Forum: Youth Assembly (YA2)

**Issue:** Addressing Freedom of Expression in the Music Industry

**Student Officers:** Nikolas Langen/ Anastasis Zafeiropoulos

**Position:** Head/ Co-Head

## PERSONAL INTRODUCTION

Dear Delegates of the Youth Assembly,

My name is Anastasis Zafiropoulos, I am a 9<sup>th</sup> grade student and I am honored to be one of the Co-Heads of the Youth Assembly in the 12<sup>th</sup> Platon School MUN. The Youth Assembly plays a crucial role in this conference as it is where many young and inexperienced students are exposed to the MUN experience for the first time. I believe it is essential to provide a platform for young individuals to experience MUN and develop skills such as public speaking, critical thinking, and awareness of significant issues that affect the world.

This study guide introduces the topic "Addressing Freedom of Expression in the Music Industry". Music has always been a powerful medium for self-expression and communication, and has played a significant role in shaping cultures and societies. However, the freedom of expression in the music industry has been a contentious issue, with many cases of censorship, regulation, and controversy. This study guide aims to shed light on this issue and provide a framework for discussion and action.

The topic of freedom of expression in the music industry is not only relevant to musicians and music fans, but also to anyone who cares about human rights, social justice, and democracy. Music has the power to inspire, educate, and mobilize people across borders and identities, and thus, it has the potential to challenge oppressive systems and promote positive change. However, when governments or other powerful entities seek to censor or control the music industry, they are not just limiting artistic expression but also infringing on the basic human right to free speech.

In order to have a full and comprehensive understanding of the subject, I strongly advise you to conduct your own research before the conference. I firmly recommend that you take advantage of this opportunity to share your thoughts and express your opinions. Have fun, be inventive with your clauses, and most importantly, take part in the debate.

If you find yourself in trouble with your research or have any questions about the topic, you can find answers to your questions by reaching out to me at <a href="mailto:reaching-amailto:reachi

Yours sincerely,

**Anastasis Zafiropoulos** 



# **INTRODUCTION**

Freedom of expression is a fundamental human right, and music has long been recognized as an important form of expression. Music can be used to convey emotions, tell stories, express opinions, and comment on social and political issues. However, the freedom of expression of musicians and other artists is often subject to censorship and restriction, especially in the music industry. Governments, record labels, and other entities may try to limit what musicians can say or do, either to protect public morals, maintain political stability, or safeguard their own interests. This censorship can take many forms, such as banning songs or albums, prohibiting live performances, or pressuring musicians to self-censor. In recent years, the rise of streaming services and social media has brought new challenges and opportunities to the music industry, making it easier for artists to reach a global audience but also exposing them to new forms of regulation and control.

Addressing freedom of expression in the music industry is thus an important and timely issue. By promoting and protecting the right of musicians to express themselves freely, a more vibrant, diverse, and democratic cultural landscape can be created. However, this goal requires the navigation of complex and often conflicting interests and values, such as artistic freedom, commercial viability, public safety, and social responsibility. It also requires consideration of the perspectives and experiences of different stakeholders, such as musicians, record labels, audiences, governments, and civil society groups. In this study guide, some of the key aspects of this issue are explored, such as the historical and cultural contexts of music censorship, the legal and ethical frameworks that govern it, and the social and economic implications of different forms of censorship.

Overall, the importance of freedom of expression in the music industry cannot be overstated. It is essential for the promotion of artistic creativity, cultural diversity, and social progress. As such, it is essential that individuals and societies work to ensure that censorship in the music industry is kept to a minimum, and that artists are able to express themselves freely and without fear of retribution.

In order to achieve this goal, it is essential that individuals and communities work together to promote the importance of freedom of expression in the music industry. This can involve advocating for the protection of artistic freedom, supporting artists who have been censored or suppressed, and engaging in public discourse around the importance of freedom of expression. By doing so, the music industry can remain a vibrant and diverse space for artistic expression and cultural exchange.



#### **DEFINITION OF KEY TERMS**

#### **Artistic Expression**

Any kind of creative expression involving visual, auditory, or written elements. It allows for people to express their thoughts, ideas and emotions in a unique and meaningful way.<sup>1</sup>

## Censorship

The action or decision of preventing part or the entirety of a book, film, work of art, or in this case an instrumental piece and a song from being seen or made available to the public, as it is considered offensive or harmful due to its content, mostly due to vested political interests or values.<sup>2</sup>

#### Classism

The belief that an individual's socioeconomic class determines their value to society. Classism is largely translated in the economic oppression of the medium and lower classes to the advantage of the higher class.<sup>3</sup>

#### Discrimination

Treating an individual or a particular group of people in a worse manner than other people, possibly due to their race, gender, sexuality, etc.<sup>4</sup>

#### Elitism

The belief that some things are only attainable by a selected number of people with special qualities or abilities.<sup>5</sup>

<sup>&</sup>lt;sup>5</sup> "Elitism." Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/elitism.



<sup>&</sup>lt;sup>1</sup> Mike, et al. "Exploring What Is Artistic Expression: Types, Benefits, and Impact on Society - the Enlightened Mindset." The Enlightened Mindset - Exploring the World of Knowledge and Understanding, 12 Jan. 2023, <a href="www.lihpao.com/what-is-an-artistic/#:~:text=%EE%80%80Artistic%EE%80%81%20%EE%80%80expression%EE%80%81%20is%20a%20term%20used%20to%20describe,and%20ideas%20in%20a%20unique%20and%20meaningful%20way.">www.lihpao.com/what-is-an-artistic/#:~:text=%EE%80%80Artistic%EE%80%81%20%EE%80%80expression%EE%80%81%20is%20a%20term%20used%20to%20describe,and%20ideas%20in%20a%20unique%20and%20meaningful%20way.</a>

<sup>&</sup>lt;sup>2</sup> https://dictionary.cambridge.org/dictionary/english/censorship

<sup>&</sup>lt;sup>3</sup> "Classism." Merriam-Webster.com Dictionary, Merriam-Webster, <a href="https://www.merriam-webster.com/dictionary/classism">https://www.merriam-webster.com/dictionary/classism</a>.

<sup>&</sup>lt;sup>4</sup> "Discrimination." Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/discrimination.

#### **Ethics**

The philosophical study of morality related to individual or collective behavior or conduct. It refers to the moral principles of what may be classified as good or bad, right or wrong.<sup>6</sup>

## Freedom of Speech

"The right to express information, ideas, and opinions free of government restrictions based on content and subject only to reasonable limitations".

## Hate Speech

Speech intended to insult an individual because of their race, gender, sexuality, nationality, or even disability.<sup>8</sup>

#### **Music Industry**

In broad sense, the music industry is the hypothetical space in which businesses, independent artists and organizations can record, create, produce and distribute music.<sup>9</sup>

# **Politically Oriented**

When an artist is expressing their opinion on governmental decisions, political ideals and controversy, social constructs, like gender identity, social structures and more. 10

#### **Protest Music**

Protest music is associated with a movement for social change and hence part of the broader category of topical songs. Amongst social movements that have been associated with multiple songs are the abolition movement, prohibition, the gay rights movement etc.<sup>11</sup>

<sup>&</sup>lt;sup>11</sup> Wikipedia Contributors. "Protest Song." *Wikipedia*, Wikimedia Foundation, 1 May 2019, en.wikipedia.org/wiki/Protest song.



<sup>&</sup>lt;sup>6</sup> Singer , Peter. "Ethics." Encyclopædia Britannica, Encyclopædia Britannica, Inc., 23 Dec. 2022, www.britannica.com/topic/ethics-philosophy .

<sup>&</sup>lt;sup>7</sup> "Freedom of speech." Merriam-Webster.com Dictionary, Merriam-Webster, <a href="https://www.merriam-webster.com/dictionary/freedom%20of%20speech">https://www.merriam-webster.com/dictionary/freedom%20of%20speech</a>.

<sup>&</sup>lt;sup>8</sup> "Hate speech." Merriam-Webster.com Dictionary, Merriam-Webster, <a href="https://www.merriam-webster.com/dictionary/hate%20speech">https://www.merriam-webster.com/dictionary/hate%20speech</a>.

<sup>&</sup>lt;sup>9</sup> James, Mark. "What Is the Music Industry? Modern Definition & Brief History." Music Industry How To, 10 Jan. 2023, <a href="www.musicindustryhowto.com/what-is-the-music-industry/#What Is The Music Industry Definition">www.musicindustryhowto.com/what-is-the-music-industry/#What Is The Music Industry Definition</a>

<sup>&</sup>lt;sup>10</sup> Collins , Harper. "Fragmentation Definition and Meaning: Collins English Dictionary." Fragmentation Definition and Meaning | Collins English Dictionary, HarperCollins Publishers Ltd, 2023, <a href="https://www.collinsdictionary.com/dictionary/english/fragmentation">www.collinsdictionary.com/dictionary/english/fragmentation</a> .

# Racism

The belief that race defines one's traits or capabilities and that differences in race suggest and produce a sense of superiority for a particular race over another. 12

<sup>&</sup>lt;sup>12</sup> "Racism." Merriam-Webster.com Dictionary, Merriam-Webster, <a href="https://www.merriam-webster.com/dictionary/racism">https://www.merriam-webster.com/dictionary/racism</a>.



# **BACKGROUND INFORMATION**

# Freedom of Expression and Artistic Freedom

Freedom of expression and artistic freedom are essential components of any democratic society. The right to hold opinions and express them freely without government interference is protected under Article 16 of the Universal Declaration of Human Rights. This right includes the freedom to express oneself through various mediums, including published articles, books, television, radio, the internet, social media, and works of art. However, there are instances where governments may censor or ban certain works for reasons such as protecting national security or the rights and reputations of others.

Artistic freedom, a closely related concept, is defined by UNESCO as the freedom to imagine, create, and distribute diverse cultural expressions without censorship or political interference. This right is not only important for artists but also for citizens who have the right to access different forms of artistic expression. Legal frameworks at the universal, regional, and national levels have been established to ensure that freedom of expression and artistic expression are guaranteed and respected.

Ms. Farida Shaheed, UN special rapporteur to the Human Rights Council, highlights the provisions that protect the right to artistic freedom in her report, "The right to freedom of expression and creativity." These provisions include Article 15 of the International Covenant on Economic, Social and Cultural Rights, Article 19 of the International Covenant on Civil and Political Rights, and Article 49 of Karatas v. Turkey by the European Court of Human Rights.

However, the question of absolute freedom of expression and its implications for artistic interpretation remains. While absolute freedom would mean that artists have the space and allowance to publish any art piece without restrictions, it is a controversial issue. On one hand, some argue that artists should be able to explore their ideas and experiment with instruments and sound regardless of societal expectations. Additionally, artistic freedom is what exposes the public to new ideas and thoughts and can bring awareness to specific social issues.



On the other hand, many believe that absolute freedom disregards the moral expectations of the audience and can challenge fundamental institutions. It is essential to strike a balance between the artist's creative freedom and the audience's expectations and society's tolerance.

In conclusion, freedom of expression and artistic freedom are essential for democracy and the well-being of societies. Legal frameworks exist to protect these rights, but the issue of absolute freedom of expression and artistic interpretation remains controversial. Finding a balance between creative freedom and societal expectations is crucial in the music industry and beyond.

## Types of barriers to freedom of expression

Although freedom of expression is considered a fundamental human right, it is still denied to many individuals who face various barriers to active and meaningful participation in politics and wider society. Some of the most common obstacles include financial difficulties, social difficulties, cultural and religious restrictions, and government intervention. In many cases, governments use cultural and religious restrictions to justify their actions, perpetuating the marginalization of certain groups.

#### **Financial Difficulties**

Although freedom of expression is considered a fundamental human right, it is still denied to many individuals who face various barriers to active and meaningful participation in politics and wider society. Some of the most common obstacles include financial difficulties, social difficulties, cultural and religious restrictions, and government intervention. In many cases, governments use cultural and religious restrictions to justify their actions, perpetuating the marginalization of certain groups.

One of the significant challenges facing artists is financial difficulties. Financing plays a crucial role in producing and promoting their work, and access to funds is sometimes key to their success. For example, a recent survey conducted by the British Phonographic Industry (BPI) found a growing imbalance in the provision of music in state and independent schools. The survey, which polled 2,200 teachers, revealed that the gap is widening in schools with higher free school meal populations, which is a common indicator of poverty. The survey also found that schools in areas with poorer students provide fewer opportunities for students to participate in music classes and various music-related activities. In contrast, most independent schools and all public-funded



schools serving more affluent communities offer their students multiple opportunities to discover the world of music.<sup>13</sup>.

This survey highlights that whether an individual is living in a more economically developed country (MEDC) or a less economically developed country (LEDC), it does not necessarily guarantee the same opportunities as other children in their country. In the case of the UK, one of the most economically developed countries globally, many children still do not have the same opportunities to participate in music-related activities. Economic difficulties can also restrict people's access to necessary infrastructure, such as studios, instruments, and record companies, preventing them from even attempting to become popular and share their music with the world.

It is essential to acknowledge that financial difficulties are not the only barriers to freedom of expression in the music industry. Social difficulties, such as discrimination and marginalization based on race, gender, sexuality, and class, also play a role. For instance, certain genres of music have been historically associated with specific demographics, such as rap with black communities and country with white communities, limiting opportunities for cross-cultural collaboration and exposure. Cultural and religious restrictions can also impede artistic expression, particularly in countries where music is viewed as a form of moral corruption or goes against religious doctrines. Government intervention is another barrier, with some regimes using censorship laws and restrictions to silence opposing voices or to limit the spread of certain genres of music.

#### **Social Difficulties**

Social difficulties can present significant barriers to success for aspiring artists, particularly those from marginalized communities. Many artists are able to attend colleges and universities where they can study various subjects related to music, but these institutions are often inaccessible to those from lower socioeconomic backgrounds. This lack of access can be due to a lack of public institutions or financial ability to attend private institutions. Additionally, artists from marginalized social groups, such as the LGBTQ+ community, African-Americans, and Native singers, often face even greater challenges. Discrimination and systemic bias can limit their opportunities to perform and be recognized, despite their talent and hard work. These social barriers can have a significant impact on an artist's ability to gain a foothold in the music industry, and limit their potential to reach a wider audience.

**Cultural and Religious Restrictions** 

<sup>&</sup>lt;sup>13</sup> Department for Education. *Model Music Curriculum: Key Stages 1 to 3 Non-Statutory Guidance for the National Curriculum in England*. 2021.



Cultural and religious reasons can often constitute a barrier to freedom of expression in the music industry. These types of restrictions are frequently employed to suppress the expression of various minority groups. As stated in the 2013 Human Rights Watch world report titled "The Trouble with Tradition," "traditional values are often deployed as an excuse to undermine human rights" An example of this is the case of Ginni Mahi, a Dalit Indian singer. The caste system is still in place in India, Nepal, and Pakistan and has been labeled as culturally-based discrimination. The Dalits, also known as "untouchables," are the lower-caste who are excluded from public life and have no say in government policies.

Despite these obstacles, singer Ginni Mahi has become an inspiration for many young Indians from disadvantaged, low-caste backgrounds as she defies ancient prejudice through her "Dalit-pride" pop anthems. However, access to educational institutions that teach music is not guaranteed for everyone, particularly those in lower social classes who lack the financial means to attend. Mahi's rise to fame did not occur until the horrific violence outbreak in 2016 against the Dalits. She emerged as an icon, composing protest songs at the time to showcase the protesters' demand for a better life for their long-prosecuted community. Mahi demonstrated that although cultural and religious restrictions serve as barriers to her and her music, she was able to overcome them and proudly represent her community.

## Reasons behind the censorship of music

It is essential to note that the application of these limitations to freedom of expression must be done with caution. Governments should ensure that any restriction on freedom of expression is necessary and proportionate to the objective being pursued. Governments must provide justification for any limitations they place on freedom of expression in the music industry. It is important to balance the protection of public interest with the promotion of artistic freedom. This ensures that the rights of artists to freely express themselves are respected while also ensuring the safety and well-being of the general public.

# Obscenity

While freedom of expression includes the right to express oneself freely, there are legal limitations on the extent of obscenity that can be expressed in music. What is considered obscene is not clearly defined, but the law prohibits the distribution of music that is deemed to be obscene or offensive. Governments have the right to ban or censor music that they consider to be obscene or offensive to public morality. This is to protect the general public, especially

<sup>&</sup>lt;sup>14</sup> "World Report 2013: Rights Trends in the Trouble with Tradition." *Human Rights Watch*, 17 Jan. 2013, <a href="https://www.hrw.org/node/259925">www.hrw.org/node/259925</a>.



children, from being exposed to music that could be considered harmful or offensive. For example, the song "Darling Nikki" by Prince was criticized for its explicit sexual content and was one of the songs that prompted the creation of the Parental Advisory label.

## Hate speech

Music that promotes hatred, intolerance, or discrimination against individuals or groups based on their race, ethnicity, gender, religion, or sexual orientation is not protected under freedom of expression. Governments have the right to ban or censor music that is considered hate speech. This is to prevent music from being used as a tool to spread hateful messages and incite discrimination or violence against certain groups of people. For example, the song "Accidental Racist" by Brad Paisley and LL Cool J was criticized for its insensitive portrayal of race relations and was accused of perpetuating harmful stereotypes.

#### Incitement of violence

Music that incites violence, terrorism, or the overthrow of governments is not protected under freedom of expression. Governments can ban or censor music that incites violence or promotes terrorism. This is to protect public safety and prevent music from being used as a tool to incite violence or terrorism. An example is the song "Cop Killer" by Ice-T, which advocated for the killing of police officers, and generated a great deal of controversy when it was released in 1992.

#### Copyright infringement

Music that infringes on the copyright of others is not protected under freedom of expression. Artists must obtain the necessary licenses and permissions before using other people's work in their music. Copyright infringement is illegal and can result in legal action being taken against the artist. For example, the song "Blurred Lines" by Robin Thicke and Pharrell Williams was found to have infringed on the copyright of Marvin Gaye's song "Got to Give It Up" and the artists were ordered to pay millions of dollars in damages.

#### Public safety

Music that poses a threat to public safety or incites chaos is not protected under freedom of expression. Governments have the right to ban or censor music that poses a threat to public safety. This is to prevent music from being used as a tool to incite violence or chaos that could harm the general public. For example, the punk band Pussy Riot was arrested and imprisoned in Russia for their performances that were critical of the government and its policies, arguing it constituted a threat to public safety.



## Effects of limited freedom of expression in the music industry

#### Impact on artists

Censorship can have a significant impact on the artist and their work. Artists may feel restricted and unable to express themselves fully, leading to self-censorship or the decision to not create certain types of art. This can limit artistic freedom and may prevent artists from expressing important ideas or messages. Additionally, censorship may cause artists to face negative consequences, such as public backlash or even legal action. This can stifle their creativity and limit their ability to produce future works.

For example, in 1977, the Sex Pistols released their song "God Save the Queen" which was seen as an attack on the British monarchy and the establishment. The song's lyrics referred to the Queen as a "fascist regime" and suggested that the country was under a totalitarian government. The release of the song sparked a wave of outrage and the British government immediately banned it from being played on the radio.

The Sex Pistols' experience with censorship had a significant impact on the band and their music. The ban on "God Save the Queen" prevented the song from being played on the radio, which greatly limited its reach and potential impact. Despite this, the song became a symbol of rebellion and antiestablishment sentiment, and its popularity grew through word of mouth and underground channels. The controversy surrounding the song helped to establish the Sex Pistols as one of the most important punk rock bands of all time.

#### Impact on society

Censorship can have a profound impact on society as a whole. It may limit people's exposure to new ideas, perspectives, and ways of thinking. This can prevent individuals from being exposed to different cultures and viewpoints, which can hinder the development of tolerance and understanding. Additionally, censorship may prevent the spread of important messages or information, such as those related to social justice or human rights. This can limit the ability of individuals to fully participate in democratic processes and advocate for positive change.

For example, in the Soviet Union during the Cold War, many forms of Western music were banned due to their association with capitalist culture. This led to a thriving underground music scene, with bands and artists producing and distributing music illegally. The censorship of music in the Soviet Union was seen as a symbol of the government's control over its citizens and their freedom of expression.



### Impact on the music industry

Censorship in the music industry can have far-reaching consequences. It can limit the types of music that are produced and distributed, which can impact the industry's overall profitability. Additionally, censorship can create a culture of fear and self-censorship, where artists may avoid producing certain types of music for fear of negative consequences. This can lead to a lack of creativity and innovation in the industry, as artists may avoid taking risks or exploring new sounds and styles. Ultimately, censorship can limit the music industry's ability to provide diverse and engaging content to listeners.

For example, in the early 2000s, the Recording Industry Association of America (RIAA) launched a series of lawsuits against individuals who were found to have illegally downloaded and shared music online. The lawsuits were seen as heavy-handed and out of touch with changing technology and consumer behavior and led to a backlash against the music industry and its attempts to control distribution and profit from music.

## Impact on fans and consumers

Censorship can have a significant impact on fans and consumers of music. When certain types of music are censored or restricted, it limits the diversity of content that is available to fans. This can be particularly challenging for fans who identify with specific subcultures or niche genres of music. Additionally, censorship can limit fans' ability to engage with music as a form of social commentary or protest. This can prevent fans from feeling heard or empowered and may limit their ability to participate in the broader cultural conversation.

For example, in 2018, the Chinese government banned hip-hop culture and "tattoos, subculture, and decadent culture" from appearing on television. This had a significant impact on Chinese consumers of hip-hop music, who were forced to turn to underground channels to access their favorite artists. The ban also had a broader cultural impact, as it limited the exposure of young people to diverse cultural expressions.

# Impact on record labels and music distributors

Censorship can have a significant impact on record labels and distributors. When certain types of music are restricted or banned, it limits the types of content that can be sold or distributed. This can limit the profitability of the music industry as a whole, as well as the ability of specific record labels or distributors to sell certain types of music. Additionally, censorship can create a challenging business environment for labels and distributors, as they may face legal or reputational risks if they choose to distribute certain types of music.



For example, in the 1990s, the Recording Industry Association of America (RIAA) introduced the "Parental Advisory" label, which was designed to warn parents about explicit content in music. However, this label also had the effect of limiting distribution for some records, as some retailers refused to stock albums with the label. This put pressure on record labels to self-censor their content in order to avoid the label, which had a significant impact on the types of music that were released during this time period.

## Impact on governments and regulatory bodies

Censorship can have a significant impact on governments and regulatory bodies. In some cases, censorship may be seen as a necessary means of protecting public safety, morality, or national security. However, in other cases, censorship may be seen as an infringement on individual rights and freedoms. As a result, censorship can be a politically fraught issue, particularly in countries where free expression is a hotly debated topic. Additionally, regulatory bodies may face challenges when attempting to determine which types of music should be censored or restricted, particularly when there are disagreements within society about what is considered appropriate or offensive content.

For example, in 2017, the Malaysian government banned the song "Despacito" by Luis Fonsi and Daddy Yankee, citing its explicit lyrics and sexual content. The ban had a significant impact on the music industry in Malaysia, as the song was hugely popular and was being played in clubs and on the radio. The ban also sparked a debate about the role of the government in regulating culture, with some arguing that the ban was an example of censorship gone too far.

#### Impact on independent artists

Censorship can have a particularly significant impact on independent artists. In many cases, these artists do not have the financial resources to fight censorship or challenge the laws that restrict their freedom of expression. For example, if a particular country prohibits the distribution of music that contains certain political or religious messages, independent artists who produce such music may face significant obstacles in distributing their work within that country.

Moreover, independent artists may not have the same level of access to mainstream media as established artists. This can limit their ability to reach a wider audience and to gain recognition for their work. As a result, censorship can have a chilling effect on the artistic expression of independent artists, potentially stifling creativity and diversity in the music industry.

On the other hand, some independent artists may see censorship as an opportunity to create music that challenges the status quo and pushes



boundaries. They may use censorship as a way to gain attention and to stand out from the crowd. In this sense, censorship can be seen as a way to inspire artistic innovation and to provoke critical thinking among audiences.

An example of an independent artist being affected by censorship is the case of Erykah Badu's 2010 music video for her song "Window Seat." The video depicted Badu walking down a street in Dallas, Texas, stripping off her clothes until she was completely nude and then falling to the ground in front of the site where President John F. Kennedy was assassinated. The video was meant to be a commentary on political and social oppression, but it was met with controversy and accusations of indecency.

The video led to a criminal charge of disorderly conduct for Badu, as well as criticism from conservative groups and government officials. The Dallas police department filed the charges against Badu, claiming that her nudity violated Texas law, which prohibits exposure of private parts in public. Badu later pled guilty to a misdemeanor charge of disorderly conduct and paid a fine.

The incident highlights the challenges that independent artists face in expressing themselves freely in the face of societal norms and expectations. Independent artists often lack the financial resources and legal representation that larger, established artists have, making them more vulnerable to censorship and backlash. In the case of Erykah Badu, the controversy surrounding her music video had a significant impact on her reputation and career, and serves as an example of the challenges faced by independent artists who push the boundaries of artistic expression.

# Inherent weaknesses of the music industry and their relation to freedom of expression

What someone must take into consideration when addressing freedom of expression in the music industry is to what length the artists take advantage of this right and as such offending certain social and cultural groups.

The music industry's prioritization of money and commercial success over equity and social justice has too long been excused with arguments of freedom of expression and the importance of artistic merit. The music industry has not established any internal assessment institution that filters the music compositions that are published to the general public. Many of the songs that challenge established institutions, mention brands and companies as well as targeting certain groups are all considered successful and in style, somewhere where it is correct for a government body to decide to censor these types of compositions. The specific industry is a powerful influencer of popular and youth cultures and has a responsibility to benefit society rather than harm it with



the content of the songs published. Hate speech and hateful conduct in general can have a tremendous impact on marginalized communities and society as whole.

Music distribution platforms can have a tremendous impact on the regulation and filtering of music pieces and must be active players in building and promoting an ethical society due to the fact that these are the direct channels between the industry and the consumer. In the case of Spotify, one of the leading streaming platform, the company decided on May 10th, 2018 to announce a new updated policy, "Hate and Hateful Conduct Policy" which is something closely related with the wider idea of censorship by music distributors.

## Impact of new technologies on freedom of expression in the music industry

The impact of new technologies on the music industry has been profound and multifaceted, including its impact on freedom of expression. The rise of the internet, digital platforms, and streaming services have enabled musicians and listeners to create and access music in new ways. However, these technological changes have also presented challenges to artists, listeners, and the industry as a whole.

One major impact of new technologies has been the democratization of music creation and distribution. With the availability of digital tools and platforms, anyone with an internet connection can create and share their music with a global audience. This has provided an avenue for independent and marginalized artists to gain exposure and share their perspectives with the world. The rise of social media has also allowed musicians to communicate directly with their fans, bypassing traditional gatekeepers and power structures in the industry.

However, the proliferation of digital music has also made it more difficult for artists to earn a living from their music. The ease of access to digital music has led to a decline in physical sales and revenue, and streaming services often pay artists only a fraction of a penny per stream. This has led to concerns about the economic viability of being a musician and the ability of artists to sustain themselves financially while pursuing their creative work.

In addition, the proliferation of digital music has also presented challenges in terms of intellectual property and copyright. With the ease of sharing and copying digital music, it has become more difficult to enforce copyright laws and ensure that artists are compensated for their work. This has led to debates about the ethics and legality of music piracy and the role of streaming services in compensating artists fairly.

The rise of social media has also presented new challenges to freedom of expression in the music industry. While it has enabled artists to communicate directly with their fans, it has also created new avenues for harassment, hate speech, and censorship. Social media platforms have faced criticism for their handling of hate speech and



misinformation, and some musicians have been targeted for their political views or controversial lyrics.

However, social media has also provided a platform for marginalized artists to speak out about social issues and to build communities of support. The #MeToo movement and Black Lives Matter protests, for example, have been amplified through social media and music, and have had a significant impact on the industry and society at large.

Overall, the impact of new technologies on freedom of expression in the music industry has been complex and multifaceted. While it has enabled greater democratization of music creation and distribution, it has also presented challenges to the economic viability of being a musician, the enforcement of intellectual property rights, and the handling of hate speech and censorship. As technology continues to evolve, it will be important to continue to engage in discussions and debates about how to ensure that artists are able to express themselves freely while also being compensated fairly for their work.

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

#### **United States**

The United States of America has had one of the biggest impacts on the music industry's development. Although in the 1950s-60s the U.S. government censored songs and films because of their references to nudity, homosexuality and the American flag. Nowadays, the U.S. is included in the top 30 countries with the most freedom of expression<sup>15</sup> proving the significant improvements that governments have done to protect and promote artistic freedom. It is the country with the most music being produced and one of the highest revenues with it being 15.1 billion U.S. dollars in 2016<sup>16</sup>. Music, particularly protest music, is one of the various ways Americans have used in their exercise of their liberties. Another essential part of the U.S. legal system that protects U.S artists rights to artistic freedom is the First Amendment, which was adopted in 1791 and safeguards the rights of free expression and the development of protest music.<sup>17</sup>

<sup>&</sup>lt;sup>17</sup> First Amendment Museum "Protest Music: Songs & Free Speech Exhibit." First Amendment Museum, 10 Sept. 2021, <a href="https://firstamendmentmuseum.org/exhibits/virtual-exhibits/history-of-protest-">https://firstamendmentmuseum.org/exhibits/virtual-exhibits/history-of-protest-</a>



<sup>&</sup>lt;sup>15</sup> World Population Review. "Countries with Freedom of Speech 2020." *Worldpopulationreview.com*, 2022, worldpopulationreview.com/country-rankings/countries-with-freedom-of-speech.

<sup>&</sup>lt;sup>16</sup> McPhillips , D. (2016, February 15). Top 10 most musical countries - US news & world report. Top 10 most musical countries . Retrieved January 2, 2023, from <a href="https://www.usnews.com/news/best-countries/slideshows/top-10-most-musical-countries">https://www.usnews.com/news/best-countries/slideshows/top-10-most-musical-countries</a>

#### China

China has one of the fastest growing music markets in the world. In 2016, the country experienced a 7.8 percentage growth in the national music industry's output value, exceeding \$49 billion. Nevertheless, music and artistic restrictions still persist in China. A new set of regulations was issued by the government-affiliated China Association of Performing Arts (CAPA), releasing specific standards of conduct in February 2021, with its purpose being to restrict artistic freedom in service of the government's political agenda and control artistic narratives within the country.

The above is one of many examples that show China's persistence to present a favorable image for the government through the country's music industry. The Chinese Ministry of Culture has repeatedly created lists of banned karaoke songs that the government views "subversive, inciting hatred or harming national unity" <sup>19</sup>. In 2018, the country forbade karaoke bars from playing over 6,600 songs, the majority of which being from popular artists from Hong Kong and Taiwan. In 2021, the government again created a long list of songs ought not to be played at karaoke venues, whose managers would be expected to monitor the list and make the according changes to their song databases. They were even advised by the government to generally opt for songs that supported and promoted China's political agenda.

#### **Russian Federation**

In theory, Russia's Constitution guarantees its citizens with freedom of thought and expression, prohibiting censorship. The country is a party to numerous international treaties calling for governments to protect peoples' rights to freedom of expression and even information. Yet, since 2012, Russian authorities have intensified efforts to crackdown cases of criticism against governmental decisions or authorities in general, claiming them to be "threats to state security and public stability"<sup>20</sup>.

When it comes to the music industry, however, Russia has decided to divert their focus to other parameters that in their view call for a ban. According to the Human Rights Watch, the Russian Federation in 2019 decided to restrict artistic freedom by canceling several rap or pop music concerts and performances, mainly aiming to

<sup>&</sup>lt;sup>20</sup> "Online and All Fronts: Russia's Assault on Freedom of Expression." Human Rights Watch, 18 July 2017, https://www.hrw.org/report/2017/07/18/online-and-all-fronts/russias-assault-freedom-expression.



 $<sup>\</sup>underline{\text{music/\#:$^{:}\text{text=Music}$^{2}\text{C}$^{2}\text{Oespecially}$^{2}\text{Oprotest}$^{2}\text{Omusic}$^{2}\text{C}$^{2}\text{Ois,the}$^{2}\text{Occeation}$^{2}\text{Oof}$^{2}\text{Oprotest}$^{2}\text{Omusic}$.}$ 

<sup>&</sup>lt;sup>18</sup> China's Music Industry Grows 6.7% in 2016." China Daily, 6 Nov. 2017, europe.chinadaily.com.cn/business/2017-11/06/content\_34180333.htm.

<sup>&</sup>lt;sup>19</sup> Chen, Rosie. "China to Ban Certain Karaoke Songs That 'Harm National Unity' in Crackdown on Music." Newsweek, 9 Aug. 2021, www.newsweek.com/china-ban-certain-karaoke-songs-that-harm-national-unity-crackdown-music-1610536.

protect children from their exposal to the promotion of drugs, suicide, or even homosexuality in some cases<sup>21</sup>.

#### **Pakistan**

According to Article 19 of the Constitution of the Islamic State of Pakistan, every citizen has the right to free expression. Yet, following a ban on all Pakistani artists by India's greatest organization related to music and entertainment, Pakistani authorities prohibited broadcast of any Indian content, regarding both music and Bollywood films. The cultural war that gradually developed between the two countries gradually exacerbated, even leading to attacks in Kashmir, a disputed territory in the middle of Pakistan, India, and China.

In spite of the above conflict, there has been no other significant account of music censorship in the country, and over the past years, the Pakistan Institute of Development Economics has been holding focus group conversations with stakeholders from the cinema, dance, music, comedy, literature, and community centers in order to assess the condition of the country's creative industries.

#### Iran

There are some types of music genres that are illegal in Iran<sup>22</sup>. For example, Western music is forbidden in Iran as it is thought to be "Un-Islamic". If someone was caught listening to such music they would be fined, lashed or even imprisoned as it is thought that this type of music causes "corruption on earth". Given Iran's Islamic background, it is believed by many that some music can be harmful for the soul. Therefore, some types of lyrics, musical sounds, instruments and especially musical pieces that are composed to be accompanied by dancing are forbidden in the country. As a result, Iran's Official media made the decision to forbid the broadcasting of this type of music. In 2015, the Cultural Heritage and Tourism Organization of Tehran even announced measures to prohibit people from traveling abroad over the Newroz holiday, in order to prevent them from attending pop or rap concerts.

#### United Nations Educational, Scientific, and Cultural Organization (UNESCO)

UNESCO has consistently supported the artistic freedom movement in music. The organization believes that the term embodies the right to freedom of movement, expression and association without censorship or intimidation shown against the artist or the music label. In 2005, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions was drafted and voted upon by members of the organization, a document that aimed to protect and promote the diversity of cultural

<sup>&</sup>lt;sup>22</sup> "Banned Things in Iran - List of Illegal Things in Iran Alcohol Apps: Easygoiran." Easy GO Iran, goirantours.com/banned-things-in-iran/.



<sup>&</sup>lt;sup>21</sup> "Russia." Human Rights Watch World Report 2020, 2020, https://www.hrw.org/world-report/2020/country-chapters/russia.

expressions. Among other decisions taken in this agreement, the convention affirms that "Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication"<sup>23</sup>. While not entirely addressed at the issue at hand, it nevertheless calls for the adoption of certain measures that will aid in the protection of the right to freedom of expression in the music industry. Still, the organization recognizes that there is a severe issue regarding artistic freedom violations, reporting that the music industry in 2018 experienced 92 censorships, 36 imprisonments, 14 threats, 24 detentions, 16 prosecutions, 31 persecutions, and 2 killings overall.<sup>24</sup>

# TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1948	The Universal Declaration of Human Rights is adopted by the United Nations, which includes the right to freedom of opinion and expression.
1985	The Parents Music Resource Center (PMRC) is founded in the United States and launches a campaign to require warning labels on albums with explicit content.
1986	The PMRC hearings are held in the US Congress to discuss the content of popular music and the need for warning labels.
1996	During a debate taking place at the House of Lords it was stated that "It is imperative that we amend our laws so that they are relevant to the multireligious Britain of today", allowing everyone to listen to whatever music they like.
2001	The first 16th Sustainable Goal was first submitted, with the title being "Peace, Justice and Strong institutions", aiming to promote a peaceful and inclusive society in all its forms.
2015	Canadian rapper and poet Baba Brinkman launches a Kickstarter campaign to fund his latest album, "The Rap Guide to Climate Chaos." Kickstarter initially rejects the campaign, citing concerns over "political content," but later reverses its decision after public outcry.
2017	The United Nations Special Rapporteur on freedom of expression calls on governments around the world to protect artistic freedom and to ensure

<sup>&</sup>lt;sup>23</sup> UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Article 2, Paragraph 1

https://en.unesco.org/creativity/sites/creativity/files/artistic\_freedom\_pdf\_web.pdf.



<sup>&</sup>lt;sup>24</sup> Artistic Freedom - UNESCO.

	that musicians and other artists are not censored or persecuted for their work.
2017	The Chinese music industry sees significant growth, with year-on-year revenue increasing by 6.7% to 325 billion yuan (\$49 billion), while the government announces a crackdown on karaoke songs that are deemed "harmful to national unity."
2018	Rapper Kendrick Lamar wins the Pulitzer Prize for Music for his album "DAMN.," marking the first time a non-classical or jazz musician has won the award.
2020	The music industry participates in the "Blackout Tuesday" protest in response to the killing of George Floyd and other instances of police brutality, calling for an end to systemic racism and inequality. Many record labels and streaming services also announce new initiatives to support black artists and executives.
2020	The COVID-19 pandemic forces the cancellation or postponement of numerous music events and festivals around the world, highlighting the economic and social impact of the music industry. At the same time, artists such as Taylor Swift, BTS, and Ariana Grande use their platforms to raise awareness of social and political issues, including police brutality and voter suppression.

# PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

## Parents Music Resource Center (PMRC)

The Parental Advisory label, frequently used on music products, is used to warn parents that an in-coming song that they are about to listen to contains explicit content and inappropriate language for children. The Parents Music Resource Center (PMRC) is an organization, founded in the 1980s, by women with children with connections to Washington.

They had initially come up with this group due to the song "Like a Virgin" by Madonna, because of its sexually suggestive lyrics, released in 1984. However, after some time, it became clear there were plenty of other cases where such a label would be applicable. Therefore, their efforts resulted in a US Senate hearing in 1985, finally introducing the label in the 1990s with standard black and white colors saying "Parental Advisory: Explicit Lyrics", aimed at warning parents about a song containing lyrics not suitable for children.<sup>25</sup>

<sup>&</sup>lt;sup>25</sup> Bradley, Candice. "Parental Advisory Meaning." Dictionary.com, Dictionary.com, 19 Jan. 2021, <a href="https://www.dictionary.com/e/pop-culture/parental-advisory/">www.dictionary.com/e/pop-culture/parental-advisory/</a>.



In 1996, it was understood that music videos are also part of a song and could present explicit content that is not suitable for children, and the "Explicit Lyrics" label was subsequently changed to "Explicit Content". In 2011, the British Phonographic Industry (BPI) adopted the label and the same year the sticker was applied to digital-music platforms (Spotify, ITunes, etc.). Finally, the label was added in CD cases and on digital-music in the bottom right or bottom left of an album or a single.

This way, parents were able to control the lyrics or content their children would hear or see when listening to a song without necessarily limiting their access to it. In spite of the rationality behind the decision, critics characterized the Parental Advisory label as a pro-government censorship organization and also blamed it for some of the low album sales experienced during that time due to the limited outreach the songs had on the younger populations.



Image 1: "Parental Advisory: Explicit Content" label<sup>26</sup>

## The UN Sustainable Development Goals

The aim of the Sustainable Development Goals (SDGs) is, by 2030, to transfer the world to a better place with the 17 goals they want to achieve. The goals are several and different, each aiming to protect the planet. However, this topic is mainly related on the 16th goal which is "Peace, Justice and Strong Institution" Goal 16 aims the

<sup>&</sup>lt;sup>27</sup> Nations , The United. "Peace, Justice and Strong Institutions - United Nations Sustainable Development." United Nations, United Nations, 1 Jan. 2016, www.un.org/sustainabledevelopment/peace-justice/.



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<sup>&</sup>lt;sup>26</sup> Cole, Tom. "You Ask, WE ANSWER: 'Parental Advisory' Labels - the Criteria and the History." NPR, NPR, 29 Oct. 2010, <a href="https://www.npr.org/sections/therecord/2010/10/29/130905176/you-ask-we-answer-parental-advisory---why-when-how">www.npr.org/sections/therecord/2010/10/29/130905176/you-ask-we-answer-parental-advisory---why-when-how</a>.

promotion of peaceful and inclusive societies, ensuring access to justice for all people. Speaking more specifically, as each goal includes several targets, target 16.10 is applicable for the specific topic, aiming to "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements" 28. In a few words, what this target is stating is that all information should be accessed by all people, in this case specifically artists, and people should express themselves in whichever way they want, as these are fundamental rights, according to laws that agree with national legislations and international agreements.

SUSTAINABLE DEVELOPMENT



Image 2: 17 sustainable development goals

<sup>&</sup>lt;sup>28</sup> Nations , The United. "Peace, Justice and Strong Institutions - United Nations Sustainable Development." United Nations, United Nations, 1 Jan. 2016, <a href="https://www.un.org/sustainabledevelopment/peace-justice/">www.un.org/sustainabledevelopment/peace-justice/</a>.



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# French Legislation Amendment

In addition to international efforts, individual countries have taken various measures to address the issue of artistic freedom in the music industry. A notable example is France, where officials amended the country's legislation in July 2016 to extend the legal protection of artistic freedom and heritage. This marked the first time that expressions of art were recognized as public goods by a governmental entity, thus acknowledging the fundamental right to artistic expression.

The new law specifically aimed to promote artistic creation and ensure the freedom of artists to produce their work without fear of censorship. Additionally, it guaranteed that the public would have unrestricted access to all forms of artistic expression in the music industry. This was a significant step towards establishing a more supportive environment for artists, encouraging the exploration of new forms of artistic expression and creativity.

Overall, the French government's efforts to promote artistic freedom in the music industry have helped to foster a more inclusive and diverse cultural landscape, empowering artists to express themselves freely while ensuring that their work is available for public consumption.



## POSSIBLE SOLUTIONS

# Use of technology and decentralization

In today's world, technology has advanced to the point where artists can take advantage of it to bypass traditional distribution channels and release their music directly to their listeners. This can be a valuable solution for artists who may face censorship or other restrictions on their artistic expression. By using online platforms, artists can upload their music without being subject to regulations or standards that might otherwise limit their creative output. This can also help to level the playing field for independent artists who may not have access to the same distribution channels as established artists.

Moreover, the use of technology and decentralization can also increase the accessibility of music to audiences. In traditional distribution channels, gatekeepers such as record labels and radio stations often determine what gets played and what doesn't. With the rise of streaming platforms and other online channels, listeners have more options and can discover new artists that they may not have otherwise had the chance to hear. This can help to promote a diverse range of musical expression and give a voice to underrepresented communities.

# Legal advocacy

Another potential solution for addressing freedom of expression in the music industry is legal advocacy for artists. This could involve lobbying for changes in laws that limit artistic freedom or supporting artists in legal battles over censorship or other forms of artistic suppression. Organizations such as the American Civil Liberties Union (ACLU) and the Electronic Frontier Foundation (EFF) have been instrumental in advocating for free speech and protecting the rights of artists and other creators.

Legal advocacy can also help to create a legal framework that supports artistic expression. For example, in the United States, the First Amendment of the Constitution protects freedom of speech, including artistic expression. In other countries, there may be similar legal protections or opportunities to advocate for changes to existing laws. By working with legal experts and advocacy groups, artists can help to create a legal environment that supports their creative work and protects their rights.

## Clear guidelines on what is acceptable

While some argue for absolute freedom of expression, others believe that there should be some limits on what is acceptable in the music industry. To address this, clear guidelines can be established regarding the content and context of music. These guidelines can help to create a framework that supports artistic expression while also addressing concerns around potentially harmful messages.



For example, guidelines could be developed to prohibit hate speech, incitement to violence, or other forms of harmful content. In addition, guidelines could address the context in which music is presented, such as the appropriate age range for certain content or the types of settings where explicit content is allowed. By establishing clear guidelines, artists can be confident in their ability to express themselves while also being accountable for the impact of their work.

#### Education

Education for audiences can also be a valuable solution for addressing freedom of expression in the music industry. This can involve working with schools and other community organizations to teach people about the potential impact of different kinds of content and how to identify and avoid harmful messages. By providing education about the impact of music and other forms of media, audiences can make more informed choices about what they consume and how it affects them.

Education can also help to promote critical thinking skills, which are essential for evaluating media content. By teaching people to analyze and evaluate music and other media, they can better understand the messages that are being communicated and the potential impact of those messages. This can help to create a more informed and engaged audience that is better equipped to engage with artistic expression in a responsible and productive way.

## Support for independent artists

Support for independent artists is another potential solution for addressing freedom of expression in the music industry. Independent artists may face unique challenges in terms of distribution, exposure, and funding. By providing support for independent artists, they can be empowered to express themselves more freely and reach a wider audience.

Support can come in many forms, including funding opportunities, mentorship, and exposure through media channels. By providing funding opportunities, artists can have more creative control over their work and be less dependent on external funding sources. Mentorship can also be valuable for independent artists, providing them with guidance and support as they navigate the industry. Exposure through media channels can help to promote independent artists and give them a platform to share their work with a wider audience.

In addition, organizations and events can be created to support independent artists. For example, music festivals and showcases can provide a platform for independent artists to perform and gain exposure. Organizations such as the National Independent Venue Association (NIVA) and Music Venue Trust (MVT) have been instrumental in supporting independent venues and artists, particularly during the COVID-19 pandemic.



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