

A Perpetual Human Rights Violation Against Visual Artists

Katrín Oddsdóttir, lawyer

The Association of Icelandic Visual Artists (SÍM) recently held a conference to discuss the fact that visual artists generally get little or no return for their work. I was asked to give my opinion on whether the fact that museums normally pay visual artists close to nothing for the work they put in at exhibitions is a possible breach of law. In the last years, the fees to visual artists have slowly risen, which is a positive fact, but there is still some way to go before we can say that visual artists get fair pay for their work, especially when compared to other artists. This situation involves, in my opinion, a violation of the human rights of this particular group of individuals, and of the equality rule.

Iceland is rather progressive in the protection of human rights. The simple definition of human rights is the basic rights we all have and are solely based on the fact that we are humans.

Iceland was one of the 48 states that signed the United Nations Universal Declaration of Human Rights in 1948. We can take pride in that. In the 23rd article of the declaration it is stated that every man has the right to a free choice of employment and to equal pay for equal work, without discrimination. It also says that everyone who works “has the right to just and favourable remuneration, ensuring for himself and his family an existence worthy of human dignity”.

Furthermore, the 27th article of the Declaration of Human Rights guards the right of everyone to freely to participate in the cultural life of the community and enjoy the arts. Both these laws regarding human rights, that is, the right to fair pay for work and to cultural life, are also protected in the International Covenant on Economic, Social, and Cultural Rights, which has been legalized by Icelandic law no. 10/1979, making it clear that the Icelandic state is obligated to ensure that everyone gets paid for their work per the general wage agreement. Nonetheless, artists who are specifically asked to exhibit their art, still do not get paid fully for the work they put in mounting these exhibitions. Most museums in Iceland are run, at least partly, on public funding. That means we, Icelandic citizens, uphold these institutions with our taxes. How can it be that institutions using public money and governed by the state and communities think they can ignore a human rights agreement that Iceland has signed and legalized? At the same time, public institutions and agents in other art fields, such as the theatre and music, manage to honour the general wage agreement and pay artists for preparation and performance of the art that appears on stage.

In the first issue of SÍM's magazine, *STARA*, from 2016, a few examples are listed that show explicitly how Icelandic artists repeatedly had to shoulder the cost of exhibiting their art or receive payments that are embarrassingly low. Furthermore, the examples demonstrate that curators are offered decent wages, that a considerable sum is spent on exhibition programs and invitations to openings, but when it comes to paying the artists the wallet seems to have emptied. In some cases, they do not even get refunds for the cost of materials, not to mention wages for the work they have put into the exhibition and payment for intellectual property. Possibly the idea behind this outdated and illegal practice is that the visual artists will get some publicity that will enable them to sell their art. The fact is, however, that exhibitions in public museums in Iceland do not aim for sales, so this argument is at best speculative.

It is a heavy responsibility to shoulder to cheat one group of individuals out of getting payment for their work. This group does not get pension rights and is an easy victim of poverty, both in younger and elder years, with following consequences.

The SÍM board has put forward a modest plan to amend this illegal state of affairs, with the so-called Contribution Contract, based on a Swedish model, which insures that artists get minimum wages for their work. Even though all parties involved in this shameful reality of the Icelandic art scene shout from the rooftops that they support the natural claim that visual artist should get paid for their work, Icelandic museums have for the most part declined this contract without setting forth concrete alternatives. Only a few of the museums have asked for additional appropriation to pay artists, although it is obviously in their interest that these artists can survive of their art and create more art without the burden of financial anxiety or the fatigue of having extra jobs.

It must be considered that the overall sum needed to pay artists according to the Contribution Contract is less than 30 million ISK, judging by the exhibition program of the year 2017. And we must consider this fact in the obvious context of Icelandic tourism now turning in ever-growing revenues in ticket sales for Icelandic museums and galleries.

This article hopefully makes it clear to those who govern cultural affairs, and those who organize art exhibitions, that this current state of affairs is illegal. It is my opinion that an unchanged situation can create a liability for damages for the public parties that do not meet their legal obligation of paying fair wages to artists.