

MANIFESTO - MUSIC IN FREEDOM

“Music is the language of the soul.” (Hazrat Inayat Khan) Its embodiment lies in crossing borders and connecting. It conveys spiritual, emotional, and aesthetic values. It is, simply put, absolutely free.

We are professional musicians working as freelancers or permanent employees in Germany and internationally. We are members of renowned orchestras, bands and ensembles, work as soloists and pedagogues, and are active in all manners of musical genres.

The foundation of our common work are universal and basic values such as respect, empathy, compassion, and tolerance. We believe every person to be unique, and, based on their own life experiences, able to make responsible and informed decisions.

Music can only manifest its true power if:

- all people have uninhibited access to all concert venues and events, regardless of conditions and restrictions;
- each individual can freely decide under which circumstances a concert attendance is possible in a responsible manner;
- there is no restriction on the continuation of artistic endeavour.

We musicians hereby declare that it is incompatible with human dignity, which is inviolable in our country, to exclude people from cultural life. Everyone has the right to participate in culture, society, and public life. This also applies in the event of an emergency; however this may be defined by the state. (See Art. 54 EUGRCh¹, Art. 15 ECHR²)

In this context we refer to Article 27; UN General Assembly resolution of December 10, 1948 - 217 A (III). **Universal Declaration of Human Rights:**

1. *Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts, and to share in scientific advances and achievements.*

1 Article 54 Charter of Fundamental Rights of the European Union: Prohibition of abuse of rights:

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

2 Article 15 European Convention of Human Rights: Derogation in time of emergency:

- (1) In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

See also: Art. 15 UN-ICESCR Social Pact 1 of December 19, 1966³.

In the aforementioned **Charter of Fundamental Rights of the European Union** from 2000, the aspect of integrity was particularly emphasized immediately after the “*dignity of man*” (Art. 1) and the “*right to life*” (Art. 2) as a “*right for integrity*” (Art. 3). This right is constitutive (fundamental) for the entire European Union:

(1) Everyone has the right to physical and mental integrity.

(2) In the context of medicine and biology, the following must be observed in particular:

a) the free consent of the data subject after prior clarification in accordance with the details stipulated by law,

b) the prohibition of eugenic practices, especially those aimed at the selection of people,

c) the ban on using the human body and parts of it as such to generate profit, (...)

Since the beginning of the lockdowns and the subsequent declaration of the “epidemic situation of national significance”, there have been political and social developments that we perceive, among other things, as pressure to conform with the vaccination against Covid-19 as a blanket assumed basis for lifting the restrictions on freedom for everyone. Music-making and its accompanying facets were largely made unconstitutionally illegal for most musicians. Our essential and vitalising social work was largely absent in these times and is still massively restricted by prohibitive measures (such as the 3G or 2G regulations in Germany). This has resulted in many musicians fighting for their existence through commercial loss; furthermore, musical education is being palpably throttled as coming musicians are prevented from attending their training. Concerns about young talent are increasing in various regions, in some cases sharply; our cultural heritage can no longer be adequately passed on to future generations.

3 **Article 15 International Covenant on Economic, Social and Cultural Rights:**

- (1) The States Parties to the present Covenant recognize the right of everyone:
 - (a) To take part in cultural life;
 - (b) To enjoy the benefits of scientific progress and its applications;
 - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author.
- (2) The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
- (3) The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
- (4) The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

The current anti-covid laws force the general public to view each other as potentially dangerous - a situation which removes our dignity and is driving us to a truly appalling new norm: legally, emotionally, and on a personal level.

We musicians hereby want to point out that our basic rights and our status of liberty cannot be bound to any testing or vaccination procedures. They are our natural status quo, fundamentally by means of Human Rights, and are guaranteed to everyone as stated in Article 1 and Article 79 (3) of the Basic Law for the Federal Republic of Germany.⁴

We musicians point out, with reference to the resolution of the Parliamentary Assembly of the Council of Europe (PVER) No. 2361 of January 27, 2021,⁵ that vaccination is a personal decision of each individual. In conclusion, nobody should be compelled to vaccinate or, in the event of a refusal to vaccinate, discriminated, blackmailed, threatened, defamed, persecuted, stigmatized, isolated, or otherwise disadvantaged; be it through the state, the economy, or social majorities. This must especially apply if the vaccine is so new that approval is only granted on the condition that research results are subsequently supplied. The quoted resolution applies to all areas of existence and to peaceful social coexistence and was passed by the Council of Europe, the independent guardian of human rights in Europe, on January 27, 2021. It

4 Article 1 Basic Law for the Federal Republic of Germany [Human dignity - Human rights - Legally binding force of basic rights]

- (1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.
- (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
- (3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law.

Article 79 [Amendment of the Basic Law]

- (1) This Basic Law may be amended only by a law expressly amending or supplementing its text. In the case of an international treaty regarding a peace settlement, the preparation of a peace settlement or the phasing out of an occupation regime or designed to promote the defence of the Federal Republic, it shall be sufficient, for the purpose of making clear that the provisions of this Basic Law do not preclude the conclusion and entry into force of the treaty, to add language to the Basic Law that merely makes this clarification.
- (2) Any such law shall be carried by two thirds of the Members of the Bundestag and two thirds of the votes of the Bundesrat.
- (3) Amendments to this Basic Law affecting the division of the Federation into *Länder*, their participation in principle in the legislative process, or the principles laid down in Articles 1 and 20 shall be inadmissible.

5 Parliamentary Assembly Resolution 2361 (2021): „Covid-19 vaccines: ethical, legal and practical considerations“

[...]

7.3 with respect to ensuring a high vaccine uptake:

7.3.1 ensure that citizens are informed that the vaccination is not mandatory and that no one is under political, social or other pressure to be vaccinated if they do not wish to do so;

7.3.2 ensure that no one is discriminated against for not having been vaccinated, due to possible health risks or not wanting to be vaccinated;

7.3.3 take early effective measures to counter misinformation, disinformation and hesitancy regarding Covid-19 vaccines;

7.3.4 distribute transparent information on the safety and possible side effects of vaccines, working with and regulating social media platforms to prevent the spread of misinformation;

7.3.5 communicate transparently the contents of contracts with vaccine producers and make them publicly available for parliamentary and public scrutiny;

[...]

stands on its own as a reminder to the responsible representatives of all European countries.

We musicians do not want to feel pushed into a position in which we are forced to recognize the state-imposed 2G or 3G rules for access to art and culture, and thereby create a gap between us and our beloved audience, to tear open our fans and friends. We are in no way entitled to request such health data. This is a task that, if at all, can only be carried out by the state in a most sensible manner.

We musicians agree with the above warning from the Council of Europe and call on all people to join us in raising our voices against what can only be described as a forced division of our society. Each individual has the right to his/her/their self-determination, and to live their lives, as free citizens, under the protection of our human rights laws, contrary to what the state may try to enforce or take away from us. Nobody has the right to remove people from our unique and all-important cultural legacy.

UN General Assembly Resolution, December 10, 1948, 217 A (III). Universal Declaration of Human Rights, Art. 1: *All people are born free and equal in dignity and rights. They are endowed with reason and conscience and should meet one another in the spirit of brotherhood.*

We musicians hereby demand that music and art be given back their urgently needed, well established, non-discriminatory free space in direct exchange with all people. We recognize that one of the most important sources of life force is all of us.

We musicians stand together for music in freedom!

www.musik-in-freiheit.de