

Centre  
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Human Rights  
Research  
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Education  
Centre

**SCHOLARS AT RISK**  
N E T W O R K



**Proposal of Thematic Hearing for the  
170<sup>th</sup> Period of Sessions of the  
Inter-American Commission on Human Rights  
December 3-7, 2018**

**TOPIC**

**Protecting Academic Freedom in the Americas**

**PETITIONERS**

**Human Rights Clinic of the Human Rights Research and Education Centre  
at the University of Ottawa, Scholars at Risk and Asociación Civil Aula  
Abierta**

**Maracaibo, New York and Ottawa**

**25 September 2018**

## Petitioners

### Human Rights Clinic—Human Rights Research and Education Centre, University of Ottawa

The Human Rights Clinic is a project-based initiative from the Human Rights Research and Education Centre of the University of Ottawa that, through an interdisciplinary approach, aims: (i) to strengthen the protection of human rights, by promoting research, training, and technical assistance regarding the implementation of human rights standards; (ii) to foster capacity-building and to provide recommendations to ensure that policy, law and practices have a *human rights-based approach*; and (iii) to promote research regarding the implementation of human rights standards in Canada.

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### Scholars at Risk Network (SAR)

Scholars at Risk (SAR) is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide. As part of its advocacy work, SAR monitors and analyzes attacks on higher education around the world, including throughout the Americas. Website: <https://www.scholarsatrisk.org>

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**Asociación Civil Aula Abierta**

Aula Abierta is a Non-Governmental Organization that promotes academic freedom and human rights in university environments. It works with the University of Los Andes Human Rights Observatory (ODH/ULA), the University of Zulia Human Rights Commission (CDH/LUZ) and the University Central of Venezuela Center for Peace and Human Rights (UCV), among other civil society organizations and university human rights centers in Venezuela.

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25 September 2018

**Dr. Paulo Abrão**  
**Executive Secretary**  
**Inter-American Commission on Human Rights**  
**Washington, D.C.**

**Request for Thematic Hearing:**  
***“Protecting Academic Freedom in the Americas”***

Distinguished Dr. Abrão:

In conformity with Articles 61, 62 and 66 of the Rules of Procedures of the Inter-American Commission on Human Rights (IACHR), the aforementioned organizations hereby respectfully request a thematic hearing during the IACHR’s 170<sup>th</sup> period of sessions, to be held in December 2018 in Washington, D.C. The subject of our proposed thematic hearing is “Academic Freedom in the Americas.”

**Introduction and Purpose of the Hearing**

The purpose of the hearing requested by the Human Rights Clinic of the Human Rights Research and Education Centre at the University of Ottawa, Scholars at Risk, and Asociación Civil Aula Abierta is to present our findings regarding threats to academic freedom in the Americas. Our research shows that this is a regional, as well as a global, problem. We would like to propose recommendations to strengthen the protection for academic freedom and university autonomy under the scope of the American Declaration on the Rights and Duties of Man,<sup>1</sup> the American Convention on Human Rights<sup>2</sup> and the San Salvador Protocol on Economic, Social and Cultural Rights<sup>3</sup> and the Belem do Pará Convention.<sup>4</sup>

The IACHR has played a significant role in the protection of freedom of expression in the Americas. The publication of thematic reports,<sup>5</sup> the litigation of cases before the Inter-

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<sup>1</sup> *American Declaration of the Rights and Duties of Man*, O.A.S. Res. XXX, adopted by the Ninth International Conference of American States (1948), reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 17 (1992).

<sup>2</sup> *American Convention on Human Rights*, 22 November 1969, 1144 U.N.T.S. 123, 9 I.L.M. 99 (entered into force 7 July 1978).

<sup>3</sup> *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights*, “Protocol of San Salvador”, 17 November 1988, O.A.S. Treaty Series No. 69 (entered into force 16 November 1999).

<sup>4</sup> *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (Convention of Belem do Para), 6 September 1994, 33 I.L.M. 1534 (entered into force 5 March 1995).

<sup>5</sup> Among others, see: IACHR, *Report on Freedom of Expression in the Americas* (Washington: IACHR, 2002); IACHR, *Special Study on the Status of Investigations into the Murder of Journalists during for Reasons that may be Related to their Work in Journalism* (Washington: IACHR, 2005); IACHR, *The Inter-American Legal*

American Court of Human Rights (IACtHR)<sup>6</sup> and the creation of a Special Rapporteurship on the subject in 1997 show a clear commitment of the IACHR in the protection of freedom of expression.

In recent thematic reports, the IACHR has included sections describing how the governments of Guatemala<sup>7</sup> and Nicaragua<sup>8</sup> limit academic freedom and freedom of expression as a means of suppressing those considered “political opponents”. In the report on Nicaragua, the IACHR eloquently underscores the relationship between academic freedom and democracy:<sup>9</sup>

170. The IACHR once again points out that the right to education is the epitome of the indivisibility and interdependence of all human rights, as it serves as a catalyst for generating critically minded, participatory citizenship and shaping the development of individuals and society. In higher education, especially, the academic liberty of teachers and students and the autonomy of academic institutions are fundamental pillars for strengthening democratic structures and avoiding political pressures or interference. The Commission also underscores the fact that the right to education helps mitigate the psychosocial impacts of emergency or conflict situations, reinforces capacity to help those affected by the crisis, and provides tools for restoring stability and for social reconstruction.

For its part, the IACtHR has adopted a judicial framework on freedom of expression. From the landmark Advisory Opinion regarding the compulsory membership as a pre-requisite to practice journalism<sup>10</sup> to the adoption of cases expanding the scope and application of this right,<sup>11</sup> the Court has underscored the importance of freedom of speech to the strengthening of democracy, rule of law and human rights as a whole. In addition, the Organization of American States created a special panel to report on possible crimes

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*Framework Regarding the Right to Freedom of Expression* (Washington: IACHR, 2009); IACHR, *Freedom of Expression and Internet* (Washington: IACHR, 2013).

<sup>6</sup> A list of cases can be seen on the website of the Special Rapporteur on Freedom of Expression. See: [http://www.oas.org/en/iachr/expression/jurisprudence/si\\_decisions\\_court.asp](http://www.oas.org/en/iachr/expression/jurisprudence/si_decisions_court.asp)

<sup>7</sup> IACHR, *Situation of Human Rights in Guatemala* (Washington: IACHR, 2017) at paras. 266-278.

<sup>8</sup> IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua* (Washington: IACHR, 2018) at paras. 170-171. [*Social Protests in Nicaragua*]

<sup>9</sup> *Ibid* at 170.

<sup>10</sup> See: IACtHR, *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights) (Costa Rica)* (1985), Advisory Opinion, Inter-Am. Ct. H.R. (Ser. A) No. 5.

<sup>11</sup> See, among others: IACtHR, *Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.) (Chile)* (2001), Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 73; *Case of Ivcher Bronstein (Peru)* (2001), Merits, Reparations and Costs, Inter-Am. Ct. H.R. (Ser. C) No. 74; *Case of Herrera Ulloa (Costa Rica)* (2004), Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (Ser. C) No. 107; *Case of Manuel Cepeda Vargas (Colombia)* (2010), Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (Ser. C) No. 210; *Case of Granier et al. (Radio Caracas Television) (Venezuela)* (2015), Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (Ser. C) No. 293.

against humanity in Venezuela. The final report included references to direct attacks to university students and academics.<sup>12</sup>

As important as these decisions are, we believe that the issue of academic freedom has not been sufficiently addressed by national or regional bodies within the Americas. Indeed, while corollary issues, such as journalistic freedom, have been discussed in detail in relevant human rights case law, there is a dearth of discussion of academic freedom and its crucial importance to democracy. The recent case of Vladimir Herzog vs. Brazil<sup>13</sup> is illustrative. There, the IACtHR focuses on how his role as a journalist made him a target and how his torture by security forces during the Brazilian military regime was a crime against humanity. We fully agree and endorse this finding. However, the decision does not acknowledge how his assassination represented a clear attack on academia, as Mr. Herzog was also a university professor during the military regime.

This is also applicable to the cases and reports regarding the protection of human rights defenders, including environmental, indigenous, women and LGBTI advocates.<sup>14</sup> Many of these individuals are scholars, students, or otherwise play a significant role in universities and the academic life of their countries. And indeed, their human rights work is at the core of their academic work. Threats or violent acts against their lives or integrity are thus attacks against academic freedom.

This is why, as petitioners, we would like to present the need to emphasize the importance to include attacks on academics in thematic and annual reports as well as to present some parameters that could be taken into account to respect and protect academic freedom in the Americas.

If accepted, our hearing will present cases from Canada, Chile, Colombia, Guatemala, Honduras, Mexico, Nicaragua, the United States and Venezuela, where the violation of academic freedom affects the right to life and personal security, the right to judicial protection, the prohibition of sexual violence and university autonomy. Despite existing international standards and constitutional clauses that protect, current legislation and policies are insufficient.

We believe that a thematic hearing before the IACHR is an important opportunity to assess the main gaps that should be addressed by states in the Americas. In addition, we would

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<sup>12</sup> Organization of American States, *Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela* (Washington: Organization of American States, 2018) at p. 215,

<sup>13</sup> See: *Case of Herzog et al. (Brazil)* (2018), Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (Ser. C) No. 353.

<sup>14</sup> Among others, see: IACHR, *Integral Protection Policies for Human Rights Defenders* (Washington: IACHR, 2018); IACHR, *Indigenous Peoples, Communities of African Descent, Extractive Industries: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities* (Washington: IACHR, 2016); IACHR, *Violence against LGBTI Persons* (Washington: IACHR, 2015).

like to present some elements for a possible guideline on academic freedom and university autonomy that the IACHR or the Special Rapporteur for Freedom of Expression could develop. If this request is accepted, it would be the first time that the IACHR expressly addressed the right of academic freedom in the Americas as part of a thematic hearing.

### **Academic Freedom and Democratic Society**

The relationship between academic freedom, freedom of expression, and the right to education is well-documented.<sup>15</sup> However; academic freedom has elements that go beyond these connections. As we hope to present, academic freedom has a direct impact on the rights to life, personal security, rule of law, and democracy<sup>16</sup> as a whole.

Universities are essential to discovery, innovation, economic prosperity, national progress, and international cooperation. They model and pass into society the skills and knowledge necessary for democratic value systems to function properly, most notably a democratic “knowledge-over-force” principle that rejects violence and force as determinants of outcomes, in favour of process, evidence, reasoned discourse and quality.<sup>17</sup>

In this critical function, healthy higher education communities matter enormously to the independence and well-being of every nation. But to be healthy, universities must be safe, open spaces, where ideas are freely exchanged, debated, and developed without fear of violence or reprisal. And precisely because of this open nature, universities are uniquely vulnerable. A single act of violence or intimidation can damage the research and learning environment of an entire institution or national system.

Human rights defenders (HRDs) frequently operate on a full or part-time basis from within higher education institution. Many of these academics would recognize themselves as human rights defenders because their research, publishing and/or teaching is consciously paired with rights-promoting education and advocacy, such as work in support of women’s rights, children’s rights, minority rights, land rights, freedom of religion, and environmental rights.

Others may not set out to be human rights defenders, but nevertheless are cast in that role as a consequence of being targeted for the specific content of their scholarly research, publishing or teaching – for example, a professor who raises the issue of women’s rights on campus and faces a loss of her career as a result, or an environmental researcher whose work on water-management exposes government policy failures, who undertakes public education efforts, leading to the loss of a position or prosecution. And of course, because frequent, challenging dialogue is a natural occurrence on campus, and because universities

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<sup>15</sup> See: Relatoría Especial para la Libertad de Expresión, *Libertad de expresión: A 30 años de la Opinión Consultiva sobre la colegiación obligatoria de periodistas* (Bogotá: CIDH, 2017); IACHR, *Social Protests in Nicaragua*, *supra* note 8 at paras. 170-171.

<sup>16</sup> See: *Inter-American Democratic Charter*, 11 September 2001, 40 I.L.M. 1289, Article 4.

<sup>17</sup> See: Robert Quinn, Jesse Levine, “Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law” (2014) 18:7-8 *International Journal of Human Rights* 898.

must necessarily interact with the larger society, professors and students inevitably raise challenging ideas.

This dynamic has played out time and again in this hemisphere, with scholars and students raising human rights issues or other matters of public concern through their scholarship, activism, or inquiry, and governments responding by silencing them. Recent, prominent examples include mass arrests and prosecutions of student protesters and professors in Venezuela, violent retaliation against student-led protests in Nicaragua, and state- or university-driven professional retaliation throughout the Americas, to name a few examples.

Viewed in this light, attacks on academic freedom and universities are not merely attacks on the rights of individuals who *happen to be* scholars, students, or other members of the higher education community. They are attacks on the higher education space itself, meant both to silence the target of attack, and to send a message throughout the space that certain ideas are off limits.

### **Legal Protections for Academic Freedom**

International human rights law protects academic freedom as independently and interdependently grounded in both the rights to freedoms of opinion and expression, and the right to education.

In particular, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees “the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [one’s] choice.” Article 12 of the American Declaration on the Rights and Duties of Man and Article 13 of the American Convention on Human Rights provides a similar guarantee. To the extent academic freedom is grounded in free expression, it is contained within these protections.

Likewise, Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), recognizes “the right of everyone to education,” “that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms,” and that education “enable[s] all persons to participate effectively in a free society.” ICESCR Article 15 provides that parties “undertake to respect the freedom indispensable for scientific research and creative activity.” In interpreting these provisions, the Committee on Economic, Social and Cultural Rights has stated the following:<sup>18</sup>

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<sup>18</sup> Comité de Derechos Económicos, Sociales y Culturales de las Naciones Unidas, *Observación General N° 13: El derecho a la educación (artículo 13)*, 21º período de sesiones E/C.12/1999/10, 8 de diciembre de 1999, para. 38.



(...) the right to education can only be enjoyed if accompanied by the academic freedom of staff and students” and “staff and students throughout the education sector are entitled to academic freedom”.

The Special Rapporteur of the United Nations for Freedom of Opinion and Expression has highlighted the importance of academic freedom as a fundamental requirement to ensure freedom of opinion and expression.<sup>19</sup> In this sense, measures such as suppressing research topics considered controversial by the university or the State, prohibiting the functioning of independent organizations because they are considered political or not authorizing the organization of seminars on human rights are actions that not only affect academic freedom but that also affect freedom of expression and opinion more broadly in the larger society.<sup>20</sup>

In 1997, UNESCO developed and specified the scope and content of the right to academic freedom, in particular in its "Recommendation Concerning the Status of Teaching Personnel in Higher Education".<sup>21</sup> Academic freedom is not confined to the teaching and research work. It includes the protection against all types of discrimination and the possibility of expressing oneself and carrying out non-violent academic activities without fear of reprisals by the institution. As the Recommendation states:

27. The compliance with the aforementioned international standards for the benefit of higher education must be encouraged at the international level and within each country. To that end, **the principle of academic freedom must be rigorously respected.** The teaching staff of higher education has the right to the maintenance of academic freedom, that is, **the freedom to teach and debate without being limited by instituted doctrines, the freedom to carry out research and disseminate and publish the results of the same, the freedom to freely express their opinion about the institution or system in which they work, freedom from institutional censorship and the freedom to participate in professional bodies or representative academic organizations.**<sup>22</sup>

The Recommendation from UNESCO also notes:

“Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfillment of the functions entrusted to higher-education teaching personnel and institutions. (...) **Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.**”<sup>23</sup>

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<sup>19</sup> See: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Report of the Special Rapporteur on access to information, criminal libel and defamation, the police and the criminal justice system, and new technologies*, Economic and Social Council, 56° period of sessions, E/CN.4/2000/63 (18 January 2000).

<sup>20</sup> *Ibid* at para. 37.

<sup>21</sup> See: UNESCO, *Recomendación relativa a la Condición del Personal Docente de la Enseñanza Superior*, 29° periodo de sesiones, 11 de noviembre de 1997

<sup>22</sup> *Ibid* at para. 27 (emphasis added).

<sup>23</sup> *Ibid* at paras. 18-19 (emphasis added).

Violations of academic freedom, institutional autonomy, and other core higher education values undermine security, impair the quality of teaching and research, and limit the ability of higher education to fully serve society. The negative impact of these attacks extends well beyond the individuals and institutions directly targeted to include entire academic systems and society generally: that is, the consequence of such attacks is to shrink the space in which every person is free to think, question, and share ideas.

### **Academic freedom in the Americas: Selected cases**

SAR's Academic Freedom Monitoring Project, which aims to identify, verify, assess, and track incidents involving attacks on higher education and violations of academic freedom, has recorded 136 incidents, involving 166 specific attacks on higher education in the Americas since the project began tracking incidents in the region in 2013. These include: killings, violence, disappearances; wrongful imprisonments, wrongful prosecutions, restrictions on travel or movement, retaliatory discharges or expulsions, and other relevant events which may constitute violations of academic freedom and/or the human rights of members of higher education communities. Although large, these figures represent only a fraction of the total number of incidents occurring, many of which are never reported. And of course, the chilling impact of these incidents extends beyond the individual victims to impact entire communities.

Unfortunately, many of these incidents go underreported or unreported outright. In other cases, even where courts, human rights actors, or other bodies consider these incidents, the crucial, common motivation – the desire to silence students, scholars, or the higher education space – is missing from the analysis. Thus, the conversation around protecting academic freedom remains significantly underdeveloped, in the Americas and around the world.

Below are just some of the examples of the attacks on higher education that have occurred in the Americas in recent years, which bear a closer analysis by international human rights bodies.

#### **1. *Killings, violence or disappearances***

More than 70 violent attacks on scholars, students, and other members of higher education communities have been tracked in Mexico, Guatemala, Nicaragua, Venezuela, Colombia, the United States, Chile, Honduras,<sup>24</sup> Bolivia, and elsewhere. These include mass violent attacks by government troops and/or pro-government militias on non-violent protesters in Venezuela,<sup>25</sup> Chile,<sup>26</sup> and elsewhere. The still-unresolved 2014 Ayotzinapa case<sup>27</sup> from

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<sup>24</sup> See: IACHR, *Observaciones Preliminares de la Visita de la CIDH a Honduras* (Washington, IACHR, 2018).

<sup>25</sup> See: <https://www.scholarsatrisk.org/report/2015-01-23-university-los-andes-m%C3%A9rida>

<sup>26</sup> See: <https://www.scholarsatrisk.org/report/2015-05-21-catholic-university-chile>

<sup>27</sup> See: <https://www.hrw.org/world-report/2018/country-chapters/mexico>

Mexico;<sup>28</sup> a violent attack in March 2018 on student protesters at the University of San Carlos de Guatemala;<sup>29</sup> armed attacks on generally non-violent, student-led protests in Nicaragua, which have killed hundreds;<sup>30,31</sup> and violent confrontations between political factions on campuses in the United States.<sup>32</sup>

## **2. Wrongful prosecutions and detentions**

More than 35 cases of wrongful prosecutions or arrest have been recorded in recent years, representing thousands of nonviolent student protesters taken into custody en masse, individual scholars subjected to criminal prosecution in retaliation for scholarly work, or on similar grounds. These have included: the short- and long-term detention of hundreds of Venezuelan student protesters since 2014, at universities including the Universidad de los Andes,<sup>33</sup> Universidad Central de Venezuela,<sup>34</sup> and University Católica Andres Bello (UCAB);<sup>35</sup> the apparently extra-judicial detention of students from the Universidad Nacional Autónoma de Honduras (UNAH) in May 2018, in response to their nonviolent protest over privatization of the universities;<sup>36</sup> the detention of and terrorism-related charges against student leaders from the Universidad de Antioquia in Colombia;<sup>37</sup> and the long-term detention of multiple academics in Venezuela.<sup>38</sup>

## **3. Retaliatory discharge, loss of position or expulsion**

Academic penalties, in retaliation for academic work, such as classroom statements, writings, or research, as well as professional/student union activity, criticism of higher education leadership or policy are also common. These have included expulsions or suspensions of student activists in Chile;<sup>39</sup> the termination of professors for political expression on campus (often in the classroom) in Chile,<sup>40</sup> the United States and Canada.<sup>41</sup>

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<sup>28</sup> See: IACHR, *Informe de Balance. Mecanismo Especial de Seguimiento al Asunto Ayotzinapa de la CIDH* (Washington: IACHR, 2018).

<sup>29</sup> See: <https://www.scholarsatrisk.org/report/2018-03-23-universidad-de-san-carlos-de-guatemala>

<sup>30</sup> See: <https://twitter.com/cenidh/status/1018645650710425602>

<sup>31</sup> See: <https://monitor.civicus.org/watch-list/>

<sup>32</sup> See: <https://www.scholarsatrisk.org/report/2018-02-10-university-washington>

<sup>33</sup> See: <https://www.scholarsatrisk.org/report/2015-01-27-university-los-andes>

<sup>34</sup> See: <https://www.scholarsatrisk.org/report/2017-03-31-central-university-venezuela>

<sup>35</sup> See: <https://www.scholarsatrisk.org/report/2017-06-15-various-institutions>

<sup>36</sup> See: <https://monitor.civicus.org/country/honduras/> As reported on the CIVICUS Monitor, "(...) the criminalisation of student protests is a growing concern in Honduras, as evidenced by the recent murders of student activists as well as threats against and arrests of students participating in protests."

<sup>37</sup> See: <http://www.scholarsatrisk.org/report/2016-05-01-university-antioquia>

<sup>38</sup> See: <http://www.scholarsatrisk.org/report/2017-08-19-university-carabobo>

<sup>39</sup> See: <http://scholarsatrisk.org/report/2017-01-06-catholic-university-temuco>

<sup>40</sup> See: <http://scholarsatrisk.org/report/2016-07-29-university-aysen>

<sup>41</sup> See: <http://scholarsatrisk.org/report/2015-06-19-louisiana-state-university>

#### ***4. Violence against women, sexual harassment and related loss of position***

Finally, violence against women, sexual harassment, and professional retaliation against activists who respond to these acts are significant problems, limiting academic expression, including the right to speak publicly regarding one's own institution, and harming equitable access for both students and faculty. In 2016, Distintas Latitudes<sup>42</sup>, a digital media, surveyed 173 students from 14 countries in the Americas, revealing that 67% of them have heard about at least one case of sexual harassment in their academic institution.

Recent, relevant incidents have included the Colombian case in Colombia of Monica Godoy, a professor from the University of Ibagué who was terminated from her position after raising the issue of sexual harassment and assault on campus. She challenged the decision, and her case was eventually heard by the Constitutional Court of Colombia, which ordered her reinstated, and found that university autonomy does not protect a university's decision to terminate a professor on wrongful – in particular discriminatory – grounds.<sup>43</sup> Sexual harassment and assault are, of course, significant problems throughout the Americas and the world, and other relevant incidents or patterns have recently been reported in Chile – where 132 cases in 16 higher institutions are currently under investigation due to complaints of harassment and/or sexual or labor abuse<sup>44</sup> – and the United States.<sup>45</sup>

Once again, the common factor that runs through these cases – whether they involve violence against student protesters, imprisonment of a professor, professional retaliation for in-class, political speech, or the targeting and termination of a whistleblower who demands stronger protections against sexual harassment on campus – is the desire to silence. Consequently, these attacks violate a common set of rights, and are amenable to a common set of responses. We look forward to working with you to develop those responses, and building recognition of the crisis of attacks on higher education throughout the Americas.

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<sup>42</sup> See: Distintas Latitudes. "Violencia sexual en las universidades de América Latina: omisiones, obstáculos y opacidad", 27 de noviembre de 2016. En: <https://distintaslatitudes.net/violencia-sexual-universidades-america-latina>

<sup>43</sup> Scholars at Risk and the HRREC/HR Clinic from the University of Ottawa submitted an amicus brief in this matter.

<sup>44</sup> See: <https://elcomercio.pe/mundo/actualidad/hartas-acoso-sexual-mujeres-toman-decenas-universidades-chile-fotos-noticia-518620>

<sup>45</sup> See: <https://onefacultyoneresistance.org/featured-campaigns/freespeech/> As the American Association of University Professors AAUP recently found "11.2% of all students experience rape or sexual assault through physical force, violence or incapacitation".

### **Petition to the Inter-American Commission on Human Rights**

The petitioners will present to the IACHR their findings regarding our research in the Americas, requesting that the IACHR should:

1. Ensure that states in the Americas adopt specific policies to protect and to guarantee academic freedom and university autonomy.
2. Assess the possibility of writing a report regarding the protection of academic freedom in the Americas.
3. Include a specific section on its thematic and country reports highlighting attacks on academics and academic freedom.
4. Ensure that the role of potential victims that have a role in Universities or academia is highlighted in the cases submitted to the IACtHR.
5. Adopt a set of principles and guidelines to protect academic freedom and university autonomy in the Americas, under the scope of the American Convention on Human Rights and other relevant instruments.

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Executive Secretary Abrão, the undersigned organizations appreciate your consideration of our request for a thematic hearing in accordance with Articles 61, 62 and 66 of the Rules of Procedures of the IACHR.

Yours sincerely,

**Human Rights Clinic of the Human Rights Research and Education Centre, University of Ottawa**

**Scholars at Risk**

**Asociación Civil Aula Abierta**