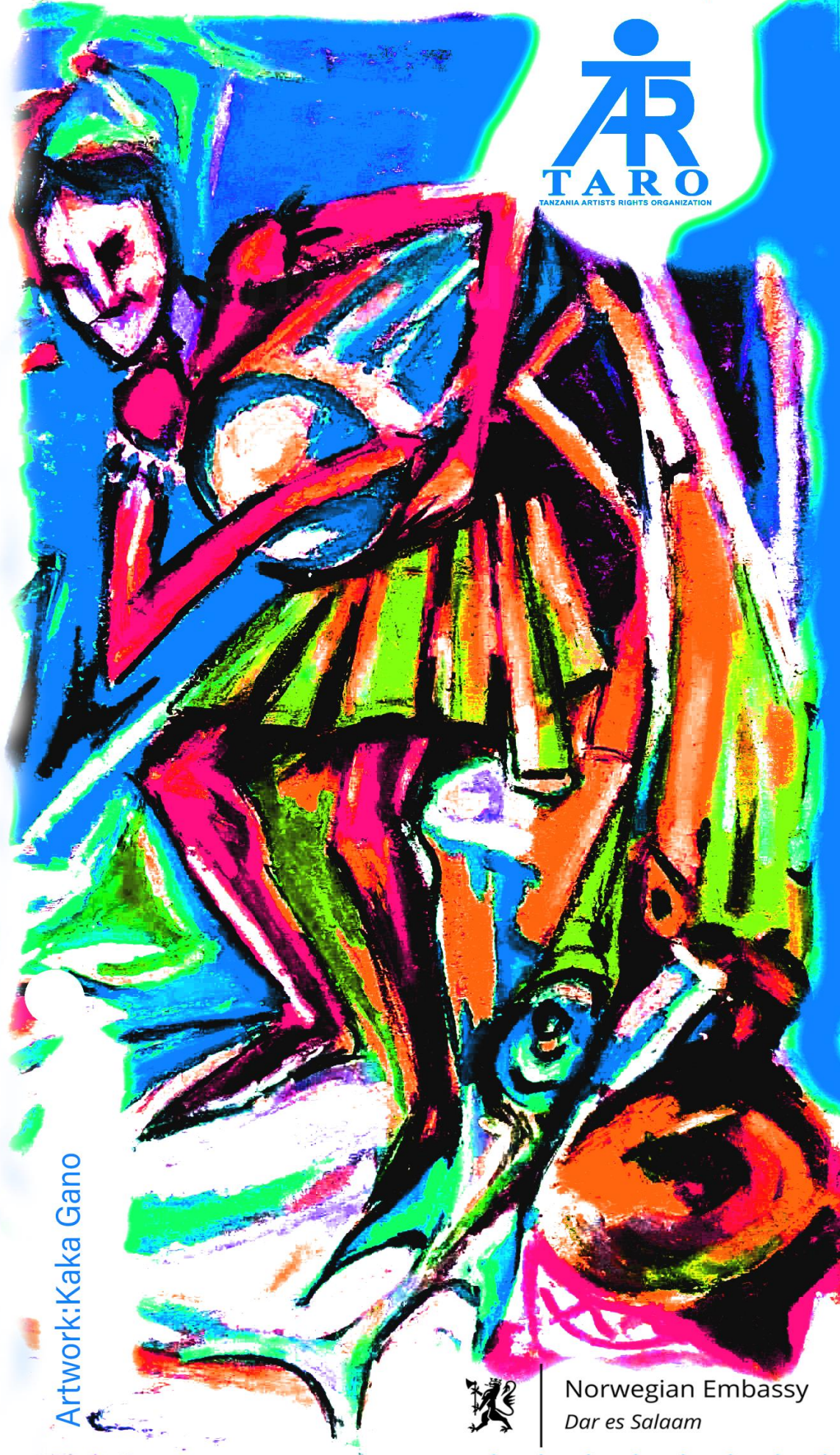


APPLICABILITY OF ARTISTS' RIGHTS IN TANZANIA

(Artistic Freedom Legal Arena)



TANZANIA ARTISTS RIGHTS ORGANIZATION (TARO)



Artwork:Kaka Gano



Norwegian Embassy
Dar es Salaam

1. INTRODUCTION

Tanzania Artists Rights Organization (TARO) is a non-governmental organization that champions Artistic Freedom in Tanzania. We advocate for the rights and interests of artists and their works. TARO serves as both a human right and a cultural rights defender for artists. It engages to contribute to the development of the Tanzanian arts and cultural sector by focusing on enhancing **Artistic freedom** in the area of **promotion of artistic freedom of expression, artists' rights and interests, professionalism, and gender equality**. The organization achieves this through advocacy, awareness campaigns, research, monitoring, and reporting on artistic freedom in Tanzania. It was registered in 2021 under "Non-Governmental Organizations Act. No.24. of 2002"

In May 2023, TARO was invited to participate in the **9th World Summit on Arts and Culture** which took place in **Stockholm, Sweden**. The aim of the summit was "**SAFEGUARDING ARTISTIC FREEDOM**". The summit was coordinated by **the Swedish Arts Council** and **the International Federation on Arts and Cultural Agencies (IFFCA)**. TARO was appointed as a delegate and expert to present on "**Building the Case from Action to Law**" from Tanzania. In February 2024, TARO presented on the status of Artistic Freedom in Tanzania, at the **Pan African Summit on Artistic Freedom** in Zanzibar, which was coordinated by **SELAM**. Therefore, TARO is among the dedicated organizations in Africa to champion Artistic Freedom.

The preparation and publication of this legal position paper is a part of SANAA RIGHTS PROGRAM.

Sanaarights/ArtistsRights is a project that aims to enhance the policy and legislative landscape for the Tanzania arts scene. The initiative has invested its resources to develop innovative recommendations for improving the policy and legal framework that govern Tanzania's arts and cultural sector. It is a three-year program (2022-2025). **Tanzania Artists Rights Organization (TARO)** is a cooperating partner of **Culture and Development East Africa (CDEA)** to implement the legal component of the Sanaarights project, which is funded by the **Norwegian Embassy in Tanzania**. Its implementation includes roundtable meetings with various strategic stakeholders in the arts and cultural sector, "**drafting legal position papers**", parliamentary advocacy on artists' human rights, public dialogues on the status of artists, media coverage, Meeting with the members of Tanganyika Law Society (Bar association of lawyers) and drafting of policy briefs

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2. PAPER BRIEF

The publication has elaborated on the legal framework for the recognition of Artists' rights in Tanzania through both national legislation and international laws. Although the term **"Artists' rights"** is commonly used, however, it is very rare to find documents that elaborate on them. **Artists' rights** are human rights that offer protection for artists to thrive, and enjoy art freely and safely. They belong to various categories of human rights such as economic, social, cultural, political, and civil rights. **Artists' rights** are collectively understood as **artistic freedom**. Don't confuse it with the term **"Artistic Freedom of expression/Freedom of Artistic expression"** which means freedom of the artist to express his/her opinions or views in the artistic work. Therefore, **Artistic freedom** shall be the center of our discussion. This paper went further by citing **specific provisions of laws, their applicability, and recommendations** for the attainment of artists' rights in Tanzania.

Legal references used:

(LOCAL LEGISLATION)

- The Constitution of the United Republic of Tanzania (1977)
- Copyright and Neighbouring Rights Act no 7 of 1999 (Cap 218. Re 2002).
- Copyright and Neighbouring Rights (Copyrighted Works-Communication to the Public) Regulations'. No 29 of 2016,
- The Copyright (Licensing of Public Performances and Broadcasting) Regulations, 2003.GN.NO.328 OF 2003
- The Copyright and Neighbouring Rights (Registration of Members and Their Works) Regulations, 2005. GN. NO.6 OF 20 January 2006 read together with The Copyright and Neighbouring Rights (Registration of Members and Their Works) Regulations, 2013 GN.NO.413 OF 2013
- Finance Act.NO 5 of 2022
- National Museum of Tanzania Act, Chapter 281 read together with Written Laws (Miscellaneous Amendments) (No. 3) Act, 2022
- Antiquities Act, cap 333. Re. 2002 read together with the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2022
- National Arts Act. No 23 of 1984 read together with the Written Laws (Miscellaneous Amendments) (No. 5) Act, 2019
- Films and Stage Plays Act. No.4 of 1976 read together the Written Laws (miscellaneous provisions)Act. No.3. of 2019
- Kanuni za Filamu na Michezo ya Kuigiza Mwaka 2020.

- SHERIA YA BARAZA LA KISWAHILI LA TAIFA , SURA YA 52
- Kanuni za Sheria ya Baraza la Kiswahili la Taifa za mwaka 2019.
- Kanuni za Baraza la Sanaa la Taifa za mwaka 2018

(INTERNATIONAL LAWS)

- International Covenant on Economic, Social, and Cultural Rights -ICESCR (1966)
- International Covenant on Civil and Political Rights-ICCPR (1966)
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)
- Universal Declaration of Human Rights (1948)
- African Charter on Human and Peoples' Rights (1981)
- Culture Charter for Africa (1976)
- Charter For African Cultural Renaissance (2006)
- The 1980, UN recommendations concerning the status of Artists



❖ **TARO at the parliamentary premises with Deputy Ministers during advocacy of Artistic Freedom before the members of relevant parliamentary committees (June 2023)**

❖

3. APPLICABILITY OF ARTISTS' RIGHTS IN TANZANIA (Artistic Freedom Legal Arena)

3.1 Introduction

Artistic freedom is crucial for a democratic society to function properly. It is a very important tool to achieve a free and strengthened cultural sector, strengthened cultural rights, and an inclusive, gender-equal, and diverse cultural sector. It enables artists to express themselves freely, thrive, and their creativity to flourish. Although the concept of artistic freedom is universal, its applicability depends on the context in which it is applied. Therefore, it is justifiable to conclude that Artistic freedom is both **universal** and **contextual**.

3.2 Understanding of Artistic Freedom

According to UNESCO 2019, 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 all citizens' right to access these works and is essential for the well-being of societies.¹ The same understanding has been approved at the **9th World Summit on Arts and Culture (2023)**, Stockholm, Sweden². TARO participated as an artists' protection delegate from Tanzania.



Artistic freedom is not only about the freedom to image, create, and distribute diverse cultural expression, but also it includes, the recognition of a bundle of six **rights** that aim to create a **free, safe, and thriving environment for art and artists**. Those six rights are

¹ https://www.unesco.org/creativity/sites/default/files/medias/fichiers/2023/01/artistic_freedom_pdf_web.pdf

² Summit Report: 9th World Summit on Arts & Culture, 2023, International Federation of Arts Councils and Culture Agencies, Sydney, NSW, Download a document https://ifacca.org/media/filer_public/05/c1/05c119f8-5d9a-4886-88e1-f50fb6f8e694/9th_world_summit_report_2023_eng_july_2023_high_res.pdf

collectively called **Artistic freedom**. In other words, Artistic Freedom is all artists' rights in one package. Artists' rights are human rights, they are characterized by **indivisibility** and **inseparability**. One cannot enjoy one right without another. Those rights are such as: -

- i. **The right to create without censorship or intimidation**
- ii. **The right to have artistic work supported, distributed, and remunerated**
- iii. **The right to freedom of movement**
- iv. **The right to freedom of association**
- v. **The right to protection of social and economic rights**
- vi. **The right to participate in cultural life**

Therefore, the above-mentioned rights can be simply understood as **Artistic Freedom**. The term is understood the same worldwide; it is when we say artistic freedom is **universal**. When applying **artistic freedom**, a right may be relevant in one state but irrelevant in another. It is when we say Artistic freedom is **contextual**. For example, in Tanzania to attain a right to create without censorship or intimidation may maybe a challenge while in Sweden not a challenge but the right to freedom of movement may be at stake.

4. THE REGULATORY FRAMEWORK AND APPLICABILITY OF ARTISTIC FREEDOM IN TANZANIA

In Tanzania, artists are entitled to protection of **Artistic freedom** from the government as the obligation of the government to comply with international laws. It is an unsubstantiated legal argument to demand the protection of **artistic freedom** directly, since, until now, the term "**artistic freedom**" has not been legally recognized. It is not mentioned in any local legislation in Tanzania.



But, since Tanzania is a member state of the United Nations, the state has signed and ratified various international agreements to protect indispensable freedom of creativity, cultural rights, and its promotion since 1976. The state has committed to respecting freedom indispensable for creative activity, protecting cultural rights, and promoting cultural activities. In this case, artistic freedom may be legally demanded, but through arguing on individual rights attached to it, and not on its collective term.

The consequence of arguing separately for each right attached to **Artistic Freedom includes** a shift from an artistic point of view to a more traditional human rights perspective. Whereas, it impedes the acknowledgment of artists as among vulnerable groups uniquely targeted by the violation of human rights. Due to political pressure, artists around the world have been subject to violations of their human rights in a similar manner as women, children, and people with disabilities. In that sense, the term **Artistic freedom** should be acknowledged and legally recognized to ensure deliberate and specific measures for artists' protection are adopted.

The legality of Artistic Freedom in Tanzania may be justified by the following elucidated legal framework at both local, regional, and international levels. The discussion will focus on individual rights attached to artistic freedom.

A. THE RIGHT TO CREATE WITHOUT CENSORSHIP OR INTIMIDATION

At local level

The Constitution of the United Republic of Tanzania (1977)

The constitution is the mother law of the nation. It provides the identity of the nation and its people, basic principles for the protection of the people, governance, and justice system. etc. The **Constitution of the United Republic of Tanzania (1977) as amended from time to time**, provides for the protection of Freedom of Expression.³ It states that "every person has the freedom of opinion and expression of his ideas".

However, a constitution has offered protection in different wording. It addressed the right to create without censorship or intimidation differently. As a matter of practice, censorship or intimidation normally emanates from artistic expression, when the piece of art delivers a critical and controversial opinion. Therefore, the Constitution has offered protection for freedom of opinion and expression, as a presumption that Freedom of artistic expression is contained within Freedom of expression. No express article in the constitution mentioned arts or culture.

In scrutinizing the Constitution's whole text, you will be astonished that the words arts and culture are not mentioned anywhere. Arts and culture carry the history, wisdom, different voices of our society, and identity of any nation. Consequently, I may conclude that our constitution does not acknowledge arts and culture despite its significance. To resolve the situation Artistic freedom should be incorporated into the constitution to offer free and safe space for arts and cultural

³ Article 18(a)

activities. As we understand altering a provision of a constitution is a very expensive and complex procedure, Fortunately, Tanzania is in the process of making a new constitution, and this would be an excellent opportunity to utilize.



❖ **TARO at the meeting with members of the parliamentary committees to discuss the incorporation of artistic freedom in local laws. (June 2023)**

At International Level

International Covenant on Economic, Social, and Cultural Rights -ICESCR (1966)

Article 15 (3) provides that *"The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and **creative activity**".*⁴ protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author.⁵

International Covenant on Civil and Political Rights-ICCPR (1966)

Article 19 (2) provides 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".*⁶

⁴ International Covenant on Economic, Social, and Cultural Rights -ICESCR (1966)

⁵ International Covenant on Economic, Social, and Cultural Rights -ICESCR (1966)

⁶ International Covenant on Civil and Political Rights-ICCPR (1966)

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)

Article 5 (1) provides that *"The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention."*⁷

Article 6 (1) provides that *"Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory"*⁸

Article 4 (3) provides that *"Cultural expressions" are those expressions that result from the creativity of individuals, groups, and societies, and that have cultural content"*⁹

Universal Declaration of Human Rights (1948)

Article 19 that *"everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"*.¹⁰

Initially, the declaration was treated as a non-binding instrument as a declaration of the UN General Assembly, It has evolved into being viewed as a codification of customary international law or a reflection of the general principles of international law¹¹

Regional level

This is a category of international legal regime based on the continent where a state is located. The African region is comprised of various member states of the African Union that signed and ratified various treaties aimed at protecting cultural rights, promoting cultural diversity, and preserving African Culture. The legal framework is discussed as follows: -

⁷ Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)

⁸ Ibid 7

⁹ Ibid 7

¹⁰ Universal Declaration of Human Rights (1948)

¹¹ H. Hannum, The Status of the Universal Declaration of Human Rights in National and International Law, Georgia Journal of International and Comparative Law 1995/95, vol. 25, pp. 287-397.

African Charter on Human and Peoples' Rights (1981)

Article 9 (2) provides that "every individual shall have the right to express and disseminate his opinion within the law."¹²

The charter has seemed to pose a limitation on the freedom of expression by drawing a line for the exercise of freedom. The freedom to express and disseminate opinions must be in accordance with the law. Therefore, the right to create without intimidation and persecution is protected when the artistic expression carried in the artwork is under the law.

Culture Charter for Africa (1976)

It was adopted on 5th July 1976 and entered into force on 19th September 1990. Tanzania ratified the treaty on 5th May 1978. It is a major treaty in Africa that elaborates on the basic principles for the protection and promotion of cultural activities.

Article 2 (b) provides that to fulfill the objective set out in Article 1, the African states solemnly subscribe to respect the freedom to create and liberation of the creative genius of the people.¹³

Article 6 (1) (e) provides that..... as culture has an innovating and beneficial influence on the means of production and on man, each African state agrees to the protection of creative artists and cultural assets.¹⁴

Charter For African Cultural Renaissance (2006)

Inspired by the Cultural Charter for Africa. Adopted by the 6th Ordinary Session of the Assembly Khartoum, Sudan - 24 January 2006. It has not entered into force, since it has not yet passed ratification and adhesion from two-thirds of the total membership of the African Union.

Article 22 (a),(b) and (d) provide that States should create an enabling environment that fosters creativity in all its diversity, mainly through:¹⁵

- a) Putting in place an appropriate institutional framework with a view to facilitating creativity and artistic expression;
- b) Providing financial, technical, and other forms of assistance to stimulate artistic creation and expression, preferably by the establishment of national funds for the promotion of arts and culture;
- c) Subscribing to and ratifying charters, conventions, and other legislative instruments for the preservation and promotion of artistic creation and expression, namely, the International Convention on the Protection and

¹² African Charter on Human and Peoples' Rights (1981)

¹³ Culture Charter for Africa (1976)

¹⁴ Ibid 13

¹⁵ Charter For African Cultural Renaissance (2006)

Promotion of the Diversity of Cultural Expressions (2005), which is an important instrument on the protection of local languages, arts and culture against the effects of standardization arising from cultural globalization, particularly in developing countries;

APPLICABILITY OF THE RIGHT TO CREATE WITHOUT CENSORSHIP AND INTIMIDATION



❖ *In the picture Adv. Joshua Msambila-Director of Administration (TARO), visited a studio of Free Nation (Sinza, Dar es Salaam) owned by NEY WA MITEGO (Highly censored Hip Hop artists in Tanzania)*

In Tanzania, it is a common practice to find artists encountering censorship, banning, or persecution due to their artistic expression. There are certain artistic expressions are prohibited. Examples are expressions that challenge the functionality of democracy, human rights, good governance, the rule of law, religious matters, national security, and human sexuality. That practice has gained legality through the enactment of various legislation to penalize critical expressions on the grounds of protection of public morality, national security, and interests.

- **Enacted legislation that undermines artistic expression in Tanzania, please visit.**
<https://www.tanzaniaartistsrightsorganization.com/post/dilemma-of-artistic-freedom-in-tanzania-2023-legal-position-paper>
https://www.academia.edu/107179793/DILEMMA_OF_ARTISTIC_FREEDOM_IN_TANZANIA_2023
- **Reported Case on Artistic Freedom;** Roma Mkatoliki (2017)/Ney wa Mitego (2015-2023), Optatus Fwema case (2019), Juma Dawa case (2023), e.tc please visit
<https://www.tanzaniaartistsrightsorganization.com/post/documented-cases-in-tanzania-2017-2023-artistic-freedom>

B. THE RIGHT TO HAVE ARTISTIC WORK SUPPORTED, DISTRIBUTED, AND REMUNERATED

At local level

The Constitution of the United Republic of Tanzania 1977

First and foremost, the Constitution of the United Republic of Tanzania serves as the foundational document for protecting individual rights and freedom.

Article 23 (1)¹⁶, emphasizes on right to just remuneration providing that all persons working according to their ability shall be remunerated according to the measure and qualification for the work.

Copyright and Neighbouring Rights Act no 7 of 1999 (Cap 218. Re 2002).

It is a very competent legislation for the Protection of the economic rights of authors in Tanzania.

Section 2 (i) and (iii)¹⁷ provide that *"In Order to promote the creation of traditional and to further productive activities in the field of communicating to the public author's works, expression of folklore, other cultural productions, and events of general interest, this Act-*

(i) protects the moral and economic interests of authors relating to the works, by recognizing exclusive author's rights and providing for just and reasonable conditions of lawful use of authors' work and regulated access to them;

(iii) protects the lawful interest of performing artists, producers of phonograms, and broadcasting organizations relating to their productions, by granting them relevant rights.

Section 5.-(1)¹⁸ provides that *"Authors of original literary and artistic works shall be entitled to copyright protection for their works under this Act, by the sole fact of the creation of such works."*

The law established the Copyright Society of Tanzania, currently known as the Copyright Office Of Tanzania with the following interesting functions as per **section 47**¹⁹:-

to promote and protect the interests of authors, performers, translators, producers of sound recordings, broadcasters, publishers, and, in particular, to collect and distribute any royalties or other remuneration accorded to them in respect of their rights provided for in this Act; to maintain registers of works, productions and

¹⁶ The Constitution of the United Republic of Tanzania 1977 as amended from time to time

¹⁷ Copyright and Neighbouring Rights Act no 7 of 1999 (Cap 218. Re 2002).

¹⁸ Ibid 17

¹⁹ Ibid 17

Other laws such as:-,

- Copyright and Neighbouring Rights (Copyrighted Works-Communication to the Public) Regulations'. No 29 of 2016,
- The Copyright (Licensing of Public Performances and Broadcasting) Regulations, 2003.GN.NO.328 OF 2003
- The Copyright and Neighbouring Rights (Registration Of Members And Their Works) Regulations, 2005. GN. NO.6 OF 20 January 2006 read together with The Copyright And Neighbouring Rights (Registration Of Members And Their Works) Regulations, 2013 GN.NO.413 OF 2013
- Finance Act.NO 5 of 2022, which established Collective Management Organizations (CMOs) in Tanzania. Eg;TAMRISO

At International Level

International Covenant on Civil and Political Rights (ICCPR) 1969

Article 1²⁰ provides the right of self-determination, whereby people shall determine to freely pursue their economic, social, and cultural development. To support, distribute, and remunerate artistic work is a process of pursuing economic and cultural development, therefore recognized under the covenant

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969

Article 1²¹ guarantees the right of self-determination, whereby people shall determine to freely pursue their economic, social, and cultural development.

Article 6 recognizes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. Therefore, for an artist, his/her artistic work to be supported, distributed, and remunerated is a right, since Art is the work that he freely chooses.

Article 15 (1),(a), and (c) ²²provides that *"The States Parties to the present Covenant recognize the right of everyone, to take part in cultural life and to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author*

²⁰ International Covenant on Civil and Political Rights (ICCPR) 1976

²¹ International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969

²² Ibid 21



- ❖ In the picture, TARO's officer with the Copyright Administrator of the Copyright Office of Tanzania (COSOTA)-Ms. Doreen Sinare, at the meeting convened by the Ministry of Sports, Arts and Culture to improve Copyright Laws

At regional level

Cultural Charter for Africa 1976

Article 8, (c)²³, underlines that the African states agreed to implement a cultural policy providing for the advancement of creative artists

Article 8, (b)²⁴, underlines that the African states agreed to defend and develop people's culture.

Article 22 (a), (b) and (c)²⁵ provides that

(a) *The African Governments should ensure the total decolonization of the mass media and increase the production of radio and television broadcasts, cinematographic films which reflect the political, economic and social realities of the people in order to enable the masses to have greater access to and participation in the cultural riches.*

(b) *African Governments should create publishing and distribution institutions for books, school manuals, records and instruments of the press in Africa to combat market speculators and make them into instruments of popular education.*

²³ Cultural Charter for Africa 1976

²⁴ Culture Charter of Africa (1976)

²⁵ Ibid 24

Article 25²⁶ provides that "African governments should enact national and inter African laws and regulations guaranteeing the protection of copyright, set up national copyright offices and encourage the establishment of authors' associations responsible for protecting the moral and material interests of those who produce work that gives spiritual and mental pleasure.

African Cultural Renaissance (2006)

Article 10 (2)²⁷ provides that States commit themselves, to protect and promote the freedom of artists, intellectuals and men and women of culture; to protect and develop tangible and intangible cultural heritage; financially and materially support cultural initiatives in all strata of society; to facilitate access to education and culture for all segments of the population.

Article 22²⁸ States should create an enabling environment that fosters creativity in all its diversity, mainly through: (a) Putting in place an appropriate institutional framework with a view to facilitating creativity and artistic expression; (b) Providing financial, technical and other forms of assistance to stimulate artistic creation and expression, preferably by the establishment of national funds for the promotion of arts and culture; (c) Providing fiscal assistance and incentives measures, particularly tax exemption for African cultural goods and services; (d) Subscribing to and ratifying charters, conventions and other legislative instruments for the preservation and promotion of artistic creation and expression, namely, the International Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), which is an important instrument on the protection of local languages, arts and culture against the effects of standardization arising from cultural globalization, particularly in developing countries; (e) Taking appropriate measures for the protection of intellectual property rights related to the expression of cultural diversity; (f) Harmonizing national policies and legislation with international charters, conventions and other legislative instruments.

Article 23²⁹ provides that "African States should prepare an inter-African convention on copyright in order to guarantee the protection of African works. They should also intensify their efforts to modify existing international conventions to meet African interests.

Article 24³⁰ provides that " African States should enact national and inter-African laws and regulations guaranteeing the protection of copyright and set up national authors' associations and copyright offices and encourage the establishment of authors' associations responsible for protecting the material and moral interests of those who produce cultural goods and services.

²⁶ Ibid 24

²⁷ African Cultural Renaissance (2006)

²⁸ Ibid 27

²⁹ African Cultural Renaissance (2006)

³⁰ Ibid 29

African Charter on Human and People's Rights (1981)

Article 15³¹ of the Charter guarantees the right to have artists work supported, disseminated, and benefits from their works by emphasizing that every individual has the right to work under equitable and satisfactory conditions and receive equal pay for equal work.

APPLICABILITY OF THE RIGHT TO HAVE ARTISTIC WORK SUPPORTED, DISTRIBUTED, AND REMUNERATED

In the current situation, within the administration of the art sector, the right of artists to be supported, distributed, and remunerated never prevails over the government's need to collect revenues from artists and art stakeholders. The contention can be smoothly observed in the following few scenarios:-

- Enactment of laws with extreme compliance requirements to conduct artistic activities in Tanzania. Please visit the following website
 - https://www.academia.edu/114942834/THE_BURDEN_OF_LEGAL_COMPLIANCE_IN_THE_ARTS_AND_CULTURAL_SECTOR_TANZANIA_ECONOMIC_RIGHTS_ARTISTIC_FREEDOM
 - <https://www.tanzaniaartistsrightsorganization.com/post/the-burden-of-legal-compliance-in-the-arts-and-cultural-sector-tanzania-legal-position-paper>
- Art authorities enforce laws that conflict with international and regional laws without taking into account that they undermine the right of artists to be supported distributed and remunerated. Example. On March 28, 2024, the National Arts Council issued a public notice of cessation to conduct all artistic activities in 504 venues within Tanzania's mainland due to their failure to pay permit fees for conducting artistic activities. It includes hotels, pubs, lodges, halls etc. Imagine the number of artists (performing artists) to be affected economically by the decision of the council. The question raised is **“Is the establishment of a Council for the artists or artists for the council?”**. The decision upstretched a question to most stakeholders in the arts and cultural sector. The efforts invested by the art authorities to campaign registration of artists and stakeholders which includes payment of registration fees are higher compared to efforts to address issues like copyright, contracts, the market of artistic products e.tc



³¹ African Charter on Human and People's Rights (1979)

- In the protection of copyright, the Copyright Office of Tanzania (COSOTA) is solely responsible. Even though the government enacted compounding of offense (2020)³² to prevent piracy and copyright infringement, the office is reluctant to apply them. **Why? It is not known to anyone.** The COSOTA encourages mediation between parties, even though copyright infringement is a criminal offense by law. The enforcement of copyright in Tanzania depends on the financial strength of individuals, thus why, we can comment that to low-income artists, it is a myth. One must have the capital to hire a competent lawyer and institute legal proceedings before the court. Therefore, copyright protection for artists is not something affordable in Tanzania.
- Enactment of weak law to establish and govern **Collective Management Organizations (CMO)** for the collection and distribution of royalties. The law does not protect public funds (royalties to be collected) from misuse. For example, it has created immunity from criminal prosecutions for **COSOTA officers**, if participate in the misuse of public funds³³. The law does not prohibit the use of funds collected for individual benefits.
- The government disclosed a good and trustworthy cause to assist artists financially through the Culture Fund (Mfuko wa Sanaa na Utamaduni) by giving an estimated 5 million USD to the culture fund. There is no transparency in getting financial information, ordinary bank procedures to secure a loan, poor protection of public funds from misuse, favoritism (famous artists are prioritized), they provide loans instead of grants, civil societies are not considered, no law established or governs the fund etc.

C. THE RIGHT TO FREEDOM OF MOVEMENT

At local level

The Constitution of the United Republic of Tanzania 1977 as amended from time to time

Article 17³⁴ states that every citizen has the right to freedom of movement and to live in any part of Tanzania, as well as the right to leave and enter the country. The Constitution also prohibits the expulsion or forced removal of any citizen from the country or any part of it.

However, National Arts Council regulations of 2018, officially cited as **Kanuni za Baraza la Sanaa la Taifa za mwaka 2018**³⁵, under **regulation 60 (1)(2)** prohibit any artist from traveling abroad for artistic activities before being granted a permit by National Arts Council. This law has been enforced violently with the assistance of airport officers to prevent artists from traveling. Normally artists are forced to pay

³² THE COPYRIGHT AND NEIGHBOURING RIGHTS (COMPOUNDING OF OFFENCES) REGULATIONS, 2020, GN 621 OF 2020

³³ Section 28 of Finance Act.No.5 of 2022

³⁴ The Constitution of the United Republic of Tanzania 1977 as amended time to time

³⁵ Kanuni za Baraza la Sanaa la Taifa za mwaka 2018

more than the fee prescribed by the law as a fine at the airport to be allowed to travel.

Regulation 50 of the same law restricts any person from conducting any artistic event unless granted a permit by the National Arts Council. In practice, the provision monitors the freedom of movement of artists to conduct artistic events such as exhibitions, live performances, festivals, etc. Artists are solemnly depending on the discretion of the National Arts Council to move from one place to another for artistic events. Application of the permit does not guarantee to be granted.

At regional level

Cultural Charter for Africa 1976

Article 11³⁶ encourages the right to movement by ensuring cultural policies have means for young African people to familiarize themselves with the whole of Africa and other civilizations to prepare them for fruitful intercultural relations.

Charter for African Cultural Renaissance 2006

It recognizes member states to establish legal frameworks that safeguard the right to movement, artists are empowered to explore diverse cultural landscapes, exchange ideas, and contribute to the rich tapestry of African artistry.

Article 3 (h)³⁷ prescribes one of the objectives of the Charter is to encourage international cultural co-operation for a better understanding among people within and outside Africa. The provision encourages to right to movement for artists to explore their cultural life.

Article 32³⁸ of the Charter insists that African states strengthen their ties with the African Diaspora worldwide in the area of culture. This provision also emphasizes the protection of the right to movement for the further development of cultural heritage.

African Charter on Human and People's Rights 1981

It emphasizes the need to protect artists' rights to move freely within the country and across borders to access cultural events, collaborate with fellow artists, and fulfill their creative potential.

Article 12(1) and (2)³⁹ provide that *"every individual shall have the right to freedom of movement and residence within the borders of a state provided he abides by the law"*

³⁶ Cultural Charter for Africa 1976

³⁷ Charter for African Cultural Renaissance 2006

³⁸ Ibid 35

³⁹ African Charter on Human and People's Rights 1979

“ Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law, and order, public health or morality.”

At International level

International Covenant on Civil and Political Rights (ICCPR) 1976

Article 5 (2)⁴⁰ insists that there shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant.

The covenant emphasizes that everyone within the territory has the right to liberty of movement and freedom to choose his residence, enabling artists to travel within Tanzania and abroad. The article gives artists the right to participate in artistic collaborations, attend workshops, and showcase their works both within the country and abroad.



❖ **In the picture, a representative of TARO presenting at PAN AFRICA ARTISTIC FREEDOM, at Zanzibar, Tanzania**

APPLICABILITY OF THE RIGHT TO FREEDOM OF MOVEMENT

The mobility of artists from one place to another within the country or abroad for the execution of artistic activities depends on the discretion of the National Arts Council and their agents (cultural officers) to grant permits. Tanzania contains

⁴⁰ International Covenant on Civil and Political Rights (ICCPR) 1976

more than 28 regions, and each has by-laws for permits to conduct artistic activities issued by authorities. In other words, the freedom of movement for artistic activities is restricted indirectly, because the artist is not guaranteed to conduct his artistic activity at the destination when traveling within the country due to permit complications.

For example, (Ney wa Mitego-Prominent Hip-hop artist) 2020, was denied a permit to conduct live performances by the Regional Commissioner of Iringa (at that time –Mr. Ally Sapi) to perform at Mafinga and Iringa town. In 2019, He was denied a live performance permit by cultural officers in Chunya District and Musoma District. The artist is very well known for releasing politically controversial songs.

That requirement is not there for other professionals like doctors, lawyers, etc.(why artists?) Therefore, the freedom of movement for artists is limited and subject to permit and approval contrary to the constitution of the country and international human rights laws.

D. THE RIGHT TO ASSOCIATION

At local level

The Constitution of the United Republic of Tanzania 1977 as amended from time to time

Article 20(1)⁴¹ provides that “Every person has the freedom, to freely and peaceably assemble, associate, and cooperate with other persons, and for that purpose, express views publicly and to form and join with associations or organizations formed for purposes of preserving or furthering his beliefs or interests or any other interests.”

National Art Council regulations of 2018 (Kanuni za Baraza la Sanaa la Taifa za Mwaka 2018)

Regulation 21⁴² provides for the registration of arts associations, networks, and federations.

At regional level

Cultural Charter for Africa 1976

Article 9 states that “Continuous cultural development in Africa rests with its young people. Therefore, the African States should create conditions for the active and enlightened participation of young people in African cultural life”

⁴¹ The Constitution of the United Republic of Tanzania 1977 as amended from time to time

⁴² National Art Council regulations of 2018 (Kanuni za Baraza la Sanaa la Taifa za Mwaka 2018)

African Charter on Human and People's Rights 1981

Article 10(1)⁴³ provides that "Every individual shall have the right to free association provided that he abides by the law"

At International level

International Covenant on Civil and Political Rights (ICCPR) 1976

Article 22 (1)⁴⁴ states that "Everyone shall have the right to freedom of association with others, including the right to form and Join trade unions for the protection of his interests."

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969

Article 8⁴⁵ provides that "The States Parties to the present Covenant undertake to ensure the States Parties to the present Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;"

APPLICABILITY OF THE RIGHT TO ASSOCIATION

Freedom of association in Tanzania's art scene can be technically concluded to be limited and constrained. The practice of the art authorities allows the registration of four art federations on Tanzania's mainland and not otherwise. In practice, an art federation is formed by more than one art association of similar interests. In Tanzania, there are already formed four federations such as the Music Federation, the Film Federation, the Arts and Crafts Federation, and the Performing Art Federation. They exist for more than 20 years. If artists are not satisfied with the objective or performance of the federation, cannot form other federations. That experience contributes to the poor performance of associations and federations since they lack competition in the provision of services to artists. The competition would encourage seriousness and accountability. Where artists would withdraw from an organization to seek better services.

⁴³ African Charter on Human and People's Rights 1979

⁴⁴ International Covenant on Civil and Political Rights (ICCPR) 1976

⁴⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969



- ❖ A meeting between art feminists and lawyers from the Tanganyika Law Society (TLS) to discuss gender mainstreaming in the art sector.

The right to freedom of association not only supports the collective voice of artists but also contributes towards the enrichment and diversification of the arts and culture landscape, enabling artists to collectively address common challenges and celebrate their shared creative pursuits.

Gender complexity of the right to association in Tanzania's arts scene

Government legislations that guarantee the right to association have been viewed as gender-neutral instruments, on the assumption that they benefit all members of the public equally. However, structural gender inequalities are still embedded in our society. Even if the laws treat women and men as equals, women still do not have equal access to and control over resources and assets, especially within the culture and art sector.

Women are highly affected in manifesting this right. It is a common practice in the leadership and administration of arts associations and federations to be dominated by men. The consequence is that the views, needs, and interests of women are not addressed accordingly.

TARO has received complaints from female artists that they were asked for both monetary and sexual corruption in the eco-system of culture fund to be granted government loans for cultural and artistic activities. The challenge discourages more engagement and new recruitment of females in the artistic scene.

E. THE RIGHT TO PROTECTION OF SOCIAL AND ECONOMIC RIGHTS

At local level

The Constitution of the United Republic of Tanzania 1977 as amended from time to time

The protection of Artists' social and economic rights is essential. Artists deserve social security, access to healthcare, and other basic rights. Social rights encompass access to education, healthcare, and a decent standard of living while economically artists have the right to earn fair and equitable incomes from their artistic endeavors. These rights are guaranteed under **Articles 12-24** of the Constitution. However, in Tanzania, rights such as education are not enforceable in a court of law.⁴⁶

At regional level

African Charter on Human and People's Rights 1981

The African Charter on Human and People's Rights, to which Tanzania is a signatory, guarantees a broad range of rights, including social and economic rights.

Article 11:⁴⁷This article ensures the right to social and economic rights as it provides the right to freely assembly with others for every individual, including artists.

Article 14:⁴⁸ The provision guarantees the right to property which according to provisions of appropriate laws includes Intellectual Property.

Article 15:⁴⁹ It safeguards the right to work under equitable and satisfactory conditions.

Article 16:⁵⁰ The Charter recognizes the right to health and obligates states to take necessary measures to protect this right. This article underscores the importance of access to physical and mental healthcare services for artists in the art and cultural sector.

Article 17:⁵¹ Protects the right to education, emphasizing its importance in the development of individuals and society.

Article 22:⁵² This provision emphasizes that all people shall have the right to their economic, social, and cultural development.

⁴⁶ Article 7 (2) The Constitution of the United Republic of Tanzania 1977 as amended from time to time

⁴⁷ African Charter on Human and People's Rights 1979

⁴⁸ Ibid 46

⁴⁹ Ibid 46

⁵⁰ African Charter on Human and People's Rights 1979

⁵¹ Ibid 49

⁵² Ibid 49



At International level

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969

Article 1⁵³ provides that “All peoples have the right of self-determination. By that right, they freely determine their political status and freely pursue their economic, social, and cultural development. “

Article 3⁵⁴: African States undertake to ensure the equal rights of men and women to the enjoyment of all economic, social, and cultural rights outlined in the present Covenant.

Article 6⁵⁵ The right to work and opportunity to gain his living and the right to just and favorable conditions of work.

Article 9⁵⁶ This article recognizes the right to social and economic rights as it recognizes the right of everyone to social security, including social insurance which applies to artists as well.

Article 12⁵⁷ The right to health and access to medical services. The Covenant recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Article 13⁵⁸ The Covenant recognizes the right of everyone to education. African States further agree that education shall enable all persons to participate effectively in a free society and promote understanding, tolerance, and friendship among all nations, including arts training.

Article 15⁵⁹ The right to enjoy the benefits of scientific progress and its applications, and to benefit from one's artistic work.

APPLICABILITY OF THE RIGHT TO PROTECTION OF SOCIAL AND ECONOMIC RIGHTS

The attainment of this right is faced with certain challenges such as:-

- Lack of professionalism in the art sector
- Lack of access to funds as grants
- Poor government intervention in the art sector
- Copyright infringements
- Lack of fair compensation as many artists struggle with inadequate payment for their work, affecting their livelihoods.

⁵³ International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969

⁵⁴ Ibid 46

⁵⁵ Ibid 46

⁵⁶ Ibid 46

⁵⁷ International Covenant on Economic, Social and Cultural Rights (ICESCR) 1969

⁵⁸ Ibid 50

⁵⁹ Ibid 50

- Inadequate mechanisms for royalty's collection from the use of copyrighted materials.
- Gender inequalities in access to opportunities, whereas men are dominating



- ❖ **TARO was visited by the representatives of the Swedish Art Council to brainstorm various issues relating to Artistic Freedom in Tanzania.**

F. THE RIGHT TO PARTICIPATE IN CULTURE LIFE

At local level

The Constitution of the United Republic of Tanzania 1977 as amended from time to time.

The Constitution of the United Republic of Tanzania is a foundational document that outlines the structure and principles of governance in the country. However, one glaring omission in this document is the lack of incorporation of cultural content. Tanzania is a diverse nation with over 120 ethnic groups, each with its unique traditions, languages, and customs. By not including cultural content in the constitution, the government fails to recognize and protect the rich heritage of its people.

Cultural rights are fundamental human rights that should be enshrined in any constitution to ensure the preservation and promotion of diverse cultural identities. Without these protections, there is a risk of marginalizing certain groups and eroding their cultural practices.

The Constitution of Tanzania must incorporate cultural content to truly reflect and uphold the values and traditions of its people. Only then can true unity and inclusivity be achieved in this diverse nation.

Copyright and Neighbouring Rights Act no 7 of 1999 (Cap 218. Re 2002).

The law recognizes and protects cultural activities through its objectives, mentioned below: -

Section 2⁶⁰ provides that *"in Order to promote the creation of traditional culture and to further productive activities in the field of communicating to the public author's works, expression of folklore, other cultural productions and events of general interest, this Act- (i) protects the moral and economic interests of authors relating to the works, by recognizing exclusive author's rights and providing for just and reasonable conditions of lawful use of authors" work and regulated access to them; (ii) provides for the protection of expressions of folklore by rendering certain uses thereof subject to authorization and determining offences against lawful interests relating to their integrity; and (iii) protects lawful interest of performing artists, producers of phonograms and broadcasting organizations relating to their productions, by granting them relevant rights*

Sections 24-30 ⁶¹realize the importance of every citizen's participation in cultural life. They protect the expression of folklore against illicit exploitation

National Museum of Tanzania Act, Chapter 281

The National Museum Act in Tanzania was established to preserve and protect the rich cultural heritage of the country. The act aims to promote awareness and appreciation of Tanzania's history, art, and traditions through the establishment and maintenance of national museums. By safeguarding important artifacts and historical sites, the act ensures that future generations can learn about their roots and heritage. Through exhibitions, educational programs, and research initiatives, the National Museum Act plays a crucial role in promoting national identity and unity. It is a testament to Tanzania's commitment to preserving its cultural legacy for years to come.

The act has been amended by **section 39 of the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2022** that introduced section 3A and prescribes the functions of the National Museum to be: -

(a) identify, protect, preserve and transmit cultural and natural heritage of Tanzania;

⁶⁰ Copyright and Neighbouring Rights Act no 7 of 1999 (Cap 218. Re 2002).

⁶¹ Ibid 59

(c) conduct research and disseminate knowledge in the fields of scientific, cultural, technological and human evolution; (c) promote Tanzania cultural heritage resources in academic, social and economic development; engage formal and informal education and lifelong learning, through development and transmission of knowledge, programmes and exhibitions; (e) interpret and disseminate knowledge on collections, monuments, conservation areas and sites within it specific areas of expertise and to organize exhibition as appropriate; and

Antiquities Act, cap 333. Re. 2002 read together with the Written Laws (Miscellaneous Amendments) (No. 3) Act, 2022 under section 3-19.

The Antiquities Act in Tanzania is a crucial piece of legislation that aims to protect and preserve the country's rich cultural heritage. Enacted in 1964, this act gives the government the authority to designate certain sites and artifacts as national treasures, ensuring their conservation for future generations. By safeguarding these antiquities, Tanzania can maintain its unique identity and history, while also promoting tourism and economic development. One of the key provisions of the Antiquities Act is the establishment of a National Antiquities Advisory Board, which is responsible for identifying and protecting important archaeological sites and artifacts. This board works closely with local communities, experts, and international organizations to ensure that Tanzania's cultural heritage is properly managed and preserved. The Antiquities Act in Tanzania plays a vital role in safeguarding the country's historical treasures for posterity. It serves as a testament to Tanzania's commitment to preserving its rich cultural legacy for future generations to appreciate and enjoy.

National Arts Act. No. 23 of 1984 read together with the Written Laws (Miscellaneous Amendments) (No. 5) Act, 2019

The National Arts Act in Tanzania is a crucial piece of legislation that aims to promote and protect the country's rich cultural heritage. This act recognizes the importance of the arts in preserving national identity and fostering creativity. It provides support for artists, cultural institutions, and traditional practices, ensuring their sustainability and growth. By celebrating diversity and encouraging artistic expression. Through this legislation, Tanzania continues to showcase its vibrant arts scene to the world, solidifying its position as a cultural hub in East Africa.

Regional level:

Cultural Charter for Africa 1976 and Charter for African Cultural Renaissance 2006

They emphasize the role of culture in national development and the importance of cultural exchange. They serve as a framework within which African states promote participation in cultural life. The whole contents of the charters illustrate enhancing African culture and intercultural exchange. However, the **Charter for African Cultural Renaissance 2006** came as an improved text of the **Cultural Charter for Africa 1976**, but it has not yet been ratified by the required number of

member states of African Union to qualify being enter into force. Therefore, the charter is not binding to any state until ratified by two-thirds of the member states.

African Charter on Human and People's Rights 1981

The African Charter on Human and Peoples' Rights, also known as the Banjul Charter, further underscores the importance of cultural rights.

Article 17, (2), and (3)⁶², of the Charter state that every individual may freely take part in the cultural life of his community and that the promotion and protection of morals and traditional values recognized by the community shall be the duty of the state.

International level

International Covenant on Civil and Political Rights (ICCPR) 1966

Article 19, (2)⁶³, guarantees the right to participate in cultural life as it emphasizes 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, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 27,⁶⁴ specifically protects the rights of minorities to enjoy their own culture. This provision underscores the importance of cultural participation not only as a collective right but also as an individual right, ensuring that individuals within minority groups can preserve and participate in their cultural traditions without discrimination.

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966

Article 1⁶⁵ of the Charter ensures the right to participate in cultural life as it provides that all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 3⁶⁶, recommends the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 15,⁶⁷ obliges State Parties to recognize the right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to

⁶² African Charter on Human and People's Rights 1979:

⁶³ International Covenant on Civil and Political Rights (ICCPR) 1966

⁶⁴ Ibid 62

⁶⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966

⁶⁶ Ibid 64

⁶⁷ International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966

benefit from the protection of moral and material interests resulting from any scientific, literary, or artistic production of which they are the author.

APPLICABILITY OF THE RIGHT TO PARTICIPATE IN CULTURE LIFE

The right to participate in cultural life is an essential component of artistic freedom as it ensures that individuals have the freedom to engage in cultural activities, express themselves, preserve their identity, and contribute to the cultural richness of society. Artists should actively participate in cultural events, festivals, exhibitions, and community activities. But despite its vitality, the government still enacted Restrictive regulations which make those attainments difficult. for instance, the penalization of non-registered artists and stakeholders. The requirement to pay several permit fees for conducting artistic activities both in Tanzania and abroad. Read more:

- <https://www.tanzaniaartistsrightsorganization.com/post/the-burden-of-legal-compliance-in-the-arts-and-cultural-sector-tanzania-legal-position-paper>
- https://www.academia.edu/114942834/THE_BURDEN_OF_LEGAL_COMPLIANCE_IN_THE_ARTS_AND_CULTURAL_SECTOR_TANZANIA_ECONOMIC_RIGHTS_ARTISTIC_FREEDOM

Public access to artistic work is not prioritized by the government, some intangible cultural heritage such as tribal languages, traditional folklores, and folktales, songs are endangered of being extinguished. The government does own a national art gallery for visual artists therefore original art from Tanzania can be overwhelmed and submerged by foreign art at any time. There is a lack of initiatives to ensure the transition of knowledge and skills in traditional arts and crafts from one generation to another.



❖ TARO coordinating stakeholders' meetings to discuss various matters affecting artistic freedom in Tanzania as a part of the SANAA RIGHTS PROJECT.

5. CONCLUSION

To address the above-mentioned challenges and promote artistic rights in Tanzania, several recommendations have been adopted by stakeholders at both local and international engagements of TARO in line with the sector such as follows:

- I. Launch educative programs aimed at raising public awareness of Artistic Freedom
- II. Encourage the formation of well-institutionalized collective networks of artists and media to engage in activism for Artistic rights and interests
- III. Law review and reform in the cultural sector to: -
 - uphold and recognize Artistic Freedom
 - ensure Gender mainstreaming in the arts and cultural sector
 - Eliminate the monitoring function of arts authorities
 - Decentralize arts authorities (To have a Regional Cultural Agency in each region for dealing with the arts and culture of a particular region. Art authorities to work with regional culture agencies for policy implementation only, with no direct engagement with artists or cultural practitioners)
 - Promote public art and its access to the public which leads to the creation of tourist attractions and new jobs
 - Transparency, good governance, and accountability in the administration of the art and cultural sector
 - Ensure full participation and involvement of Artists in the art sector
 - Promote Intersectoral engagement; Issues relating to Disputes in the art sector to be resolved in the legal sector, to prevent conflict of interests and bias in decision making.
 - Strengthen protection against Copyright infringement and poor administration of Collective Management Organizations (CMOs)
 - Harmonize with the development of science and technology. Eg. Artificial intelligence (AI), digital media, social media, etc.
 - Regulate public funds in the cultural sector
- IV. Increase budget allocation in the cultural sector
 - Grants instead of loans to artists and cultural practitioners
- V. Policy review and reform to accommodate artistic freedom

