

Submission to the EU 2026 Rule of Law Report – Targeted Stakeholder Consultation

Eroding Artistic Freedom Across Europe

Recent years have witnessed a marked deterioration in artistic freedom across several EU Member States. Governments have increasingly instrumentalised culture as a political tool, reshaping cultural sectors through legislative, administrative, and personnel changes that consolidate political control and weaken institutional autonomy. These developments mirror broader rule of law backsliding observed in the justice and media sectors and directly undermine core democratic freedoms, in particular freedom of expression, association, and cultural participation.

Hungary and Poland (under the former PiS government) pioneered far-reaching restructurings of their cultural sectors through constitutional, legal, and policy interventions that placed cultural institutions under direct political oversight.¹ More recently, similar dynamics have rapidly intensified in Slovakia and Italy, where politicised interventions have led to the dismantling of safeguards for artistic autonomy and professional governance.

Across the Union, recurring patterns of interference in the cultural sphere can be identified:

- **Bureaucratic encroachment on cultural institutions:** Politically motivated managerial appointments, institutional restructuring, and weakened appointment procedures that centralise control over cultural governance at the expense of artistic merit and professional expertise.
- **Politicisation of arts funding:** Centralised funding mechanisms that reward political loyalty, marginalise independent and critical voices, and deprive experimental, minority, or socially engaged programmes of support.
- **State media control:** The transformation of public broadcasters into instruments of government influence, increasingly used to discredit independent artists, cultural organisations, and critical cultural journalism.
- **Restrictions on civil society:** Legal, administrative, and financial measures that impose disproportionate burdens on independent organisations, stigmatise NGOs, and deter cultural engagement and cross-border cooperation.
- **Censorship and chilling effects on artistic expression:** Direct and indirect forms of censorship, including smear campaigns, politically motivated dismissals, funding withdrawals, police interventions, and legal actions against artists and cultural workers

These restrictions both reflect and reinforce wider democratic decline and the erosion of the rule of law. In many instances, infringements on artistic freedom are instigated or endorsed by ruling parties themselves, leaving artists and cultural organisations with little effective recourse to national legal protections.

While this submission expands in detail on developments in Slovakia, similar concerning trends have been observed in numerous other European countries, including but not limited to Austria², Serbia³, Italy⁴, Lithuania⁵, Germany⁶, and Belgium⁷, underscoring the need for an EU-wide approach.

As these regional trends became increasingly clear, artists and civil society actors convened in Bratislava in May 2025. This process culminated in the adoption of the [Bratislava Declaration](#), which calls on EU institutions to work in partnership with the cultural sector to develop a [European Artistic Freedom Act \(EAFA\)](#). The proposed EAFA would establish a coherent legal framework guaranteeing artistic freedom throughout the Union. It would draw inspiration from the recently adopted European Media Freedom Act (EMFA), which for the first time provides an EU-wide legal framework recognising the right to reliable information.⁸

There is an urgent need to include freedom of artistic expression within the scope of the European Commission's Rule of Law Report in order to ensure that violations are systematically monitored at EU level.

As articulated by Culture Action Europe in its sector Blueprint of the Cultural Compass: “The Rule of Law Report’s chapter on media freedom and pluralism should be expanded to cover the full spectrum of freedom of expression, explicitly including artistic and academic freedoms. Together, artistic, media, and academic freedoms form a mutually reinforcing ‘triangle of expression’ that is integral to democratic governance. The inclusion of artistic freedom in the Rule of Law Report would help document the growing threats to cultural expression and provide a structured basis for response. Monitoring of infringements on Artistic Freedom as part of the Rule of Law Report could be supported by regular research and reporting mechanisms coordinated with a European observatory on artistic freedom.”⁹

ARTISTIC FREEDOM IN SLOVAKIA

Artistic freedom is protected under Articles 11 and 13 of the EU Charter of Fundamental Rights and has been a priority in successive EU Work Plans for Culture. It has also been affirmed by the Council of the EU and the Council of Europe as essential to democracy in its *Manifesto on the Freedom of Expression of the Arts and Culture in the Digital Era* and the report *Free to Create – Report on the Freedom of Artistic Expression in Europe*. Recent EU debates and the 2025

Culture Compass further underline the need for dedicated EU-level protection of artistic freedom.¹⁰

The situation in Slovakia demonstrates that artistic freedom is not a peripheral cultural issue but a core component of the rule of law. The absence of recommendations on artistic freedom in previous Rule of Law Reports has left significant violations unaddressed, allowing deterioration to accelerate.

The Rule of Law Report currently lacks a dedicated section addressing infringements related to artistic freedom. Freedom of artistic expression merits a specific and standalone section in the Report, particularly given its preventive purpose and its close connection to democratic resilience.

Developments in Slovakia

Artistic Freedom Initiative submitted information to the European Commission in January 2025 concerning artistic freedom in Slovakia, based on preliminary findings. Despite this, no recommendations on artistic freedom were included in the 2025 Rule of Law Report. Since then, the situation has considerably worsened.

In April 2025, AFI published in collaboration with Open Culture! its report, *Early Warning: The Politicization of Arts and Culture in Slovakia*.¹¹ The report documents the alarming transformation of Slovakia's cultural sector since the parliamentary elections of October 2023, under the coalition government led by Prime Minister Robert Fico, with the Ministry of Culture controlled by the Slovak National Party (SNS).

Based on policy analysis and interviews with Slovak artists and cultural workers, the report identifies the following key developments:

1. **Takeover of Cultural Funding Institutions:** Legislative amendments have enabled the Ministry of Culture to assert control over the Audiovisual Fund (AVF) and the Slovak Arts Council (FPU) through increased ministerial appointments and politically aligned oversight, allowing ideological interference in funding decisions.
2. **Reduction of Transparency in Cultural Leadership:** Amendments to legislation governing museums and galleries removed public hearings and protections against unfair dismissals, enabling arbitrary removal of directors and increasing political control over cultural institutions. (Act No. 206/2009 Coll. on Museums and Galleries)
3. **Mass Purge of Ministry Staff:** Over 70% of staff at the Ministry of Culture were removed, the Institute of Cultural Policy was dissolved, and abrupt dismissals created a climate of fear and institutional instability.

4. **Politicisation of Cultural Institutions:** Leadership changes at major national institutions, including the Slovak National Theatre, Slovak National Gallery, and Slovak National Museum. Many new appointees, lacking cultural management experience have triggered mass resignations among staff and widespread public protests.
5. **Targeting of LGBTQ+ Initiatives:** The Ministry of Culture has censored LGBTQ+ representation through funding cuts, bans on exhibitions and performances, removal of artworks, and the prohibition of a children's book addressing gender identity.
6. **Escalating (Self-)Censorship and Suppression:** Smear campaigns, dismissals, funding cuts, police interventions, and legal actions against artists are producing a chilling effect, discouraging expression that diverges from government ideology.

Since the publication of the report in April 2025, the situation has further deteriorated. Developments include the appointment of politically aligned members to the Board of Media Services¹²; the effective paralysis of the Slovak Arts Council, causing significant delays in grant allocations; and a policy change excluding cultural centres from Slovak Arts Council funding as of 2026.¹³ As this funding represents their primary source of public support, the exclusion leaves many centres without access to public funding and at risk of closure. These measures are compounded by a significant reduction in staff across institutions under the Ministry of Culture.

A particularly emblematic case involves the former director of the Slovak National Theatre, who has been barred by a regional court from making public statements about the Minister of Culture following an emergency injunction linked to a defamation complaint.¹⁴ Such measures illustrate the expanding use of legal tools to silence critical cultural voices.

Recent constitutional and legislative developments further these risks. Constitutional amendments emphasize Slovakia's sovereignty in matters of "national identity," including "fundamental cultural and ethical issues."¹⁵ While amendments criminalising certain forms of foreign-funded activity have been suspended by the Constitutional Court and are currently inapplicable, their introduction signals continued pressure on civil society.¹⁶

About Artistic Freedom Initiative (AFI)

Started by human rights and immigration lawyers, AFI facilitates pro bono immigration representation and resettlement assistance for international artists at risk.

Artistic Freedom Initiative is actively involved in research and advocacy related to artistic freedom. AFI has published evidence-based reports on the state of artistic freedom in Poland (2022), Hungary (2022), and Slovakia (2025), and has contributed to Rule of Law submissions in 2023 and 2024. AFI is part of the informal coalition of civil society actors advocating for the

development of a European Artistic Freedom Act and served as penholder for a civil society draft of the EAFA.

ENDNOTES

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