**ARTS RIGHTS JUSTICE AUSTRIA**

<http://www.kunstfreiheit.at/>

**Monitoring**

**Documentation of Violations of Artistic Freedom**

**Case Description**

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| --- |
| For the time being, the monitoring form is developed and aimed at interested organizations, initiatives and/or individuals, documenting cases in the framework of the ARJ monitoring. It is the systematic documentation of cases that are brought to the documenting actor from media coverage and from personal experiences of those directly affected. |

**GENERAL**

|  |  |  |
| --- | --- | --- |
| 1 | Case Number |  |
| 2 | Date |  |
| 3 | Documented by |  |
| 4 | Documented via |  |

**BASIC INFORMATION**

|  |  |  |
| --- | --- | --- |
| 5 | Who is directly affected? |  |
| 6 | Who exercises/exercised the violation/restriction? |  |
| 7 | Date/Time of violation/restriction |  |
| 8 | Location of violation/restriction |  |
| 9 | Field of art |  |

**CASE DESCRIPTION**

|  |  |  |
| --- | --- | --- |
| 10 | Case description |  |
| 11 | Kind of violation/restriction |  |
| 12 | Bias Indicator  |  |
| 13 | URL / Screenshot /Documentation References |  |

**CONSEQUENCES**

|  |  |  |
| --- | --- | --- |
| 14 | Reactions, Interventions and Measures |  |
| 15 | Possible results and consequences (arising from the violation/restriction) |  |

**OTHER**

|  |  |  |
| --- | --- | --- |
| 16 | Other |  |

**Explanation of the form – Guide to documentation**

1. Please fill in the boxes with all the details, available to you.
2. If you do not know certain information, just leave the field blank. [Exception: Please use the option "unknown" / "anonymous" for the category "From whom does the violation or restriction go?" Or "Documented by", unless you know who caused the violation / restriction would like to remain anonymous.]
3. Please chose more than one category for all sections, if applicable.
4. Use the Case Description field for the detailed description of the incident.
5. The information is based on personal experiences or narratives of those affected. Any liability for the accuracy of the information is explicitly excluded by ARJ Austria. Arts Rights Justice Austria cannot ensure the ongoing audit of all cases. Accordingly, liability for the accuracy of all information provided by Arts Rights Justice Austria is explicitly excluded.
6. The recording of data serves for documentation of violations and restrictions of artistic freedom, thus also the preservation and improvement of fundamental rights positions. The provision of the completed form explicitly authorizes the scientific and statistical evaluation for the purpose of documenting violations and restrictions of artistic freedom. If appropriate, the results will be published as part of a report. Cases used for making the phenomenon visible (e.g. as part of a report) will only be published anonymously. Exceptions are made only on request of directly affected persons/initiatives/organisations.

The individual categories are explained in more detail below. On the one hand to facilitate the documentation for individuals or representatives of organizations, initiatives, etc. and on the other hand to enable a harmonized documentation, by which - ultimately - also a harmonized and coherent reporting should be guaranteed.

|  |  |  |
| --- | --- | --- |
| 1 | Case Number | Please use your initials or the abbreviation of your organization, project or initiative here and add the appropriate number to the letters. Your name is Mia Ahmed, so you would name your first 3 case numbers as follows: "MA1", "MA2", "MA3". |
| 2 | Date | When was the form filled out? |
| 3 | Documented by | E.g. Organization / person / anonymous  |
| 4 | Documented via  | E.g. from counselling, from the media, etc.Please indicate links if applicable. |
| 5 | Who is directly affected | Chose an option:* Individual
* Group
* Initiative and/or organisation
 |
| 6 | Who exercises/exercised the violation/restriction? | Chose one or more options please:* Officials (e.g. also police)
	+ - Federal province
		- Land
		- Municipality
* Public official (political, etc.)
	+ - Federal province
		- Land
		- Municipality
* Legal entities from public law (e.g. universities)
* Private person
* Private company / private organization
* Religious organisations and officials
* Media
* Unknown
 |
| 7 | Date / Timeframe of violation/restriction | When or in which timeframe did the incident (violation/restriction) occur?  |
| 8 | Location of violation/restriction | Where did the violation/ restriction take place?Please indicate here whether the violation / restriction happened online or in the analogous area of ​​life.If the violation / restriction happened analogously, enter the postal code, state or other location if possible. Please indicate here whether the incident took place in the “public”, “semi-public” or “private” area. |
| 9 | Cultural Domain\* | Please chose one or more options:* Cultural and Natural Heritage
	+ Museums
	+ Archaeological and historical places
	+ Cultural Landscapes
	+ Natural Heritage
* Performance and Celebration
	+ Performing Arts
	+ Music
	+ Festivals, Fairs, Feasts
* Visual Arts and Crafts
	+ Fine Arts
	+ Photography
	+ Crafts
* Books and Press
	+ Books
	+ Newspapers and Magazine
	+ Other printed matter
	+ Library (also virtual)
	+ Book Fairs
* Audio-visual and Interactive Media and Art
	+ Film and Video
	+ TV and Radio (also Internet live streaming)
	+ Internet podcasting
	+ Video Games (also Online)
	+ Media art, net art, new forms of art
* Design and Creative Services
	+ Fashion Design
	+ Graphic Design
	+ Interior Design
	+ Landscape Design
	+ Architectural Services
	+ Advertising Services
* Education, Training and Research
	+ Cultural education
	+ Artistic Research
* Cultural Initiatives, cultural work (also cultural work across areas of society
* Transdisciplinary arts
* Other, please specify
 |
| 10 | Case description | How did the incident occur? Please keep it as short as possible. |
| 11 | Kind of violation/restriction | Please chose one or more options here:* Discrimination (e.g. lack of accessibility) by the equal treatment act
* Self-censorship (the boundaries between voluntariness and coercion can blur here)

ACTIONS BY STATE BODIES* Criminal Investigations: Investigation by the police, prosecution or the court (such as assassinations, seizures, house searches, identity findings, legal proceedings).
* convictions / diversion: convictions by a criminal court (district court or regional court) as well as diversional attitudes of a criminal procedure (extrajudicial compensation, etc.).
* Imprisonment: imprisonment on charges of criminal conviction or pre-trial detention.
* Denial of entry: Refusal of applications for visa (for example, embassy) or rejection at the border (such as at the airport or in the course of border checks).
* Refusal of a residence permit: rejection or rejection of applications for a residence permit (residence permit, establishment, etc.).
* Difficulty of entry: particular hurdles in the process of obtaining a visa.
* Difficulty of a residence permit: particular obstacles in the procedure for granting a residence permit.
* Destruction / damage to the artwork
* Administrative Criminal Investigation: Investigation by the police or by administrative authorities in administrative misconduct proceedings.
* Administrative breach: violation of administrative regulations. On the other hand, the competent administrative authority may impose administrative penalties (such as noise pollution, disturbance of public order, penalties under the Assembly Act).
* Arrests: Imprisonment for police / government action.
* Attacks by security management organs: Potentially unlawful or disproportionate acts in the exercise of administrative command and coercive force (such as excessive use of force, identity determination without a legal basis, refusal to disclose the service number).
* Restrictions on employment: Refusal to grant a business license or a work permit.
* censorship by the state
* refusal of subsidies
* Influence by state funders: linking the awarding of funds to the fulfillment of inappropriate conditions (such as interfering with the political orientation of the work of art).
* Attempt of influence by state body
* Disproportionate authority requirements: Security measures or other conditions that prevent or significantly impede the realization of the artwork.
* Other government intervention: e.g. Restrictions on freedom of assembly, prohibition / dissolution of an event, prohibition of the formation / dissolution of an association, identity determination

ACTIONS BY PRIVATE BODIES* Complaints: e.g. Damages, copyright infringement, injunctions, injunctions.
* Threat: The (also implied) perspective of an evil to which the threatening person has or claims to have influence. So also the complaint threat.
* Coercion: Who forces another by force or by dangerous threat to an action, toleration or omission.
* Insult / defamation / slander: statements directed against a person in connection with the artistic work (in the broadest sense), with which these insulted, mocked, discriminated, the commission of a crime is wrongly assumed, etc.
* Destruction / damage to the artwork
* Public call for violence or other acts: To publicly request in a way that it becomes accessible to several people to act against the artist, organizer, etc., or the artwork.
* Violation: Anyone who injures a \* n \* s on the body or injured in the health or maltreated the body and thus injured or negligently injured in the health.
* Private censorship: such as Lock in social networks.
* Refusal of subsidies
* Influence by private sponsors: Linking the allocation of funding to the fulfillment of inappropriate conditions (such as interfering with the political orientation of the work of art).
* Other (attempts of) influence/ by private actors
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| 12 | Bias Indicator | Indicate here whether there is evidence / information indicative of a bias motive or ideological source, e.g. the following:* Ableism
* Ageism
* Homo-, Inter- and/or Transphobia (Heteronormativism)
* Classism
* Misogyny
* Racism (including Antisemitism, Antigypsyism and Anti-Muslim Racism / defined by § 283 StGB)
* Sexism
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| 13 | URL / Screenshot /Documentation References | Enter a URL or a screenshot here, if one exists. Keep all the evidence well, even if it is not included in the form! |
| 14 | Reactions, Interventions and Measures | Have measures been taken against the restriction / violation?If applicable, please indicate who responded, intervened or acted, and what the interventions looked like. If interventions took place, where they successful? This section should include legal measures as well as symbolic/social interventions. |
| 15 | Possible results and consequences(from the violation/restriction) | Indicate the consequences of the violation / restriction. This can relate to consequences for the individual affected or actor as well as effects on the environment, media, an extended group / community, etc. |
| 16 | Other | This field allows you to capture any details / information that are relevant to you but have not been placed in any of the previous fields. |

\*Based on [*Framework for cultural statistic domains*](http://uis.unesco.org/sites/default/files/documents/unesco-framework-for-cultural-statistics-2009-en_0.pdf)