**RESPONSE OF NORWAY**

**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 is protected in the Norwegian Constitution by article 100, which protects the right to freedom of speech, and article 110a which protects the Sami people’s right to preserve their language and culture.

*Article 100*

(1) There shall be freedom of expression.

(2) No person may be held liable in law on any other grounds than contractual or other obligation under private law for having imparted or received information, ideas or messages unless such liability can be justified held up against the grounds for freedom of expression, which are the truth-seeking, democracy and the individual’s free formation of opinion. Such legal liability shall be prescribed by law.

(3) Everyone shall be free to speak his mind frankly on the administration of the state and on any other subject whatsoever. Clearly defined limitations to this right may only be imposed when justified by particularly weighty considerations held up against the grounds for freedom of expression.

(4) Prior censorship and other preventive measures may not be applied unless so required in order to protect children and young persons form the harmful influence of moving pictures. Censorship of letters may only be practised in institutions.

(5) Everyone has a right of access to documents of the state and municipal administration and a right to follow the proceedings of the courts and elected bodies. Limitations to this right may be prescribed by law to protect the privacy of the individual or for other weighty reasons.

(6) The State authorities shall create conditions that facilitate open and enlightened public discourse.

*Article 110 a*

It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.

**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.**

There are no court decisions from the last two decades relating to artistic freedom or the protection of artistic freedom.

**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.**

There is an official policy of “arm’s length principle” as an instrument of defending artistic autonomy. The arm’s length principle defends the arts against improper political influence and intervention.

In many settings the Minister of Cultural Affairs emphasizes the freedom of arts and artistic autonomy.

In the arts funding system we find “arm’s length bodies” like Arts Council Norway (Norsk kulturråd) and The Government Grants and Guaranteed Income for Artists (Statens kunstnerstipend). These bodies have been established to take care of the allocation of public subsidies to the arts community. The government is not to decide which artists or projects should get support. The bodies have the final word in evaluating applications based on artistic quality.

**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?**

Norway has no legal definition of “artist”.

**5. Is there an official legal definition of “artisans” and craftsmen/women? If so, what 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 definitions?**

Norway has no official legal definition of “artisans” and craftsman/women.

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

Many artists have very low income from their artistic work.

**7. In this regard, what measures are required to combat these impediments?**

The different methods public authorities in Norway use to support artists can be divided into five groups:

1) Schemes for stipends and guaranteed income. These schemes imply that the individual artists receive direct support.

2) Schemes for compensation and taxes. There are different schemes that ensure that artists get compensation for public use of their work.

3) Grants to art institutions. Several theatres, symphony orchestras and the National Opera get between 70-95 % of their income from public grants.

4) Grants to dissemination institutions. The major part of the income of many dissemination institutions are public grants.

5) Others. There are several schemes that contribute to the extension of the market for artistic and cultural goods and services. E.g. the purchasing scheme for newNorwegian literature.

*Special artists funds*

Compensation funds/droite de suite:

- The Relief Fund for Visual Artists

- The Audio and Visual Fund

- The Fund for Performing Artists

Purchasing programmes:

- The scheme for purchasing new Norwegian publications, Arts Council Norway

- The National Foundation for Art in Public Buildings

*Stipends*

Schemes for stipends and guaranteed income for artists are important instruments in the public artist policy in Norway. Stipends and guaranteed income may potentially be allocated to all artists who mainly live and work in Norway. In addition to the support schemes for artists on the state level, some municipalities and counties have schemes for artists, but there are great variations between regions. The schemes for stipend and guaranteed income on the state level are direct and individual support for artists that are awarded for a longer or shorter period of time. The focus is to stimulate artistic performance. The support policy of the state now includes the following schemes: Work stipend of 1-5 years, work stipend for young artists, stipend scheme for the completion of art education, stipend scheme for educational and travel purposes, deputy stipends, material stipends, establishment stipends, Film recruitment stipends, exhibition stipends and stipend for elder, merited artists.

**8. What support is provided by State authorities, including public institutions and semi-autonomous bodies to artists, in particular financial support for artistic creations and exhibitions?**

Arts Council Norway was established in 1965 in order to administer the Norwegian Cultural Fund, and is the main governmental operator for the implementation of Norwegian cultural policy. Arts Council Norway is in charge of a broad spectrum of administrative tasks and functions within the cultural field, including artists' grants, the Audio and Visual Fund and a number of other funding schemes. In 2011, the total allocation from Arts Council Norway to the Norwegian cultural sector amounts to 150 million €. The allocations provide funding for a variety of projects and activities within performing arts, visual arts, music, literature, archives, museums and more.

Arts Council Norway has a key role in the EEA Grants in the cultural field for the period 2009-2014. The Norwegian Cultural Contact Point for the EU Culture Programme is located at the Arts Council. The Arts Council is involved in several other professional networks and projects at a European and international level.

There are different schemes to ensure that artists receive compensation for the public use of their work. One of them is individual compensation to artists who have displayed their work publicly in exhibitions arranged by institutions which are funded partly or fully by the state. This is the so called exhibition remuneration. The right to this compensation is regulated by an agreement dating from 1982 between the Norwegian state and trade unions/organizations representing the visual artists.

*The Norwegian Public Lending Right (PLR) Scheme By 2013*

Remuneration for public lending in libraries ensures remuneration to originators of works published in Norway and available for public lending. The PLR remuneration is part of the Norwegian cultural policy on literature, language and artists, supplementing support provided by State authorities.

The remuneration is paid collectively to funds managed by the rights holders’ organizations. Membership in an organization is not required. Authors of works published in Norway available for public lending are eligible to applying for PLR remuneration grants with any relevant organization. In 2012 the PLR remuneration totalled more than 12,5 million Euros.

**What are the specific mechanisms to ensure that those benefitting 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 regulations for the State support schemes have criteria that aim to exclude such extraneous considerations. In Norway, public authorities have taken considerable responsibilities for culture, not least by financing cultural and artistic activities. One of the Government’s overarching goals is to reduce economic and social inequality and work for an inclusive society in which everyone can participate. This aim is referred to in the white paper on visual arts (Meld.St.23 (2011-2012)) and the white paper on culture, inclusion and participation (Meld.St.10 (2011-2012)).

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

Apart from restrictions that are enforced to ensure the right to privacy, there are very few restrictions that are imposed to prohibit artistic freedom.

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

In Norway, freedom from censorship is considered to be one of the basic conditions for freedom of expression. The Norwegian Constitution therefore states that prior censorship and other preventive measures are not allowed, unless it is necessary in order to protect children and youth against the harmful effects of moving images.

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

The Norwegian Media Authority is a Norwegian administrative agency under the Norwegian Ministry of Culture charged with various tasks relating to broadcasting, newspapers and films.

The Authority's tasks include:

• rating movies

• enforcing rules on content, advertising and sponsorship for broadcast media; handling license applications for local broadcast media

• handling applications for newspaper production grants, including non-leading newspapers, minority language newspapers and Sami newspapers

• overseeing and intervening against the acquisition of media ownership (either prohibiting the acquisition or merger, or allowing an acquisition on such conditions as the Authority sets, including ordering the divestment of other media ownership interests.

Restrictions to be imposed on artworks relating to film classification by the Norwegian Media Authority:

• Films and DVDs which are to be screened or distributed on the Norwegian market must either be classified or registered with the Norwegian Media Authority

• Films which are to be shown to children (persons under the age of 18) must be classified. All classified films are given an age limit and a recommendation about the suitability of the film for different audiences. The age classification is based on the possible harmful effects which the films may have on different age groups, mainly based on the existence of violent or sexual material. The Authority may not ban films or DVDs from distribution in Norway, and the legislation does not allow for politically motivated classification decisions.

• Films which violate the criminal code §382 (extreme violence) or the Film and videogram Act §13a (pornography) may not be shown in Norwegian cinemas.

• Videos which are to be sold or rented in Norway must be registered in the Norwegian Media Authority. The Authority may order a review of the content in order to establish whether it is in accordance with Norwegian law. Only a very small percentage of all videos are controlled.

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

Unless the performance is regarded as of some nuisance to the public, artists in Norway are free to perform street art and/or to use public spaces for their artistic performances. However, this may vary between municipalities, for instance, unauthorised graffiti art would in general be forbidden or not tolerated in the outdoor spaces of Norwegian cities. The local authorities should be contacted for further information or approval when necessary.

As for the part of authorised street art, the government-funded KORO is Norway’s largest producer of art for public spaces. Every year hundreds of artists receive commissions from KORO, either invited as practicing artists or as artistic consultants. Art projects are implemented within the framework of different schemes for government institutions, public buildings owned by municipalities and counties, and outdoor spaces.

KORO collaborates with a wide range of actors and groups in the area of public spaces. The art projects are spread all over the country and span a broad range, from projects like the new Opera House (with a number of large-scale works and international artists) to smaller projects featuring a single artist.

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

Norwegian cultural policy is mainly based on the intrinsic value of culture and that as such, it should be promoted regardless of the cultural field's economic significance. At the same time the Government aims to facilitate cultural groups that wish to establish sustainable economic enterprises based on culture. There is broad support for such a policy in Norway, although there may be different views on the extent of public support for the cultural sector, and to what extent cultural operators should seek private funding. From different parts of the cultural sector it is emphasized that the cultural policy objectives must not be influenced by the desire for profit. Such policies are not currently the subject of public debate at a legislative level.

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

Norway does not have an independent artists’ council. However, professional artists are represented by the many artists’ organizations and in the committees distributing grants. Before relevant white papers or lawmaking decisions concerning art or artists, there are consultations and/or obligatory public hearings between the Ministry and the artists’ organizations.

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

In the field of copyright and related rights there are several artist organizations/collecting societies for redistributing income from artistic creations and performances. Remuneration is distributed the year after it is collected. Discrepancies between annual in- and outflow are in some cases due to this fact, in addition to administrative costs.

• TONO represents composers and authors of musical works. In 2011 TONO’s inflow was about 410 million NOK, of which about 85% was redistributed to right holders.

• Norwaco represents 34 rightholder organizations in the audiovisual field, in particular for re-transmission of broadcasting. In 2011 Norwaco’s inflow was 254 million NOK. 200 million was redistributed to right holders, and administrative costs were about 17 million NOK.

• Kopinor represents copyright holders of published works and has 22 member organizations. In 2011 the inflow was about 242 million NOK, and outflow about 205 million NOK.

• The Fund for Performing Artists provides funding for projects in which professional performing artists participate, and for recordings made in Norway. Inflow in 2011 was about 46 million NOK, and outflow about 36 million NOK.

• Gramo represents performers’ broadcasting and performance rights. Inflow for 2011 was about 73 million NOK, outflow about 67 million NOK.

•BONO is an independent, non-profit Norwegian copyright organization, representing artists’ resale right and copyright in all categories of the arts that fall within the purview of the visual arts. Inflow in 2011 was about 10.5 million NOK, with an outflow to artists of 7.3 million NOK. There are 1.900 Norwegian artists and rights holders who have inherited rights. Through reciprocal agreements with foreign copyright organizations, BONO also represents approximately 50,000 foreign artists insofar as the use of their works in Norway is concerned. Through BONO users can obtain the necessary permissions and licenses to use artworks in various contexts, and also get useful information regarding copyright and visual arts.

•Bildende Kunstneres Hjelpefond: As a part of the Norwegian welfare-system, redistribution of wealth is regarded as a central value. According to the Fee on Art Statute, the buyer of art shall pay a fee of 5 % in addition to the price. The original idea of imposing a fee on art sale instead of an individual droit-de-suite came from the Norwegian artists themselves. Since the law on a fee on art sales was launched in 1948, about 260 million NOK have been collected and redistributed to artists living in Norway.

• Norske Billedkunstnere (NBK) is the national organization for visual artists in Norway. NBKs long-term commitment is to promote and secure the intellectual, social, legislative and economic interest of the professional visual artist. The government and parliament recognizes the organization as a negotiation and consultative body. There are approximately 2,700 members in NBK. NBK is composed of 20 sub organizations: 14 regional organizations, 5 nation-wide skill-based associations and a society for the younger artists. Artists will normally be members of one regional organization and one or more skill-based organizations depending on their artistic expression.

• The Norwegian Association for Arts and Crafts (NK) is working to promote and support contemporary crafts nationally and internationally. NK currently holds over 850 professional practicing artists and makers. NK’s main objective is to strengthen the arenas for contemporary crafts and improve the general working conditions for artist and makers. Its strategic areas are: 1) Professional development, 2) Policy making 3) Programmes and education 4) Contemporary crafts development and networks.