

Permanent Mission of Estonia
Geneva

No. 10-6/5

The Permanent Mission of the Republic of Estonia to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the Latter's letter with reference Cultural Rights/2612/MB from 24 October 2012, has the honour to forward the reply of the Government of Estonia to the questionnaire on the right to the artistic freedom, elaborated by the Special Rapporteur in the field of cultural rights, Ms. Farida Shaheed, pursuant to the Human Rights Council resolution 19/6 .

The Permanent Mission of Estonia to the United Nations and Other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 7 January 2013



Enclosure: 6 pages

OHCHR REGISTRY

- 9 JAN 2013

Recipients :*SPD*.....
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Office of the High Commissioner for Human Rights
GENEVA

QUESTIONNAIRE ON THE RIGHT TO ARTISTIC FREEDOM

ESTONIA

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 Constitution of the Republic of Estonia declares that science and art and their teachings are free (paragraph 38); the rights of an author in respect of his or her work are inalienable, the national government protects authors' rights (Section 39); Everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be circumscribed by law to protect public order, public morality, and the rights and freedoms, health, honor and good name of others. This right may also be circumscribed by law in respect of public servants employed by the national government and local authorities, or in order to protect a state secret, trade secret or information received in confidence which has become known to the public servant by reason of his or her office, and to protect the family and private life of others, as well as in the interests of the administration of justice. There is no censorship (Section 45¹).

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

No major decisions concerning artistic freedom have been adopted by judicial authorities in Estonia in the last ten years.

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

No.

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

The Creative Persons and Artistic Associations Act² defines the term „artist“ as follows: „For the purposes of this Act, a creative person is an author or a performer within the meaning of the Copyright Act who acts in the field of visual or applied arts, set design, audiovisual art, stage art, literature, music or architecture (Section 2 (1)).“

However, this definition defines the term only in the context of a particular act, regarding governmental support to the creative persons through artistic associations, and does not expand to other domains. But in practice, this term is often used in other contexts as well. Such a definition of the term does not affect in any way the artistic freedom, but is rather directed towards guaranteeing social warranties and government support to creative activity. Artistic associations were consulted when this provision was drafted.

¹<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X0000K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=p%F5hiseadus>

²<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X90005K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=loovisikute>