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Project «Development of Recommendations for a Legislative Initiative to Determine the Status of the Artist»



Research, Recommendations and Draft Law on the Status of the Artist

Tbilisi

2024

Valerian Gunia Union of Young Theatre Artists (YTA Union)

Project

**Development of Recommendations for a Legislative Initiative
to Determine the Status of the Artist**

**Research, Recommendations
and
Draft Law on the Status
of the Artist**

Tbilisi, 2024

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1980 Recommendation Concerning the Status of the Artist: What Does It Mean?

‘Artist’ is taken to mean any person who creates or gives creative expression to, or recreates works of art, who consider their artistic creation to be an essential part of their 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 they are bound by any relations of employment or association.

‘Status’ signifies, on the one hand, the regard accorded to artists, defined as above, in a society, on the basis of the importance attributed to the part they are called upon to play therein and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, with particular reference to income and social security, which artists should enjoy.

Research Objectives

The research aims to address the challenges faced by artists, prepare and propose a suitable legislative package tailored to their needs and opportunities, and present it to the Parliament of Georgia for consideration.

The project is based on the 1980 UNESCO Recommendation to protect the status of artists, specifically the MONDIACULT 2022 Declaration from the UNESCO World Conference on Cultural Policies and Sustainable Development (Mexico, 2022), and the 5th Global Consultation on the implementation of the 1980 Recommendation, conducted from July 2022 to January 2023.

The 5th Global Recommendation includes eight points:

1. Legal and regulatory framework
2. Fair remuneration and access to finance
3. Social and economic rights
4. Digital environment
5. Preferential treatment
6. Creative freedom
7. Equality, inclusion, and diversity
8. Responses to the challenges of COVID-19

Accordingly, the objective of this research and recommendations for a basic framework law to protect various rights of artists in Georgia is:

- a) Monitoring challenges, barriers, frameworks, and prejudices related to creative self-expression, and the perspectives around this idea;
- b) Collecting opinions from relevant target groups to determine the relevance of enacting the "Law on the Status of the Artist";
- c) Defining terms for the relevant law;
- d) Determining the nature and authority of the institution responsible for granting the "status of the artist" and specifically the "status of the freelance artist";
- e) Developing criteria, regulations, and appropriate forms of benefits for granting the status;
- f) Developing a taxation and benefits model for the "status of the artist" and "status of the freelance artist" acceptable to Georgia, based on various advanced international tax systems.

Methodology

The research methodology included the analysis of Georgian and international documents, focus groups, interviews, as well as workshops and brainstorming sessions. The research process involved oral communication with representatives of state agencies, as well as the collection and processing of information and statistical data from sectoral non-governmental organizations. The methodology indicated by the donor was used in the following documents:

- UNESCO, Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005
- UNESCO, Recommendation concerning the Status of the Artist, 1980
- UNESCO, Empowering Creativity: Implementing the UNESCO 1980 Recommendation concerning the Status of the Artist – 5th Global Consultation, 2023
- UNESCO, UNESCO’s 1980 Recommendation concerning THE STATUS OF THE ARTIST: Promoting the Professional, Social and Economic Rights of Artists, 2022
- UNESCO, Methodological Guide for the Participatory Development of a Law on the Status of the Artist, 2023
- EU WORK PLAN FOR CULTURE 2019–2022: The Status and Working Conditions of Artists and Cultural and Creative Professionals. Report of the OMC (Open Method of Coordination) Working Group of Member States’ Experts, 2023

Document Analysis

This document includes research findings, a description of the situation, and recommendations

In reviewing the international context, we used UNESCO-ratified conventions, various declarations, treaties, reports from the Council of Europe and the European Commission, as well as research conducted by UNESCO international experts. The project's analytical team also conducted an analysis of international legal instruments implemented by Georgia in the cultural field:

- European Cultural Convention, 19 December 1954 (adoption 25.04.1997)
- Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972); UNESCO (adoption 04.02.1993)
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 26 October 1961) (adoption 14/08/2004)
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions; (Paris, 20 October 2005); UNESCO (adoption 01.10.2008)
- The Council of Europe Convention on Cinematographic Co-Production (updated) Rotterdam January 30, 2017. (adoption 01.07.2019)
- Bern Convention for the Protection of Literary and Artistic Works WIPO, 1986; Revised by the 1971 Paris Act (adoption 16/05/1995)
- The World Intellectual Property Organization (WIPO) Copyright Treaty of December 20, 1996 (WCT WIPO, 1996); (adoption 23/05/2001)
- Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (1971). WIPO (adoption 20.05.2002)
- The WIPO Performances and Phonograms Treaty of December 20, 1996 (WPPT); (adoption 23.05.2001)
- The Brussels Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement); TRIPS, WTO, 1995; (adoption 14.06.2000)
- Patent Cooperation Treaty (PCT), as modified in Washington in 2001 (adoption 14.06.1993)

To study the local context, a deep comparative analysis of Georgian legislation was conducted in the following areas:

- Analysis of internal legislation: regulation framework, its study, by-laws, and legislative acts.

General Legislation:

1. Constitution
2. Allocation of public funds
3. Social security frameworks
4. Tax laws
5. Labor laws
6. Copyright provisions:
 - Law on Copyright and Related Rights
 - Law on Limiting Measures in Connection with Intellectual Property
7. Data protection laws
8. Other areas of general legislation: Social Assistance Law of Georgia, Law of Georgia on Healthcare, etc.

Legislation on Culture:

1. General legislation on culture:
 - Law on Culture (1997)
2. Legislation on cultural heritage:
 - Law on Library Management (11/06/1996)
 - Law on Museums (22 June 2001)
 - Law on Import-export of Cultural Objects (22 June 2001)
 - Law on Cultural Heritage (2007)
 - Law on National Archive Fund and National Archive
3. Legislation on performance and celebration:
 - Law on Professional Theatres (2013)
4. Legislation on books and press:
 - Law on Entrepreneurs (02/08/2021 875-Vrs-Xmp)
 - Law of Georgia on Control of Entrepreneurial Activity (29/12/2006)
5. Legislation on audio-visual and interactive media:
 - Law on State Support for National Cinematography (5 December 2000)
 - Law of Georgia on Broadcasting (23 December)
 - Law of Georgia on Freedom of Speech and Expression (24/06/2004 / # 220)
 - Law on Electronic Communications (2005) (amendment – 20.11.2013 # 1591)
 - Law on Protection of Minors from Detrimental Effect

6. Legislation on design:

- Law of Design (04.05.2010 /3030-Is/)

Reports from local experts and research organizations in various fields were studied and compared.

- **The identification of thematic legislative acts that may become subject to legislative changes included:**

- Tax Code
- Labor Code
- Law on Pensions of Georgia

- **Analysis of International Context and Best Practices:**

(For the legal analytical part, see the annex)

To develop recommendations, the project studied and compared the results of the monitoring document on the implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2018) by the Government of Georgia.

During the first and second phases of the project, desk and field research were conducted. The following activities were carried out:

Questionnaire & Interview

Development of questionnaires in several stages:

Guided by the 5th Global Consultation on the Implementation of the 1980 Recommendation and the Methodological Guide for the Participatory Development of a Law on the Status of the Artist, the questionnaire includes the following topics:

- Creative self-expression freedom
- Economic rights and employment status
- Professional associations, employer organizations, and trade unions
- Social security
- Labor safety
- Skills and lifelong learning
- Taxes
- Internal and external international mobility
- Digital technology
- Defining the status of the artist

Interviews

For surveys and interviews, specialists from the fields of visual arts, theater, museums, music, literature, film industry, art studies, crafts, and higher art education were selected.

In-depth interviews and online surveys were conducted, totaling 60 respondents.

Focus Groups

The project included 8 focus groups as planned:

- Identifying Target Groups / Potential Participants

Both heads of organizations and employees, as well as freelancers, were selected as potential participants for focus groups. Preliminary negotiations were conducted with interviewees, and interviews were planned following their consent.

Focus Groups Conducted by Sector:

1. Theater Arts
2. Visual Arts
3. Audiovisual Arts
4. Advertising and Media Arts
5. Art Business
6. Contemporary Art
7. Library and Museum Affairs
8. Film Industry

Participants included young people (students, postgraduates, freelancers, small business representatives), middle-aged professionals (35-60) from various organizations (public, non-governmental, private), and older participants (60+) including retirees and freelancers.

Data Collection

- **Data Collection Activities:**
 - Requesting materials from partner organizations
 - Gathering information from creative unions through negotiations with partner organizations such as theatrical societies, artists' unions, and museum associations.

- **Analysis and Classification of Data:**

Data provided by partner non-governmental organizations were analyzed, leading to the following findings:

- The Union of Artists of Georgia unites 2700 members, of which only 185 are under 45 years old, and only 63 are under 35.
- The Theatrical Society unites 900 professionals, a small part of the total number of professionals employed in theaters.
- The number of officially contracted employees in state and municipal theaters reaches 4500, with only 132 under 35 years old.
- Museums and museum-reserves employed 2960 people in 2022, with 934 men and 2026 women, and 17 men and 47 women under 25. Data for 2023 are not available, but it is suspected that employment numbers have decreased significantly.
- The Visual Effects and Computer Graphics Development Association "CG Georgia" has 22000 members.
- The film industry employs at least 2000 people.
- The crafts sector includes 2000 members.
- The Composers' Union lacks real statistics on musicians, making the number of active professionals in the music field unknown.
- There are no statistics for freelancers in acting, dance, and performance arts, as well as literature.

Due to the unstable political situation in Georgia, planned collaboration between the Ministry's subordinate LEPL "Georgian National Film Center" and the project team could not take place. Individual research was conducted in the film industry, revealing:

- The estimated total number of representatives in the film industry is 1500-2000, with around 500 boycotting the Georgian National Film Center.
- The film professionals' union has 80 members.
- The old (Soviet-era) film union has 300 members.
- DOCA (Documentary Organization of Cinema Artists) has 60 members.

Consultations and Analytical Work

Six working meetings, three consultation meetings, and eight brainstorming sessions were held as planned.

Activities included:

- Studying and comparing the monitoring of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions with the current situation, reflected in the chapter "Current Situation."
- Developing definitions for terms used in the draft law.
- Preparing the draft law, explanatory notes, and other relevant materials needed for the legislative changes.
- Developing the first draft of the law based on Romanian experience.
- Modifying the existing "small business" tax regime model to introduce a new preferential tax model for artists.
- Conducting consultations with various state and non-state stakeholders, including the Finance and Budget Committee of the Parliament, the Culture Committee, heads and representatives of state theaters, and representatives of art institutions and other organizations.

Official Correspondence and Feedback

The draft law and official letters were sent to:

- The Parliament of Georgia
- At least 10 different organizations, including creative unions and NGOs.
- Relevant actors in higher art education and professional and creative unions for feedback.

Legal Research and Comparative Analysis

The 1980 UNESCO Recommendation concerning the Status of the Artist represents a crucial international effort to support artists' social, economic, and professional rights. Recognizing artists as essential contributors to cultural diversity and social identity, UNESCO urged its member states to improve the conditions under which artists work. The recommendation encourages policies that address artists' unique needs, such as fair remuneration, social security, and freedom of expression. By advocating for legal frameworks to define and protect artists' rights, it supports artists' sustainability in a sector marked by high informality and vulnerability.

Having a specific law on the status of the artist is vital because it legally formalizes these rights and protections, ensuring artists' contributions are acknowledged within national labor and social welfare systems. This legal recognition is particularly important in addressing precarious working conditions, which were exacerbated by events like the COVID-19 pandemic. Moreover, with the rise of digital transformation, artists face new challenges in intellectual property protection, making comprehensive laws even more crucial to uphold artists' rights in changing contexts.

Analysis of the Georgian Legislation

LAW OF GEORGIA ON CULTURE – 12/06/1997¹

The "Law on Culture" of Georgia is a comprehensive legislative framework focused on preserving, promoting, and developing Georgian cultural heritage while fostering accessibility and participation for all citizens. Rooted in the Georgian Constitution, the law prioritizes cultural values as a critical component of national identity and societal development, emphasizing the importance of both individual self-expression and collective heritage preservation.

Key Provisions

State Role and Responsibilities: The law mandates active state involvement in cultural affairs, including financial and logistical support across cultural sectors. State authorities are obligated to create policies, fund cultural projects, and facilitate access to cultural resources such as libraries, museums, and archives. In times of economic change, state budget allocations for culture are to be adjusted to ensure sustainable support.

Citizen Rights and Responsibilities: Every Georgian citizen has the right to participate in cultural life without discrimination based on ethnicity, religion, or other characteristics. Cultural participation includes access to cultural venues, artistic expression, and the right to protect one's cultural individuality. Citizens are also entrusted with the duty to preserve and respect cultural heritage, reflecting a shared commitment to the nation's history and values.

¹ <https://www.matsne.gov.ge/ka/document/view/31402?publication=14>

Protection of Cultural Heritage: The law defines cultural heritage broadly, encompassing both tangible (monuments, artifacts, historical sites) and intangible (traditions, language, folklore) elements. State and municipal authorities are tasked with identifying, protecting, and restoring cultural sites and objects. Cultural properties of national importance, particularly those under state ownership, are shielded from privatization, with stringent guidelines for managing privately owned cultural assets.

Independence of Cultural and Creative Activity: Artists and creative workers are granted protections against state interference, censorship, and monopolization of cultural content. While creative freedom is upheld, there are provisions to limit works that might incite violence, discrimination, or violate others' rights. Creative workers' rights take precedence over those of other cultural stakeholders, acknowledging their unique role in preserving and advancing culture.

Economic and Logistical Support: Financial support for cultural initiatives is integrated into the state budget, with additional incentives for private sponsorship and philanthropy through tax benefits. The law encourages public-private partnerships, albeit with a need for transparency and independence in cultural content. Essential materials, tools, and spaces for cultural activities are to be provided by the state to ensure that artists and cultural institutions have the resources necessary to thrive.

International Cultural Relations and Heritage Repatriation: The law promotes Georgia's integration into the global cultural community through exchange programs, partnerships, and international collaborations. It also commits to the repatriation of Georgian cultural artifacts located abroad, recognizing these items as integral parts of national heritage. Cooperation with the Georgian diaspora is encouraged to strengthen cultural ties and support Georgian cultural centers internationally.

Municipal Authority and Regional Development: Local governments are responsible for implementing state cultural policies within their regions, funding cultural programs, and safeguarding local heritage sites. They have the authority to establish and manage cultural institutions and oversee the maintenance of public cultural properties, including the placement of public artworks.

Minority and Marginalized Cultures: While the law underscores "national and common values," specific protections for minority and indigenous cultures within Georgia are underdeveloped. Expanding on this aspect could ensure equitable support for diverse cultural expressions and uphold Georgia's multicultural identity.

From a legal perspective, the "Law on Culture" of Georgia presents a well-structured framework for cultural preservation, promotion, and accessibility. However, several areas could be enhanced to better serve its objectives and address potential legal and practical challenges:

1. Ambiguity in Rights and Prioritization

- **Unclear Priority of Rights:** The law assigns priority to the rights of "creative workers" over other subjects of cultural activity, including the state. This prioritization may seem beneficial for artistic freedom, but without clear definitions and boundaries, it can lead to conflicts between creative freedom and other legitimate interests, such as public order or community values. A clearer hierarchy or specific criteria for resolving conflicts between rights would strengthen the law.

- **Scope of Cultural Rights:** While the law declares the right to cultural participation as "inalienable," it does not sufficiently define what constitutes participation. The lack of a clear definition could hinder the protection and enforcement of this right. Further clarification on what participation entails (e.g., access to facilities, engagement in decision-making) would make the provision more enforceable.

2. Inadequate Protections Against State Interference

- **Vague Provisions on Censorship:** Although the law prohibits censorship and interference in creative activities, it provides exceptions for cases involving potential harm to "the rights and legal interests of others," among other concerns. However, these exceptions are broadly defined, potentially allowing state overreach in regulating artistic expression. More narrowly tailored language is necessary to protect artistic freedom while ensuring public safety and order.
- **Weak Mechanisms for Judicial Oversight:** The law lacks detailed mechanisms for judicial or independent oversight when censorship or restrictions are applied. Establishing a clear, independent appeals process for artists whose work is subject to state intervention would safeguard against arbitrary decisions.

3. Limited Provisions for Enforcement and Accountability

- **Vagueness in Accountability Measures:** The law outlines duties for both state and municipal bodies but does not specify enforceable accountability measures if they fail to meet these obligations. For instance, if municipal authorities do not allocate sufficient funding or resources for cultural preservation, there is no clear legal recourse for citizens or organizations. Introducing specific penalties or remedial actions would strengthen compliance.
- **Inconsistent Penalties:** The final section on liability is cursory, stating only that violations will be handled according to Georgian legislation. This approach may create inconsistency in enforcement and consequences, as different cases might be treated variably under broader Georgian law. A more defined penalty framework within the law itself would support uniformity and fairness.

4. Insufficient Financial Guarantees

- **Limited Financial Commitments:** While the law mandates state financial support for cultural activities, it does not guarantee specific funding levels or define how resources should be allocated among cultural sectors. This lack of specificity can lead to inadequate or inconsistent funding, especially in times of budget constraints. Binding financial commitments or a minimum percentage of the budget dedicated to culture would ensure more reliable support.

5. Gaps in Protections for Non-State and Indigenous Cultural Forms

- **Insufficient Protections for Marginalized Cultural Expressions:** The law broadly covers cultural heritage but does not specifically address protections for minority or indigenous cultural expressions. While it upholds "national and common values," it lacks language that explicitly protects diverse and marginalized cultures within Georgia. This

oversight could result in unequal support and preservation efforts, undermining the cultural rights of minorities.

- **Limited Recognition of Emerging Cultural Forms:** As cultural expressions evolve, especially with technology, new forms of culture (e.g., digital arts, virtual heritage) may not fit neatly into traditional categories outlined in the law. Broadening the scope to recognize emerging cultural forms and their specific needs for preservation would keep the law relevant and forward-looking.

6. Insufficient Clarity in Municipal and State Role Division

- **Overlapping Responsibilities:** The division of responsibilities between state and municipal bodies is at times ambiguous, particularly regarding the preservation and funding of cultural sites. For example, both state and municipal bodies are tasked with maintaining cultural institutions, but the law does not specify which entity has ultimate responsibility, leading to potential jurisdictional disputes. Clarifying these roles or establishing a coordinating body would improve efficiency.
- **Unclear Regional Cultural Development Strategies:** The law encourages regional cultural development but does not provide a robust framework for addressing the diverse needs of Georgia's regions. More concrete guidelines on how to implement regional development programs and allocate resources proportionally would better support cultural development across all areas.

7. Limited International Protection and Repatriation Provisions

- **Lack of Detailed Repatriation Protocols:** While the law recognizes the importance of recovering Georgian cultural artifacts located abroad, it lacks specific mechanisms for achieving repatriation. Setting up structured agreements or a dedicated state body to oversee international negotiations would bolster efforts to retrieve lost cultural heritage.
- **Vague Guidelines for Cultural Exchange:** The law broadly encourages international cultural exchange, yet it provides minimal detail on protocols for such exchanges, such as safeguards against the permanent loss of national treasures. Clearer terms and protective measures would ensure that cultural exchanges are conducted responsibly.

8. Inflexibility Regarding Privatization of Cultural Properties

- **Restrictive Stance on Privatization:** The law heavily restricts the privatization of cultural properties, which can be beneficial for preservation but may limit potential funding sources for maintenance and upkeep. A more flexible approach, allowing conditional privatization with protective measures, could attract investment while ensuring conservation.
- **Lack of Public-Private Partnership Models:** The law does not fully explore public-private partnerships, which could enable better preservation and utilization of cultural assets. Introducing guidelines on partnership structures would allow for innovative approaches to funding and managing cultural heritage without compromising state control.

TAX CODE OF GEORGIA – 17/09/2010²

The tax code includes several provisions impacting the arts, creative industries, and cultural sectors in Georgia, specifically through targeted tax exemptions and relief measures. Here is a more detailed analysis of these provisions:

1. **Special VAT Scheme for Art, Antiques, and Collectibles:** Under Article 1612, a unique VAT scheme applies to the supply of second-hand goods, art pieces, collectibles, and antiques. This scheme calculates VAT based on the "profit margin" rather than the full sale price, meaning VAT applies only to the difference between the purchase and sale price of these items. This method offers relief to dealers by reducing the overall VAT burden on sales, though it restricts VAT deductions for items taxed under this scheme.
2. **VAT Exemption for Cultural, Educational, and Social Services:** The tax code under Article 170 includes VAT exemptions for services associated with culture, education, and social services, aligning with Georgia's objectives to support and enhance these sectors. This exemption supports entities providing cultural services, which could range from museum exhibitions to performances, fostering greater accessibility to cultural experiences by lowering operational costs for providers.
3. **Tax Incentives for Large-Scale Events of Cultural Importance:** Specific VAT exemptions are outlined for high-profile cultural and sports events, as demonstrated in provisions supporting events like the UEFA championship. These provisions typically cover VAT exemptions on goods and services directly connected to the event's organization, including imports. Such exemptions aim to boost Georgia's reputation as a destination for large-scale events, thus indirectly promoting cultural exchange and economic activity through cultural tourism.
4. **Property Tax Exemptions for Heritage and Cultural Properties:** Property used in activities under specific economic classifications, which may include cultural heritage properties, can qualify for property tax exemptions. This incentive supports preservation efforts by alleviating the financial burden associated with maintaining culturally significant properties. The exemptions apply to properties engaged in activities that contribute to the socio-economic and cultural development of various regions.
5. **Incentives for Cultural Preservation in High-Mountain Areas:** In an effort to support socio-economic and cultural development in high-mountain regions, Article 91 provides property tax privileges to specific residents. These provisions are designed to encourage the preservation of cultural heritage and promote local industries, thereby strengthening Georgia's cultural identity in these unique geographic areas.
6. **Fixed Income Tax Rates for Specific Activities:** Article 24 introduces a fixed income tax rate for individuals engaging in short-term rentals of living spaces, such as accommodations for cultural tourism. By providing a simplified tax regime, this measure supports local hosts who contribute to the hospitality sector, which often overlaps with cultural tourism. This helps streamline tax liabilities for small-scale operators, promoting tourism-driven economic growth.

² <https://matsne.gov.ge/ka/document/view/1043717>

7. **Exemption of VAT with Deduction Rights for Non-Profit Cultural Organizations:** Article 172 permits VAT exemption with the right of deduction for non-profit cultural organizations involved in VAT-exempt transactions. This measure is particularly advantageous for cultural entities, allowing them to manage costs more effectively while ensuring they can still benefit from VAT deductions on their expenses.

LAW OF GEORGIA ON SOCIAL ASSISTANCE – 29/12/2006³

The "Law of Georgia on Social Assistance" defines a structured system of social support, targeting vulnerable groups like homeless individuals, deprived families, orphans, persons with disabilities, and other marginalized populations. Here's a detailed overview:

Purpose and Structure

The law aims to provide fair, targeted, and effective assistance through a state-regulated system, administered primarily by the Ministry of Labour, Health, and Social Affairs of Georgia. It establishes a legal framework for distributing both monetary and non-monetary social benefits to individuals and families in need.

Key Provisions and Definitions

- **Beneficiaries and Types of Assistance:** It outlines specific categories of beneficiaries eligible for assistance, such as foster families, reintegrated children, and individuals without family support. Types of social assistance include:

Living Allowance: Financial aid for families identified as socially disadvantaged through a government evaluation system.

Reintegration Allowance: Funds to support families or guardians who reintegrate individuals from institutions back into family care.

Foster Care Allowance: Financial support for foster families to ensure the welfare of children in their care.

Non-Monetary Assistance: Includes services designed to prevent homelessness or institutionalization, promoting family-based care wherever possible.

- **Social Services and Specialized Institutions:** The law designates specialized institutions to provide social services around the clock for individuals who cannot be adequately supported in a family setting. These institutions are state-supported and may include facilities providing care for homeless persons and vulnerable children.

Administrative Roles and Responsibilities

- **Ministry of Labour, Health, and Social Affairs:** Oversees the social assistance system, monitors program effectiveness, and establishes regulatory standards, particularly for child welfare and foster care.
- **Local Self-Government Bodies:** Involved in the evaluation process, managing homeless shelters, and maintaining registries of homeless persons.

³ <https://matsne.gov.ge/ka/document/view/23098?publication=16>

- **Agency Responsibilities:** The designated agency administers databases on disadvantaged families and monitors the allocation of social benefits to prevent fraud and ensure resources reach the intended recipients.

Appeals and Compliance

The law includes a process for appealing decisions related to social assistance allocations, though the methodology for evaluating socio-economic status is not open to appeal, indicating a rigid framework.

Funding and Transitional Provisions

Funding primarily comes from the state budget, with additional sources from regional and local budgets, donations, and, in some cases, contributions from beneficiaries. Transitional provisions guide the integration of social services with educational institutions for children without parental care and set timelines for implementation and adjustment.

Indications Toward Cultural Workers or Artists

The document does not explicitly mention cultural workers or artists as a category eligible for social assistance. The law's focus is on individuals with socioeconomic disadvantages, such as homeless persons, deprived families, orphans, children without parental care, and persons with disabilities. Cultural workers or artists would only qualify if they fall under any of these social vulnerability categories.

LAW OF GEORGIA ON COPYRIGHT AND RELATED RIGHTS – 22/06/1999⁴

Artist Provisions

The law provides a robust framework for protecting the rights of creators, including artists, authors, and performers. It categorizes rights into **property rights** (allowing economic benefit) and **personal non-property rights** (safeguarding moral interests), covering various forms of creative expression and cultural contribution. Here are key highlights:

Scope and Applicability: The law applies to scientific, literary, and artistic works created by citizens and residents of Georgia or those first published within Georgian territory. This includes traditional art forms like paintings and sculptures, as well as newer forms such as computer programs and databases.

Exclusive Rights for Artists:

Reproduction Rights: Artists have the exclusive right to reproduce their work in any format. This means no one can legally copy or distribute copies of an artist's work without permission (Article 18).

Distribution and Display Rights: Artists control the distribution and public display of their work, ensuring they benefit economically from any public showcasing.

⁴ <https://matsne.gov.ge/ka/document/view/16198?publication=15>

Adaptation Rights: Artists hold the right to adapt their work or grant permission for others to do so, covering modifications such as translation, adaptation to different formats, and other derivative forms.

Public Performance and Transmission: The law recognizes the artist’s right to authorize or prohibit public performances or broadcast transmissions, adding further economic value to their creative output (Article 18).

Moral Rights:

Recognition and Attribution: Artists have the right to be recognized as the creators of their work, including the choice to be named or use a pseudonym.

Integrity of Work: Artists are protected from unauthorized alterations or distortions that may harm their reputation or misrepresent their original vision. This provision is essential for maintaining the authenticity of an artist’s work.

Economic Rights and Royalties:

Artists are entitled to royalties from any authorized use of their work, especially from audiovisual or commercial presentations. This ensures that artists not only retain control but also benefit from the commercial value of their work through structured payments, regulated by collective management organizations.

Definitions and Scope of Artistic and Cultural Works

The law categorizes artistic expressions and cultural works broadly, aiming to encompass traditional art forms and newer digital and multimedia works. Here’s how key terms are defined and distinguished:

Artistic Work:

The term “artistic work” includes all forms of creative output originating from intellectual and creative activity. Article 6 lists types of artistic works, such as literary works, dramatic and musical compositions, paintings, sculptures, audiovisual works, decorative arts, architectural designs, and databases. This inclusive definition allows the law to cover virtually all creative forms, from classical art to contemporary digital and multimedia expressions (Article 6).

Art:

While the law does not explicitly define “art” independently, it uses “artistic work” to describe protected creative outputs. This conceptual scope of “art” is implicit and encompasses any intellectual creation with tangible form and originality. Therefore, “art” here is used more as an umbrella term for creative expressions that meet copyright requirements.

Cultural Work:

“Cultural work” is not a defined term in this law. However, cultural expressions like literature, music, folklore performances, and architectural designs are implied as part of the nation’s cultural heritage and are thus protected under copyright. “Cultural work” can be understood as encompassing not just “artistic works” but any creative content that contributes to and reflects cultural identity. Thus, cultural works have a broader, more collective significance beyond individual artistic creation, and this law supports their preservation and controlled dissemination.

Distinction Between Terms

The distinctions between “art,” “artistic work,” and “cultural work” within the law are nuanced but significant:

Artistic Work vs. Cultural Work:

Artistic work refers to the output of creative and intellectual activity that is unique to an individual creator. It includes specific genres like fine arts, music, literature, and modern digital works. Cultural work, while not specifically defined, implies a broader social or communal value and encompasses all types of works that reflect or preserve cultural identity. Therefore, while all artistic works can be considered cultural in a broad sense, not all cultural works may be regarded as purely artistic in the copyright sense.

Art vs. Artistic Work:

“Art” is a general concept for human creativity and expression, while “artistic work” refers specifically to tangible creations eligible for copyright protection. The law requires artistic works to be expressed in a physical form to be eligible, whereas art, in an abstract sense, might not always be expressed tangibly.

Additional Protections and Provisions

Beyond definitions and artist rights, the law includes provisions for:

- **Derivative Works:** Protections extend to adaptations and translations, ensuring that creators retain rights over modified versions of their original work.
- **Collective Management:** Royalties for various uses are managed through organizations that act on behalf of artists, particularly in music and audiovisual contexts.
- **Special Use Cases:** Certain uses, like educational and public-interest applications, may proceed without explicit permission, provided they acknowledge the creator and fulfill specific criteria (e.g., public performance for ceremonies).

LAW OF GEORGIA ON CREATIVE WORKERS AND CREATIVE UNIONS – 08/06/1999/

The "Law of Georgia on Creative Workers and Creative Unions (08.06.1999)⁵" outlines provisions to support creative professionals in Georgia through officially recognized unions, while regulating union activities, membership, and benefits.

Summary of Key Provisions

1. Definition and Status of Creative Workers:

A "creative worker" includes individuals involved in creating or interpreting literary or artistic work.

⁵ <https://matsne.gov.ge/ka/document/view/19222?publication=7>

Creative workers can join unions voluntarily, which can offer formal recognition of their professional status based on a positive evaluation from a union's governing body.

2. Creative Unions:

Unions are categorized as non-commercial entities formed by at least five creative professionals. Membership is voluntary and aims to support members' artistic development, advocate for their rights, and promote Georgian culture.

Unions operate independently under their statutes, which dictate membership terms, rights, and responsibilities.

3. Types of Creative Unions:

The law distinguishes between national unions, local unions, and international unions, allowing unions to expand their operations across regions or internationally.

State-recognized unions enjoy certain privileges and are protected from undue state interference.

4. Social and Economic Rights:

Creative workers have access to social insurance and pension plans per general Georgian legislation, though no specific or enhanced benefits are stipulated under this law.

Unions may receive financial support from the state or local governments, though such funding is tied to specific programs rather than unrestricted financial support.

5. Governance and Management:

Unions have a structured governance system, with a general meeting as the highest authority and an elected management board and audit commission responsible for oversight.

Unions may engage in auxiliary commercial activities (e.g., publishing, events) to support their goals financially.

6. State Oversight:

The law mandates state oversight of unions' financial activities to ensure legal compliance, but unions are otherwise granted autonomy.

The government guarantees property rights for unions and can facilitate partnerships with foreign entities to support Georgian cultural outreach.

The "Law on Creative Workers and Creative Unions" appears, on the surface, to provide a supportive framework for artists and cultural professionals in Georgia. However, it has significant shortcomings that undermine its effectiveness:

1. Lack of Direct Social Benefits:

Although the law recognizes creative workers as professionals eligible for social benefits, it defers entirely to general legislation for social protections such as healthcare, pensions, or unemployment insurance. This approach fails to address the unique financial insecurity and

irregular work patterns inherent in creative professions, leaving artists vulnerable during inactive periods without income-specific support or tailored insurance plans.

2. Insufficient Financial Support Mechanisms:

While the law allows unions to receive state funding for certain projects, it does not mandate stable or consistent financial support for unions or their members. This limitation forces unions to rely on sporadic or project-based funding, which does not ensure sustainability or adequate support for ongoing professional development, health needs, or other long-term benefits for members.

3. Rigid Organizational Structure:

The governance structure of unions as mandated by the law, with general meetings, audit commissions, and management boards, imposes bureaucratic demands on unions, especially smaller, grassroots groups that may lack the resources for such formalities. This rigidity may inhibit spontaneous and collaborative forms of creative association that are common among artists and could stifle innovation within the cultural sector.

4. Absence of Employment Guarantees:

The law emphasizes voluntary association and self-governance but does not address the labor market challenges faced by artists, such as job security or fair compensation. Without provisions for standardized contracts or minimum compensation rates, creative workers may remain subject to exploitation, particularly in freelance or contract-based arrangements.

5. Limited International Integration:

Although the law allows for international cooperation, it lacks incentives or structural support to facilitate such connections actively. In an increasingly globalized cultural market, this absence of proactive support limits Georgian artists' potential to access international opportunities and hinders the country's cultural influence abroad.

International experience and legal framework

Estonia⁶

The "Creative Persons and Artistic Associations Act" in Estonia, effective from January 1, 2005, and updated several times since, aims to support the cultural and professional development of artists by enhancing the conditions required for creative work through organized artistic associations. Here's a detailed breakdown of the law's main components:

Purpose and Coverage

The Act is designed to support the preservation and development of fine arts at a professional level. It establishes a framework that defines a "**creative person**" as an artist in fields like architecture, audiovisual arts, performing arts, literature, and more, who may work independently or as part of a recognized **artistic association**.

Status of the Artist

1. **Definition of Creative Person:** The Act defines a creative person as any artist or performer within the scope of the Copyright Act who works in specific artistic fields.
2. **Liberal Profession Designation:** Artists working independently without employment contracts are recognized as engaged in a "liberal profession." These individuals may use the designation "creative person engaged in a liberal profession" for registration purposes.
3. **Artistic Associations:** Non-profit associations recognized under the Act can unite artists within a specific field to support their creative activities. To gain this status, an association must demonstrate compliance with statutory requirements, including a minimum of 50 active members who have engaged in publicly available creative work over the past three years.

Benefits and Support for Artists

The Act provides several benefits to recognized artists and their associations:

1. **State Financial Support:** Associations can apply for annual support from the state budget. This support equals 21.5% of the previous year's average monthly wages per eligible member. Support can cover grants, in-service training, and essential operational costs for up to 15% of the allocated funds.
2. **Conditions for Individual Support:** Artists who do not receive employment income or are not studying full-time, receiving pensions, or on parental leave can receive monthly support. This amount is pegged to the minimum wage and can be received for six months, with a possible six-month extension.
3. **Emergency Provisions:** In emergencies, such as the COVID-19 pandemic, certain income limitations for receiving support were temporarily lifted, allowing for flexibility to support artists in times of crisis.

⁶ <https://www.riigiteataja.ee/en/eli/518062014008/consolide>

Social and Other Benefits

The Act outlines a structured support system for social security and professional development for artists:

1. **Support for Creative Activity:** Artists can apply for grants for professional work or in-service training. If an artist is part of multiple associations, the support is divided among them or designated based on the artist's preference.
2. **Right to Extended Support:** Artists in independent professions can apply for further support, even if previous support funds are exhausted, through specific Ministry of Culture allocations.
3. **Database of Artistic Associations:** A Ministry-maintained database ensures accurate records for associations and individual artists, assisting in fund allocation, transparency, and compliance.
4. **Supervision and Compliance:** The Ministry of Culture oversees compliance, with the authority to revoke support or recognition if associations fail to meet statutory requirements, mismanage funds, or accumulate tax arrears.

Luxembourg⁷

The Luxembourg "Law of 19 December 2014" addresses the social measures available for independent professional artists and "intermittent" artists (those working in temporary, project-based roles), and promotes artistic creation. Here's a detailed breakdown covering the status of the artist, the social and other benefits provided, and the process for obtaining artist status.

Artist Status

The law defines two main types of artists:

Independent Professional Artists: These individuals determine their own working conditions without a traditional employment relationship and bear the economic and social risks associated with their work. To qualify, they must show proof of artistic work and be registered with a pension insurance scheme.

Intermittent Artists: This category includes performing artists or stage technicians who work for companies or on projects (such as film, theater, or music productions) under fixed-term contracts. They are compensated based on employment contracts or contracts for services rather than ongoing employment.

The status of an independent professional artist is further specified:

The artist must have worked independently for at least three years, although this period can be reduced to one year for those with a relevant university degree.

The artist's primary income cannot exceed a limit defined by Luxembourg's minimum wage.

⁷ https://impotsdirects.public.lu/dam-assets/fr/legislation/legi14/Memorial-A---N_-254-du-24-decembre-2014.pdf

Social and Other Benefits for Artists

The law offers several social and financial benefits to support artists, particularly those without stable income or employment contracts.

Social Aid for Independent Artists: Artists who meet the criteria can apply for social aid, granted by the Ministry of Culture after consulting an advisory commission. The aid is provided in 24-month renewable terms and is available if the artist's yearly income exceeds a threshold based on the minimum wage. For artists whose monthly income falls below the minimum wage, the Cultural Social Fund can supplement their income up to half the minimum wage.

Support During Inactivity for Intermittent Artists: Intermittent artists who meet certain work and income requirements can receive daily indemnities during periods of inactivity, which is capped at 121 daily payments over a year. This benefit is calculated based on the daily equivalent of the qualified minimum wage. If granted, the aid can be suspended if the artist takes up another job or is otherwise compensated through foreign or domestic legislation.

Additional Benefits:

Public Commissions: A portion (1% to 10%) of the budget for constructing public buildings is allocated to acquiring artworks, supporting artists through public commissions.

Tax Exemptions: Artists are exempt from income tax on awards and grants provided by public or international bodies. Additionally, they are allowed a 25% deductible for operational expenses from their gross earnings, with a cap at €12,500 per year.

Artistic Development Grants: Artists can apply for grants to support ongoing training, re-training, and development in their artistic discipline. These grants are subject to available budgetary funds, and decisions are made in consultation with the advisory commission.

Granting Artist Status

Eligibility Requirements: The law mandates that artists must be Luxembourg residents with continuous social security affiliation for at least six months. Independent artists need to demonstrate three years of professional activity, or one year with a relevant degree.

Application Process: Applicants submit a written application to the Ministry of Culture, reviewed by an advisory commission. The Ministry has three months to respond after receiving a complete application.

Portugal⁸

The "Estatuto dos Profissionais da Área da Cultura" (Statute for Cultural Professionals) in Portugal, established by Decree-Law No. 105/2021, provides a regulatory framework specifically tailored for professionals in the cultural sector, addressing their employment conditions, social protections, and the process for acquiring official cultural professional status. Here is a detailed breakdown:

⁸ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2021-175043541>

Status of the Artist

The Statute applies to a broad range of cultural professionals, including those in performing arts, audiovisual, visual arts, and literary creation. To achieve **official recognition** as a cultural professional, individuals may optionally register with the **Registo dos Profissionais da Área da Cultura (RPAC)**, the official cultural professional registry.

Requirements for Registration: To register, professionals must provide evidence of their professional engagement in the cultural field, which can include work contracts or proof of income from cultural activities. Registration grants access to specific social protections not available otherwise.

RPAC Card: Registered cultural professionals receive a digital card that serves as an official identifier and is essential for accessing benefits.

Social and Other Benefits for Artists

The Statute establishes a comprehensive social protection regime and employment conditions specifically adapted to the unique nature of cultural work, which is often intermittent and project-based. Key benefits include:

Special Social Security Scheme: Cultural professionals are covered under a tailored social security system that provides support in cases of illness, parenthood, professional illness, invalidity, old age, and death. This scheme, funded by a dedicated Cultural Social Security Fund, offers the following:

Suspension Subsidy: A new subsidy protects cultural workers during periods when they are not engaged in paid cultural activities. This benefit supports workers without requiring them to formally end their activity registration with tax or social security authorities.

Extended Subsidy for Older Workers: Workers aged 55 and above with a minimum of five years in the system can access an extended subsidy.

Work Conditions and Contractual Rights:

Various Employment Contracts: The Statute includes specific contract types suited to the cultural sector, such as contracts for very short-term, seasonal, or discontinuous work. These contracts respect the worker's autonomy, flexible working hours, and location-specific requirements like rehearsal and performance spaces.

Right to Compensation: If a cultural event or production is canceled, workers are entitled to compensation. Employers must also follow timelines for payment of services, with penalties for late payments.

Protection Against Unjust Labor Practices: Cultural workers are safeguarded against harassment, including sexual harassment, and other discriminatory practices within the sector.

Tax Benefits: Artists benefit from tax exemptions on certain income, such as public and academic prizes, and may also benefit from a simplified system for tax withholdings, designed to accommodate the fluctuating income of cultural professionals.

3. Granting of Artist Status

The process of obtaining recognized status as a cultural professional includes the following steps:

Voluntary Registration with RPAC: Although registration is voluntary, only registered cultural professionals benefit from the Statute's special social protection schemes.

Proof of Cultural Engagement: Cultural professionals must present documentation, such as contracts or official attestations, that demonstrates active involvement in the cultural sector.

Renewal and Updates: Registered professionals need to periodically update their information, which may include evidence of ongoing professional work.

Spain⁹

The 2018 Spanish Royal Decree-Law (Real Decreto-ley 26/2018) introduced significant measures to improve the working and social conditions for artists, addressing long-standing issues within the cultural sector in Spain. Here's an overview of its main points:

1. Recognition and Professionalization of Artists' Work

The law stems from a 2018 Congressional report calling for the formal recognition and professionalization of artistic work, highlighting the distinct characteristics of cultural jobs such as intermittency and unpredictability. This initiative underscores the need for artists to receive fair compensation, legal recognition, and to be treated on par with workers in other sectors.

2. Social Security and Labor Protection

One of the key measures provides artists the option to remain enrolled in the General Social Security System during inactive periods. This provision recognizes the fluctuating nature of artistic work and allows artists, who may experience irregular employment, to secure social protection even when not actively working. Artists must meet certain conditions (e.g., having worked a minimum number of days in the previous year) to qualify for this benefit.

Inactivity Coverage: During these periods, artists are eligible for specific social protections such as maternity and paternity benefits, permanent disability, and death or survivor benefits.

Voluntary Inactivity Insurance: Artists can apply annually to maintain their social security coverage in the off-season, assuming responsibility for their monthly contributions.

3. Tax Benefits

Several tax adjustments were introduced:

Income Tax: Reductions in tax withholding rates for income derived from intellectual property, which directly benefit artists by lowering the rate for non-authors of intellectual property from 19% to 15%.

⁹ <https://www.boe.es/buscar/doc.php?id=BOE-A-2018-17990>

VAT Reductions: A lower VAT rate is reinstated for services provided by individual performers, artists, directors, and technical staff involved in cultural productions. This rate aims to alleviate the financial burden on cultural events and support the industry's sustainability.

4. Corporate Tax Incentives for Film and Audiovisual Productions

To encourage foreign investment in Spanish cinematic and audiovisual production, the decree enhances tax deductions for production-related expenses incurred in Spain. This incentive is capped to ensure it remains within sustainable limits while promoting Spain as a competitive location for international productions.

5. Compatibility of Retirement Pension with Creative Income

A new provision allows artists to receive a pension while continuing to earn income from intellectual property rights. An 8% solidarity contribution is introduced, divided between the employer and employee. This flexibility acknowledges the long-term nature of creative careers, where income from past work (e.g., royalties) may continue into retirement.

6. Extended Scope for Cultural Roles

The law advocates for a broad inclusion of roles within the cultural sector, from creators and performers to technical and administrative support roles. By encompassing the entire cultural production chain, it ensures that everyone contributing to the arts benefits from these protections.

7. State Guarantee for Cultural Heritage

The law also includes provisions for a State Guarantee Fund that safeguards cultural works displayed in Spain, facilitating exhibitions and cultural exchanges by offering financial security for valuable artwork on loan.

Romania

The Romanian “Law on the Status of Cultural Workers” is a pioneering piece of legislation that establishes a comprehensive framework for recognizing, supporting, and protecting the rights of cultural workers. It is particularly noteworthy for any EU-aspiring country like Georgia because it aligns cultural policy with EU standards, addressing economic, social, and professional challenges faced by artists and creatives. This law is an excellent model for countries that aim to strengthen their cultural sector while supporting sustainable economic development, cultural diversity, and social stability. Below is a comprehensive summary of its provisions, along with the rationale for why it serves as an exemplary approach for a nation like Georgia.

Comprehensive Summary of the Romanian Law on Cultural Workers

1. Recognition and Definition of Cultural Workers

- The Romanian law provides a clear, formal recognition of cultural workers as professionals, defining them as individuals engaged in creating, performing, or supporting cultural and artistic work. It includes authors, performers, and auxiliary cultural staff.

- **Eligibility for Professional Status:** To be recognized as a “professional cultural worker,” individuals must derive at least 50% of their annual taxable income from cultural activities, verified through a registration process with the Ministry of Culture. This ensures that registered individuals genuinely contribute to the cultural sector and helps protect resources for legitimate cultural workers.

2. Social Security and Labor Benefits

- **Access to Social Security:** Registered cultural workers in Romania gain access to a full suite of social benefits, including health insurance, maternity and paternity leave, unemployment benefits, and retirement pensions.
- **Protection During Inactivity:** The law recognizes the intermittent nature of cultural work, allowing artists to remain in the social security system even during periods of inactivity. This helps reduce financial stress during downtime and enables artists to focus on their craft.
- **Retirement Benefits and Contributions:** Cultural workers who contribute to the social insurance system become eligible for retirement benefits, recognizing the lifelong nature of artistic careers and supporting artists in their later years.

3. Fiscal Reliefs and Financial Incentives

- **Reduced Taxes on Cultural Income:** The law reduces tax burdens on income from cultural activities, especially for newly registered cultural workers, who receive reduced tax and social contribution rates. This incentive is designed to support early-career artists by easing their financial obligations during the crucial initial years.
- **Flat-Rate Tax Deduction:** A 40% deduction on taxable income from cultural work is provided, simplifying tax obligations and making financial management more feasible for independent cultural workers.
- **Unemployment Support:** Cultural workers receive unemployment benefits when income is not generated for extended periods, allowing for a stable income in challenging times without requiring continuous employment registration.

4. Professional Development and Mobility Support

- **National and Local Mobility Programs:** Funded by the state and local governments, these programs help artists pursue professional development by financing their participation in conferences, residencies, and other skill-building opportunities.
- **Skill Development:** The law promotes digital and technical skill acquisition among artists, ensuring that cultural workers are equipped to thrive in a digital economy and adapt to evolving industry demands.

5. Professional Associations and Collective Rights

- **Formation of Professional Associations:** Artists can form professional associations to collectively negotiate work conditions, wages, and other professional terms. A minimum of 15 members is required to establish such associations, which receive recognition from the Ministry of Culture.

- **Collective Bargaining and Social Dialogue:** Associations can engage in collective bargaining with employers to negotiate minimum work standards and compensation. The law provides structured mechanisms for resolving disputes and ensuring that cultural workers' voices are heard in policy discussions.

6. Conflict Resolution and Dispute Mechanisms

- **Collective Dispute Resolution:** The law establishes structured procedures for mediation and conciliation in cases of disputes between cultural workers and employers, fostering a collaborative environment and reducing the likelihood of prolonged conflict.
- **Right to Collective Action:** In unresolved disputes, associations can legally suspend cultural contracts, empowering artists to defend their rights without fear of retaliation.

7. Public Support for Cultural Spaces and Infrastructure

- **Access to Public Spaces:** Professional cultural workers and associations may receive access to public spaces for performances, exhibitions, and other cultural activities. This provision ensures that artists have affordable venues, supporting their visibility and public engagement.
- **Grants for Infrastructure Development:** Public funding for digital tools, equipment, and other infrastructure helps artists create high-quality work, especially in under-resourced areas, and supports cultural innovation.

Why This Law is Ideal for an EU-Aspiring Country like Georgia

Georgia, as an EU-aspiring country, could significantly benefit from adopting a similar legal framework. Here's why:

1. Alignment with EU Cultural and Labor Standards

The Romanian law is closely aligned with EU standards, which emphasize the importance of cultural diversity, labor protection, and social welfare. For Georgia, implementing a similar law would demonstrate a commitment to EU values, strengthening its position in the EU integration process.

Adopting such legislation would also facilitate partnerships and cultural exchanges with EU countries, enhancing Georgia's cultural presence and influence within Europe.

2. Support for a Sustainable Cultural Economy

A framework that provides fiscal relief, social security, and professional support for cultural workers promotes a sustainable cultural economy. This is crucial for Georgia, where the cultural sector can contribute to national identity, tourism, and economic growth.

By ensuring that artists can access healthcare, pensions, and financial support during inactive periods, Georgia could encourage more people to enter and remain in cultural professions, reducing emigration among talented individuals seeking better opportunities.

3. Strengthening National and Cultural Identity

The cultural sector is essential in preserving and promoting Georgia's rich heritage. A law similar to Romania's would recognize and protect artists as custodians of national identity, helping to foster cultural pride and cohesion.

The provisions for supporting Georgian artists' participation in international and national mobility programs would also allow for the promotion of Georgian culture on a global stage, making it easier for Georgian artists to represent and share their heritage.

4. Economic and Social Resilience

Cultural work is typically characterized by intermittent employment and income instability. Romania's law addresses this by ensuring continuous social security coverage and unemployment benefits, a model that could alleviate financial insecurity among Georgian artists and enhance their quality of life.

The establishment of professional associations would give Georgian cultural workers a platform for collective negotiation, helping to standardize pay and working conditions, which can prevent exploitation and foster a healthier, more productive work environment.

5. Incentivizing Innovation and Skill Development

With Romania's emphasis on professional development, skill acquisition, and digital proficiency, a similar framework in Georgia could prepare artists to meet the demands of the modern economy. This is particularly relevant for younger artists who need training in digital tools and techniques to remain competitive. Support for digital skills would also benefit Georgia's cultural sector by promoting innovative artistic expressions and helping the cultural economy adapt to the digital age.

Adopting a law like Romania's would be transformative for Georgia's cultural sector, providing the stability, recognition, and resources that cultural workers need to thrive. The Romanian model is particularly suited for EU-aspiring countries as it aligns with European values and labor standards, strengthening a nation's integration with the EU. Such a law would support Georgia in preserving its cultural identity, encouraging sustainable economic development, and promoting social welfare, which are key aspirations for EU membership.

Research Finding

Research Results

Interview Results

Total respondents: 60

Among the respondents:

- 51% (34 respondents from the cultural sector) are representatives of public LEPLs.
- 21% (14 respondents from the cultural sector) have the status of non-governmental, non-commercial N(N)LEs.
- 28% (19 respondents from the cultural sector) are private LLCs.

Number of individuals with more than one status (e.g., having two statuses): 6.

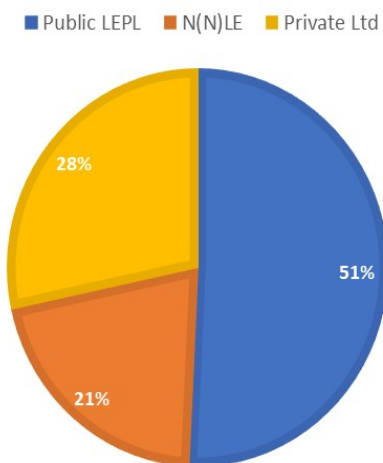
Number of individuals with three statuses: 1.

Overall, multi-status respondents represent 10% of those surveyed.

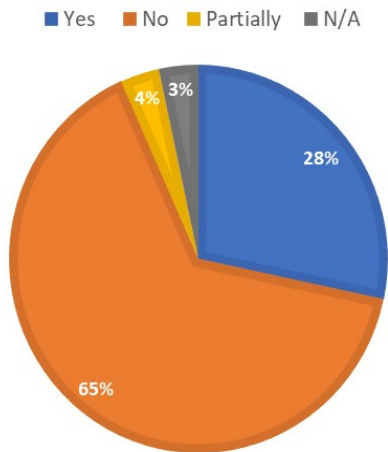
This data reflects the prevalent practice in Georgia, highlighting the instability and scarcity of income sources for artists.

The following diagrams show the percentage distributions for the survey questions:

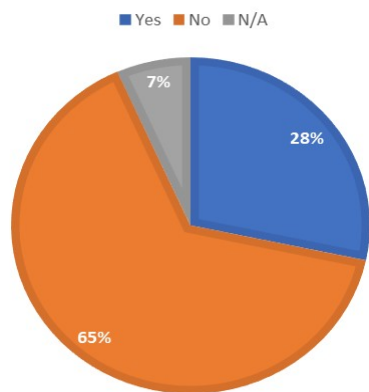
1. Which sector does your organization belong to?



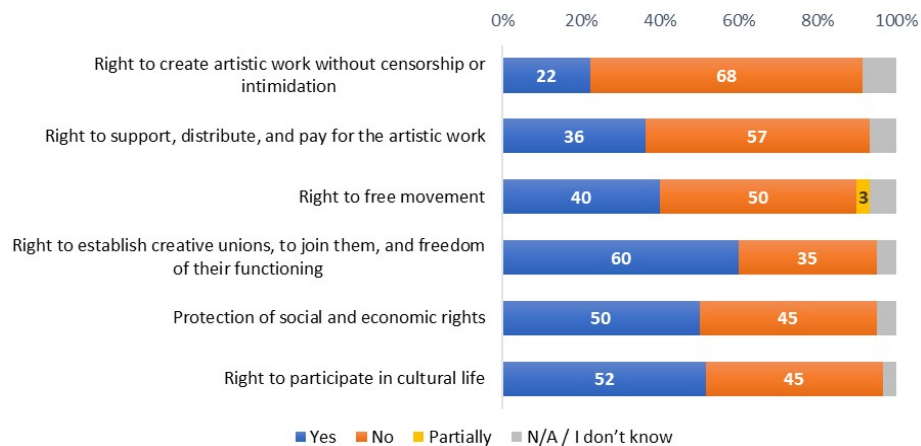
2. Has censorship ever affected your cultural and creative activities?



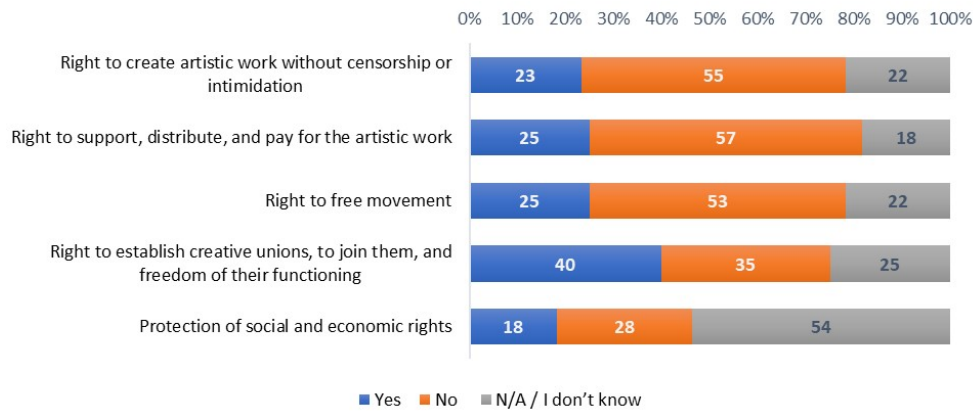
3. Have you ever felt the need for self-censorship, and why?



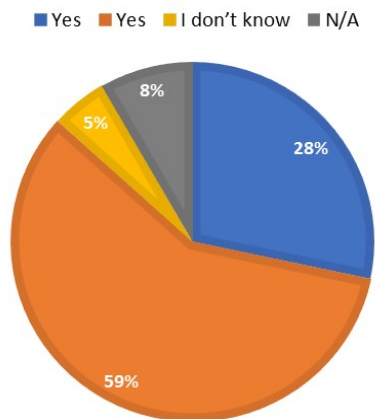
4. Have you heard of any document regulating creative self-expression that includes the following topics?



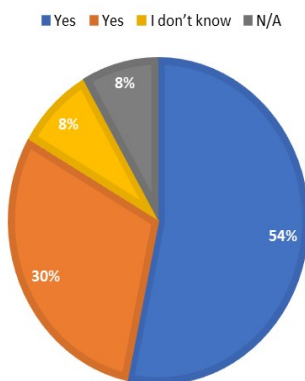
5. Is there a state or non-governmental structure in Georgia that protects the freedom of artistic creation and self-expression, regulating the following issues?



6. Are there agencies or institutions in Georgia that control or manage the freedom of creative self-expression?

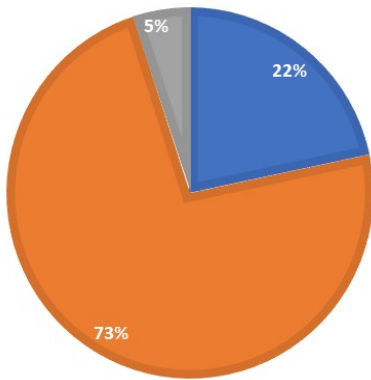


7. Are there legal or other mechanisms through which complaints related to the freedom of creative self-expression can be addressed?



8. Have you heard of any educational or awareness-raising campaign related to the protection of the freedom of creative self-expression?

■ Yes ■ No ■ N/A / I don't know



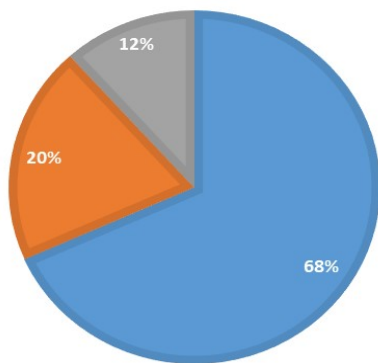
9. In the past 5 years, has the freedom of creative self-expression played any role in the discourse of cultural policy in Georgia?

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10. Is there currently any discussion in Georgia on this topic?

■ Yes ■ No ■ I don't know N/A



11. In the social discourse of Georgia, has the freedom of creative self-expression played any role in the past 5 years?



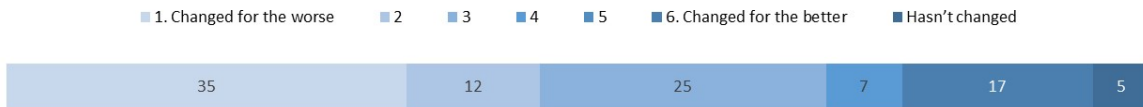
12. What role do the following players play in the discourse on the freedom of creative self-expression in Georgia?



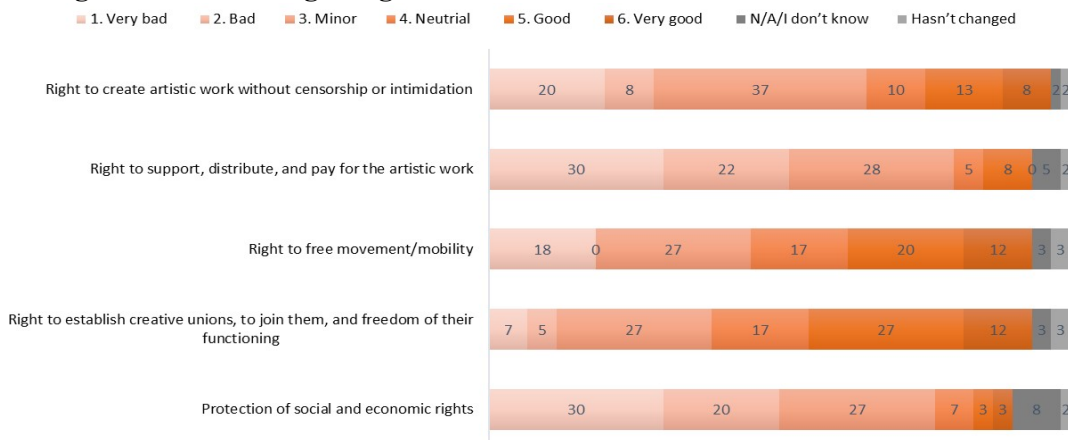
13. How would you assess the current state of freedom of creative self-expression in Georgia?



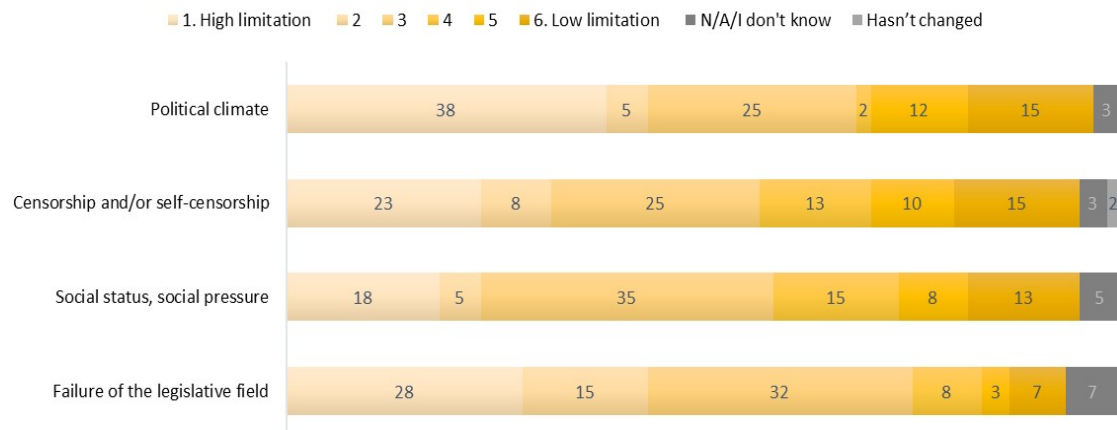
14. In your opinion, how has the state of freedom of creative self-expression in Georgia changed over the past 5 years?



15. How would you assess the current state of freedom of creative self-expression in Georgia in the following categories?



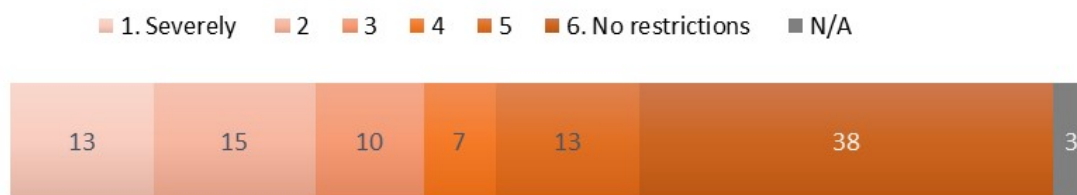
16. To what extent do the listed problems restrict the freedom of creative self-expression in Georgia?



17. Has the restriction on freedom of creative self-expression increased over the years in the following contexts?



18. Have you personally been affected by the restriction on freedom of creative self-expression?



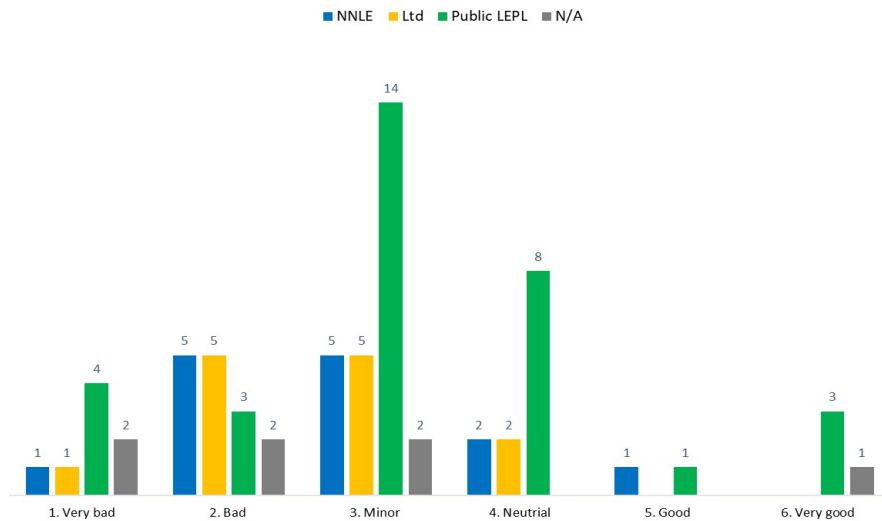
19. To what extent does access to funding influence an artist's ability to freely express themselves?



Correlation

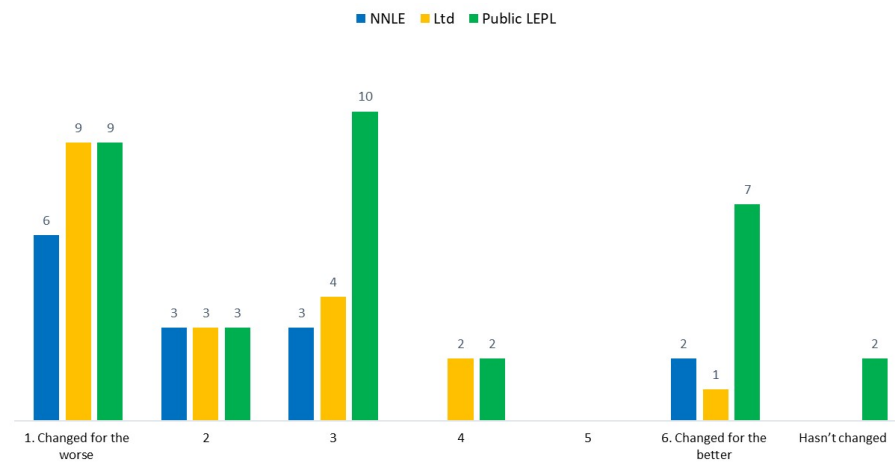
20. How would you evaluate the current state of creative self-expression freedom in Georgia?

None of the private individuals surveyed consider the current state of creative self-expression freedom in Georgia to be good or very good. They mostly rate the situation as neutral or strongly negative. In contrast, public officials tend to give more positive evaluations.

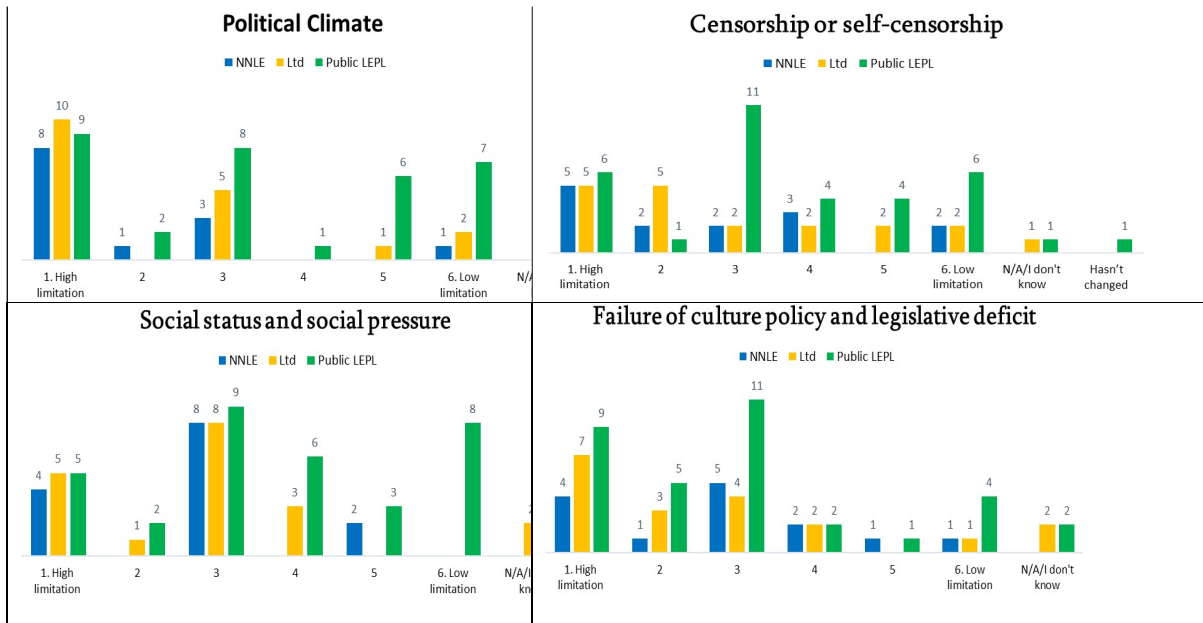


21. In your opinion, how has the state of creative self-expression freedom in Georgia changed over the past 5 years?

When assessing the state of creative self-expression freedom, non-governmental organizations and private individuals generally show similar tendencies, believing that it has worsened over the past 5 years. In contrast, public officials' responses indicate both deteriorations and improvements in this indicator.

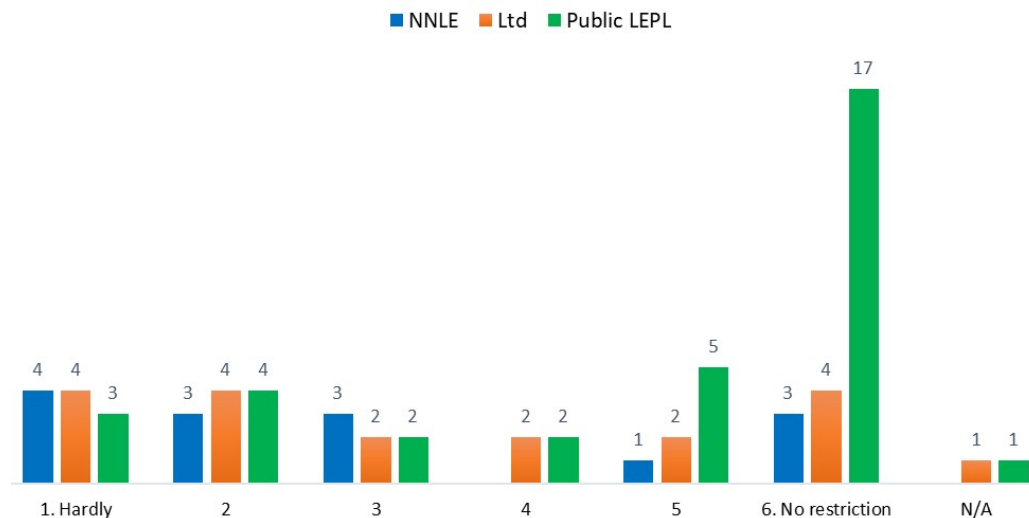


22. To what extent do the listed problems restrict the freedom of creative self-expression in Georgia?



23. Have you personally been affected by the restriction on freedom of creative self-expression?

The diagram clearly shows the responses of public individuals to the question regarding the restriction on freedom of creative self-expression. The vast majority of them indicated that there were no restrictions at all. In contrast, the responses from representatives of non-governmental organizations and private LLC individuals were distributed across various levels of assessment.



Summary of Focus Groups on the Eight Points of the 5th Global Recommendation

1. **Legal and Regulatory Framework:** The majority of survey respondents, focus group participants, and interviewees believe that the current legislation requires improvement. There is strong support for adopting a law on the "Status of the Artist."
2. **Fair Remuneration and Access to Finances:** This issue is regarded as the most sensitive by most respondents, focus group participants, and interviewees. They see it as a major barrier to creative self-expression and a significant lever for state pressure.
3. **Social and Economic Rights:** Most respondents recognize that cultural workers are among the most socially vulnerable professional groups. Their economic rights are frequently violated, and they often lack the resources or knowledge to defend these rights. Small-scale, sporadic strikes have proven ineffective. Some also express concerns that focusing on the social protection of cultural workers may be discriminatory, considering the high poverty levels and inadequate social protection system in the country.
4. **Digital Environment:** Most focus group participants are not actively involved in the digital sector and have only a basic understanding of personal computer use. The impact of AI on their income is minimal, and their opinions on the risks and opportunities posed by AI are mixed and unqualified.
5. **Preferential Treatment:** LEPL employees generally have corporate private insurance, some have private insurance through a family member, and those in the NGO sector also have private insurance. Only a small number rely on state universal insurance, which either minimally covers or does not meet their needs. No benefits are provided based on professional affiliation.
6. **Creative Freedom:** Half of the respondents believe their creative self-expression rights are restricted in state institutions under the influence of the Ministry of Culture. LEPL leaders report full freedom from censorship but acknowledge limitations due to scarce financial resources. NGO representatives and freelancers believe that the state restricts their creative freedom by blocking already limited financial sources.
7. **Equality, Inclusion, and Diversity:** Half of the respondents feel that inclusion is unequal, both geographically and institutionally and financially. Most respondents hold a positive view of diversity in expression.
8. **Responses to COVID-19 Challenges:** The state provided minimal support to employees. While SIP salaries remained stable, there was no crisis or post-crisis plan, leaving the state without effective responses to COVID-19 challenges.

Conclusion

The format and scope of the research conducted within this project did not allow for an analysis of the situation in the regions. Respondents were surveyed only in the capital city, Tbilisi. Therefore, if the research had included the environment, social, and economic conditions of artists and cultural workers in the regions, the results would likely have been different.

It is noteworthy that out of the state agency employees approached for the survey, only one in five agreed to participate, and often only under the condition of confidentiality. In some institutions where the Ministry of Culture was conducting so-called "reorganization" during the research period, respondents outright refused to participate.

All of this raises a reasonable suspicion that the level of self-censorship within state institutions is very high. Consequently, the results of the research should be considered within this context.

Need for Additional Research

The research process, beyond the questionnaires defined by the project, revealed the necessity for large-scale studies that go beyond the resource capabilities of the grantor organization.

As a result, the project's analytical team additionally prepared and submitted a 70-page questionnaire titled "**Study on the Economic, Social, and Labor Rights of Representatives of the Cultural Sector/Cultural Industries**" to the Parliamentary Committee on Culture for the organization of further research (the Georgian version can be found in Annex 1). This questionnaire pertains to information that is difficult to obtain nationwide from state, municipal, and private structures, as well as exclusive sections from personal data databases.

Given the importance of the issue, the committee supported the implementation of the project and approached donors (UNDP) for funding the research.

Current Situation

The 2018 monitoring of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (project "Pilot Scheme for Monitoring Implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions" by YTA Union) and the post-pandemic informational and educational program on cultural self-expression for women working in the cultural sector (2021) (project "In the framework of the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, an information and educational program to empower women working in the field of culture in the post-pandemic era" by YTA Union) have highlighted both the strengths and weaknesses in the implementation of the Convention in Georgia. Specifically, they revealed the negative aspects in the social and economic dimensions of the profession under the conditions of the absence of a legal status for artists and creative professionals, emphasizing the need for policies to address these issues.

The aforementioned research conducted by our organization confirmed that the legal status of artists and creative professionals is essential and should not be viewed as a privilege or honorary title. Policies in this area should be planned and implemented to overcome the social and economic challenges of the profession.

The 2024 study identified the strengths, weaknesses, and challenges defining the situation of artists and cultural workers over the past five years. It also confirmed the necessity of a law on the "Status of the Artist" to protect the socio-economic rights of artists, and equally importantly, to safeguard their freedom of creative expression, which is fundamental to an open democratic society. The legal status of artists and the guarantee of rights derived from it are closely correlated with the development of democratic cultural policies and the implementation of fair practices.

The legal status of artists can be composed of and built upon various instruments, the most commonly encountered of which include:

1. Artist Status and Social Security:

- **Cultural Policy:**
 - Legislation,
 - Strategic Documents,
 - Institutional Sustainability,
 - Participation and Accessibility,
 - Infrastructure,
 - Monitoring and Evaluation/Research

- Labor/Employment Policy,
- Social Security,
- Taxes.

2. **Fair Practice,**

3. **Mobility,**

4. **Skills and Lifelong Learning; Awareness Raising,**

5. **Creative Freedom.**

1. Status of the Artist and Social Security

Introduction

The framework for policies related to the status of the artist should not only be based on recognizing the value of culture and its fundamental role in society but, more importantly, on the need to improve the socio-economic conditions of artists. This is particularly crucial due to the atypical nature and conditions of their work practices. Reducing the administrative burden associated with the employment and well-being of artists, regardless of their status, should be a common goal for both the state and society at all levels.

- When developing policies related to the status of the artist, it is essential to involve professionals who create, express creatively, or reinterpret works of art in a professional capacity. This process should also include cultural workers and creative professionals from various fields who face similar challenges.
- The methods and criteria for recognizing a professional artist, as well as the rights associated with this recognition, should take into account not only creative income but also "invisible" work time (such as experiments, research, rehearsals, etc.) and activities fundamentally linked to the artist's practice (reflection, consultation and experience exchange, cultural activities, etc.).

Establishing and implementing the status of the artist requires analyzing all aspects of the cultural sector, specifically the instruments that shape and ensure both personal and public life (e.g., the formation of an open society, media pluralism, etc.). Given the complexity of the issue, the question of the artist's status encompasses not only the cultural and artistic fields but also includes components related to labor rights, workplace safety, social protection, and other important issues. It is therefore crucial to consider these aspects.

In this context, a new reality has emerged in Georgia following the adoption of the "Law on Transparency of Foreign Influence" in May 2024. According to representatives of the NGO and media sectors, as well as international experts, the existing democratic norms are being revised, reviewed, or replaced by new undemocratic norms. This presents a significant obstacle to Georgia's path toward integration with the European Union.

1.1 Cultural Policy

1.1.1. Legislation

Strengths:

- **Legislative Base:** The legislative framework in the cultural field is generally provided, including:
a) A substantial portion of international legislative norms has been adopted and is in effect. b) A national legislative framework for the cultural sector is broadly in place.

Challenges:

- **Compliance Issues:** The existing legislation largely does not align with international standards and established best practices, particularly in terms of measures that support the development of the NGO sector.
- **Law on Transparency of Foreign Influence (2024):** According to representatives from the NGO sector, media, and international experts, this law creates significant barriers to the development of the NGO and media sectors. It imposes substantial restrictions by labeling any organization that receives more than 20% of its annual income from foreign sources as under foreign influence. Notably, this includes funding from international organizations, such as UNESCO.

1.1.2. Cultural Policy and Strategic Documents

Strengths:

- **International Strategic Documents:** The international strategic documents necessary for the cultural sector have been ratified, and their respective plans have been adopted and are partially implemented.

Challenges:

- **Lack of Specific Documentation:** There is an absence of any type of document, policy, or program specifically addressing the status of the artist.

1.1.3. Institutional Sustainability

Strengths:

- **Institutional Base:** A sustainable institutional base has been established within both the legislative and executive branches, which perform the relevant governance functions.

Challenges:

- **Support for Development:** The environment is not sufficiently supportive of the development and strengthening of cultural civil society, the NGO sector, or cultural industry institutions.
- **Vulnerability of the Cultural NGO Sector:** The cultural NGO sector is one of the most vulnerable compared to NGOs in other fields.

- **Lack of State Programs:** There is a significant lack of state programs specifically aimed at the institutional development of the cultural NGO sector, and international grants directed specifically towards cultural organizations are quite scarce.
- **Support for Private Sector:** Special programs to support the sustainability of the private sector in cultural industries are rare.

1.1.4. Financing

Strengths:

- **Stable State Funding:** Legal entities of public law in the field of culture receive state budget funding, ensuring a stable state subsidy system. Additionally, municipal budgets include allocations for culture, providing consistent funding for municipal organizations.
- **Pandemic Response:** During the COVID-19 pandemic, salaries were consistently paid to employees of public legal entities (LEPLs), which significantly mitigated the crisis's impact on performing arts professionals, as most theaters are state-funded.

Challenges:

- **Dependency on Public Funding:** Most cultural activities, such as exhibitions, publications, concerts, festivals, and the creation of performing arts, are primarily funded by state and municipal budgets. A significant portion of private Georgian funds is directed towards cultural heritage preservation. For example, the International Charity Foundation "Cartu" has played a major role in restoring cultural heritage monuments. According to a 2017 report by the Ministry of Culture and Monument Protection, the Foundation allocated 7,593,324 GEL for the restoration of 15 monuments, while the Ministry spent 3,562,000 GEL on 46 monuments during the same period. In 2017, out of the 36,700,000 GEL spent on restoration-rehabilitation activities, only 7,000,000 GEL came from the state budget, with the remaining 29,700,000 GEL provided by the Foundation.
- **Insufficient Support for Development:** The current state subsidy system is insufficient to support development-oriented cultural activities. Financial sources are not diversified, and there is no robust strategy for a new financial model.
 - **Note A:** Budgetary funds do not meet the needs for infrastructure rehabilitation and development.
 - **Note B:** According to the CDIS survey, the cultural infrastructure dissemination in Georgia is rated at 0.312. This low score reflects the insufficient availability of spaces designed for museums, libraries, exhibitions, and performing arts in Georgia.

Source: UNESCO “Culture for Development Indicators (CDIS) Georgia,” EU-Eastern Partnership Culture and Creativity Program

1.1.5. Involvement and Accessibility

Strengths:

- **Policy Development Participation:** The existing legislation guarantees informed, transparent, and participatory processes for developing cultural diversity policies. These processes are carried out in collaboration with the Ministry, civil sector, minority representatives, and expert circles.

Challenges:

- **Lack of Expert Involvement:** Since 2016, there has been a noticeable decline in the use of expert experience by the state and municipalities in cultural policy-making. There is a lack of practice in establishing independent councils, and this situation worsened during and after the COVID-19 pandemic.

1.1.6. Infrastructure

Strengths:

- **State-Funded Infrastructure:** The infrastructure of state institutions is provided with state funding, although there are disparities between regions and the center.

Challenges:

- **Low Cultural Infrastructure Index:** The cultural sphere's infrastructure is rated quite low, with an index of 0.312 according to the 2017 CDIS survey. The existing budgetary resources are inadequate and ineffective, requiring fundamental financial and management revisions.
- **Damage to Cultural Heritage Sites:** In recent years, significant damage has been noted to cultural heritage monuments (such as Gelati, which has UNESCO-protected status) and newly constructed infrastructures (such as the State Museum of Art) due to unqualified interventions (research, restoration, or repairs). In some cases, the state has absolved itself of responsibility for material cultural heritage monuments or religious buildings, representing a gross neglect of its duties.
- **Lack of Workspace for Artists:** Workspaces for artists exist only within privately-owned structures. The infrastructure owned by the state and municipalities is not adapted to meet the needs and capabilities of independent artists.

1.1.7. Monitoring, Evaluation, Research

Strengths:

- **Research for Monitoring and Methodology:** Relevant research to develop systematic monitoring and methodologies for cultural policy is conducted through:
 - a) International programs or commissioned projects,
 - b) NGO-led individual projects,
 - c) The Ministry's internal monitoring, with periodic public reports.

Challenges:

- **Lack of Research Institutions:** There are no relevant research institutions dedicated to developing systematic monitoring and methodology for cultural policy. The existing research by statistical and cultural organizations is performed in a fragmented manner due to several reasons:
 - a) The state does not support external monitoring and evaluation mechanisms for cultural policy (such as relevant programs or grants). There is also a lack of trust and collaboration with various expert institutions, sometimes leading to boycotts due to political conflicts (e.g., the Chubinashvili Center, partially UNESCO). The extreme polarization within the cultural sector further hampers healthy collaboration between public and private stakeholders.

b) There are no fundamental studies, comprehensive databases, or suitable interagency research methodologies in the context of cultural policy.

c) Although there are some successful local studies in specific areas (e.g., crafts, cultural heritage), NGO efforts remain inconsistent.

d) There is no monitoring, evaluation, or research on the status of artists or the need for such studies. There are no statistics on freelance artists, nor has there been an assessment of the socio-economic needs of artists, particularly freelancers. Research on the status and social security of artists and creative professionals, which should be based on:

- The availability of clear and reliable data by sectors,
- Identification of problems and objectives (cultural, labor, economic, social, etc.) based on observations, research, and recommendations,
- Consultations and involvement of artists, social partners, and representative bodies at all stages,
- Regular measurement and evaluation of existing systems.

e) The Ministry previously conducted internal monitoring and published periodic reports, but this process has been disrupted since 2021.

1.1.8. Cultural Development in Regions

Strengths:

- **Support for Regional Development:** The cultural development in the regions of Georgia is supported through infrastructure development and various events. The promotion of regional infrastructure and activities by the state and local self-governments plays a significant role in cultural policy and tourism development, which are key drivers of regional development. Numerous projects focusing on regional development are currently underway.

Challenges:

- **Low Priority of Culture in Municipalities:** An analysis of various municipal budgets and strategic documents reveals that cultural development is not a high priority for municipalities. The involvement of cultural experts in the development of strategic documents is minimal.
- **One-time Funded Projects:** Funded projects in the regions are often one-time events without strong institutional and financial guarantees. The lack of a strategic approach creates problems at all stages of planning and implementation.
- **Poor Environment for Artists:** The environment and measures supporting work and creative self-expression for artists, especially freelancers (such as diversified financial sources, accessible infrastructure and equipment, skills development programs, mobility grants, etc.), are much poorer and weaker in the regions compared to the capital.
- **Limited Access to Resources:** Cultural representatives in the regions have minimal access to information, tools, programs, and other resources. Information about grants and competitions is scarce and often delayed. Communication channels are limited, and there are language barriers, particularly in regions densely populated by ethnic minorities.

- **Limited Cultural Access:** In most regions, except for Batumi, which is the capital of the Autonomous Republic of Adjara, even in large cities, access to cultural life is limited, and opportunities for artists to realize their potential are low.
- **Seasonal Cultural Activities:** Cultural activities in the regions tend to be seasonal.

1.1.9. Sustainable Development Programs to Strengthen Cultural and Creative Industries (Tourism)

Strengths:

- **High Potential for Culture Development:** The potential for cultural development in Georgia is significant, especially given the diverse cultural environment, which includes intangible cultural heritage, cultural landscapes, and rich folklore.
- **Growing Tourism Industry:** Tourism, particularly cultural tourism, is on the rise, providing opportunities to showcase Georgia's living culture, tangible and intangible cultural heritage, and unique regional characteristics.
- **Infrastructure Improvements:** There has been progress in regulating general infrastructure in the regions, which supports the growth of tourism.
- **Abundance of Tangible Cultural Heritage:** Georgia boasts a large number of high-value cultural heritage monuments, which are key attractions for tourists.
- **Qualified Human Capital:** There is a certain amount of qualified human capital in the cultural sector, contributing to the potential for growth and development.
- **Diverse Cultural Environment:** The variety of cultural environments, including samples of intangible culture and rich folklore, provides a strong foundation for cultural tourism.

Challenges:

- **Impact of COVID-19 and Political Instability:** The COVID-19 pandemic caused a global crisis, significantly affecting tourism. Although tourist numbers were approaching 2019 levels by 2023, there was a sharp decline in spring 2024 following protests against the controversial "Foreign Influence Transparency" law in Georgia.
- **Deteriorated Cultural Infrastructure:** Many cultural infrastructures are poorly maintained or have already been destroyed, hindering the growth of cultural tourism.
- **Insufficient Cultural Spaces:** There is a lack of common cultural spaces, which limits opportunities for cultural activities and engagement.
- **Limited Financial Resources:** The cultural sector faces a scarcity of financial resources, which affects the development and sustainability of cultural projects and initiatives.
- **Underdeveloped Creative Industries:** The development of creative industries in Georgia is at an unsatisfactory level, limiting the country's ability to capitalize on cultural and creative sectors.
- **Insufficient Statistical Information:** There is a lack of comprehensive statistical data, making it challenging to assess and address the needs of the cultural and creative sectors effectively.
- **Cultural Development Excluded from Strategic Plans:** The strategic development plans of Georgia, such as "Georgia 2020," do not include a focus on cultural development, which is a missed opportunity for integrating culture into the country's sustainable development framework.

- **Uncertified Actors in Cultural Tourism:** A significant proportion of those involved in cultural tourism are uncertified, leading to issues with the quality and consistency of the services provided.
- **Inadequate Qualifications and Training Opportunities:** Cultural workers involved in cultural tourism often lack adequate qualifications, and there are limited opportunities for professional development and training.
- **Lack of Regulation:** The absence of regulation in the cultural tourism sector poses challenges for maintaining standards and ensuring the sustainable development of this industry.

1.2. Labor/Employment Policy

Overview: In the field of culture and arts, labor and employment policies should be designed by the authorities with consideration for the diversity, combination, rotation, and specificity of artists' work regimes. Artists often switch between and combine various forms of work, professions, types of contracts, and employment statuses, driven by artistic or financial interests or necessity. This occurs both within the creative industries and beyond, for instance, by combining creative sector activities with work in education, tourism, and other sectors. The diversity in work practices should not become a barrier to the protection of artists' rights.

There is a strong connection between work schedules (including types of contracts, salary/income regulation, consulting practices, etc.), social protection schemes (such as unemployment insurance, health insurance, pensions, contributions, etc.), and tax regulations. Income classification and taxation, grant taxes, expense deductions, and other related factors must be reflected and balanced in labor and employment policies within the culture and arts sector.

Strengths:

- **Labor Legislation:**
 - Existing labor legislation regulates employment relationships, providing a legal framework for workers' rights and obligations.
- **Tax Legislation:**
 - The tax legislation includes provisions for a "small business" status, which offers favorable conditions to entities with turnover up to a certain threshold. Many artists actively use this status, as it provides significant tax benefits.
- **Legislation on Creative Unions:**
 - The law on creative unions is outdated and ineffective, with the protection of employees' rights being largely declarative rather than practical. This indicates a need for reform to ensure that the law better addresses the current needs and challenges of the creative sector.

Labor Laws in the Cultural Sector

Constitutional Framework:

- **Article 14** of the Constitution of Georgia addresses the fundamental rights of "freedom" and "equality," applicable to all areas of human rights and legitimate interests, including labor relations.
- **Article 26** guarantees the right to form and join trade unions, while **Article 33** recognizes the right to strike.

Legislative Framework:

- In December 2010, following a constitutional reform, the status of the Labour Code was elevated to an organic law (Organic Law of Georgia "Labour Code of Georgia" 4113-rs 17/12/2010).
- Significant amendments were made to the Labour Code in July 2013, introducing new regulations for various aspects of labor relations.
- Article 1 (2) of the Labour Code states that issues not regulated by this law or other special laws are to be governed by the norms of the Civil Code of Georgia.
- The Labour Code recognizes collective agreements as a source of labor relations regulation, emphasizing the autonomy of the parties involved.

Cultural Sector Specifics:

- The Labour Code supports fundamental human rights, fair remuneration, and labor safety standards, with additional regulations provided by the Law on Public Service for public servants, including those in the cultural sector.
- The Law on Art Workers and Art Unions, particularly Article 8, paragraph 1, permits art workers to work in freelance capacities, under direct employment, or through other contract types. However, this law is currently inactive.

Human Rights Associations:

- In response to mass personnel changes within the Ministry of Culture in recent years, new human rights associations (non-commercial legal entities) have emerged to effectively defend affected individuals in court.

Judiciary:

- Courts generally review cases against the Ministry of Culture impartially, though there is public concern about the influence of a group of biased judges.

Challenges:

- **Lack of Negotiation Trends:** There is a trade union for cultural sector workers, but no significant trend in negotiating agreements and contracts on working conditions between employers and unions.
- **Inadequate Legislation:** The cultural sector lacks specific legislation to regulate labor relations.
- **Unlawful Dismissals:** Illegal dismissals are a significant issue, contributing to high levels of self-censorship.

- **Small Business Status Risks:** Individuals with small business status bear almost all risks themselves, effectively excluding social protection and labor rights components.
- **No Minimum Wage:** There is no legislated minimum wage, resulting in very low salaries in the culture and arts sector.

Unions and Associations:

- The trade union system in Georgia is weak and ineffective, with cultural sector unions playing a minimal role in protecting the rights of artists and cultural workers.
- Creative unions lack the financial, institutional, and infrastructural capacity to fulfill their declared objectives effectively. Additionally, these unions rarely commission or provide legal services, nor do they conduct awareness-raising campaigns.

1.3. Social Security

Social and Economic Rights

Strengths:

- **Legislation:**
 - **Social Security Frameworks:** In Georgia, there is no specific legislation to regulate social security provisions for the cultural sector. However, various forms of social security are provided under other legislation. Specifically:
 - **Law of Georgia on State Pension (December 23, 2005, №2442-rs)**
 - **Law of Georgia on Social Assistance (LHG, 51, December 31, 2006)**
 - **Law of Georgia on State Compensation and State Academic Scholarships (December 27, 2005, №2549-rs)** (This law applies to scientists, not artists.)
 - Under the **Law on Art Workers and Art Unions**, Article 8, Paragraph 2, social security and pension provisions for artists should be implemented according to relevant legislative acts. However, this law is currently inactive.
 - The **Law on Social Security for Researchers/Scientists** regulates the creation of safeguards and conditions for scientists' work. Although it does not specifically mention culture, it is applicable to some cultural workers.

The social assistance system in Georgia is governed by the **Law of Georgia on Social Assistance**. This law outlines the general provisions related to the applicability and scope of social assistance and establishes six types of assistance: a living allowance, a reintegration allowance, an allowance for foster care, an allowance for family care of a person of full legal age, non-monetary social assistance, and a social package. However, the law does not provide specific provisions for unemployment benefits or other forms of financial assistance. Additionally, there are no special provisions for cultural and artistic workers under this social assistance system.

State programs for social and health care are administered by the LEPL Social Service Agency, which operates under the Ministry of Internally Displaced Persons from the Occupied

Territories, Labour, Health, and Social Affairs of Georgia. The Agency's role is to provide comprehensive support to those in need through social benefits and state health and social programs. The Agency serves approximately 2.5 million Georgian citizens, which represents about 60 percent of the Georgian population.

Policy

General unemployment in Georgia is a significant issue for the government, and as a result, the cultural sector has not yet been specifically targeted for development.

According to data from the National Statistics Office of Georgia (Geostat) for 2023, the official employment rate is 16.4%. The actual rate is likely much higher, particularly in the cultural sector.

To address the severe social impact of the COVID-19 pandemic in 2020, the government introduced two temporary measures, despite not having an unemployment benefit scheme prior to the crisis:

- **Unemployment Benefits for Previously Officially Employed Persons:** Beneficiaries in this category were identified through the National Tax Registry, which holds data on income tax payments. The government estimated that around 350,000 people were eligible for this benefit, a significant number relative to the officially employed. Each recipient received 200 GEL (62 USD) per month for six months. The total budget for this transfer was 460 million GEL (143 million USD). Payments ceased once beneficiaries secured new official employment and were re-registered in the taxpayer registry.
- **Assistance for the Self-Employed:** Self-employment is widespread in Georgia, representing 45% of all employment and 36% of non-agricultural employment. The government provided one-time assistance of 300 GEL (93 USD) to the self-employed. The total budget for this aid was estimated at 75 million GEL (23 million USD), benefiting 250,000 self-employed individuals. Identifying beneficiaries was challenging because many self-employed persons were not registered in public databases. To address this, the government required self-employed individuals to provide proof of income. These measures addressed some employment issues within the cultural sector but did not cover those without stable or registered income.

Weaknesses

- **Legislation:** There is no specific legislative act for the social protection of workers in the cultural sector. Artists operating under the small business tax status remain outside the realm of social and labor rights protection, which significantly exposes them to social and labor vulnerabilities concerning their employers.
- **Policy:** In the cultural policy document "Culture Strategy 2025," social issues are addressed only declaratively. There are no corresponding programs in place.
- **Social and Economic Rights:** Workers in the cultural sector are among the most socially vulnerable professional groups. Average incomes in the cultural sector are lower compared to other fields.
- **Economic Rights:** The economic rights of cultural sector workers are often violated, but they generally lack the means, tools, or information to protect their rights.

- **Special Treatment:** There is no special provision for the treatment of workers specifically in the cultural sector. Employees of state agencies usually have corporate-private insurance or, in some cases, private insurance through family members. Those in the non-governmental sector also have private insurance, with only a small portion covered by state health insurance (which minimally addresses their needs). There are no special benefits for professional status.
- **Minimum Wage:** There is no concept of a minimum wage applicable to creative industry and cultural workers.
- **Lack of Status:** Due to the absence of an official artist status, workers do not have appropriate social security. As a result, they face greater economic vulnerability and instability, and the state does not provide adequate support or care services (e.g., maternity/paternity leave, professional illness coverage, etc.).

1.4. Taxes

Strengths

- **Legislation:** There is a tax code that includes several preferential regimes for specific areas of the cultural sector. For example, VAT exemptions apply to book publishing, cultural heritage restoration, and special tax privileges for film production.
- **Policy:** Several groups benefit from preferential status, including internally displaced persons, socially vulnerable individuals (including single mothers), persons with disabilities, and veterans. Although there are programs for these groups, there are no specific programs for artists.

TAX LAWS

Special tax provisions related to the cultural and artistic fields are included in Georgia's tax code. According to the Tax Code, any activity performed to gain income or compensation is considered economic activity, unless explicitly exempted by the Code. Charitable activities, including those in culture, education, science, healthcare, and arts, are not considered economic activities and benefit from tax privileges.

The Tax Code also includes special provisions for the fields of medicine, education, culture, sport, and social services. VAT exemptions are provided for art education and sports training services for individuals under 18 years of age, and for services related to sports and physical training.

Exemptions from national or local taxes can only be granted through amendments to the Tax Code, and tax privileges apply from the moment the relevant legal basis is established.

Additional tax privileges include exemptions for the sale and printing of tickets for theater, circus performances, classical music concerts, and museums; the import of scientific, creative, and fiction books; and services related to the sale, import, distribution, and printing of periodicals and fiction.

The construction of temples and churches as charitable activities is tax-exempt under Article 172 of the Tax Code. This category benefits more from the legislation than the restoration of cultural heritage, for which the law was primarily intended.

Restoration and reconstruction work on UNESCO World Heritage monuments is exempt from VAT (18%) under the Tax Code of Georgia.

Despite extensive debates and drafted bills, the Law on Donations and Sponsorship has not been adopted.

To support the film industry, the Ministry of Culture and Monument Protection initiated an amendment to the Tax Code that allows film producers receiving funding from the National Film Centre to be taxed only after the film's release. Previously, state budget funds were taxed before the film's release, which hindered their use. Film producers are also authorized to claim 100% depreciation on released films as intangible assets.

Amendments to the Tax Code, effective from January 1, 2015, include additions to paragraphs 65, 66, and 67 of Article 309. Since July 1, 2018, the income of individuals with small business status has been taxed at a rate of 1%, which supports small entrepreneurs in cultural industries.

Weaknesses

- **Tax Rules:** There are no special tax rules or exemptions for creative individuals.
- **Legislation:** There is no legislation for charitable donations, deductions, special pensions, and similar provisions.

2. Fair Practices

Strengths

- **Labour Rights Standards:** General standards for labour rights and provisions against discrimination are established.
- **Legal Recourse:** Employees have the right to litigate in court to protect their labour rights.
- **Court Decisions:** Numerous labour disputes have been resolved in favor of those unlawfully dismissed, notably cases involving wrongful dismissals from the Ministry of Culture and affiliated state agencies.

Weaknesses

- **Self-Censorship:** High levels of self-censorship and censorship among state sector employees, especially in recent years.
- **Unlawful Dismissals:** There is a high number of unlawful dismissals from state cultural institutions.
- **Biased Funding:** Issues related to biased state funding and discrimination in funding allocation towards loyal individuals.
- **Regional Disparities:** Non-systematic and asymmetric funding and infrastructural access among regions pose significant problems.

3. Mobility

3.1 Mobility of Art Workers and Cultural Specialists

Strengths

- **Legislation:** Georgia has a modern legal system that supports the mobility of cultural representatives both within and outside the country, with general legislation guaranteeing freedom of movement.

Visa-Free Mobility Initiatives

- **Visa-Free Regimes:** Georgia has visa-free agreements with neighboring countries, such as Azerbaijan, Armenia, Turkey, Iran, Ukraine, and Russia (Russian citizens have visa-free entry into Georgia), as well as with other countries like Brazil, Tajikistan, and more.
- **Visa-Free Entry:** Citizens of 94 countries are allowed visa-free entry into Georgia (<https://www.geoconsul.gov.ge/ka/legalActs>).
- **Biometric Passports:** As of March 28, 2017, Georgian citizens holding biometric passports do not need a visa to travel to EU/Schengen member countries.
- **International Agreements:** Georgia has signed bilateral and multilateral agreements promoting the internationalization of Georgian culture.
- **Association Agreement:** The Association Agreement supports Georgia's European integration.

Challenges

Visa-Free Mobility

- **Risk of Suspension:** Following the adoption of Georgia's "Law on Transparency of Foreign Influences," there is a risk of the European Union suspending its visa-free regime with Georgia. High-ranking officials from several EU member states have made statements regarding this potential threat (see annex).

Policy and Strategic Documents

- **Lack of Policy and Programs:** There is a lack of consistent policies and stable large-scale programs that regulate mobility in the cultural sector.
- **Absence of Facilitating Measures:** There is a shortage of facilitating measures for implementing joint ventures, networking, and partnership cooperation.

Funding

- **Lack of Stable Financing Mechanisms:** A major reason for obstacles in international mobility is the absence of a solid system for mobility funding mechanisms. This includes issues such as insufficient monetary funds for scholarships, travel or research grants, lack of transparency in fund allocation, and accessibility problems.
- **Suspended Funding Projects:** Funding projects from various U.S. and EU member states are currently suspended. There is a risk that state funding from these sources may be entirely discontinued starting next year.

Institutional Development

- **Lack of Institutional Systems:** There is a lack of institutional systems that support transnational cultural cooperation, joint ventures, network and partnership collaboration, and the development of cultural resource centers and information service centers. These systems would provide support for incoming and outgoing artists and specialists in the country.

Monitoring and Research

- **Lack of Impact Reports:** No reports have been created on the impact of legislation that ensures freedom of movement in the cultural sector.
- **Absence of Monitoring:** There is no monitoring of measures facilitating mobility in the field of culture.

3.2. Flow of Cultural Goods and Services, Relevant Contracts and Agreements

Strengths

Facilitating Measures

- **International Agreements:** Georgia has a solid base of bilateral and multilateral agreements that cover the cultural sector.
- **DCFTA:** The Deep and Comprehensive Free Trade Area (DCFTA) agreement between Georgia and the European Union is a significant step towards European integration for Georgia's cultural sector.
- **Policy Document:** The “Culture Strategy 2025” document includes a section on “Internationalization” with specific goals and objectives. Its implementation is outlined in an action plan.
- **International Networks:** Georgia is a member of important international networks at both the state level and through various non-governmental organizations.

Challenges

Policy and Strategic Documents

- **Lack of Specific References:** Bilateral, regional, and multilateral trade agreements signed by Georgia do not explicitly reference the UNESCO Paris Convention of 2005.
- **Absence of Convention References:** The Convention is also not mentioned in other international, regional, and cultural agreements.

3.3. Research and Monitoring

Terminology and Codification Issues

- **Inconsistent Terminology:** There is a general problem with inconsistent and non-integrated terminology and codification across various state documents. The same cultural product or service may be labeled differently in different strategies, action plans, budgets, and statistical databases of various agencies. This fragmentation hampers the creation of an objective information base. Incorrect identification of data creates risks of database distortions and gaps, as well as the potential for misdirection in future research.
- **Lack of Comprehensive Statistical Research:** Comprehensive and precise statistical research in the cultural sector has not been conducted, making it difficult to obtain accurate data on financial investments and financial/tax measures related to cultural goods and services.
- **Absence of Investment Research:** There has been no large-scale research on investments in the cultural sector, nor are there accessible statistics on export-import figures, origin, and destination countries.
- **Legislative Impact Reports:** There are no reports on the impact of legislation related to ensuring a balanced flow of cultural goods and services.
- **Lack of Specialized Professionals:** Georgia does not have a developed profession for "Art Appraisers," which creates problems in assessing cultural goods and services, setting appropriate prices, and successfully entering international markets.

Supporting Measures

- **Lack of Direct Reference:** There is no direct reference to the UNESCO Paris Convention of 2005 in the multilateral, regional, and bilateral trade agreements signed by Georgia.
- **Absence of Convention References:** The Convention is also not mentioned in other international, regional agreements, including those related to cultural content.

4. Skills and Lifelong Learning

4.1. Training of Qualified Personnel

Strengths

Institutional Setup:

- There are accredited higher education institutions and vocational schools in the country with relevant creative programs.
- There is an informal tradition of education, especially in performing arts (vocals, dance, etc.).
- State universities, as well as private and NGO organizations, work on lifelong learning programs.
- Creative industry businesses and NGOs actively use training systems to enhance the skills of their staff and offer various services to target groups.

Challenges

Lack of Qualified Personnel

- In the creative industries, there is a significant shortage of highly qualified labor, as well as specialists with higher education, particularly in high-tech fields and emerging sectors of creative industries where modern professions are still developing.
- There is also a shortage of certain traditional but nearly forgotten professions that are not supported by the state or the market, yet remain an integral part of our cultural heritage.

Funding

- Due to limited funding and low salaries, many creative professions are "aging," leading to an outflow of young people to other, higher-paying fields.
- Many artists and other workers in the creative industry sector lack the opportunities to engage in lifelong learning because of their fragmented, project-based working conditions. Additionally, due to the high proportion of self-employed workers in the creative industries sector and their relatively low income, lifelong learning is not accessible to many artists.

Readiness for Continuous Development:

Not all artists or cultural workers are prepared to meet contemporary market demands. They need to be more versatile and oriented towards continuous updates and development, which involves collaboration, digitization, and management.

Awareness/Accessibility:

- Even when creative industry workers want to acquire new skills and are motivated, they often lack information on what is available.
- Artists seeking new skills or deepening their knowledge often struggle to find suitable programs.
- Even when appropriate training opportunities are found, access to courses is another challenge. Issues such as the lack of affordable access and uncertainty about the level of skills provided by courses make it less likely for artists to invest time and money in learning new skills or improving existing ones.

Lack of Effective Training and Feedback

- A significant problem is the lack of feedback between participants and training programs/processes and training providers. Training service providers often become disconnected from the practical needs in the field. Due to a lack of international knowledge-sharing experiences and the misalignment or lag of training programs with market demands, providers often lack updated training materials and methodologies. Training providers and educational institutions frequently lack self-reflection and evaluation systems that could be widely used for self-assessment and development.
- Additionally, there is often a need to adapt the work context, requiring new combinations of skills at the managerial level and repeated reassessment and redefinition of their effectiveness.

4.2. Public Awareness

(Using Public Media to Raise Awareness about Cultural Self-Expression Diversity)

Strengths

Legislation

- The country has a media policy that supports linguistic diversity as defined by law. This policy ensures access to information in minority languages and promotes the development of minority cultural traditions. It allows minority artists and cultural workers to freely showcase their creativity in the media space. Consequently, this makes cultural activity maps accessible to various minority communities.
- Mass media are protected by legislation that is harmonized with international standards. The freedom of editorial policy across different print, broadcast, and internet media is ensured by transparent laws.

Policy and Strategic Documents

- Strategic documents aligned with ratified international agreements defining freedom of information and harmonized with national legislation have been ratified and are in force.
- Media monitoring is in place, supported by numerous non-governmental organizations.

- There is statistical evidence showing an increase in the number of media and digital environment users, both individuals and legal entities.

Activities Focused on Cultural Diversity

- Cultural activities initiated by various organizations, including local state and non-governmental sectors, as well as international organizations, are covered with varying intensity by the Public Broadcaster.
- A successful example of culture-focused television in the Georgian media space is "Artarea." Established in 2012 by private capital from TBC Bank as an internet television channel with a cultural format, "Artarea" began broadcasting as a cable television channel on December 25, 2013. Currently, the company operates independently, with its programs funded by various organizations, including the Ministry of Culture and Monument Protection of Georgia.

Cultural Diversity-Oriented Activities

- Cultural activities initiated by various organizations (primarily local state and non-governmental organizations, as well as international organizations) are covered with varying levels of intensity by the Public Broadcaster.
- A successful example of culture-oriented television in the Georgian media space is "Artarea." It was created in 2012 by private capital from TBC Bank as an internet TV channel with a cultural format. Since December 25, 2013, Artarea has been broadcasting as a cable television channel. Currently, the company operates independently, and its programs are funded by various organizations.

Challenges

Awareness Issue

- The media pays very little or insufficient attention to artists' rights and the freedom of their creative self-expression. Additionally, the importance of an artist's status and the role of culture in sustainable development and the formation of a democratic society are generally overlooked.
- Media diversity is a significant component of cultural self-expression diversity. Despite this, Georgian media does not adequately focus on cultural coverage, and time and space dedicated to professional cultural criticism are almost nonexistent in the media landscape.
- There is a noticeable lack of unified effort between the state, society (especially expert communities), professional circles (artists, cultural researchers, art critics), and the media to develop media diversity in the context of cultural self-expression. This is primarily due to the low level of awareness of these issues across all three sectors.
- The lack of responsibility from the media in supporting and protecting the diversity of cultural self-expression creates an unfavorable environment. Consequently, there is a growing deficiency in the promotion of high-quality cultural products and a lack of cooperation with institutions responsible for the implementation of the relevant convention.

Legislation

- The topic of cultural diversity is generally reflected in the media regulatory legislation.
- The correlation between media and culture is insufficiently addressed in the legislation.
- The adoption of Georgia's "Law on Transparency of Foreign Influence" has been perceived by the non-governmental sector, media representatives, parts of the public, and international partners as a threat to democratic values, media freedom, and pluralism. Additionally, this law poses challenges to freedom of expression, including the diversity of creative self-expression.

Policies and Strategic Documents

- In the "Culture Strategy 2025," Chapter III: Specific Tasks – "Media and Broadcasting," the reference to improving legal regulations and developing mechanisms is very general.
- The 2017-2018 action plan for the Culture Strategy includes activities aimed at enhancing the positive image of the Ministry of Culture through a public awareness campaign about culture. However, there are no specific projects or initiatives outlined for promoting cultural services and products, art forms, or the diversity of cultural self-expression in the media.
- There is no mention in any strategic document of media outlets regarding the need to raise public awareness about the status of artists and their rights.

Support Measures/Programs/Initiatives

- There are no legislative or other supportive measures to motivate the media and encourage the active involvement of civil society in promoting cultural diversity in the media. As a result, there is a lack of activity among cultural specialists in this area, and the socio-economic rights of artists and cultural workers are only of interest to the media in the context of political disputes.
- Media inspiration for cultural activities is very rare, and government support for media-culture collaboration is sporadic and low-budget.
- There is no targeted support for projects involving cooperation with the governing bodies of the Convention to address issues of inaccessible Georgian broadcasting for Georgian-speaking populations in occupied territories, including the implementation of relevant Convention articles (Article 8 – Measures to Protect Cultural Self-Expression and Article 17 – International Cooperation in Situations of Serious Threat to Cultural Self-Expression).
- The media does not address or study the issues faced by artists and cultural workers living in occupied territories.
- There is no state support for monitoring cultural content in the media.
- The conflict between the financial profitability of various media products and their cultural value hinders private businesses from sponsoring high-standard cultural content.
- The lack of transparency in criteria for determining the prioritization of cultural fields by mass media and the difficulty in obtaining state funding for media projects related to culture impede the improvement of cultural content quality.

Infrastructure

- The infrastructure of the Public Broadcaster requires significant upgrades.
- The infrastructure of higher arts institutions largely meets standards, with updates and renovations having taken place.
- The infrastructure of professional arts colleges and art schools, with a few exceptions, does not meet standards.
- The infrastructure available for informal education, except in exceptional cases, does not meet demand.

4.3. Problems of Media and Criticism in the Cultural Sphere

The problem of criticism is related to the low level of development in the field and a high degree of bias. It is a systemic issue.

- There are no studies on the correlation and interaction between media and culture, nor on the share and quality of cultural content in the media, which would provide reliable data and information for creating new policies. Additionally, there is no relevant budget research organization.
- There is a lack of information, professional discourse, and qualified discussions about culture in the media space, including:
 - The non-existence or lack of a dedicated cultural segment in the news programs of Public Broadcasting and private TV channels.
 - Insufficient information on contemporary art and a lack of critical analysis of Georgian contemporary art.
 - A shortage of promotion programs and activities for classical arts.
 - Weaknesses in qualified criticism and a lack of analytical perspectives on classical art.
 - A lack of platforms for art publications (both printed and online editions) and a general scarcity of objective criticism in the field of art.

Monitoring and Research

- Despite the stable practice of media monitoring and the activities of numerous qualified non-governmental organizations, there is no research on the cultural content of the media and the diversity of cultural self-expression.
- There are no media monitoring projects, evaluation documents, or debates within the cultural context.
- There is no research base or methodology for media related to culture; although the Journalistic Ethics Charter systematically publishes studies, none have been conducted in the areas of culture, languages, ethnic cultural diversity, or the protection of artists' socio-economic rights.

Qualification Issues

- There is a shortage of journalists specialized in the cultural sector (e.g., akin to sports journalists). The existing staff, particularly in the regions, faces issues with qualification quality and professionalism.
- Media representatives, especially in the regions, lack information about international obligations undertaken by the state in the cultural sector.
- Coverage of cultural events is concentrated only on capital city happenings, with a lack of interest in the cultural life of the regions.
- There are significant difficulties in securing state funding for media projects in the regions, which in turn complicates efforts to improve qualifications.

5. Creative Freedom

Strengths

Legislation – At the legislative level, creative freedom in the cultural sector, as well as equal access to and development of culture, is generally ensured:

- International legal norms related to the protection of creative freedom are shared and implemented.
- General laws addressing the protection of creative freedom, access to culture, and participation in cultural creation and dissemination are included in the national legislative framework for the cultural sector.
- Copyright and related rights protection legislation is well-established and harmonized with international norms.

Policy and Strategic Documents – Strategies and plans for the protection of creative freedom, specifically concerning copyright and related rights, as well as access to culture and equal participation in cultural creation and dissemination, are in place through ratified documents. The copyright protection system exists and is monitored.

Responsible Institutions – Two responsible institutions, the State Copyright Office (Sakpatenti) and the Intellectual Property Owners Association, are established for the creation, implementation, and protection of copyright policies. Professional associations, such as the Guild Association, unite artists to promote and protect their professional interests.

The state has created support programs and institutions for both direct (e.g., state awards, scholarships, travel grants) and indirect assistance.

Creative freedom, cultural activities, and the creation, production, and dissemination of cultural products and services are not restricted by censorship or other limiting systems. In 2017, the freedom of self-expression indicator in Georgia was quite high at 8.5/10 (Freedom of Self-Determination – Georgia’s final result is 8.5/10) according to the Eastern Partnership Culture and Creativity Programme. Since then, no similar studies have been conducted, but empirical data from our survey suggests that this indicator has improved.

NGO and Private Initiatives and Activities – Creative activities and opportunities for free and equal expression are somewhat supported by initiatives from various organizations (international organizations, local private and non-governmental sectors). There are small-scale social protection efforts carried out by some organizations.

Challenges

Post-COVID-19 Pandemic Issues

The COVID-19 pandemic has revealed many systemic problems, which have significantly worsened since 2022.

Legislation

The recently adopted "Foreign Influence Transparency Law" (4194-XIVms-Xmp; 28/05/2024) is considered by the non-governmental sector, media institutions, and international experts as a threat to freedom of expression.

In Georgia, there is no law concerning the status of free artists. Additionally, the legislative framework lacks definitions and provisions related to the status of free artists and associated benefits.

The "Law on Creative Workers and Creative Unions" (#2059; 08/06/1999) is outdated and needs conceptual reform. Due to the amorphous nature of the regulations in this law, member artists of unions often lack access to information regarding the management of union assets, which poses a risk of misuse.

Policy and Strategic Documents

In the existing policy document "Cultural Strategy 2025," the protection of creative freedom is addressed in a very general manner and requires expansion and deepening. Additionally, the "Strategy Action Plan" needs further specification. Other sector strategies do not address the issue of creative freedom.

Weaknesses of Responsible Institutions

Current professional associations do not meet modern challenges and largely fail to implement their mission in practice, including protecting the professional and social interests of their members.

There is no system of independent art councils to ensure direct support and monitoring of creative freedom. Factors hindering the establishment of full-fledged art councils include:

1. The lack of responsible, highly qualified professionals with high trust, who are not politically engaged or antagonistic, especially in the context of the need for rotational principles in selection.
2. The difficulty of business-oriented collaboration among arts specialists due to high political polarization.
3. A lack of consensus culture.

State Support Programs

Existing programs for direct support of creative freedom are inadequate, and indirect support programs have a very small share of cultural and artistic promotion. Specifically:

- Direct state support programs for artists, including awards, education and qualification-enhancing scholarships, and mobility grants, are inadequate due to: a) Limited state funding, and b) Non-transparent procedures.
- State programs for indirect support of entrepreneurial activities are also very limited and rarely include the cultural sector.

State Social Protection and Support Programs

There are no state social protection and/or infrastructure measures or special support programs that address the status of artists:

- Economic measures such as benefits, allowances, etc., are very limited.
- Targeted health protection and insurance for freelance artists pose problems. There is a universal insurance system, which inadequately or insufficiently addresses the challenges faced by artists.
- Freelance artists are only eligible for standard state pensions.
- There are no social security provisions specifically for freelancers or independent artists.
- Issues related to studios, residencies, and spaces for freelance artists are problematic.
- Since 2021, there have been significant layoffs at state institutions under the Ministry of Culture and Sports (mostly illegal, due to failure to prove loyalty). Professional associations do not have support advantages different from those of other non-governmental non-profit associations and unions.

Monitoring Creative Freedom

- There is no information available from the state or civil society organizations regarding the registration and protection monitoring of artists at risk in the cultural sector. Likely, no organization is carrying out such monitoring, nor is there a practice of recording precedents of restrictions on creative freedom.
- There are no precedents for monitoring the effectiveness and transparency of professional organizations.

Note:

- In Georgia, monitoring of restrictions on creative freedom is not conducted. However, according to the 2017 research of the Eastern Partnership Culture and Creativity Programme / European Union-Eastern Partnership Culture and Creativity Programme and

UNESCO's CULTURE FOR DEVELOPMENT INDICATORS / Georgia's Analytical and Technical Report, the indicator for freedom of self-expression in Georgia was quite high:

- “Freedom of Self-Determination – Georgia’s final result is 8.5/10, with 10 representing a situation where individuals believe there is ‘a great deal of freedom of choice and control,’ and 1 representing ‘no freedom of choice and control.’ A score of 8.5/10 indicates that the population feels they have a high degree of control over their lives and are free to live according to their own values and beliefs. This indicator evaluates the sense of empowerment and enablement of individuals in deciding and orienting their development.”

Source: <https://www.culturepartnership.eu/en/article/cdis-georgia>

<https://www.culturepartnership.eu/upload/editor/2017/CDIS.%20report%20draft%20Geo.pdf>

<https://www.culturepartnership.eu/upload/editor/2017/Policy%20Briefs/CDIS%20Georgia%20Analytical%20and%20Technical%20Report.pdf>

Recommendations

1. Defining the Status of Artists Legal and Regulatory Framework

Recommendations:

The state should adopt the proven and existing transnational instruments used in the European Union to address issues related to the status of artists. These instruments should cover the following areas:

- **Status of Artists and Creative Sector Professionals** – All regulations related to the regulation of status, including the criteria for defining status (artistic production, income, education, etc.).
- **Social Security** – Providing information on benefits and aspects of social protection, including support such as unemployment benefits, sickness benefits, healthcare, parental leave, pensions, workplace injuries, and occupational diseases.
- **Taxation** – Procedures for taxing specialists in the cultural and creative industries, including special tax regimes and benefits related to personal income tax and value-added tax (VAT).
- **Mobility** – Information on the legislative and administrative framework concerning visas and residency regulations, cross-border taxation, social security issues, intellectual property rights, recognition of diplomas and other qualifications, as well as programs promoting mobility.
- **State Funding** – Information on the requirements and conditions for accessing state funding.
- **Exchange of Information and Best Practices** – Best practices and information exchange should be utilized to improve the working conditions of cultural and creative industry workers.

Artist Status and Social Protection

- In addition to the existing general legislation (which is very weak in terms of social protection), there should be a drive to improve the specific and consistent legislative framework that covers all areas of artistic activity (employment/labor, social security, taxation). The legislation should be balanced and developed systematically.
- The qualification of artist status should include professionals who create, express creatively, or recreate works of art.

- The registry of cultural and creative professions should be reviewed and expanded to include cultural workers facing various challenges related to cultural self-expression diversity.
- Artists and creative professionals, regardless of their work/employment status, should be provided with adequate social protection.
- Continuous data collection/monitoring on the condition of creative individuals is necessary to develop evidence-based policies. To ensure targeted policies, a comprehensive and up-to-date registry of artists and cultural workers should be established. The identification of workers in the cultural and creative industries should be based on relevant sources or such a registry.

1.1.Cultural Policy

The state must ensure targeted research in the field of culture using UNESCO methodology. CDIS (Cultural Diversity and Innovation System) should be used as a tool for monitoring and evaluation. It is recommended to implement a policy that promotes cultural diversity and assess its impact. Based on these assessments, necessary amendments should be made to cultural legislation, strategic cultural documents, and strategic plans. Specifically:

Legislation

- Enact a law on the "Status of Artists" and make corresponding amendments to existing legislation.
- In the Law on Professional Theaters, the functions of theater managers and artistic directors should be reviewed.
- Based on international experience and local needs analysis, draft a new version of the Law on "Creative Workers and Creative Unions."
- Establish a legislative framework that promotes sponsorship and donations, considering tax and other benefits.

Cultural Policy and Strategic Documents

- Based on relevant research, create sectoral strategies and action plans for various fields of culture and arts.
- Incorporate amendments into the "Cultural Strategy 2025" based on these sectoral strategies.

Funding

- Create a legislative and institutional environment for diversifying alternative funding sources. For example, establish a "Social Protection Fund for Artists" and a "Cultural Fund" aimed at supporting projects and cultural development.

Participation and Accessibility

- To create a policy that promotes the diversity of cultural self-expression, ensure informed, transparent, and participatory processes for better governance by establishing systematic cooperation with civil society, minority representatives, and expert circles.
- Introduce independent cultural councils and ensure their constant participation in the decision-making process.

Infrastructure

- To realize the policy of cultural expression diversity and develop infrastructure, ensure expert experience in financing and management.
- Utilize various unused spaces under the Ministry of Economy's balance.
- Seek international and local donors to improve the existing infrastructure.

Monitoring, Evaluation, and Research

To systematically monitor cultural policy and develop effective methodologies, it is recommended to promote research through relevant grants, scholarships, and other financial mechanisms. An institution dedicated to external monitoring of cultural policy should be established, supported by appropriate funding (e.g., a Cultural Observatory).

It is advisable to utilize existing EU policies on cultural statistics and follow the guidelines provided at the EU level for national statistics and UNESCO indicators. This will ensure the reliability of data and facilitate comparison with data from EU member states.

Employment data in the creative industry should be transparently collected and published based on approved indicators. This should include verified data on the income and remuneration of employees and self-employed individuals, information on the structure of cultural activities, gender equality, and other reliable statistics.

The state should regularly gather statistical information from stakeholders in the culture and creative industries, including freelance workers. Such regular monitoring will also facilitate long-term analysis of the creative industry. It is crucial that data providers are not sanctioned (directly or indirectly) for supplying data and that their confidentiality is protected. This is essential for the state to have clear and unfiltered information on sector and profession categories.

Beyond basic statistics, state agencies should collect more detailed data on the conditions of artists and cultural workers to develop evidence-based policies. This data collection should provide a better understanding of realities and needs, including information on multiple professions, labor relations, various income sources (payment methods and frequency, income rates), the nature of labor contracts, access to safety, time spent on artistic work, work environment, atypical work hours, motivation, barriers to employment, wealth indicators, and educational achievements. Any data collection should incorporate a gender perspective.

- Consideration should be given to the creation of an Artists' Registry to directly identify cultural and creative professionals. Such registries, whether administrative or otherwise, can be useful for various purposes, such as determining the status of a particular artist, developing more effective policies, informing legislative and non-legislative actions,

targeted support, research, funding, promotion, or networking. To motivate artists to register, there should be clear guidance on the benefits and transparency of data usage. Registries will require regular updates.

- Open data should be encouraged as much as possible, for example, from collective rights management organizations, professional associations, and government and administrative bodies.

Development of Culture in the Regions

- It is crucial to properly integrate local cultural infrastructure within the broader context of regional development.
- Local municipalities should place greater emphasis on promoting sustainable cultural development in their budgets and strategic documents.
- Increase the volume and overall number of various projects that include cultural elements and focus on regional development.
- In addition to organizing business-oriented infrastructure, which is vital for the development of culture and its transformation into a profitable sector, it is also necessary to develop general cultural infrastructure for freelancers and independent artists. This includes creating spaces for artists, singers, and other independent professionals in the cultural sector.

International Sustainable Development Programs to Strengthen Cultural and Creative Industries (Tourism)

- Raise awareness of the importance of culture and integrate culture into sustainable development systems at the levels of strategic documents, policies, and actions.
- Based on the analysis of relevant research, ensure that culture and its strategic directions are reflected in Georgia's strategic development plans.
- Develop cultural infrastructure in accordance with the standards set out in the document "Cultural Strategy 2025."
- Create appropriate infrastructure for independent artists, improve and expand cultural spaces to support the diversity of cultural expression, and increase their overall number.
- Develop and diversify funding sources for culture.
- Establish institutional tools to ensure financial and material-technical resources.
- Conduct statistical studies and provide accurate data to create a relevant information base.
- Develop and promote the cultural and creative industries, including support for internationalization and good governance practices.

1.2. Labor Safety – Social and Economic Rights

- Comprehensive approaches and measures should be employed that consider the various aspects of artists' professional status. The ecosystem in which artists and creative professionals operate also requires the development of complex systems to address the challenges they face.
- Regulatory measures related to existing labor regimes should consider the conditions of both employed and self-employed artists and creative workers, ensuring that no one is left neglected or disadvantaged, regardless of their status.
- Align the policies on working conditions in the cultural and creative sectors with the European Union framework.
- Given the current situation, it is crucial to pay increased attention to the labor rights of individuals employed by the Ministry of Culture and legal entities of public law, as statistics indicate a serious concern with numerous court cases addressing violations of labor rights.
- Establish a framework/standards for working conditions for artists and creative professionals, approximating EU norms, to enable the state to adopt measures tailored to the specific needs of artists, including improvements in working conditions within the creative industries in the following areas:
 - Status and labor regime of artists and creative workers;
 - Social protection schemes (such as unemployment, sickness, parental leave, and pensions);
 - Taxation;
 - State funding;
 - Mobility.
- Promote research, data collection, and information exchange through a dedicated online platform.

1.3. Social Security Social and Economic Rights, Access to Healthcare

- It is essential to ensure full access to social protection for artists and cultural workers, regardless of their working regime, including access to unemployment benefits, healthcare, and pensions.

- Specific measures must be taken to address the issue of unstable incomes and employment for creative professionals and to ensure a minimum income for them.
- Where artists are not sufficiently covered by social security due to their status and are therefore exposed to greater economic vulnerability and instability, the state should provide special support and/or care services. This should include maternity/parental leave, as well as coverage for occupational diseases and other relevant issues.

The state should also ensure the following:

- Conditions of all social protection schemes are transparent, and individuals have free access to updated, comprehensive, accessible, and user-friendly information about their individual rights and obligations.
- Administrative requirements for social protection schemes should be simplified for workers, the self-employed, and employers, especially for micro, small, and medium-sized enterprises. Reducing the administrative burden related to social security for creative individuals, regardless of their status, should be a common goal at all levels.

1.4. Taxes

Social and Economic Rights / Fair Remuneration and Access to Finance

- It is important to introduce tax benefits for artists in the Tax Code, following the example of EU member states, including VAT exemptions for specific areas.
- It is advisable to introduce a modified model based on a small business model that includes elements of social protection, ensuring that artists using this system are not left vulnerable.
- It is crucial to establish a minimum wage in the culture and arts sector, particularly addressing the issue faced by school teachers in arts and culture. Their remuneration is often significantly lower than that of other educators, placing them in an unequal position.

1.5. Partnership with Civil Society

Legislative Framework

- Establish a legislative framework that encourages sponsorship and donations, considering appropriate tax benefits.

Raising Awareness

- To ensure unrestricted participation in cultural life and decision-making processes, it is essential to unite cultural activists with human rights defenders, environmental groups, and other advocacy groups, consolidating efforts.
- Promote tolerance toward cultural diversity and support UNESCO's 2005 Paris Convention through volunteer youth groups and collaboration with other human rights organizations.
- Systematically propagate and popularize the principles and values of the Convention to raise public awareness, supporting civil activity and, if necessary, institutionalizing it.
- Demonstrate the necessity of cultural identity expression for societal cultural integration and advocate for related issues.

Civil Society Participation in Policy Creation and Implementation

- To ensure the sustainability of initiatives in the cultural sector, increase professional involvement in decision-making at the government level, encourage the civil sector to develop self-organization skills, and consistently assert a civil position to shape political will.
- Demonstrate the cultural sector's ability to influence the state through civil activism and share responsibility with the government.
- To enhance civil society's involvement in understanding and supporting cultural diversity, develop a platform of NGOs that promote the implementation of the Convention.

Monitoring and Research

- Conduct monitoring and evaluation of the cultural non-governmental sector, establishing an information database.
- Implement fundamental research on cultural diversity and self-expression in Georgia.

2.Fair Practice

- Relevant state agencies at both national and regional levels should establish fair and dignified funding conditions and work standards for artists, cultural professionals, and specialists in the creative sector. Selection criteria in new competitive proposals should include provisions for fair compensation, and the government should oversee the adherence to these criteria and their alignment with applications.
- The state should encourage and support the creation of both service-providing and representative organizations, thereby institutionally strengthening the creative industries and developing their capacities.
- The government, creative industry policymakers, elected representative bodies, and relevant experts should collaborate to develop best practice guidelines for participation and successful implementation within the creative industries. These guidelines or tools will promote fair, dignified, and safe working processes and environments.
- The state should establish and ensure the availability of independent structures at national and regional levels, providing artists and creative industry professionals with the opportunity to confidentially report unfair practices, including abuse of power, harassment, bullying, and discrimination. They should also be able to seek consultations and receive assistance in resolving disputes if necessary.
- The state should ensure the proper implementation of UNESCO's 2005 Paris Convention, promoting fair commercial practices between content creators and distributors, facilitating the circulation of cultural products and services, and reviewing procurement and contracting provisions to safeguard creators' rights.
- The state should align Georgia's cultural sector legislation with EU labor conditions legislation to ensure that international directives are effectively implemented, considering the specific characteristics of work in the creative sector, and ensure fair treatment of workers in the creative and cultural sectors.
- The government and funders should promote the implementation of fair practices (including fair compensation) for creative industry workers within their policies and funding programs.
- Support should be provided for the formation and capacity-building of representative and service-providing organizations within the creative industry.
- The government should implement anti-discrimination policies in the cultural and creative sectors, fostering a safe and dignified work environment free from bullying, harassment, and discrimination. Structures and resources should be established to support those who experience such violence.
- Fair treatment in the context of gender equality should be guaranteed.
- Support should be provided for the protection of labor rights in collective agreements for self-employed individuals.

- The state should work to fully realize the potential for copyright protection, enhancing artists' ability to receive fair compensation for the use of their copyrights. The relevant organization should monitor the effectiveness of this implementation.

3.Mobility

Legislation

- Develop and implement a solid legal framework for funding mechanisms to support mobility.

Policy/Supportive Measures

- Implement consistent policies and stable programs that make funds for scholarships, travel, or research grants available.
- Establish an economic and legislative framework to support the development of joint ventures, networking, and partnership collaborations.

Institutional Development

- Promote the institutional strengthening of NGOs and the private sector in culture and the arts. Specifically, allocate resources for the institutional development of organizations involved in producing and providing cultural products and services, supporting their internationalization and market expansion.
- Provide training, encourage the creation of intersectoral coalitions to maintain sustainability (e.g., support resource centers and information service centers that offer practical support for incoming and outgoing artists and specialists, residencies, workshops, art centers, etc.).

Monitoring and Research

- Conduct research to: a) Assess the impact of legislation on mobility in the cultural sector. b) Monitor measures supporting mobility in the cultural sector. c) Create a statistical database on artists' migration.

Flow of Cultural Goods and Services, Relevant Contracts, and Agreements

- Officially adopt and utilize UNESCO's cultural development indicators system. The Ministry of Culture should standardize terms, which will be considered inter-agency terminology and aid in the creation of a unified database during research.
- Conduct research in relevant fields to prepare strategies and action plans, using UNESCO methodologies for statistical data collection and analysis to identify short-term and long-term objectives.
- Create targeted laws to fill gaps in the legislative framework regulating the flow of cultural goods and services.
- Support a comprehensive range of activities to develop the art market.
- Ensure that the goals of the convention included in the Association Agreement are reflected in the "Culture Strategy 2025" and systematically implemented through strategic planning.

4. Skills Development and Lifelong Learning

4.1. Training of Qualified Personnel

In Georgia, the development of skills and lifelong learning should be systematically nurtured to enhance the status of artists. Learning opportunities must be visible and accessible, with increased state funding to ensure their availability for artists and cultural professionals. Existing systems for skills development should be assessed to identify areas for improvement.

The following recommendations outline a comprehensive policy approach to skills development and continuous learning in the context of the "Status of the Artist" project:

- **Mapping Learning Opportunities:** Conduct a detailed mapping of available formal and non-formal courses and workshops relevant to artists. This should involve collaboration with cultural organizations, industry bodies, and educational institutions to create a comprehensive overview. Additionally, evaluate the availability of informal learning methods, such as mentorship and internships, to promote their use among artists.
- **Diverse Skill Sets:** Identify courses and workshops across various skill categories crucial for artists, including artistic/technical skills, soft skills, digital skills, and entrepreneurial skills. Establish a clear framework to ensure that learning outcomes align with the needs of artists and cultural professionals.
- **Accessibility of Results:** Ensure that the results of these mappings are accessible to government bodies, cultural intermediaries, and individual artists. Include search methods and career advice options in the plans to help artists align their skill needs with available training opportunities.
- **Funding Accessibility:** Make funding available for both employed and independent artists to encourage participation in learning programs. Funding should be easily accessible and tailored to the unique needs of the artistic community.
- **Collective Bargaining and Funding:** Encourage collective bargaining and sector organization funding to make skills development and lifelong learning a standard feature of contracts for artists and cultural workers.
- **Education Standards:** The government should develop standards for evaluating formal and non-formal education in the arts and make these standards mandatory for all publicly funded programs. These standards should reflect the diverse skill requirements of different artistic sectors and roles.
- **Evaluation Mechanisms:** Implement a mechanism to evaluate existing skill sets among artists, allowing them to adapt to changing contexts and challenges. This evaluation could occur at the national level or in coordination with European standards.
- **Participation Goals:** Set a goal for participation in lifelong learning among artists. Aim to align with European objectives, such as the European Pillar of Social Rights, which targets 60% of the working population engaging in lifelong learning by 2030. Monitor

participation rates and develop policies to address gaps in availability, findability, and accessibility of learning opportunities for artists.

4.2. Awareness Raising on the Status and Rights of Artists through Public Media

The state must ensure targeted research in the cultural sector using UNESCO's methodology, with the Culture for Development Indicators (CDIS) employed as a monitoring and evaluation tool. It is recommended to implement policies that promote cultural diversity, including media diversity, and assess their impact. Based on this monitoring, necessary amendments should be identified for strategic cultural documents and legislative frameworks.

Legislation, Policy, and Strategic Documents

- It is recommended that the correlation between media and culture is more explicitly defined in legislation, aligning with the requirements of international programs, such as the EU's "Creative Europe."
- In "Culture Strategy 2025," under Chapter III: Specific Tasks – "Media and Broadcasting," the section on improving legal regulations and developing mechanisms should be elaborated.
- The "Culture Strategy Action Plan" should specifically outline projects or programs aimed at raising public awareness of cultural products and services, arts, and cultural expression diversity in the media, with an appropriate budget allocation.

Planning of Support Programs for Media Diversity and Cultural Content Development

- Create favorable conditions for media to engage with the cultural sector (modernizing the legal framework, introducing direct and indirect funding forms, encouraging private sector involvement, and supporting the creation of new media outlets).
- Conduct educational and informational campaigns on cultural self-expression diversity with active media and public involvement; develop broadcast formats to deepen understanding of cultural values and raise awareness.
- Foster collaboration among experts, NGOs, and other stakeholders to enhance and diversify cultural content.
- Promote cultural priorities within the context of sustainable development, increasing cooperation between the state, NGOs, the private sector, and the media in this direction.
- Facilitate collaboration with international donors, including UNESCO funds, to create cultural media programs and promote the Convention.
- Implement cultural decentralization through media by diversifying coverage of regional cultural life.

- Promote awareness and protection of the cultural sector through civil society's advocacy of the Convention's principles, media diversity, and the establishment of a relevant public opinion.
- Create an environment to resolve conflicts between the financial profitability of media products and cultural value in favor of the latter.
- Stimulate media's economic interests by encouraging state and private investment in culture.

Enhancing Media's Role in Cultural Self-Expression Diversity

- It is recommended to raise public awareness of media diversity.
- The role of mass media in the cultural sector needs to be defined, alongside an assessment of the state of criticism within the media.

4.3. Promotion of Culture and Cultural Self-Expression Diversity

Promoting Culture on Public Broadcasting

- Enhance the representation of the cultural sector on public broadcasting by developing relevant educational and creative programs, including those related to the Convention. Ensure the consistent presence of several high-quality programs in the broadcast schedule and establish high professional standards in cultural journalism.
- Increase the focus on culture across various media outlets, with a minimum requirement of creating a dedicated cultural block within news broadcasts.
- Encourage the growth of cultural-educational and informative programs in popular private television media through indirect state support.
- Allocate small grants for cultural programs in media through central and municipal authorities.

Infrastructure Development

- Implement programs to improve the material and technical base of culture-oriented and regional media.

Supporting Professionalization

- Institutionalize the development of cultural journalism education and develop appropriate educational and training programs to raise qualifications. Expand and effectively implement the measures outlined in the "Culture Strategy 2025" and its action plan.
- Increase motivation for cultural journalists by creating a system of indirect benefits for commercial media that incentivizes work in the cultural sector.

- Ensure the freedom of cultural journalism from political, state, or private influences and interference, preventing indirect pressure through other resources.
- Encourage journalists, critics, and other cultural guilds and associations to maintain high standards in gathering, processing, and disseminating unbiased information. Establish one-time awards and scholarships to support their work.
- Ensure transparency and professionalism in developing criteria for covering cultural topics.

Monitoring Support

- Establish a stable practice of state-led cultural media monitoring and encourage NGOs responsible for this task by supporting their qualification improvement.
- Support research on media culture content and the diversity of cultural self-expression through the provision of relevant funding programs.
- Enhance the qualifications of organizations conducting cultural media monitoring by providing access to international expert experience.

5. Creative Freedom

(Promotion of Human Rights and Fundamental Freedoms)

5.1. General recommendations

The uncompromising implementation of UNESCO's 2005 Paris Convention's guiding principle – the respect for human rights and fundamental freedoms of expression, information, and communication as prerequisites for the creation and dissemination of cultural expressions – must be ensured at all levels.

Creative freedom encompasses the following rights:

- **"The right to create without censorship and intimidation."**
- **"The right to support, distribute, and reward artistic works."**
- **"The right to free movement."**
- **"The right to freedom of association."**
- **"The right to protection of social and economic rights."**
- **"The right to participate in cultural life."**

Creative freedom is essential for a culturally diverse and thriving democratic society. The recommendations emphasize the importance of supporting, reinforcing, and safeguarding the right to artistic freedom and the right to create without fear of censorship or repercussions.

Additionally, the recommendations aim to ensure that policymakers adopt necessary legislative measures to protect the right to freedom of artistic expression. They underscore the responsibility at all levels to promote and defend artistic freedom. The recommendations include measures to improve reasonable working conditions for artists, thereby enhancing creative freedom. It is crucial to make art and culture accessible to all members of society and to support organizations that advocate for the freedom of artistic expression.

A free and vibrant cultural life is a prerequisite for a sustainable democracy—and vice versa. Therefore, creative freedom should not be taken for granted; it must be protected and supported. Restrictions on artistic freedom should be avoided at local, regional, and national levels, as well as in the international context, through appropriate measures.

The recommendations call on policymakers to take necessary legislative actions to safeguard the right to freedom of artistic expression. It is crucial for all levels of government and cultural institutions to actively promote and protect this right. Cooperation within Georgia and with international partners, including the EU, is vital to maintaining and enhancing the protection of artistic freedom.

Additionally, it is crucial to ensure that art and culture are accessible to all members of Georgian society and to support organizations that fight for the right to freedom of artistic expression. To prevent limitations on artistic freedom, appropriate measures should be implemented at local, regional, national, and international levels.

In Georgia, it is essential to recognize that artistic freedom cannot be taken for granted. Efforts should focus on creating an environment where artists feel supported and empowered to express themselves freely. This will not only benefit the cultural sector but also contribute to the broader democratic and social development of the country. In particular:

Creative freedom should be better protected through national legislation and political practices, which should be aligned and integrated with European legislation.

The issue of artists' freedom of expression should be subject to special monitoring.

The state must ensure access to culture, participation in cultural life, and the practice of cultural activities for both the public and artists.

It is essential for the state to conduct research on creative freedom in the cultural sector using UNESCO methodologies and to establish monitoring of instances where creative freedom is restricted. The **CDIS (Culture for Development Indicators Suite)** should be used as an assessment tool. It is recommended to implement policies that promote cultural diversity and evaluate their impact. Based on this evaluation, necessary amendments should be made to cultural legislation, strategic documents, and strategic plans.

5.2. Legislative Changes

1. **A law on the status of artists should be created**, defining the rights and benefits system for artists. The legislation should reflect measures for the economic and social support of creative freedom.
2. **The "Cultural Strategy 2025" document should be amended** to define the status of artists (both employed and self-employed/free artists) and the corresponding supportive measures. The term "creative freedom" in the strategic document should not be limited to an anti-discrimination context. Instead, the importance of "creative freedom" as a value should be clearly articulated and integrated into the context of cultural participation, the production and development of cultural goods and services, and the management of cultural processes.
3. **Suspend /repeal the law "Law on Transparency of Foreign Influence".**

Following these legislative and strategic changes, it is advisable to revise the action plan of the Cultural Strategy to ensure the harmonious inclusion of the issues of creative freedom and the status of free artists in the existing document's objectives.

New independent institutions, such as an arts council system, should be created, with corresponding diversified funding regulations, to support programs aligned with the status of free artists. Additionally, arts councils should become a key part of the creative freedom monitoring

system. It is recommended to promote the conceptual and financial reorganization of existing creative unions, fostering the institutional and infrastructural development necessary for their functioning, and to continuously monitor their effectiveness.

5.3. Programs and Measures to Support Creative Freedom

- **The state should develop a wide range of direct support programs** (not only in the form of small awards, scholarships, and travel grants) by increasing funding and ensuring transparency in procedures. The state's indirect support programs for entrepreneurial activities should be diversified, giving greater significance to the cultural sector and diversifying funding sources.
 - **Special economic measures and support programs should be developed and implemented**, which consider the status of artists—providing benefits, deductions, etc.
 - **A social protection system should be established**: targeted healthcare and insurance, pensions, and social assistance should be provided for free artists.
 - **Infrastructure measures should be introduced**, which consider the status of artists—identifying and adapting spaces, establishing a fund for workshops, and creating residencies for free artists' creative activities, equipped with appropriate materials, tools, and technologies.
 - **The state should ensure a supportive environment** for private and non-governmental initiatives, enabling the private and non-governmental sectors to implement funding/grant/entrepreneurship support systems for artists.
- **Collaborative programs should be developed in partnership with the media** to raise awareness about the values of creative freedom and to promote these values widely.
- **Social protection, education, entrepreneurship, and economic incentive projects should be planned and implemented** for free artists living in areas adjacent to conflict zones. These initiatives will support the continuous growth of their professional qualifications, ensure their full participation in the cultural sector, and foster the development of their entrepreneurial activities.
- **An institutional and infrastructural system should be established** to provide safe havens for artists at risk.

5.4. Monitoring

- **It is recommended to implement monitoring of cases where creative freedom is restricted.** This has become especially relevant in the past two years. Appropriate regulations should be developed to ensure prevention in the future.
- **Programs for monitoring precedents of the restriction of creative freedom should be created and supported.** Special emphasis should be placed on providing maximum support to international and non-governmental organizations that monitor cases of creative freedom restriction for free artists working in occupied territories.

5.5. The Right to Freedom of Artistic Expression Should Be Clearly Reflected in National Legislation and Political Practice

In Georgia, it is imperative that institutions work collaboratively to better protect the right to freedom of artistic expression and incorporate it into core legislation. This approach will address diverse attitudes towards artistic freedom and ensure a consistent framework for its protection.

To achieve significant, proportional, and effective legal actions, it is essential to involve the artistic community in discussions about the relationship between artistic freedom and public values. This dialogue should include academics, stakeholders, and policymakers. Based on these discussions, indicators can be developed to assess how well the right to freedom of artistic expression is protected in Georgia.

In terms of political practice, it is crucial to prevent political influence on cultural expression, particularly concerning funding. While the government determines the total amount of funding available for artists, professionals should be involved in the decision-making process to avoid arbitrary decisions regarding funding allocation. Cultural bodies responsible for granting and funding artists should be supported by a consultative body composed of art professionals who can critically assess funding allocation. Members of this consultative body should be regularly rotated, and strict policies should be implemented to prevent conflicts of interest and bias. This principle ensures that artists in Georgia have the freedom to create without political interference.

5.6. Access to Culture for the Public and Artists Should Be Strengthened, and All Barriers to Cultural Access and Funding Should Be Reduced

In Georgia, the right to artistic freedom, as described by UNESCO, includes equal opportunities for all members of society to participate freely in artistic and cultural activities without social, economic, or political restrictions. Barriers to cultural access infringe on the freedom of individuals and groups to participate equally in the cultural expression of society.

The state must ensure that all members of society have equal access to pursue their artistic and creative endeavors. This includes providing opportunities for artists at risk, refugees, and internally displaced persons who are in particularly vulnerable situations.

A practical approach would be to subsidize "discounted passes" for low-income families, youth, and pensioners, enabling them to access cultural events and activities at reduced prices.

Additionally, funding or access opportunities for public goods should not be limited by linguistic, technological, cultural, or social barriers. Special attention should be given to migrants, minorities, and people with disabilities to ensure inclusive cultural participation.

Furthermore, the state must ensure equal access to funding and spaces for all forms of art, providing a supportive environment for diverse artistic expression and creativity across Georgia.

Draft Law of Georgia on the Status of the Artist

The Law of Georgia on the "Status of Artists" is based on the Constitution of Georgia, the Law of Georgia on "Culture," international experience in the legal regulation of the cultural sector, the 1980 UNESCO Recommendations, the 2005 UNESCO Paris "Convention on the Protection and Promotion of the Diversity of Cultural Expressions," and takes into account the centuries-old traditions of Georgian national culture, with the aim of establishing a dignified place for the country's sustainable development and international community through creative activity and culture as global public goods.

Article 1 Purpose of the Law: Given the importance of the cultural and creative sectors, the law aims to:

- a) Define the financial, tax, and social status of artists and cultural workers;
- b) Legally protect their rights and freedoms;
- c) Create a legal basis for professional growth and development;
- d) Ensure the continuous increase in their contribution to the formation of the gross domestic product and strengthen the stability of the labor market;
- e) Improve the support for creative activities;
- f) Improve living and working conditions;
- g) Ensure moral, economic, and social security and unceasingly care for the well-being of each individual.

Article 2. Definitions of Terms The terms used in this law have the following meanings:

- a) **Art** – A broad concept of human creative activities, which includes the creation of works through literary, musical, theatrical, visual, video-audio, or any other expressive means, conveyed by the author's imagination or technical talent, aiming to appreciate beauty or emotional power. In its most generalized form, art includes the creation of art pieces, art criticism, the study of art history, and the dissemination and perception of art aesthetics.

b) **Artist** – A natural person, a creative worker who operates in any field of art, plays a significant role in society's life and evolution process, achieves new, socially significant results through creative activity, participates in the creation and interpretation of works of science, literature, and art as defined by the Georgian Law on Copyright and Related Rights. Anyone who creates, creatively reflects, or recreates a piece of art and considers their artistic activity as an integral part of their life, contributing to the development of art and culture, regardless of whether they are employed in any field of art or culture or are a member of any professional association, is recognized as an art worker. An artist can be employed or self-employed.

c) **Artist Status** – Recognition of the role of artists and cultural workers in society's sustainable development, given the social significance of creative and/or cultural workers' activities, the uniqueness of their working manner, and their rights and freedoms, including moral, economic, and social rights, with an emphasis on income and social protection issues.

d) **Employed Artist** – A natural person who receives more than 50% of their total annual income from professional artistic activities, conducts creative work at a professional level, publicly presents such work in public spaces, in publications, stage and concert performances, film-television-video works, and other forms. The professionalism of an artist is confirmed by paid artistic professional activities, which may not correspond to a diploma-recognized profession or specialty. A person performing only technical and organizational tasks or materially assisting another person in creating and interpreting cultural value cannot be considered a professional artist.

e) **Self-employed Artist (Freelancer)** – A professional in the creative and cultural field who receives more than 50% of their total annual income from professional artistic activities and works independently.

f) **Cultural Worker** – For the purposes of this law, a cultural worker is a natural person engaged in activities in the cultural sector and/or performing supportive or auxiliary activities for the production of the cultural sector.

g) **Cultural Activity** – Socio-cultural activity represents an individual's integral characteristic, reflecting their life position and manifesting in morally motivated willingness and readiness to participate in and show initiative in the assimilation and further development of values. It includes the creation, assimilation, preservation, and development of works of literature and art, protected or expected to be protected by copyright or related rights.

h) **Cultural Activity, Goods, and Services** – Activities, goods, and services considered by specific usage or purpose characteristics embody or carry cultural self-expression features, regardless of commercial value. Cultural activity can be an end in itself and/or promote the production of cultural goods or provide services.

i) **Cultural Industry** – The sector that produces goods obtained through cultural activity and serves their dissemination.

j) **Professional Artistic Activity** – The creative field of cultural activity aimed at the creation and interpretation of works of science, literature, and art as defined by the Georgian Law on Copyright and Related Rights; it includes the act of creation based on professional knowledge and skills, creative expression, or the recreation of a piece of art, and has economic equivalent/market value.

Article 3. Granting the Status of Artist

1. A natural person wishing to obtain the status of an artist is entitled to submit an application to the Revenue Service and request the granting of the status.
2. A natural person wishing to obtain the status of an artist must attach fiscal documentation to the application, confirming compliance with the conditions for granting the status, specifically:
 - a) For a natural person to be eligible for artist status, at the time of requesting registration, they must have received more than 50% of their total taxable income from cultural activities or professional artistic activities in the previous calendar year, specifically:
 1. Income derived from copyright and related rights and professional artistic activities and cultural activities;
 2. Individual term employment contracts in cultural activities, professional artistic activities, and the cultural sector.
 3. Along with the registration application, the applicant is obliged to submit a declaration of compliance with the conditions at their own responsibility.
 4. Once a year, the applicant must submit fiscal documents confirming that more than 50% of their income comes from cultural or professional artistic activities.
 5. The applicant must also present a financial document issued by the National Revenue Service confirming the income of the previous calendar

year, the last one-time income declaration submitted in the previous calendar year, and an administrative document authorizing their activities.

6. The application may be submitted in physical or electronic form to the Revenue Service, and the status will be approved or rejected within 30 days of submission.
3. If the status holder does not submit the declaration of compliance with the conditions within the specified time frame, their artist status will be suspended. The applicant's artist status will be reinstated no later than 30 days after submitting the required documentation to rectify the suspension.

Article 4. Registration Conditions

1. The artist status is valid for three calendar years from the date of registration.
2. After registering as an artist, the artist must submit a declaration to the registration authority once a year, no later than October 1, confirming that they have met the 50% income threshold.
3. At the end of the three calendar years, by October 1, the natural person can request re-registration, provided that at least 50% of their taxable income during this period is derived from cultural and professional artistic activities.
4. Obtaining and registering for artist status is voluntary and does not preclude the use of other tax regimes and statuses.

Article 5. Benefits for Status Holders

1. For the purposes of this law, a natural person with the status of a self-employed artist is subject to the special taxation regime provided for in subparagraph "d" of Article 83 of the Tax Code.
2. Income from cultural and artistic activities conducted in compliance with this law will not be taxed on 40% of the total income.
3. Remunerated work performed by a person holding the status of an artist will not be considered public activity as defined by the Law of Georgia on State Pensions.
4. To regulate/improve/protect the working conditions of individuals with artist status and to ensure the introduction of a bonus system, special targeted state

programs will be created for the relevant trade unions and professional associations, which will also contribute to their strengthening and activation.

Article 6. Professional Development of Artists and Cultural Workers

1. To support the professional career development of cultural workers and artists, a state program for professional development, training, and qualification enhancement will be created, which will be financed annually from the state budget, taking inflation into account.
2. State agencies are obligated to allocate separate funds in their annual budgets for the necessary means to provide paid financing for local support programs.

Article 7. Infrastructure Support

1. To encourage and support creative and cultural activities, authorized state agencies will ensure the allocation of appropriate spaces for individuals with artist status to carry out their activities.
2. To achieve the goal indicated in the first paragraph of this article, state agencies will use cultural houses, cinemas, and cultural facilities under their management, including non-functional buildings, to achieve the purposes of this law, including creating work and exhibition spaces, and supporting cultural and artistic activities.
3. To achieve the goal indicated in the first paragraph, the relevant sectoral ministry, within its competence, will ensure the arrangement of appropriate spaces, payment of utility bills, and administration.

Article 8. Social Rights

1. The state ensures social rights and health insurance for artists and cultural workers, specifically: a) The right to medical leave and benefits due to temporary disability caused by any illness or accidents outside of work; b) Medical leave and maternity benefits; c) Medical leave and benefits for caring for a sick child and/or parent; d) Medical leave and benefits for pregnancy-related risks.
2. The state provides appropriate health insurance for artists, including the identification and prevention of occupational diseases.

3. Special state programs will be created to subsidize health insurance against occupational diseases for artists and cultural workers.

Article 9. Rights and Freedoms of Artists and Cultural Workers

Artists and cultural workers have the following rights and freedoms: a) Freedom of creative and cultural self-expression; b) The right to collective and individual bargaining; c) The right to participate in collective actions; d) The right to establish or join a professional association; e) The right to consultation or exchange of information; f) The right to take leave; g) The right to maternity leave; h) The right to protection from abuse of superior position; i) All other rights granted by law and international conventions.

Article 10. Labor Rights

1. For the purposes of this law, a self-employed artist with the status granted by the official registration authority shall be considered a self-employed person and equated with an employee under a labor contract.
2. Persons with the status of a self-employed artist enjoy the rights provided by the Organic Law of Georgia, the Labor Code.
3. The minimum salary for artists and cultural workers must not be less than three times the subsistence minimum.
4. A temporarily unemployed artist who has made contributions to the fund for at least 12 months is entitled to benefit from social assistance for unemployed artists.

Article 11. Development of the Field of Culture and Art

1. To strengthen the status of artists, the state promotes the development of the field of culture and art. To this end, relevant agencies shall take the following steps: a) Develop and approve a research-based cultural development strategy for 2025-2035, reflecting the principles of this law; b) Develop and approve sectoral strategies for art and state funding programs.
2. The state facilitates the diversification of financial sources for culture to strengthen: a) The study, development, and dissemination of new cultural fields, contemporary art, as well as new media and digital art; b) The use and integration of new technical and technological achievements in existing

professions, and the promotion of their study, development, and dissemination using modern methodologies.

3. Through relevant sectoral programs, the state particularly focuses on the restoration, study, development, and dissemination of forgotten/traditional professions and supports artists working in these professions.

Article 12. Culture and Art Support Fund

1. To support projects promoting culture and art, cultural and artistic activities, the social and health support of artists and cultural workers, and the diversification of cultural funding sources, a Culture and Art Development Support Fund is established.
2. The rules for the management and organization of the Culture and Art Support Fund shall be determined by a decree of the Government of Georgia.
3. The sources of income for the Culture and Art Support Fund are: a) Contributions from the Government of Georgia; b) Donations from individuals or entrepreneurial legal entities; c) Funding allocated by international organizations; d) Other sources.

Article 13. Tasks of the Culture and Art Support Fund

The Culture and Art Support Fund will be used to support the following projects and activities:

1. The creation, dissemination, and development of cultural and artistic products.
2. The exchange of cultural and artistic products between the population living in territories controlled by the central government of Georgia and those living in occupied territories.
3. International exchange of culture and art and the promotion of cultural mobility.
4. Ensuring the welfare of artists and cultural workers and financing appropriate healthcare and social protection programs for this purpose.

Article 14. Transitional Provisions

1. The Ministry of Culture and Sports of Georgia shall ensure until December 31, 2025:

- a) approval of research-based culture development strategy for 2025-2035;
- b) Approval of sectoral sub-strategies and sectoral programs of state funding.

2. The Ministry of Regional Development and Infrastructure of Georgia shall provide relevant acts approval by December 31, 2026.

3. Executive bodies of the municipality shall provide relevant acts approval by December 31, 2026.

4. Until December 31, 2026, the Government of Georgia should ensure the creation of a culture and art supporting fund and the development of the fund's organizational management charter.

Article 15. Term of entry into force of the law

This law will come into effect on January 1, 2026

President of Georgia

Salome Zurabishvili