



EXECUTIVE SUMMARY OF THE REPORT:

**STATE OF ARTISTIC
FREEDOM OF EXPRESSION
IN LATIN AMERICA**

2020-2022



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After the COVID-19 pandemic, civil society organizations warned about the rapid erosion of the exercise of fundamental rights and guarantees in Latin America and the Caribbean. According to the monitoring carried out by CIVICUS, the region presents a contradictory panorama: while the fundamental civil liberties of association, assembly, and expression are constitutionally recognized in most countries, governments have erected legal and administrative barriers that function as de facto restrictions on their full exercise. The restrictions, which have emerged in response to demonstrations and citizen mobilizations against inequality, corruption, and abuses of power, “have deepened and extended since the COVID-19 pandemic.”¹

On the other hand, the data presented by Article 19 in the Global Expression Report demonstrate that the intensification of the battle for narrative control and the global decrease in freedom of expression over the last decade has marked the current crisis of democracy, as “freedom of expression is the first target of right-wing authoritarian leaders when they try to undermine democracy. Autocrats, populists, and dictators know that the ultimate confrontation for power is a battle to control the narrative.”²



I. CASE DEFINITION

The present report analyzes attacks on artistic freedom in Latin America by state actors, drug trafficking, and organized crime. The main focus is the period from 2020 to 2022, without excluding references to earlier periods when necessary. The chosen breakpoint moment has been the COVID pandemic, which inaugurated a series of economic, political, and institutional crises stemming from the public policies of governments in the region and particularly affected the cultural and artistic sector.

The report explores three cross-cutting analytical axes in the region, two specific country cases, and compiles first-person testimonies from artists.

1 CIVICUS, “Civil society in Latin America and the Caribbean under threat” . Available in: <https://www.civicus.org/index.php/media-resources/reports-publications/2667-threats-to-civic-space-in-latin-america-and-the-caribbean>.

2 <https://www.globalexpressionreport.org/>





The axes are not intended to be exhaustive but rather to highlight the most relevant trends for Latin America in recent years. In each axis, in addition to a general analysis, the most significant countries and cases are surveyed.

- 1- Radicalization of dictatorships: Cuba, Venezuela, and Nicaragua
- 2- Harassment and censorship in democracies
- 3- The impact of drug trafficking and violence produced by organized crime

The particular country cases analyzed are Cuba and Colombia. The selection aims to specifically address countries under disparate regimes: Cuba is a closed autocracy for decades, while Colombia is a democracy with internal tensions, conflicts, and difficulties where efforts are made to respect fundamental rights and freedoms.




II. METHODOLOGY

Due to the lack of consensus in Latin America regarding the concept of “freedom of artistic expression,” the report uses UNESCO’s definition of “artistic freedom” as a starting point. This definition states that artistic freedom is “a set of rights, under the protection of international law, which encompasses the right to create without censorship or intimidation, the right to have artistic works supported, distributed, and remunerated, and the right of every person to the protection of their economic and social rights.”³

The report prioritizes attacks on artistic freedom perpetrated by states and governments at all levels and branches of power. Additionally, it analyzes human rights violations committed by organized crime and drug trafficking.

Therefore, the report focuses on attacks such as: murders, attempted murders when related to artistic freedom of expression, threats, censorship, attempted censorship, harassment, and deprivation of liberty. Forced exile is also highlighted as a form of violation of artistic freedom of expression that affects both artists and audiences, depriving them of the ability to actively participate in cultural life.

3 Cuny, Lawrence. “Libertad y creatividad. Defender el arte, defender la diversidad”. UNESCO, 2020. Disponible en:<https://unesdoc.unesco.org/ark:/48223/pf0000373360>



The analysis of general trends in the region was conducted through a desk investigation of reports published by both civil society organizations and international human rights bodies, especially reports from the Inter-American Commission on Human Rights (IACHR), the Special Report for Freedom of Expression (RELE), and the Special Report on Economic, Social, Cultural, and Environmental Rights (DESCA) of the IACHR, as well as communications from United Nations special rapporteurs and their various Working Groups.

Furthermore, the description of specific cases was based on secondary sources, mainly media outlets, press releases, and information published on social media. When necessary and possible, the information was verified through consultations with the artists or their associates, or with expert sources.

The analysis in the second section was also conducted through research on secondary sources, reports from civil society organizations, and international human rights bodies. Additionally, whenever necessary, the original body of laws and rulings discussed in this section was consulted. When possible and necessary, information was verified through direct consultations with the artists or their associates.

For the third section, a significant number of Cuban artists who still reside on the island were invited to participate. Economic difficulties, connectivity issues, as well as harassment and intimidation that many face, make it challenging for several artists to participate. However, the sample of testimonies is representative in terms of practices, ages, genders, ethnicity, and social and political situations. The representation of the voices of those who have remained in Cuba after the protests on July 11th and the expulsion pressures from the Cuban government is essential for understanding the state of artistic freedom of expression in the country.



III. OVERVIEW

The present report analyzes attacks on artistic freedom of expression in Latin America by state actors, drug trafficking, and organized crime. The main focus is the period from 2020 to 2022, without excluding references to earlier periods when necessary. The chosen watershed moment has been the COVID-19 pandemic, which inaugurated a series of economic, political, and institutional crises stemming from the public policies of governments in the region and particularly affected the cultural and artistic sector.

Regarding regional trends, the report indicates that since 2018, authoritarian regimes in Latin America have intensified attacks on fundamental rights and guarantees. With the change of authorities, Cuba initiated a systematic curtailment of freedom of expression and creation, starting with the approval of Decree-Law 349.





The government of Daniel Ortega and Rosario Murillo in Nicaragua reacted violently to the April 2018 protests and accelerated the dismantling of democracy and the republican form, fiercely persecuting those who attempted to oppose, including artists, cultural workers, and cultural organizations. As a consequence, the cultural field has been completely dismantled.

The government of Nicolás Maduro in Venezuela criminalized artistic freedom of expression by prosecuting and threatening those who criticized the lack of public policies in response to COVID-19 or those who sought to compensate for the pandemic's damages through cultural activities. Once cultural and artistic circuits were reopened, the government, through Deputy Diosdado Cabello, threatened, harassed, and influenced the cancellation of dissenting voices.

In democratic countries, there is an alarming regression of fundamental freedoms, even in democratic spaces where those freedoms were once granted and protected. Traditionalism and conservatism have had a negative impact on the ability to create art on topics related to LGBTI issues, women's rights, and religion. The rise of populism and its consequent political polarization has increased intolerance towards any voice considered outside of one's own spaces, reducing voices in the cultural and artistic production field and generating strategies of self-censorship. Attempts at homogenization, control, and silencing of artistic expressions considered contrary, dangerous, or simply critical have been observed in almost all countries in the region. In countries like El Salvador and Brazil, attempts have been made to advance in this direction through legislative reforms.

Lastly, drug trafficking and violence produced by organized crime have had a significant impact on the cultural field in 2020, 2021, and 2022. It is a growing phenomenon that expands from countries historically affected by this scourge to new regions of influence, such as Argentina. The structures of drug trafficking and organized crime have murdered artists, primarily musicians, threatened them through social networks, narcomantas (narco-banners), or mafia messages, and harassed them. As a consequence, artists have decided to suspend events, tours, festivals, and even leave their countries of origin.

Regarding Colombia, the report focuses on three particular axes. Firstly, it analyzes how graffiti and urban art have served as tools for reflection, denunciation, and reparation within the framework of debates on memory and justice from 2019 to 2022, and the adverse reactions that these practices have generated. Secondly, the report delves into the key role of artists and artistic expressions during the social upheavals of 2019 and 2020, in which artists have played a fundamental role. Lastly, activist artists confront narco violence and criminal organizations in the country, challenging their narratives and creating opportunities for young Colombians at a high cost. Artists and cultural

workers have also been victims of violence, insecurity, and state absence in territories, for exercising their role as activists or social leaders through their art, or as a means of generating terror and establishing territorial control by illegal armed groups.

In the case of Cuba, the report emphasizes three fundamental axes. The first is the approval of the Penal Code, passed in May 2022 and in effect since December 1 of the same year, which increases repression against dissenting voices by criminalizing the receipt of funds intended to “support activities against the Cuban state and its constitutional order.” The second axis is forced exile and forms of expulsion of artists identified or suspected of being dissidents. During 2022, Cuban artists have fled Cuba on some occasions under threats of judicial prosecution, while in others, due to the constant harassment that prevents them from creating with freedom and security. Finally, in the case of Cuba, it is necessary to remember that it is the country in the region with the highest number of artists imprisoned for exercising their fundamental rights: six artists are currently serving sentences in the country, either in prison or under house arrest.

The testimonies of the artists who still remain on the island paint a picture of dire conditions for artistic production. The economic situation and the lack of opportunities to obtain funding and basic materials for artistic production have significantly impacted their possibilities. Likewise, censorship and harassment are powerful tools of silencing. However, despite the fact that the vast majority hope and wish to leave the country at some point, all the artists described how they continue to create, think, generate, and produce. They all share how their artistic practices are fundamental to their physical and mental well-being. Lastly, they all share the idea that they could not be who they are if they were not artists.

IV. CONCLUSIONS

Freedom of artistic expression serves as a precise barometer of the state of human rights; therefore, documenting and analyzing attacks on artists and artistic expressions allows for reflection on what respect for human rights represents for society as a whole.

In this regard, the region exhibits both bright and dark spots, with an overall concerning panorama. The three autocracies in the region show no signs of democratic openings or cessation of restrictions on civic space, nor do they guarantee a legal and political order that allows artists and citizens in general to fully exercise their rights. On the contrary, governments’ response involves further curtailing civil space and continued silencing of dissenting voices. However, artists and audiences continue to resist, pressuring, denouncing, and seeking ways to exercise the right to freedom of artistic expression. Solidarity ties with other artists in the region can be crucial in keeping artistic expressions alive and vibrant, which otherwise might disappear.



Democracies in the region have shown different paths. In some cases, attacks on freedom of artistic expression have been countered using the resources of democratic systems, as exemplified by: judicial intervention in favor of freedom of expression in Brazil, pressure in Argentina against attempts at harassment through public denunciations, and mobilization and pressure from various social actors in Colombia, Ecuador, Chile, and Peru have ensured the exercise of freedom of artistic expression for both artists and audiences.


Other countries in the region show more concerning signs. The reforms approved during Nayib Bukele's government, including the reform of the Penal Code and the criminalization of certain expressions, are alarming news. The signals of intolerance from the government and its drive towards homogenizing discourses predate the COVID-19 pandemic and have affected artists in what could be considered the government's first steps towards establishing a single discourse.

Finally, the region is increasingly shaken by narco violence and organized crime. Pressures from criminal groups have spread to countries where narco violence was never or had ceased to be a scourge. The impact on the cultural sphere is difficult to quantify. Dozens of artists have lost their lives for exercising their right to freedom of artistic expression in contexts where violence is recurrent; others have lost their lives due to the insecurity that affects them, in part due to the precarious working conditions in which they must create. Artists in several countries have suspended festivals and concerts due to the threats they receive, and many have to abandon their work because they are victims of extortion. Finally, as an exercise to think about the future of artistic freedom of expression in the region, it remains to document and analyze self-censorship and retreat into other activities as a result of violence and insecurity.

In this regard, it is necessary for the international community to pay attention to the human rights situation of artists and cultural workers, as well as to monitor attacks on artistic freedom of expression in the region. Research, monitoring, and documentation of attacks on freedom of expression not only raise awareness about the situation of artists in their respective contexts and defend their rights, but also effectively work towards openness and democratic strengthening in the region.



BULLA

The word "BULLA" is written in a bold, black, sans-serif font. It is centered horizontally and partially overlaid by a bright yellow starburst graphic with multiple sharp points and a black outline. The background consists of vertical stripes in a variety of colors including yellow, cyan, magenta, black, and light purple.