

CHARTER OF RIGHTS FOR SOUTH AFRICAN ARTISTS

Definition

For the purpose of this Charter, and based on UNESCO's 1980 Recommendation Concerning the Status of the Artist, an "Artist" is someone who

- a. creates, or gives creative expression to or recreates works of art in any discipline (music, visual arts, theatre, dance, literature, film, design, craft) and/or who does so in an interdisciplinary or cross-disciplinary manner
- b. works vocationally in the arts, seeking to make her/his primary living within the arts, and
- c. self-identifies as an artist and/or is recognised as such by the public, by critics and by her/his peers.

Preamble

Recalling Article 25 of the Universal Declaration of Human Rights

Everyone has the right to a standard of living adequate to the health and well-being of her/himself and her/his family including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond her/his control.

Affirming the right articulated in UNESCO's Recommendation Concerning the Status of the Artist

For the artist...to be considered as a person actively engaged in cultural work, and consequently to benefit, taking account of the particular conditions of the artistic profession, from all the legal, social and economic advantages pertaining to the status of workers.

Considering Article 11 of the 2005 UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions in which governments:

Acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions' and 'shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention',

Recognising Article 10 of the Charter for African Cultural Renaissance that commits state signatories to:

Protect and promote the freedom of artists.

Believing Section 16 of the Constitution of the Republic of South Africa that:

Everyone has the right to freedom of expression which includes...freedom of artistic creativity.

We, the artists of South Africa, assert the following rights which we will actively promote and defend:

1. The right to our dignity (the right to be valued, respected and treated ethically) and to be treated at all times with dignity, and not to have our chosen professions nor ourselves treated with disrespect by political authorities, social or cultural institutions, employers, contractors, or any other entity.
2. The right to work and to offer our labour in whatever form we choose: as full-time employees, part-time employees, independent contractors, freelance or self-employed workers, which forms shall not preclude us from the rights and protections afforded other workers.
3. The right to have the unique, itinerant nature of large parts of our industry – and thus the irregular nature of income within our industry – recognised and made allowance for in relevant legislation, including labour and tax legislation.
4. The right to have the different nature and conditions within and between our respective disciplines recognised, and for all artists and disciplines to be treated fairly, without some being prejudiced because their disciplines do not conform to the political priorities of the time.
5. The right to have our work, conditions of employment and remuneration spelt out in clear, written contracts.
6. The right to freedom of creative expression and to have this right supported by public funding, irrespective of whether the exercise of such freedom of creative expression is critical of any authority or challenges any dogma.
7. The right to protection of our intellectual property and to fair remuneration when our creative contributions generate additional income further down the line.
8. The right to organise ourselves into professional associations and unions to defend and advance our rights, without being prejudiced – either individually or collectively – for doing so.
9. The right to safe physical working environments, including reasonable hours of work, where our health and safety are not compromised.
10. The right to work free of harassment, bullying and discrimination in any form, but particularly on the basis of gender, colour, language, sexual orientation, economic status, age, physical disability, religion and educational status.
11. The right to social benefits including medical care, provision for old age or disability, security in case of unemployment, and support during parental leave.
12. The right to participate in formulating, implementing, monitoring and evaluating cultural and employment policies that directly affect our lives and livelihoods.
13. The right of all – irrespective of whether they are able to afford such or not – to access publicly-funded spaces to present their work.