**UNITED NATIONS – OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

**QUESTIONNAIRE ON THE RIGHT TO ARTISTIC FREEDOM**

**Seychelles**

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

The right to artistic freedom in Seychelles is protected under the Laws of Seychelles, CAP 42 Constitution of the Republic of Seychelles (revised Edition 1994), Chapter iii, Part 1, Seychellois Charter of Fundamental Human Rights and Freedoms, Article 22: Freedom of expression, which states:

*“22. (1) Every person has a right to freedom of expression and for the purpose of this article this right includes the freedom to hold opinions and to seek, receive and impart ideas and information without interference.*

*(2) The right under clause (1) may be subject to such restrictions as may be prescribed by a law and necessary in a democratic society –*

1. *In the interest of defense , public safety, public order, public morality or public health;*
2. *for protecting the reputation, rights and freedoms or private lives of persons;*
3. *for preventing the disclosure of information received in confidence;*
4. *for maintaining the authority and independence of the courts or the National Assembly;*
5. *for regulating the technical administration, technical operation, or general efficiency of telephones, telegraphy, posts, wireless broadcasting, television, or other means of communication or regulating public exhibitions or public entertainment; or*
6. *for the imposition of restrictions upon public officers.”*
7. **If relevant, please provide a brief summary of important decisions relating to artistic freedom adopted by judicial authorities in your country over the last ten years.**

There have been no decisions relating to artistic freedom in front of the Seychelles Courts of Law over the last ten years.

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

The Government of Seychelles adopted The Cultural Policy of the Republic of Seychelles in 2004 as the official document governing all aspects of the protection, promotion, preservation, conservation, and expression of the Cultural Heritage of Seychelles, including all forms of artistic expressions.

There is also the National Arts Council of Seychelles Act (1991) which is responsible for the promotion and protection of artists, their artistic creations as well as their respective rights and freedoms.

The Creative Industries Policy (2012), Chapter 6: Creative Workers and Creative Entrepreneurs also states:

“*This Creative Industries Policy recognizes the importance of enshrining the rights of professional artists, creative workers and creative people and improving their status in Seychelles.*

*The Government will continue to ensure the legal, regulatory and economic conditions necessary for the exercise of their creative work and guarantee the protection of their copyright which involves the suppression of piracy.”*

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

There is no legal definition of “artist” in Seychelles. However, in the National Arts Council of Seychelles an artist is an individual, who may be a professional or a semi-professional, and engaged in the practice of an art form, and in the production of an artistic creation or service. The term artist also refers to small creative business entrepreneurs who produce art works or offer services in the Creative Industries, according to the Creative Industries Policy of the Republic of Seychelles.

This definition does have a bearing on the status of artists in order for them to be recognized by the National Arts Council of Seychelles, which is the public entity responsible for artists and designers in Seychelles. This definition would be just as valid in the case of any matter relating to artistic freedom. All the Arts Associations which fall under the National Arts Council of Seychelles would unanimously agree with this definition.

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

There is no official definition of “artisans” in the Craft Policy of Seychelles (2002, Ministry of Industries and International Business), although it is widely understood that an artisan or craftsperson is an individual who creates artisanal or craft items with aesthetic, decorative or cultural features, either manually or through the use of hand, electric, or digital tools. All crafts persons or crafts associations would agree with this definition of a ‘craftsperson’ or ‘artisan’.

There are no restrictions on the artistic freedom of the artisan in Seychelles.

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

The main impediments encountered by artists in their work in Seychelles are:

1. Inadequate means for sponsoring artists in order to create innovative artistic creations that will enhance the development of respective artistic domains.
2. Raw materials both for artists and artisans are not easily available because artists have to depend on imports from abroad. The prices of materials have also soared with the current inflation and economic depression.
3. **In this regard, what measures are required to combat these impediments?**

The measures required to combat these impediments are:

1. Change of perceptions, attitude and status of art education in the primary and secondary school curriculum as well as in professional training in artistic creations.
2. Artistic expression must be seen as a vehicle for the transmission of culture, cultural image, and cultural identity. Culture must become the centre of sustainable development in all fields of national development as propagated by UNESCO, especially in Education and in Culture.
3. The School of Visual Arts under the Ministry of Education and the National Conservatoire of Performing Arts (i.e. Dance, Theatre and Music) should be merged into one institution and eventually incorporated as a faculty into the University of Seychelles as correctly recommended by Dr John Nolan in his Report on *The Seychelles Education and Training System (June 2008),* to the Government of Seychelles.
4. The creation of the Seychelles Agency for the Creative Industries (SACI) in 2013 and the implementation of the new Creative Industries Policy of the Republic of Seychelles (2012), and also the Implementation Strategy for Music Development (2012), will change the way artists are perceived, and their artistic creations will be better promoted as well as marketed and distributed in a more professional manner, so artists can earn better income as well as generate revenue for the national economy.
5. Professional training is a crucial element in the development of the Creative Industries in order to improve the quality of artistic creations and services.

The professional training of artists must be raised to degree level in order to attain the international standards that are expected of all artists elsewhere in the world.

1. The education and training of artists must be informed by Cultural Education in the primary and secondary school curriculum; and cultural studies should form part of the programme of post secondary and higher training institutions so that the arts and culture are immersed first and foremost in our Seychellois Cultural Heritage.
2. There is a need to use more digital media and technology for the production of promotional material in the promotion of artists and artistic creations.
3. More financial investments, better infrastructure, and more adequate facilities in educational and professional training institutions should become a priority concern.
4. **What support is provided by State authorities, including public institutions and semi-autonomous bodies to artists, in particular financial support for artistic creations and exhibitions? What are the specific mechanisms to ensure that those benefiting from State support enjoy artistic freedom and that all artists compete equally for State resources, without discrimination based on, for example, gender, ethnic origin, location in State territories, political opinion or belief?**

The National Arts Council of Seychelles is a public entity created by Government to assist artists with grants for artistic projects. An artist may apply for a grant to the National Arts Council Board, who will then approve the project and ensure the disbursement of funds accordingly.

All artists who are contributing positively to the artistic and cultural development of Seychelles are entitled to apply for funding or any other resources without discrimination in terms of gender, ethnic origin, location in the districts, political opinion or belief.

Artists also receive financial assistance for the following:

1. Exhibitions
2. Overseas exhibitions or performances, including airline tickets and travel allowance.
3. Promotion in the media
4. The printing of publicity material for exhibitions, audio recordings, and performances.

Artists, producers, and artistic directors are also paid a fee to produce, perform, or direct in any productions organized by the National Arts Council.

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

Some applicable restrictions can be found in Article 39 of the Constitution of Seychelles:

*39. (1) The state recognizes the right of every person to take part in cultural life and to profess, promote, enjoy and protect the cultural and customary values of the Seychellois people subject to such restrictions as may be provided by law and necessary in a democratic society including -*

*(a) The protection of public order, public morals and public health;*

*(b) The prevention of crime*

*(c) The protection of the rights and freedom of other persons.*

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

There are no legal or traditional restrictions on any art form, or the use of instruments and songs, or public display/performances; nor are there any restrictions that apply to certain categories of people in terms of gender, ethnic origin, or age. The right of artistic freedom is guaranteed in the Constitution of the Laws of Seychelles.

1. **Please indicate whether specific bodies or institutions, either state or non-state, are mandated to decide on possible restrictions to be imposed on artworks (e.g. film censor boards). If so please**
2. **Provide information about the membership, terms of reference and appointment procedures of these bodies;**
3. **Indicate whether these bodies disclose information publicly and to what extent they are held accountable for their decisions and to whom; and**
4. **Indicate whether an appeal mechanism, judicial, quasi-judicial or other, is in place.**

**Film Classification Board**

1. **Membership and Appointment Procedures**

The Advisory Board of the Film Classification Unit is comprised of 9 members including a chairperson, nominated by the Minister for Tourism and Culture, subject to the approval of the President of the Republic of Seychelles.

1. **Public disclosure of information**

The Film Classification Board is governed by the Film Classification Board Act, 1994, which specifies its functions, regulates the exhibition, transmission, and sale or hire of films. According to the Act, Clause 3 (5) the Board is at liberty to determine the most appropriate course of action accordingly as stated as follows:

*Subject to this Act, the Board regulates its own procedure.*

However, the Board is still answerable to the Principal Secretary for Culture as well as the Minister of Tourism and Culture.

1. **Mechanism for appeal**

The mechanism for appeal is covered in the Act in Clause 6 (1) which states:

*Any person aggrieved by a determination of the Board under section 4 may, within 14 days of the receipt of the determination communicated under section 4(45), appeal to the Minister against the determination.*

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

The Licensing Authority states: “Artists do not require a license to perform or sell their own work, but they do need permission from the Commissioner of Police and the proprietor of the premises where the activity is going to take place.” Permission may also need to be obtained from the Ministry of Environment, depending on the location of the event.

1. **Please provide a short summary of any public debates that may have taken place at the level of legal/policy making bodies relating to the impact of free market policies on artistic freedoms, and/or on achieving the balance between private/public sponsorship.**
2. **Does your country have an independent artists’ council, representing professional artists? If so, does the State consult the council on matters related to the status of artists or has the State developed channels or regular communication (through for instance consultations, debriefings, public hearings etc.) between relevant authorities and independent organizations representing artists?**

**The National Arts Council of Seychelles**

The National Arts Council of Seychelles is a public entity or semi-autonomous body established by the Seychelles Government to represent all semi-professional as well as professional artists. Its functions and operations are defined in the National Arts Council Act (1991). The Council is responsible to a Board appointed by the Minister for Culture with members comprised of both artists and non-artists who are responsible for the finances of the institution and all major decisions. The Council is managed by a CEO who is also a Board member and answers to the Chairperson of the Board.

The Nation Council is funded by the state and falls under the parent Ministry of Tourism and Culture, and there regular consultations, meetings and debriefings between the Minister for Culture, the CEO of the National Arts Council with all artists as well as the chairpersons of the different Arts Associations: visual arts, music, dance, theatre, and writers.

**The Seychelles Authors and Composers Society (SACS)**

The Seychelles Authors and Composers Society (SACS) is a non-state collecting society for musicians and is responsible for collecting Copyright fees from Seychelles Broadcasting Cooperation (SBC), and two telecommunication companies, Airtel and Cable and Wireless, for all its 135 registered members only.

The other Arts Associations do not have a collecting society to collect Copyright fees on their artistic creations.

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