



ARTS
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MALTA

CHARTER
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Arts Council Malta would like to thank the experts and consultation focus group participants that contributed towards the formation of this document. This is the result of a number of stakeholders from different backgrounds coming together to find common approaches towards the advancement of Malta's cultural and creative sectors.

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Proofreader: Giuliana Barbaro-Sant

Design: Moose Design Studio | moose.com.mt

Published in 2024.

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Charter for the Status of the Artist¹

Preamble

Arts Council Malta, acknowledging and recognising that:

- Culture is a reflection of humanity;
 - Culture is integral to the evolution and progress of society and democracy, empowering cultural participation;
 - Culture in its various expressions is also a significant contributor
- to the economy and to sustainable development;
 - Culture plays a significant role in the promotion of equality, justice, and the fight against all violence and discrimination;
 - Culture is a right in itself, recalling the Council's own mission to protect and promote cultural rights for all;
- The Arts are, and should always be, an integral part of life for all;
 - Artists deserve recognition for their artistic work and expression, which must also be recognised as valuable cultural work;
 - Such recognition must translate into social and economic benefits and implies the creation of the safeguards necessary for the

¹ Artist here is being used as an umbrella term and includes anyone whose qualifications, work and practice contributes to artistic work and cultural products. The [UNESCO's 1980 Recommendation Concerning the Status of the Artist](#) adopts the following as a definition of 'Artist': 'Artist' is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association.

dignity and integrity of the status of the artist;

- Freedom of artistic expression is a fundamental human right;
- Modern crises, the rapid change in climate, the rise of artificial intelligence, and ongoing conflicts, can impact cultural workers and may lead to urgent targeted action;
- Economic, social, technological, and cultural shifts also impact the status of the artist, and it is crucial for government to regularly assess their status within this context;
- Action towards the strengthening of the status of the artist must be mainstreamed and intersectional, stemming from all relevant policy areas;

Mindful of the fact that:

- Arts Council Malta is the primary national entity duty-bound to advocate for Malta's cultural and creative sectors;
- The National Cultural Policy 2021 (NCP, 2021) calls for, among others, the elevation of the status of the artist and professionals in the cultural, heritage, and creative sectors;
- Arts Council Malta's Strategy 2025 calls for the establishment of a Charter on the Status of the Artist in alignment with the National Cultural Policy 2021, resulting in a framework that protects, improves, and recognises an Artist's right to express, practise, organise, and advocate for their status;

General principles

- 1 Everyone has the right to artistic freedom. promotion of good practices at the workplace.
- 2 This Charter calls for the promotion and safeguarding of the right to expression without restriction. 6 The State shall streamline and facilitate the recognition of artistic qualifications.
- 3 All artists shall enjoy the same treatment and access to structures and resources. 7 Everyone has the right to enjoy and participate in cultural experiences.
- 4 Artists shall be guaranteed rights of association and representation by unions, organisations and advocacy groups. 8 This Charter promotes investment in the professional development of cultural workers irrespective of their age, sub-sector or level of experience and competence.
- 5 The interests of artists shall be safeguarded by relevant employment legislation and the 9 The State shall lead investment efforts into the competencies that distinguish artists from the rest of the workforce.

Article 1. Freedom of expression

Freedom of expression is vital in the shaping and strengthening of democracy, in that it fosters multiple perspectives and cultural narratives that contribute to the general wellbeing of society. Its protection from suppression or censure in any form is fundamental. Artistic freedom is also a core aspect to the enjoyment of cultural rights as human rights.

1.1 The concept of artistic freedom should be entrenched as a distinct, stand-alone right within the national human rights framework.

1.2 No artist should be hindered in the enjoyment of their freedom of artistic expression, taking particular care to safeguard all artists from governmental censorship or intimidation, or political or non-state actor interference or pressure.

1.3 The State shall safeguard the right of artists to create and distribute their artistic expressions, including their right to have such expressions supported and remunerated.

1.4 All individuals should have the right to access culture and artistic expressions without fear of governmental or political or non-state actor intimidation, fear or harassment.

1.5 The State shall ensure that the right to artistic express and access to culture is tangibly implemented, ensuring that all individuals, irrespective of background, are able to enjoy such right.

1.6 The State shall ensure that the right to freedom of artistic expression is guaranteed to all artists, irrespective of age; belief, creed or religion; colour, ethnic or national origin, or race; disability; family responsibilities or pregnancy; family or civil status; gender expression or gender identity; genetic features; health status; language; nationality; political opinion; property; sex or sex characteristics; sexual orientation; or social origin.

- 1.7 All governmental policy practices, including state support and funding processes, should be devoid of undue influence on cultural expression, and be accessible to all artists equally.

Article 2. Right to association and representation

Employment types vary greatly in the Culture and Creative Sector (CCSs), with a high number of self-employed artists and professionals spread through very diverse economic activities across the Maltese Islands.

This makes association or unionisation difficult on account of the fragmentation of the workforce and the increasing number of self-employed workers who are not represented by employee representatives, leaving them vulnerable to unfair working practices and conditions, as well as precarious forms of employment. Collective bargaining is a useful tool for artists who may feel isolated and almost forced into accepting unethical or unfair conditions, such as buy-out contracts, or very low remuneration.

- 2.1 Artists, irrespective of their nature of employment, shall have the right to freely associate. This includes the right to form or belong to trade or representative unions, groups or associations committed to the promotion and protection of their interests.
- 2.2 All international labour principles should be transposed within the CCS, recognising the role of collective bargaining and social partners.

- 2.3 Artists, irrespective of their employment status, should be empowered to access fundamental labour rights and freedoms.
- 2.4 Entities offering work to a unionised Artist, irrespective of the nature of the employment status, shall abide by collective agreements negotiated by the Artist's trade union or representative organisation.
- 2.5 Registered trade unions shall be invited by the State to participate in negotiations on draft legislation or policies affecting artists in any way, and they shall also be entitled to approach the relevant State authorities themselves



with any proposal they wish to push forward.

- 2.6** The State shall promote fair practices through policy initiatives, including, for instance, making fair practices a compulsory condition for access to funding.

Article 3. Social security and taxation

The atypical nature of artistic work necessarily brings about atypical, or non-standard, forms of work.

While this fluidity may allow for greater flexibility, it may impact social protection. There might be challenges for specific groups within the CCSs, especially where careers cannot extend into old age. This leaves some individuals facing significant economic uncertainty, as they transition out of their professions, particularly before reaching the age typically associated with career stability or retirement. The unique nature of these careers highlights the vulnerability of such workers in planning for long-term financial security.

- 3.1** Access to social protection is essential for quality of life and for

the sector's sustainability. This Charter lends status to artists as a means to level inequalities between operators within the CCSs and other sectors.

- 3.2** This Charter seeks to enhance access and ensure, among others, improved awareness of existing social protection and taxation regimes and benefits.
- 3.3** Social security and taxation models should recognise and reflect the dynamic, diverse and multifaceted nature of artistic work. This is to continue

guaranteeing full access to social protection for cultural workers.

- 3.4** The State should continue to strengthen its measures aimed at addressing improved access to contributory pensions.
- 3.5** New measures, such as a universal basic income for cultural workers, should be considered to enhance the sustainability of the CCS, guarantee livelihoods and minimise the loss of talent and skill.

Article 4. Fair practices

Due to the fluidity of jobs within the CCSs, artists represent a particularly vulnerable segment of the workforce and are often victim to unjust practices.

Artistic and cultural work often entails processes that are invisible to audiences, patrons, and policymakers alike, leading to poor appreciation and remuneration. Artists are also particularly vulnerable to exploitation since most artists are self-employed, part-timers, or combine multiple forms of employment, not all of them necessarily in the CCSs. This results in labour legislation that is either inapplicable to their unique context, or inadequate. CCSs professionals are also exposed to unique occupational safety and health risks. This Charter seeks ensure that statutory health and safety safeguards also protect

CCSs professionals, irrespective of employment status (including self-employed/freelance). The State should also strive towards ensuring that private insurance providers also offer economically feasible covers for artists.

- 4.1 Artists under this Charter have the right to work and express themselves creatively in an environment which is fair and safe, free from discrimination, harassment or bullying.
- 4.2 All relevant employment legislation applicable to workers in other spheres should also apply and

safeguard the rights of all artists irrespective of their employer or sub-sector.

- 4.3 Artists should have equal access to opportunities fairly, in a manner that is free from discrimination.
- 4.4 The State shall champion best practices across all its programmes, initiatives and policies. Furthermore, the implementation of such practices should be complimented with measures in favour of accountability across the board.
- 4.5 All entities, employers and organisations should ensure that they adopt and promote fair practices.



Article 5. Access to funding

Artists often note that access to private loans or schemes is limited. Most, therefore, remain dependent either on employment outside of CCSs or state and/ or EU funding. Such financial aid can mean direct grants, but also low VAT or taxation rates, tax incentives or subsidised or altered social security models.

Successive crises have led to significant cuts to many national budgets for culture, and both national and EU funding remain temporary and project-based in their nature, leading to instability and uncertainty. This Charter proposes a commitment towards improved stability and preferential taxation models.

5.1 The State shall ensure that funding opportunities and processes are

accessible, reliable, transparent, and free from undue interference.

5.2 This Charter promotes a balanced regime of short- and long-term funding, with a view to improve the sustainability of the arts and creative enterprise.

Article 6. Intellectual property

Intellectual Property (IP) must also be free from exploitative working conditions, and this Charter tries to ensure that artists receive fair compensation for their IP.

The rise of new platforms, such as streaming platforms, are creating scenarios where artists are not remunerated, or poorly so, for their IP. Moreover, artists often lack awareness of their own rights in terms of IP. This severely affects their ability to negotiate fair remuneration conditions related to IP, as well as just contractual terms in relation to IP retention.

6.1 The State shall take all appropriate measures to tangibly protect artistic intellectual property rights.

6.2 The State shall ensure that its entities promote and implement

best practices to safeguard artistic intellectual property rights.

6.3 The State shall promote awareness raising and education on the importance of intellectual property to artists.

6.4 All artists should be guaranteed protection of their moral and material interests stemming from their work.



Article 7. Recognition of skills

Artists' skills are often undervalued and go unrecognised. The constantly evolving nature of CCSs means that recognition of new skills by formal frameworks, such as the EQF, is not always rapid enough. This situation leads to a considerable drain from CCSs, with most leaving the sector within a few years, seeking stability elsewhere.

Artists are often not as conversant with skills pertaining to administrative work, marketing, accounting or digital skills and need to outsource such services when required. Artists often seek to expand their skills, but there is also little awareness as to what opportunities are available. Access to courses is also a challenge in terms of high fees, as well as uncertainty as to whether such investment would eventually be fruitful or not.

7.1 The State shall adopt a systemic approach to skills-building for CCSs, ensuring the availability, findability and accessibility of relevant technical knowledge.

7.2 The State shall support academic institutions in their investment in CCSs and relevant or ancillary topics.

7.3 The State shall take all appropriate measures to support education

designed to stimulate and develop disciplines that contribute directly or indirectly to the artists' professional growth and enrichment of the CCSs.

7.4 The State shall take all appropriate measures to support artists during their training or re-training.

7.5 The State shall endeavour to streamline and facilitate the recognition of formal, non-formal, informal skills and artistic qualifications.

Article 8. Professionalisation and opportunities for professional development

Opportunities for professional development and access to relevant resources are critical to sustained technical improvements within the CCSs and to enhanced creative thinking, innovation and innovative problem solving.

- 8.1 The State shall guarantee the right to a basic formation in the Arts for all. This includes tangible skills in the arts and crafts as well as creative thinking and problem-solving skills.
- 8.2 The removal of any structural and administrative barriers that may restrict professional development opportunities in the sector should be addressed as a matter of priority.
- 8.3 Creative practitioners of all levels of experience and irrespective of the sub-sector they represent should be guaranteed their right to a basic universal standard of education in the arts.
- 8.4 The State should guarantee good standards of arts education and ensure that only qualified and competent educators are engaged in the sector.

Article 9. Status and quality of labour

The elevated status of the artist can significantly drive quality and excellence in the processes, outputs and outcomes that emerge from the CCSs. Adequate skills and infrastructure supported and complemented by suitable social security and taxation models are vital to attract more talented individuals to pursue careers in the sectors.

- 9.1** The State shall recognise that when a broader range of individuals move into creative professions, society and industry becomes exponentially more innovative and diverse.
- 9.2** The State shall recognise that adequate working spaces are imperative to the sustainability and growth of the CCSs.
- 9.3** This Charter shall promote measures that facilitate direct investment in both the labour force and the infrastructure that are essential for a competitive and sustainable CCSs.
- 9.4** The State shall promote direct investment in the development of competences and capacities within the sector that allow artists to become highly skilled professionals capable of delivering solutions that other professionals are not skilled to design.

Charter overview

This Charter is meant to serve as a frame of reference for any legislation, policy, or initiative which directly or indirectly impacts artists and CCSs, ensuring that any action is aligned with the ultimate long-term vision of elevating the status of artists in Malta in line with their tangible value to society.

This document outlines general principles and specific articles. Every article is to be viewed and assessed as a component of a wider transversal theme.

Definitions

An artist is any person who, as creator, performer, or contributor, creates artistic work, which work is created as a result of the artist's unique abilities, or contributes to the creation of such artistic work. This Charter also addresses ancillary cultural workers whose contribution makes the artists' work possible and who are an integral part of the CCS. Consequently, this Charter addresses all cultural workers who either possess relevant academic qualifications, or produce or contribute to artistic work which generates, in whole or in part, their taxable income, or are registered as cultural workers with the relevant competent authority or body.

Background

Artists are key contributors to the wellbeing and economy of the Maltese islands. Their professional status is indicative of the socio-economic health of a nation.

Societies, as well as individuals, flourish when artists are guaranteed a social, economic, and legal place in society that creates a stable professional environment. Notwithstanding this, artists often face job insecurity, precarity and financial instability. This is often blamed on lack of adequate structures which should enable creative enterprise, professionalisation in the sector and monetisation on artistic practice in a dignified manner. This can be deemed reflective of

public policy which is still yet to consider the transversality of the CCSs across sectors, in a consistent manner. Furthermore, arts education is yet to find its place in the curricula of education institutions in Malta and Gozo.

The National Cultural Policy sets out to, among others, “elevate the status of the artist and professionals in the cultural, heritage, and creative sectors.” This echoes the increasing awareness of the importance of artists and CCSs beyond local shores, with international and European initiatives highlighting their value, as well as the need for urgent action addressing the challenges faced.

This Charter seeks to outline cohesively the social, economic and legal status of the artist in Malta, and the ideal standards, frameworks and

legislative and policy actions required for the protection and empowerment of such status in the Maltese islands.



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