

ABOUT ARTISTIC FREEDOM INITIATIVE

Established in 2017, Artistic Freedom Initiative (AFI) provides pro bono immigration representation and resettlement assistance for international artists at risk. AFI directly provides legal and resettlement services to artists who have experienced persecution, censorship, or other restrictions on their freedom of expression, and supports artists committed to advancing social change and fundamental human rights. AFI works with artists to promote and protect cultural heritage, as well as champion art in exile, and has partnered with artists to improve freedom of expression and advance policy changes in their home countries. At the United Nations, AFI seeks to draw international attention to the persecution of artists and to the suppression of the right to artistic expression, leading several joint statements, UPR recommendations, and building cross regional consensus on the issue.

INTRODUCTION

In preparation for the UPR review of the United States of America (USA) at the UPR Working Group's 50th session, this joint submission evaluates the state of artistic freedom in the USA from 2020 to the present. The current situation is characterized by a significant regression in protections for freedom of expression and cultural rights. Since early 2025, the United States government under the newly elected Trump administration has initiated a series of executive and legislative actions that threaten artistic freedom and cultural participation. These include increasing government oversight over arts and cultural institutions, censoring artists and cancelling performances for political motives, expressing an intent to ban LGBTQ+ representation in the arts, branding dissident or critical artists and artworks as "anti-American," denying the performance visas of international artists critical of the administration, and attacking press freedoms.

FOLLOW UP TO THE PREVIOUS REVIEW

1. In the previous UPR cycle, the USA received 347 recommendations, of which it supported 263.¹ The USA supported recommendations related to the legal and general framework of implementation, universal and cross-cutting issues, civil and political rights, economic, social, and cultural rights, women's rights, and rights of other vulnerable groups and persons.²
2. The USA supported two recommendations related to freedom of opinion and expression and access to information.³ In addition, the USA supported 15 recommendations related to cultural rights and noted 9 such recommendations.⁴

3. Following the third UPR cycle, the USA demonstrated progress in implementing commitments related to freedom of opinion and expression and cultural rights, such as 2021 Executive Order 14019 – Promoting Access to Voting,⁵ the 2021 Summit for Democracy,⁶ 2022 Executive Order 14084 – Promoting the Arts, the Humanities, and Museum and Library Services,⁷ and the 2023 Revised Regulations for the Native American Grave Protection and Repatriation Act (NAGPRA).⁸ However, since the transition to a new administration in 2025, the Trump Administration has demonstrated an intent to suppress freedom of expression and cultural participation through Executive Order 14173 “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” Executive Order 14168 “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” Executive Order 14169 “Reevaluating and Realigning United States Foreign Aid,” Executive Order 14190 “Ending Radical Indoctrination in K-12 Schooling,” and Executive Order 14253 “Restoring Truth and Sanity to American History.”
4. Despite the USA’s stated commitments to freedom of speech and expression and cultural rights, artists, cultural workers, and cultural institutions are beginning to face politically motivated censorship and funding cuts that limit artistic freedom and the right to participate in cultural life.⁹ Arts and cultural institutions that prioritize the participation and representation of historically marginalized and minority groups – including through diversity, equity, and inclusion (DEI) programs – have lost funding and been met with threats of legal action by the administration,^{10,11} stifling their ability to create freely. In particular, policies aimed at banning LGBTQ+ representation in the arts have been enacted at the federal and state levels and have impacted arts and cultural organizations, schools and universities, and civil society groups.^{12,13}
5. Though the USA supported multiple recommendations in the previous UPR cycle concerning the rights of migrants and asylum seekers, recent actions taken by the administration undermine those commitments. In 2025, the U.S. government deported several asylum seekers with pending legal cases, including artists and cultural workers, in violation of the principle of non-refoulement and the right to seek and receive asylum under international law.¹⁴
6. Journalists and media workers reporting on arts and cultural issues have encountered several challenges from the Trump administration. NGO reports indicate increased harassment, legal intimidation, and restricted access to public events, limiting journalists’ ability to document and share information on key developments in the arts and cultural sector.¹⁵
7. While the USA has made some efforts to reaffirm its human rights commitments since the third UPR cycle, actions by the new Administration in the first four months of 2025 have

led to a decline in protections for artistic freedom, cultural rights, and press freedom in 2025, culminating in the addition of the USA to the Civicus Monitor Watchlist for countries experiencing rapid declines in civic freedoms.¹⁶

INTERNATIONAL, REGIONAL, AND DOMESTIC HUMAN RIGHTS OBLIGATIONS

8. The USA has committed to protecting and respecting the rights and freedoms outlined in several key international human rights instruments. The USA is party to the Universal Declaration of Human Rights (UHDR), the International Covenant on Civil and Political Rights (ICCPR), and has signed but not ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The USA has further ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).¹⁷
 9. The First Amendment of the Constitution of the United States protects artistic freedom. It states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”¹⁸
 10. In addition to constitutional protections, U.S. federal law provides safeguards for freedom of expression and access to information in the USA, including through the Civil Rights Act,¹⁹ the Freedom of Information Act (FOIA),²⁰ and the National Foundation on the Arts and Humanities Act.²¹
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WRONGFUL USE OF MORALITY AND NATIONALISM JUSTIFICATIONS TO SUPPRESS ARTISTIC FREEDOM

11. Since January 2025, the U.S. government has invoked broad notions of “restoring truth,” “protecting American history and values,” and “eradicating anti-Christian bias”²² to justify executive actions that in effect suppress artistic freedom and bar minority groups from participating in cultural life. A series of executive orders and administrative directives have imposed restrictions on arts funding and cultural content, frequently targeting work that includes themes of gender equality, LGBTQ+ representation, racial justice, and other initiatives associated with DEI or the platforms of the Democratic Party. These measures are couched in terms of combating “radical” or “extremist” ideologies, but their practical impact is to censor creative expression and the cultural participation of minority groups.²³
12. Violations of Freedom of Expression through Executive Orders and Administrative Actions

- a. Two executive orders issued by President Donald Trump in January 2025 restrict access to arts funding at the discretion of the administration and restrict the free expression of state employees. The orders have disproportionately affected organizations that promote LGBTQ+ and other minority group representation.
 - i. The first, “**Ending Illegal Discrimination and Restoring Merit-Based Opportunity**,” direct recipients of National Endowment for the Arts (NEA) grants and other cultural funds to certify that their programs do not include “any preferences, advantages, or barriers” on the basis of race, sex, or other protected characteristics.²⁴ While framed as a neutral anti-discrimination measure, the order mirrors language used in recent legal challenges to DEI programs²⁵ and could be used to justify the withdrawal of funding from projects that center historically disadvantaged groups or explicitly seek to address racial and gender disparities, limiting the ability of these groups to participate in cultural life.
 - ii. The second, “**Defending Women from Gender Ideology Extremism and Restoring Biological Truth in Federal Government**,” prohibits the use of federal funds to “promote gender ideology,” including in the arts.²⁶ While the language is deliberately vague, the order is widely understood as an attempt to suppress the rights and visibility of LGBTQ+ people, particularly trans and nonbinary individuals, by defunding artistic projects that depict a diversity of gender identities and sexual orientations.
 1. In February 2025, federal employees were ordered to remove gender pronouns from email signatures and official communications, while federal websites and educational materials were stripped of LGBTQ+ references.²⁷ Staff working on DEI-related projects were dismissed, and a list of prohibited terms including words like “nonbinary” and “gender identity” were circulated internally. These actions have a chilling effect on artists and cultural practitioners who receive federal funding, especially those who are LGBTQ+ or whose work explores themes of gender and sexuality.
- b. The Trump administration is redirecting arts funding away from projects for minority and/or marginalized communities and toward works that align with the administration’s political platforms.
 - i. The long-running “Challenge America” grant, which supported efforts to extend arts access to underserved communities, has been cancelled for Fiscal Year 2026.²⁸ The loss of this dedicated funding stream poses a

significant barrier to cultural participation for historically marginalized groups, limiting opportunities for communities to access, produce, and engage with the arts.

13. Targeting LGBTQ+ and Minority Participation in Cultural Life

- a. The Trump administration also issued an executive order entitled “**Ending Radical Indoctrination in K-12 Schooling**,” aimed at purging curricula of “anti-American ideologies.”²⁹ Educators in public institutions have reported pressure to cancel and avoid theatre productions, literature, and historical curricula that address racism, feminism, and LGBTQ+ rights.³⁰

14. Use of Foreign Aid and National Security Tools Against Arts

- a. Invoking foreign policy objectives, President Trump also ordered “**Reevaluating and Releasing United States Foreign Aid**” in January 2025, which instituted a 90-day pause on all U.S. foreign aid programs pending review of their alignment with his administration’s goals. Under the directive, cultural and development programs overseas were frozen.³¹
 - i. The freeze halted \$268 million in congressionally approved funds intended to support independent media and the flow of free information globally, cultural exchanges, international artistic collaborations, and journalist safety training.³² Though the executive order authorizing the pause did not explicitly mention arts and cultural projects, the White House referenced several cultural projects as examples of “government waste,” including an opera in Colombia and a comic book project in Peru that featured transgender characters.³³

POLITICAL SUPPRESSION OF ARTS AND CULTURAL INSTITUTIONS

- 15. The government’s recent interferences in national arts and cultural institutions and funding mechanisms threaten artistic freedom and the right to participate in cultural life.
- 16. In March 2025, President Trump issued an executive order entitled “**Restoring Truth and Sanity to American History**,”³⁴ which directs the removal of what the administration deems “improper, divisive, or anti-American ideology” from the Smithsonian Institution’s museums, education and research centers, and the National Zoo.³⁵ In particular, the Trump administration condemned the Smithsonian’s recognition of the role of ‘institutional racism in American history and society’ in its cultural programming, noting a sculpture exhibition entitled, “The Shape of Power: Stories of Race and American Sculpture” as an example of an artwork it deemed as divisive. The order undermines the autonomy of cultural

institutions and imposes a governmental narrative on historical and cultural interpretation, a form of censorship that limits freedom of expression and access to information.

17. In February 2025, President Trump removed 18 members of the Kennedy Center’s Board of Trustees and Chairman, appointing political loyalists in their place. Following this change, the newly constituted board elected President Trump as its chairman, marking the first time a sitting U.S. president has chaired the Kennedy Center’s board.³⁶
18. As Chairman, the President stated his intent to ban “drag shows and other anti-American” performances at the Kennedy Center on his private social media platform, Truth Social, on February 10, 2025.³⁷ His remarks indicate a clear intent to violate the rights to freedom of expression and cultural participation.
 - a. Following these changes, the Kennedy Center cancelled several scheduled performances addressing LGBTQ+ themes, including a children’s theater production featuring a non-binary character and a concert by the Gay Men’s Chorus of Washington, D.C. Additionally, the International Pride Orchestra, which had been in contract negotiations, saw its proposed engagement abruptly terminated.³⁸
19. The National Archives and Records Administration (NARA) also experienced significant changes in early 2025 when the Archivist of the United States was dismissed, and several senior archival staff were terminated or reassigned. These removals were reportedly linked to the political tensions following NARA’s cooperation with investigations into President Trump’s handling of classified documents during his previous presidential term, raising concerns about the politicization of U.S. historical records and the potential suppression of free information.³⁹

RETALIATION AGAINST IMMIGRANT AND INTERNATIONAL ARTISTS AND CULTURAL WORKERS

20. The U.S. government has in the last few months increasingly targeted individual artists and cultural workers perceived as critical of the administration. These actions have included additional scrutiny in immigration processes and exclusion from federal funding on discriminatory grounds.⁴⁰
21. U.S. immigration authorities have deported asylum seekers based on appearance, body art, and other identity markers.⁴¹ Such deportations are not only a violation of their rights to free expression but also to seek and receive asylum under international human rights law.

- a. In March 2025, Andry, a 31-year-old Venezuelan LGBTQ+ make-up artist and asylum seeker, was wrongfully identified as a gang member and deported to El Salvador under the Trump administration's invocation of the Alien Enemies Act based on his tattoos, which the U.S. Immigrations and Customs Enforcement (ICE) alleged were markers of gang affiliation.⁴² Andry's deportation amid his pending asylum case was a violation of his right to seek asylum and the principle of non-refoulement as enshrined in international human rights law.
22. The USA has historically welcomed international artists through programs such as the O-1 visa, intended for individuals of extraordinary ability in the arts. Since 2024, the government has significantly raised barriers to entry for foreign artists seeking visas.⁴³ Several artists have stated that they suspect their visa applications were denied as a direct result of their outspoken criticism of President Trump or his administration.
- a. On March 21, 2025, members of the British punk group UK Subs, including Alvin Gibbs, Marc Carrey, and Stefan Häublein, were detained, questioned, and ultimately refused entry to the United States after they disembarked from their flight in Los Angeles to perform at a scheduled show. The band members allege that the immigration authorities told him that they were being refused entry because of their visa type and for another reason that they were unable to disclose. Gibbs has stated that his outspoken criticism of President Trump was the most likely cause of the denial.⁴⁴

SUPPRESSION OF PRESS FREEDOM IN REPORTING ON ARTISTIC AND CULTURAL ISSUES

23. Recent government actions have raised concerns about restrictions on press freedom, particularly for media outlets and journalists reporting on cultural issues and government policies affecting the arts. These developments risk reducing public awareness of important arts and cultural developments.
- a. In January 2025, the Federal Communications Commission (FCC) reopened investigations into news networks ABC, CBS, and NBC, accusing them of bias in their 2024 election coverage.⁴⁵ No similar action was taken against Fox News, a network aligned with the administration's platforms, raising concerns about First Amendment protections for the press.⁴⁶
 - b. The FCC also launched investigations into public broadcasters NPR and PBS, two outlets with extensive coverage on American arts and culture, citing technical infractions. Commissioner Brendan Carr publicly encouraged Congress to

withdraw federal funding from these outlets.⁴⁷ These investigations threaten to shutter two of the nation's biggest non-partisan outlets, severely limiting freedom of expression and access to information.

RECOMMENDATIONS

AFI urges the United States of America to affirm its commitments to freedom of expression and the rights of artists, cultural workers, journalists and other human rights defenders. Specifically, AFI makes the following recommendations:

The US should ensure consistency between stated obligations and legal requirements by:

- 1) Repealing or amending executive orders that restrict freedom of expression, notably artistic freedom, cultural participation, or the representation of minority groups, including but not limited to:
 - a) Executive Order 14189 (Ending Illegal Discrimination and Restoring Merit-Based Opportunity);
 - b) Executive Order 14190 (Defending Women from Gender Ideology Extremism and Restoring Biological Truth);
 - c) Executive Order 14191 (Ending Radical Indoctrination in K-12 Schooling);
 - d) Executive Order 14253 (Restoring Truth and Sanity to American History);
 - e) Federal and state-level policies that eliminate funding for arts programs based on ideological or identity-based criteria.
- 2) Preventing political interference in the governance and programming of cultural institutions, through measures such as:
 - a) Establishing legal protections to ensure the independence of publicly funded cultural institutions in matters of staffing, programming, and curation.
- 3) Prevent discrimination in visa assessment schema for international artists and cultural workers entering the USA on performance visas.
- 4) Guarantee press freedom and access for journalists reporting on arts and cultural issues, including by:
 - a) Dropping legal cases leveled against new outlets aimed to curb the dissemination of the media or public participation.

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