art society obtained today is practical and noticeable. It was further expressed that the present is a time of greater freedom than ever before for artist's work distribution and support. On the other hand, one of the interviewees said that there is an indirect prohibition, which is not by stopping directly, but by depriving free space and excluding from showing one's artistic work. The other interviewees added that

*Artistic freedom was written in the law in last regimes, but it was deficient in practice. There has been better artistic freedom since the last four years. No one will attack you as an institution, but there is a red line you do not cross, and there is an informal group that tries to favor or disapprove the artists' works.*

The result in general shows that though the artistic expression (works of art) in Ethiopia have been liberated and there is an atmosphere where everyone is free to express themselves, the government's support to artistic work, and remuneration scheme require attention in the future to encourage artists.

The practices in legal framework to protect artistic freedom, protection of artistic works by existing Copyright Act and ensuring the benefits from Copyright Act to artists have been found at moderate level which imply that execution of legal framework including the copyright act is below the expectation of artists. According to Barblan (2015), copyright act has paramount importance in giving artists the economic freedom so that they satisfy their basic needs by generating adequate income from the art when their creative works are protected by copyright act. In this regard, the current FDRE Copyright and Neighboring Rights Protection Proclamation was enacted in 2004 in Ethiopia. It gives the creator of artworks, particularly for audiovisual works, the exclusive right of reproduction, sale, rent, transfer and distributing the work to the public. The proclamation, however, has no provision on how to manage issues related to social and digital media, which are the recent developments of marketing the artworks through internet technology. Almost all interviewed people complained that there is a lack of law enforcement for the proclamation, particularly in police and court systems to ensure the copyright for artworks. This clearly shows that the exclusive right of artists to the reproduction, sale and dissemination of the art works is in danger unless the attention is given to the proper enforcement of the copyright act in the country.

### 4.3 Challenges of artistic freedom

The practice of artistic freedom is not free from challenges. Artistic freedom of expression could be open to social, economic, cultural and legal challenges. Even though censorship is the main challenge in some countries, this study does not find it as a challenge. The major challenges of artistic freedom in Ethiopia have been presented in Table 7 as follows.

**Table 7: Challenges of artistic freedom**

Items	Min.	Max.	Mean	%
Inaccessibility of public spaces to artistic expression	1	5	3.34	66.77
Sexual harassment has been widespread in the art sectors.	1	5	3.14	62.88
There is gender discrimination in the art sectors and in cultural institutions.	1	5	3.03	60.62
Because of fear and repression, I do not like to report artistic freedom violation	1	5	2.91	58.29
Minority groups are particularly vulnerable to restrictions on artistic expression	1	5	2.89	57.82
There is discrimination against persons with disabilities in the art sectors.	1	5	2.86	57.20
Prohibitions on exhibiting one's work or performing are sometimes used as retaliation.	1	5	2.84	56.81
Beside government bodies, I do face repression from non-state actors.	1	5	2.84	56.81
I have faced harassment and attack as a result of expressing my opinions freely.	1	5	2.80	55.95
We are required to submit scripts and films for official scrutiny prior to the show	1	2	1.27	25.4
Prior censorship is required before the art has circulated.	1	2	1.04	20.8
There is an established permanent censorship system to control artistic works.	1	2	1.02	20.4
Composite mean of challenges		2.95	59.04	

Note: n= 257

Source: Field survey, September 2022

Table 7 shows challenges that hamper the improvement of artistic expression in Ethiopia. One of the challenges that the study identified has been inaccessibility of public space. Respondents (66.8%) revealed that there is no open and freely accessible space for artistic expression in Ethiopia. The mean result also confirmed that public space is moderately (3.34) accessible (Andrew, 2017). This implies that there is limitation in making public spaces such as streets as public spaces, creating squares and parks as public spaces. Concurrent with the above survey data analysis, participants in the interview remarked that though currently the government is trying to build/establish public spaces, expanding streets by demolishing buildings in order to widen the walk ways, renovating and building squares and new parks, there is inaccessibility of public spaces.

Other challenges that obtained in this study were the widespread sexual harassment and gender discrimination. Most of the respondents (62.9%) portrayed that sexual harassment and gender discrimination (60.6%) were challenges that affect the artistic freedom. The mean result of both sexual harassment (3.14) and gender discrimination (3.05) showed the level of the challenge have been moderate (Andrew, 2017). This implies that, in the art sector, women because of their sex they have been sexually abused and pushed out of the arena of art. The qualitative data also supports the existence of sexual harassment and discrimination in the sector. Some of the key informants believe that sexual provocation is one of the challenges that women in the sector face. Moreover, there is a wide gender imbalance in the sector. One of the main sources of the problem is culture.

Several studies (Barrios & Villarroja, 2022; Berouk, 2004; Miller, 2016) indicate that gender equality can be affected by a number of interrelated factors that can be summarized into four broad categories, namely cultural influences, institutional and political commitment on gender issues, women's access to basic social services and resources; and women self-perception and low conscious participation.

In this regard, interviewed key informants explained that females are less represented in decision-making positions and as artists in arts industries like in other sectors of the economy in Ethiopia. Overall, they indicated that females are not well represented in Ethiopian cultural and creative industries due to the common sources of gender equality, which are societal

norms and cultural practices, patriarchal dominance, burden at home-care responsibilities on women, educational status and lack of women willingness to engage in artworks. Furthermore, lack of commitment from both the government and women, and male chauvinism are the main source of the disparity that is observed in the art sector.

Table 7 also revealed that retreat from reporting the artistic freedom violation has been one of the challenges. While (58.3%) of the respondents showed they hide themselves from reporting the violation of their artistic freedom because of fear and repression, 57.82% of them confirmed today minority groups are vulnerable, persons with disability are discriminated (57.20), there is prohibition as retaliation (56.8%), facing repression from non-state actors (56.8%), and being harassed and attacked (55.95%) because of freely expressing one's opinion were challenges that hamper the artistic freedom in Ethiopia. The mean results depict that all the aforementioned issues moderately (2.80-2.91) affect artistic freedom.

Moreover, respondents (25.4%) showed that the request for early submission of scripts and films, prior censorship requirement (20.8%), and the existence of a permanent censorship system (20.4%) have been challenges that could be very low. This implies that in Ethiopia prior censorship or requests to be evaluated were not an established system. Similarly, the qualitative data collected from interviewees showed that there has been no censorship or a system that controls artistic works. However, the sector and the artists are facing multiple challenges.

Table 8 below shows among the existing challenges of artistic freedom five of them happening more frequently.

**Table 8: Rank analysis for challenges of artistic freedom**

Potential challenges	Rank1	Rank2	Rank3	Rank4	Rank5	Total score <sup>2</sup>	Rank
Financial constraints	207	7	9	2	7	1101	1
Limited human capacities	4	70	62	5	7	503	2
Lack of equipment and facilities	15	39	49	15	10	418	3
Lack of recognition by government	3	20	31	46	17	297	4
Insecurity	7	18	20	24	17	232	5
Lack of public awareness	1	33	12	18	7	216	6
Globalization	5	13	3	31	15	163	7
Lack of opportunity	4	14	10	16	19	157	8
Lack of financial fund/support	2	12	11	23	17	154	9
Limited market	6	12	16	7	9	149	10
Lack of preservation of culture	6	7	6	4	21	105	11
Lack of government support	5	3	9	9	14	96	12
Unjustified restrictions	2	2	4	13	23	79	13
Persecution by the government	0	1	2	12	32	66	14
Lack of marketing strategy	0	3	5	12	6	57	15
Art censorship	2	4	2	7	10	56	16

Source: Field survey, September 2022

As depicted in the table 8 above, the rank for challenges of Artistic Freedom in all sampled areas reveal that financial constraints is rated as the first, limited human capacity is the second, lack of equipment and facilities is rated the third, lack of recognition from government is ranked fourth, and insecurity is as types of challenges was ranked fifth.

<sup>2</sup> =As explained in the methods of data analysis sub-section, a summarized rank ordering in this was computed by multiplying the frequency with reversed rank as weight and the highest total score indicates the top first challenge under consideration. The procedure was adapted from the work of Zikmund et al. (2013: 494). For example, total score for 'Financial Constraint' is calculated as  $207*5+7*4+9*3+2*2+7*1$ , which is equal to 1,101.

The key informants' responses match with the survey results. Interview respondents and focus group discussants state that finance is the major obstacle of the sector. They revealed lack of necessary support from the government as well as other stakeholders, which enhanced their financial problem. Taxation and not taking art as investment from the government side were repeatedly mentioned as challenges to artistic development in Ethiopia. One of the heads of associations stated that 'the prices of artistic materials, starting from tiny painting brushes to huge musical instruments are increasing from time to time. We cannot afford it. When the materials are imported, they are subject to heavy taxes. It is pushing us out of the art realm'.

One of the interviewee from public organization also shares the idea and added that

The overlapping taxes and levies on art-related items have prevented us from providing quality artworks. There is low focus and practical support from the government in terms of motivating or drawing the art sector to investments. Take tourism and hotel sectors, the government gives land, loans from banks, and tax exemptions. There is nothing favorable for the arts sector when it comes to loans from banks and grace periods to bring inputs tax-free. Art related items are extremely expensive thus artists cannot retain in the market and ultimately left the sector, more than 200, engaged in other works (publishers have become mobile vendors). To me this is discrimination which needs immediate solutions.

The participants stated that the government and government bodies do not have deep understanding and respect for artistic works due to which their contribution is very limited. In addition, low attention by the government to the sector deters the advancement of artistic works.

One of the interviewees raised the absence of art policy as an indicator of government inattention. He stated that a country which has a wildlife management policy and does not have an art policy reveals the detachment of stakeholders in general and lack of government commitment in particular.

They also forwarded scarcity of public recreation and open spaces as challenges. Moreover, interviewees raised the insufficiency as well as unavailability of art museums, archives and galleries. One of the interviewee stated that

Since we do not have our own galleries, we do use individual galleries. Whenever we send our art works to an individual gallery and if they sell it they will take more than 50 % of its price. As an association we asked the government at least to give us a hall called Setan Bet to use as an art gallery, however for the last two years they have not responded. If the government helped us, we would have contributed in solving national problems through our profession and would have obtained economic benefits.

Data from the qualitative data indicated that artists are susceptible to personal attacks if they produce and publish artworks that may agitate socio-cultural, political and religious sentiments. In the last five years, some artists have been detained in jail due to their artistic works regardless of their involvement in any political affairs. This practice is also continuing without improvement with some artists like writers. This obviously prevents them from creating artworks that are incompatible to the existing social norms and religion. Though there is no pre-censorship in Ethiopia at all, one KII said 'producers of films, books and exhibitions, and writers of play's scripts fear post-censorship that may expose artists to a total ban or huge encroachments; thereby most producers and artists practice self-censorship'. However, universal rights guarantee the rights not to believe and to criticize religion and religious practices (Wyatt & Reitov, 2019).

Overall, qualitative data obtained through interviews and focus group discussions indicated that there are multifaceted challenges that hamper the practices of artistic freedom. These challenges, inter-alia, include: all theater houses are owned by the government, which makes the art to be subsumed under auspices of authorities. This may not allow artists to exercise their freedom of expressions. The art industries are characterized by lack of resources and expertise; art creation and production resources required for arts industries are considered as luxurious commodities. This becomes a critical challenge for arts institutions including the artists. Moreover, there is no network and communication between artists' organizations and associations at federal level and regional level. Besides, those in the regional level are skeptical about the inclusiveness of arts associations and institutions at federal level. Furthermore, there are very limited education programs on arts at higher institution level. Even the existing few programs are confined to very limited higher institutions and these programs do not take into account the diverse nature of the country in terms of culture, language and religion.



## 4.4 Opportunities

It is strongly believed that the vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies. Currently artistic expression in Ethiopia is not only facing challenges, it also has opportunities that energize the transformation of artistic freedom. Table 9 below presents chances that the art sector could utilize.

**Table 9: Opportunities of artistic freedom**

Items	Min.	Max.	Mean	%
Today, there is a marked change in the perception and understanding of the social function of art.	1	5	3.02	60.31
Artistic freedom is recognized and protected in the national law.	1	5	3.00	59.92
There have been significant reforms regarding artistic freedom in the last five years.	1	5	2.87	57.43
Most of the artistic associations take into account gender balance in leadership positions.	1	5	2.84	56.89
There are clear social protection arrangements (pension, unemployment, maternity, sickness, accident, death, family, disability) to people working in the artistic sector.	1	5	2.69	53.77
Government has created enabling environments for the exercise of the right to freedom of expression.	1	5	2.64	52.84
There are policies and measures that promote freedoms of creation and expression.	1	5	2.62	52.45
Today, art is becoming more accessible to the public.	1	5	2.62	52.45
Government has ensured that private entities do not interfere with the freedoms of opinion and expression.	1	5	2.55	51.05
Arts' Associations are energetic in protecting and supporting at-risk artists	1	5	2.39	47.86
Artists whose creative works are stolen get support from the government.	1	5	2.34	46.85
Salaries and benefits of culture and artistic workers are almost similar to other comparable professionals.	1	5	2.28	45.68
Composite mean for Opportunities		2.66	53.13	

Note: n= 257

Sources: survey data, September 2022

Table 9 above presents opportunities that artistic freedom has. Accordingly, most of the respondents (60.31%) showed that there is a positive change in the perception and understanding of the social function of art compared to what had been happening five years ago. Moreover, most of the respondents (60%) confirmed that currently artistic freedom is recognized and protected in the nation law. This implies that having articles that describe the protection and recognition of artistic freedom in the country's constitution is among the opportunities that gives confidence to artists. The qualitative data respondents also approved the protection that artistic freedom obtained through national law.

Moreover, according to Table 9, reform endeavors on artistic freedom, gender balance in leadership positions or leadership role of women in their associations, availability of social protection arrangements and environment to exercise freedom of expression were opportunities that the respondents leveled them as moderate (57.4%-53%). The qualitative data also revealed that though the government avoided censorship, its effort in transforming and supporting the sector is moderate. One of the respondents said that the current government completely withdrew itself from renovating, backing up and developing the artistic sector.

Similarly, the existence of policies and measures, the accessibility of art to the public, protecting the freedom from the private entities, support that the at-risk artists are getting from their association and correspondences of salary and benefits of artists with other professionals as opportunities were moderate. The composite mean (2.66) also portrays the existence of certain opportunities that promote artistic freedom, but the level was moderate (Andrew, 2017). Moreover, qualitative data through interviews reveal that there are some opportunities that enhance artistic freedom in Ethiopia.

The first one relates to artists themselves whereby there are committed artists who engage in artworks with passion and love regardless of economic benefits. Even at the time of censorship of artworks before five years, artists particularly in poetry and literature use 'wax and gold' - a secret technique- to express their message to the public (Girma, 2011). Second, the government is supportive of artworks including artistic activities that criticize the government itself though there is still a lot of work to be done. In connection with this opportunity, there is a good start by the government to enhance community-wide awareness on artistic works by launching a new education system (from September 2022 onwards) that incorporates performing and visual arts in the new curriculum starting from elementary grades. The third opportunity relates to audiences and market availability. The fourth available opportunity to enhance artistic freedom is the influence of globalization through digital media. Particularly, social media platforms such as YouTube could bring new dimensions of artistic freedom. Therefore, it could be concluded that conditions are positive to artistic expression as there are no legal restrictions except for lack of finance that is important to back up the sector.

To enhance opportunities and minimize obstacles the participation and collaboration of stakeholders is paramount. The results of stakeholder's analysis by using interview and document review show that Ministry of Culture and Sport, Ethiopian Intellectual Property Office, Parliament and Regional council, Federal Tourism Commission, Investment Commission, UNESCO, Bureaus of Culture and Tourism at regional level, artists' associations and institutions, Governments of Regional States, AACA, Cinemas, theater houses, cultural centers, art schools/colleges, civil societies and sponsoring agencies for artworks. The interviewed key informants indicated that protecting and promotion of artistic freedom requires concerted efforts and collaboration of the aforementioned all stakeholders, which would in turn enhance synergy while enhancing freedom in the art industries. One of the interviewees added that the Ministry of Culture and Sport (Bureau of Culture, Arts and Tourism) is the most important and strategic stakeholder to the sector. However, he said, 'we are not getting the necessary support and capacity development. It does not go beyond writing letters of cooperation; it does not argue or try to influence other sectors in order to contribute to the advancement of artistic expression'. This implies that stakeholders in general, Culture, Arts and Tourism in particular must work with the artists and their associations and establish a strong forum that comprises the aforesaid bodies.

## 5. Summary of Findings, Conclusions and Recommendations

This chapter presents a summary of findings, conclusions and recommendations of the study one after the other.

### 5.1 Summary of findings

The main objective of this study was to assess the practices of artistic freedom in Ethiopia. To know the level of artistic freedom in Ethiopia, the consultancy firm examined the current legal frameworks and components for artistic rights particularly the freedom of expression and the limitations subjected to artistic expression and identified challenges as well as the potential opportunities available to enhance artistic freedom in the country. Moreover, comparing was done the legal framework for freedom of expression against relevant regional and comparative human rights standards by reviewing existing extra-legal frameworks for artistic rights at the international and regional levels to which the country holds (The African Charter on Human and Peoples Rights and The International Covenant on Economic, Social and Cultural Rights). Furthermore, how at-risk artists deal with authority and which organizations support them, who are the major stakeholders to be engaged on the national level concerning artistic rights and how the copyright Act protected artistic works are thoroughly examined.

1. In Ethiopia artistic freedom is well practiced. There is no censorship and system of restriction towards artistic expression. The artistic expression (works of art) in Ethiopia has been liberated and there is an atmosphere where everyone is free to express himself or herself. However, the key informant's interviews revealed that there should be circumstances that limit the creativity of artistic freedom. Most of the interviewed people believe that artistic freedom should not be viewed from liberal perspective and it is not without any constraints. They advised that artistic freedom needs to be exercised within legal framework and with great cautions not to jeopardize the rights of children, the defense of community standards of morality, the consideration of cultural norms and the protection of state security. The study found that artistic freedom should be restricted when artistic creativity expresses the cultural and value of the society in the wrong manner, when the artistic work contradicts the political setting and violates the law and when it contradicts the religion and values of the society in the country. International conventions and the Ethiopian Constitution also allow for restrictions on artistic freedom when these expressions may threaten the security of a state and established social norms.
2. Even though there is no prior evaluation, artistic freedom is not free from obstacles. Both quantitative and qualitative data showed that there are several challenges affecting the advancement of artistic freedom in Ethiopia. The major obstacles are finance, perception of the society, limited capacity of artists and public organizations (stakeholders), lack of equipment and facilities, multiple taxes, lack of support and recognition from government and public, insecurity and absence of comprehensive art policy.
3. In addition to the absence of censorship (freedom of expression without political influence), there are several opportunities that reinforce the improvement of artistic freedom in Ethiopia. The study found that the available opportunities to transform the artistic freedom are the existence of artistic freedom related articles in the constitution and well match of these provisions with regional and international laws, the practicality of copyright act, government's commitments not to interfere in the sector unlawfully, incorporation of art related subjects (performing and visual arts) in the primary school curriculum, access to digital media, no one is prisoned or threatened by government or private bodies in the last four years and the accessibility of art to the public particularly renovating squares, building new parks and widening streets could be opportunities that contribute to artistic freedom in Ethiopia.
4. The study found that there is a wide gender imbalance in the sector. Both quantitative and qualitative data portrayed females are not well represented in Ethiopian cultural and creative industries due to the common sources of gender equality, which are societal norms and cultural practices, patriarchal dominance, burden at home-care responsibilities on women, educational status and lack of women's willingness to engage in artworks.
5. The Copyright Act gives protection to creative works of artists and it empowers artists to pursue success in whichever markets and through whichever business models work best for their creative visions. Therefore, copyright is of paramount importance in giving artists the economic freedom so that they satisfy their basic needs. The artists can generate adequate income from the art if their creative works are protected by copyright (Barblan, 2015). The current FDRE Copyright and Neighboring Rights Protection Proclamation was enacted in 2004. It gives the creator

of artworks, particularly for audiovisual works, the exclusive right of reproduction, sale, rent, transfer and distributing the work to the public. The proclamation, however, has no provision on how to manage issues related to social and digital media, which is the recent development of marketing the artworks through internet technology. Almost all interviewed people complained that there is a lack of law enforcement for the proclamation, particularly in police and court systems.

6. Motivations for restrictions on artistic freedom could emanate from political, religious, cultural, moral or economic interests which may constitute redlines. Most of the interviewed people indicated that artistic freedom should not be viewed from liberal perspective and it is not without any constraints. They advised that artistic freedom needs to be exercised within legal framework and with great cautions not to jeopardize the rights of children, the defense of community standards of morality, the consideration of cultural norms and the protection of state security. International conventions and the Ethiopian Constitution also allow for restrictions on artistic freedom when these expressions may threaten the security of a state and established social norms.

## 5.2 Conclusions

This study deals with the assessment of the artistic freedom of expression in Ethiopia. Cognizant of this, the study has found the art sector during the period of Emperor Haile Selassie and Derg regime was submissive to the governments. It was also realized that during the Federal Democratic Republic of Ethiopia led by EPRDF (1991 to 2018), the government deliberately made the art industries dysfunctional. By considering the previous and current situation in general, the overall practice of artistic freedom of expression has been found at a moderate level. The situation by the current leading political party, i.e., Prosperity Party, created relatively a conducive environment for artists to enjoy a lot of freedom to imagine, create and distribute their artistic works even though the economic benefits are not attractive and rewarding. It was also understood that every artist engaged in different art works has freedom to express himself/herself. Besides, it was noticed that after undertaking political reform in the country, since the last four years, there is no censorship of artistic activities in the Ethiopian context. Moreover, it was confirmed that there is no legal document that is restrictive to artistic freedom. Furthermore, it was noticed that there exist unrestricted artistic works such as jazz poetry, theaters and films shown in Ethiopian National Theater which needs to be encouraged for the further development of the arts sector.

On the other hand, the practices in the legal framework to protect artistic freedom, protection of artistic works by existing Copyright Act and ensuring the benefits from Copyright Act to artists have been found relatively low on average that requires attention. Though the current FDRE Copyright and Neighboring Rights Protection Proclamation was enacted in 2004 in Ethiopia, it has no provision on how to manage issues related to social and digital media, which are the recent developments of marketing the artworks through internet technology. In this regard, it has been noticed that there is a lack of law enforcement for the proclamation, particularly in police and court systems to ensure the copyright for artworks which negatively affects the exclusive right of artists to the reproduction, sale and dissemination of the art works.

The study identified number of multifaceted challenges that hamper the practices of artistic freedom in the country which include the ownership of theater house by government, lack of resource and expertise, limited education programs for arts, the lack of communication networks between the artists' organizations and associations, weak enforcement of copyright acts to protect the exclusive right of artists, taxation and considering art as luxurious than investment. In addition, society gives more value to the art works of Western world and foreign countries than to the local creativity. Furthermore, lack of tolerance among society to welcome diversity of art works with languages and culture of different societies is another challenge.

Finally, it possible to conclude that the commitment of artists for the development of the sector, the support that the current government provided to the sector, market availability, the development of social media platform, the involvement of different stakeholders such as private sectors, community, education institutions, regional governments in support of artistic works are the promising opportunities for the further development of the sector.

## 5.3 Recommendations

Given the findings and conclusions of the study, this section provides workable recommendations to take advantage of opportunities that could promote artistic freedom in Ethiopia. Accordingly, the consulting firm provides recommendations on the following eleven core areas that could boost artistic freedom as well as art industries:

### 1. Comprehensive Government support

Art industries that comprise a wide range of sectors such as performing and visual arts as well as literature play profound roles in entertainment, nation building, democracy and economic growth. But, the findings from this study indicate that the arts particularly in the private sector get less financial support from the government though there is a conducive working environment in the country. Thus, the government needs to assist the art activities of the private sector through comprehensive support strategies such as land provision for office construction, budget subsidies, tax deductions or exemptions on artworks and musical instruments as well as training opportunities.

### 2. International exchange approach

Internationalism is of paramount importance for artists and art related organizations to evaluate their creative works in a global context so that striving to achieve and maintain world class status. In this regard, associations in the Arts sector in collaboration with the government need to work together to investigate and implement an international strategy that fosters international exchange. This would establish a springboard to bring the best of world culture to Ethiopia and share the best of our culture to the world.

### 3. Policy measures

Needless to state that an existence of policy in art industries provides clear directions and facilitates successful implementation of artistic activities. Considering the three broad categories of art industries, the government along with concerned institutions from private and NGO sectors have to formulate policies on visual arts, performing arts and literature. Besides, these stakeholders need to operationalize the policies into deeds for the defense of artistic freedom. So far, Ethiopia has a film policy within art industries though it is not yet translated into actions. Thus, the Ministry of Culture and Sport in collaboration with filmmakers and producers and other arts institutions need to develop an implementation plan of film policy and put it into action by integrating the policy with visual arts.

### 4. Involvement of practitioners

It has been stated that the consideration of performing and visual arts in the new education curriculum of Ethiopia is promising for the art industries. But, conventional learning-teaching approaches for artistic activities do not bring about the required outcomes. Thus, the delivery approach for performing and visual arts should be complemented with practical sessions given by practitioners and amateur artists.

### 5. Addressing economic problem

Obviously, there is a direct linkage between economic capacity and artistic expression. Artistic expression is not thinkable for an artist who cannot meet his/her basic needs. Therefore, artists and their respective institutions and associations need to link their activities to business concepts. Digital technology and social media platforms such as YouTube and Tik Tok offer extraordinary opportunities to do this.

### 6. Privatization of theater houses

One way of promoting and defending artistic freedom is by taking measures that relax the tight control of government in the art sector and encouraging private and NGO sectors to engage in the arts industries. In this respect, FDRE needs to fully privatize the theater houses to the private firms which in turn contribute to artistic freedom as well as tap the sector for economic growth like the practices in other countries such as the USA, India and Nigeria.

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## **7. Support from fund providers**

Financial support and sponsorship for artistic activities are essential to promote the creativity of artists. In this regard, arts institutions need to work with sponsoring and Funding agencies in order to get financial sources to artworks.

## **8. Attention for artistic freedom**

Artists' institutions including various artists' associations have to pay attention that the defense of and advocacy for artistic freedom is as equally important as the promotion and defense of other rights. In the same way, law institutions and law faculties need to incorporate studies particularly pertinent to artistic freedom as part of human rights and freedom of expression studies. Besides, they need to stimulate and support the increased documentation of and advocacy for artistic freedom through academic research. In line with this, artists' institutions need to initiate at least one art forum in a year that discusses about improving artistic freedom

## **9. Updating the Copyright Act**

The current FDRE Copyright and Neighboring Rights Protection Proclamation, which was enacted in 2004, provides protection of literary works, musical works, artistic works, maps and technical drawings, photographic works, cinematographic works and computer programs. The proclamation, however, has no provision on how to manage issues related to social and digital media, which is the recent developments of marketing the artworks through internet technology. Thus, the Ministry of Culture and Sport has to take initiative to update the 2004 Copyright law within the context of current dynamics such as social media platforms.

## **10. Forming Art Consortium**

One of the challenges that hamper the implementation of artistic freedom components at a required level is absence or weak governance and institution of art industries/sectors. In this regard, forming an art consortium at least at the three broad art categories, namely visual arts, performing arts and literature is of paramount importance to pool resources with partners and competitors to leverage technology development that will benefit the art industries. Besides, art consortiums would bring together artists, organizations, and art enthusiasts to advocate, promote and provide opportunities for art innovation. Thus, the existing art institutions and individual artists in collaboration with the Ministry of Culture and Sport need to establish an art consortium.

## **11. Opening of Artwork Archive**

Arts archives are made up of unique original documents, in many formats, from paper to video, sound and digital. They document the activities and decisions of arts practitioners, collectives and organizations. They could range from the sketchbooks, photographs, and correspondence of an artist, the administrative records of a gallery, to the music manuscripts of a composer, to the video recordings of live art and performance. An artwork archive provides an invaluable resource for students, teachers, researchers, artists and the general public. Therefore, the art associations and Ministry of Culture and Sport need to encourage opening of artwork archives including a digital database in order to conserve the artworks and to make sure that future generations may experience and understand contemporary artistic expressions.

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