

# Case 08- ARCO drops an exhibition about the Catalan political prisoners in Madrid

ARCO's organization decided to remove Santiago Sierra's piece to "avoid controversy".



## 1. Description

The ARCO art fair in Madrid started its 2018 edition in a quite controversial way: by dropping an exhibit by artist and activist Santiago Sierra, a piece called "PRESOS POLÍTICOS Y LA ESPAÑA CONTEMPORÁNEA" (Political Prisoners and Contemporary Spain). The artwork consists of about twenty black-and-white pixelated pictures of Oriol Junqueras, Jordi Cuixart and Jordi Sánchez, amongst others. With this work, the artist wanted to underline that Spain does indeed hold political prisoners and to bring the "independence process" into art.

It was IFEMA's president ("IFEMA" is the Trade Fair Institution of Madrid) who asked for this piece to be removed, and both the art gallery and ARCO agreed. In its 37 editions, ARCO (which is a public consortium whose shareholders are the Madrid Regional Government, Madrid City Council, the Chamber of Commerce and Industry and the Fundación Obra Social y Monte Piedad de Madrid) had never censored any artist.

IFEMA issued a statement saying that Sierra's work, which was hitting the headlines, "hampers the visibility of the other art on show". Sierra described the withdrawal of his piece as "censorship"; "All this seriously harms both, the Fair and Spain's image. And it's also a lack of respect for the gallery". He also said that: "If Spain is not a dictatorship, it's quite similar to one".

Due to this instance of censorship, many politicians and artists have expressed their opinion supporting freedom of expression and against censorship. The mayoress of Madrid, Ms. Manuel Carmena, refused to attend the opening ceremony in protest.



## 2. Before

The Catalan independence process, since 1 October, has been setting Spain's political agenda, and the expression "political prisoners" is not allowed in many of the media. Further than this, any view of the facts that does not coincide with the view imposed by the Spanish government is queried. Santiago Sierra's piece was withdrawn to avoid it being exhibited and to hide what is happening in Spain: more than twenty people (artists, politicians and activists), mostly left-wing, have been summonsed by judges merely because they have shared their opinion or defended their ideas.

As a precedent of this censorship, we can trace back to the prohibition MACBA's (Museu d'Art Contemporani de Barcelona) "The Sovereign and the Beast" exposition in 2015, since it featured an allegedly offensive sculpture representing former Spanish King Juan Carlos I.

## 3. Outcome

Since this case of censorship took place, a Catalan businessman purchased the work to exhibit it in different places, so that it would be seen by the maximum number of people. The piece has been exhibited in Madrid, València, Lleida, Barcelona and Berlin thus far.

## 4. Violated laws

In this case there has been an infringement of an artist's right of freedom of expression, a fundamental right enshrined in Article 19 of the International Covenant of Civil and Political Rights (ICCPR), which was ratified by Spain in 1977. This right is also recognised by the Spanish Constitution or the European Convention of Human Rights (art. 10.1)

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

Moreover, there is an infringement of the right of artistic production (20.1 b CE).

As it is stated in the 'Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed', 14 March 2013, A/HRC/23/34, article 46 of the Human Rights Council, only giving dominating political affiliation as the right and only defensible one cannot justify suppression of dissent or censorship of views expressed through art, speech or by other means

## 5. References

IFEMA's Website (in English)

Spanish artist decries censorship after work dropped from art fair (in English). The Guardian

Spanish Artwork Denounced Political "Persecution". It Was Ordered Removed. (in English). New York Times

Artwork Censored at ARCO (in English). Catalonia Today

Freedom of expression at Spain's Art Fair ARCO (in English) El País

Artwork censored, a rapper imprisoned, a book seized by a judge: is there freedom of expression in Spain? (in English) Ara

Santiago Sierra work censored at ARCO fair to be shown at Catalan museum (in English) The Art Newspaper

Why Spanish courts censor art, speech, and rap lyrics (in English). The economist

ERC reported to the European Parliament the censorship of "Presos Políticos" (in Spanish)

The Exhibition "The Beast and the Sovereign" That Should Have Opened Today at MACBA Has Been Censored (Barcelona, Spain)

Censored catalan artwork exhibited in Berlin (in Catalan)

## 6. Documents

[European Convention on Human Rights \(in English\)](#)

[International Covenant on Civil and Political Rights \(in English\)](#)

[Freemuse: The State of Artistic Freedom 2019 Report \(p.104\) \(in English\)](#)