

**ARTISTIC
FREEDOM
INITIATIVE**

**Updated Submission of Artistic Freedom Initiative to the
Fourth Cycle of the Universal Periodic Review of The United
States of America**

Human Rights Council Universal Periodic Review 53rd Session

Submitting Organization:

Artistic Freedom Initiative
80 Hanson Place, Suite 303
Brooklyn, NY 11217

<https://www.artisticfreedominitiative.org>

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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 partners with artists to improve protections for freedom of expression and advance policy changes in their home countries. At the United Nations, AFI seeks to draw international attention to the suppression of the right to artistic freedom.

UPDATED SUBMISSION TO THE STAKEHOLDER REPORT FOR THE UPR OF THE UNITED STATES OF AMERICA

Key Concerns on Increased Suppression of Artistic Freedom [April 2025 - 26]

In April 2025, Artistic Freedom Initiative (AFI) submitted several recommendations for the Universal Periodic Review (UPR) of the United States. Given the rapidly evolving situation, AFI has updated its submission to reflect recent developments affecting artistic freedom and cultural participation. New data from AFI's *Artistic Freedom Monitor (AFM)* confirms that previously identified concerns have intensified and become increasingly systemic.

Across 2025, AFI documented over 58 laws and policies restricting artistic freedom, more than \$250 million in funding cuts to national arts institutions, over 560 arts and culture grants canceled, and at least 29 programs, exhibitions, and performances censored or removed, demonstrating a pattern of coordinated state action with broad chilling effects across the cultural sector.¹

- 1. Wrongful use of “morality” and “national identity” justifications to restrict arts funding:**
 - 1.1.** AFI commends the U.S. for expanding funding for the arts during the last UPR cycle and through the end of 2024, including through the \$135 million American Rescue Plan for the arts² and the NEA's 2022 Equity Action Plan.³
 - 1.2.** Since 2025, however, the U.S. government has conditioned arts and cultural funding on alignment with its definition of "morality" and “national identity,”

excluding projects that contradict government-approved narratives.⁴

- 1.3. In January 2025, the U.S. issued Executive Orders (EO) 14173,⁵ 14168,⁶ and 14190⁷ directing federal agencies to eliminate support for programs promoting diversity or “gender ideology,” prompting the National Endowment for the Arts (NEA) to revoke approved grants – including one awarded to AFI for its work with diverse, at-risk artists – in line with these directives. Although a federal court ruled that the NEA’s implementation of these directives violates the First Amendment in September, the EOs remain in effect and continue to pose a risk to federally supported arts programs.⁸
 - 1.4. Building on these directives, the government’s FY2026 budget proposal (May 2025) advanced plans to dismantle the Assistance for Arts Education program and eliminate the NEA, using fiscal policy to further enforce ideological priorities.⁹
- 2. Political interference in the governance and programming of arts and cultural institutions:**
- 2.1. During the previous UPR cycle, the U.S. took positive steps to reaffirm support for the cultural sector’s independence by re-establishing the President’s Committee on the Arts and the Humanities (PCAH) to promote cross-agency collaboration in the cultural sector.¹⁰
 - 2.2. As of January 2025, however, government control over national cultural institutions expanded through new executive actions, including taking actions to limit the PCAH, signaling a reversal of this progress.¹¹ In February 2025, the government replaced the Kennedy Center’s Board of Trustees with politically aligned members, prompting cancellations of performances by artists and organizers citing censorship concerns, including the show *Hamilton* and several LGBTQ+ Pride events.¹² In March 2025 under EO 14253, the government directed the Smithsonian to remove exhibitions deemed “improper,”¹³ followed by Secretarial Order 3431 in May that led to the removal of content related to slavery and Indigenous resistance at several national park sites.¹⁴
- 3. Restrictions on press freedom in public broadcasting and cultural reporting:**
- 3.1. During the last UPR cycle, the U.S. maintained support for media freedom through continued federal funding for the Corporation for Public Broadcasting (CPB) and independent outlets, which play a vital role in national arts and culture coverage.
 - 3.2. Since January 2025, however, the government has reversed this trend through

funding cuts and regulatory interference in public broadcasting. Following EO 14290 in May 2025, the Federal Communications Commission (FCC) moved to suspend CPB funding, culminating in H.R. 4, Public Law 119-28 (July 2025) and the announcement of the CPB shutdown in August 2025, threatening nationally broadcast cultural programming.¹⁵

3.3. Following new restrictions on public media funding and regulatory interference, government actions have raised concerns about a broader chilling effect on independent cultural reporting.

4. Retaliation against immigrant artists and cultural workers:

4.1. Despite prior U.S. commitments to advance equality and non-discrimination in immigration processes, including reversing nationality-based entry bans and restoring refugee and asylum pathways between 2021-2024, barriers to equal treatment for immigrant artists and cultural workers have intensified in the U.S. since January 2025.¹⁶

4.2. Following the passage of EO 14168 in January 2025, the government no longer recognizes non-binary gender-affirming markers on domestic or foreign documents, causing visa delays or denials for gender-diverse artists.¹⁷

4.3. USCIS also issued new guidance directing staff to search visa applicants' social media for vaguely defined "anti-American" content. Recent denials of artist visas raise concerns that this directive may be used to limit the mobility of artists with views contrary to the administration.¹⁸ In June 2025, the U.S. revoked the visas of the British punk-rap duo Bob Vylan following political statements made during their Glastonbury performance.¹⁹

RECOMMENDATIONS

AFI urges the United States to take immediate action to protect the right to artistic freedom by taking the following measures:

1. **Immediately rescind** Executive Orders 14168, 14173, 14190, 14253, 14290, and Secretarial Order 3431, and repeal H.R. 4 (Public Law 119-28) to end executive and fiscal measures that directly or indirectly restrict artistic freedom, cultural participation, and media independence.
2. **Restore** National Endowment for the Arts and Assistance for Arts Education funding to pre-2025 levels and establish statutory safeguards protecting arts funding and expression from ideological or identity-based criteria.
3. **Adopt** legislation codifying the institutional autonomy of federally funded cultural

institutions, including the Smithsonian Institution and the Kennedy Center, to ensure transparent, merit-based appointments and prohibit executive interference.

4. **Promptly reinstate** federal funding for the Corporation for Public Broadcasting, and guarantee the editorial independence of PBS, NPR, and other public-service media in accordance with First Amendment protections.
5. **Revise** 22 C.F.R. §§ 41.31, 41.55, and 41.56 and update the Foreign Affairs Manual to ensure fair, transparent, and non-discriminatory mobility and visa procedures for immigrant artists and cultural workers.

ENDNOTES

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