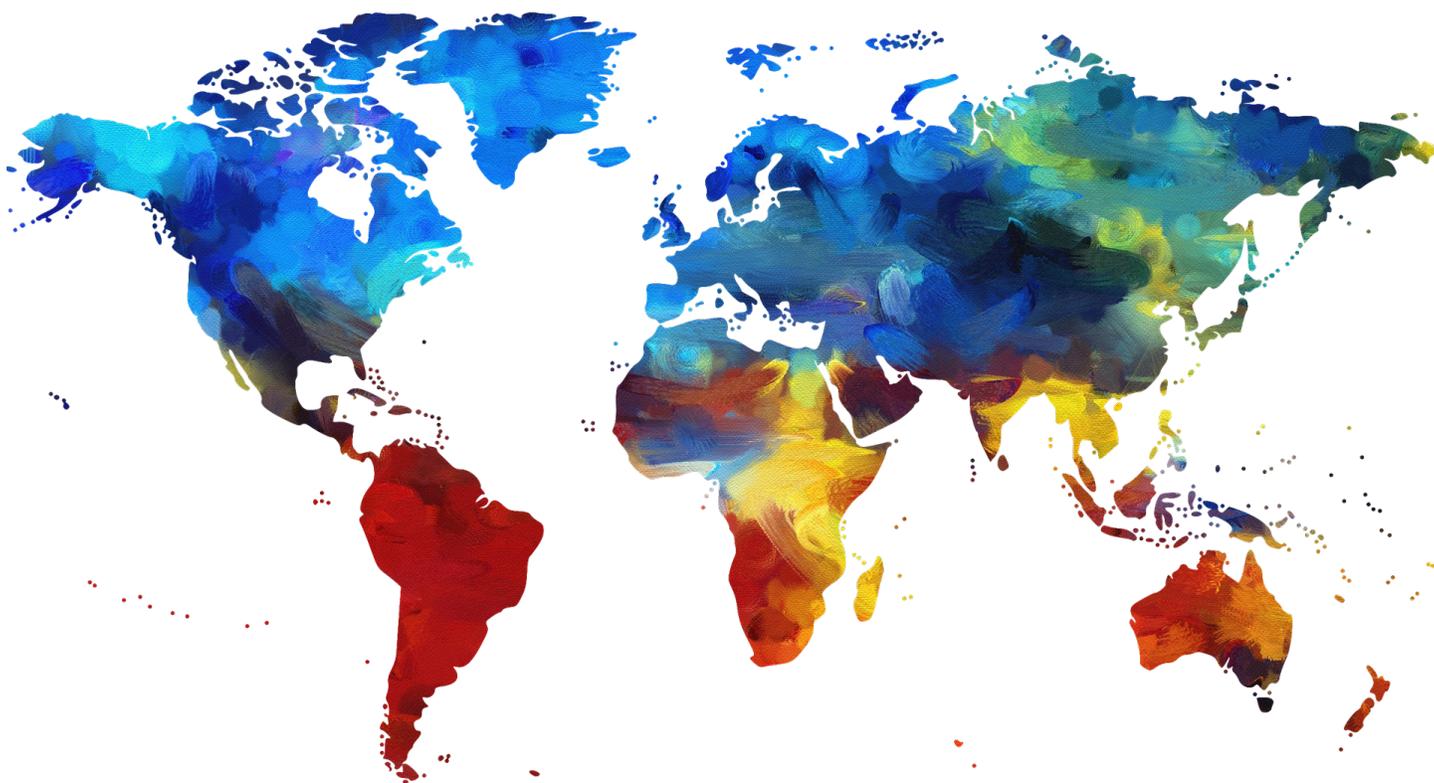


SCHOLARS at RISK

SAR uOttawa

Submission of the Human Rights Clinic to the United Nations
Special Rapporteur on Freedom of Expression
to Support the Upcoming Report on the Right to Academic Freedom

Report THREATS TO ACADEMIC FREEDOM IN THE AMERICAS



HUMAN RIGHTS RESEARCH AND EDUCATION CENTRE
University of Ottawa
Ottawa, 8 June 2020

INSTITUTIONAL INFORMATION

Founded in 1981, the Human Rights Research and Education Centre (HRREC) comprises researchers from the Faculties of Common Law, Civil Law, Arts and Social Sciences of the University of Ottawa. The HRREC brings together educators, researchers and students from other disciplines based on the need to approach issues regarding human rights from a multidisciplinary and interdisciplinary perspective, both in order to respect such rights and to explore that which they require in a complex, interconnected world. The HRREC benefits from a bilingual and bijuridical environment. The Centre privileges research, teaching and outreach partnerships, with academic units, governmental and civil society organizations.

The Human Rights Clinic is a project-based initiative of the Human Rights Research and Education Centre at 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.

Website: www.cdp-hrc.uOttawa.ca

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The report was drafted by the Human Rights Clinic of the Human Rights Research and Education Centre at the University of Ottawa as part of the “Scholars at Risk in the Americas” project. The purpose is to monitor situations that may affect academic freedom in Brazil, Canada, Colombia, Haiti, Honduras, Mexico and Venezuela as contributions to the Scholars at Risk Academic Monitoring Project.

The present report was drafted by Catalina Arango. Dana El-Arab, Viviana Fernández, Salvador Herencia-Carrasco, Isaac Nahón-Serfaty, John Packer and João Velloso contributed in the revision, comments and recommendations for the final version submitted to the Special Rapporteur on Academic Freedom.



INTRODUCTION

1. Since 2018, The Human Rights Research and Education Centre (HRREC) and Scholars at Risk (SAR) have been working together in a clinical partnership, focusing on a series of projects aimed at monitoring and responding to attacks on scholars, students, and higher education institutions in seven countries in the Americas. These efforts have combined SAR's global expertise on issues related to academic freedom and attacks on the university space with HRREC's considerable experience conducting legal research and advocacy on human rights, particularly within the Inter-American Human Rights System and the Americas.
2. Through these efforts, we have monitored, tracked, and reported on attacks on higher education and violations of academic freedom throughout the Americas; conducted targeted case advocacy; and begun to develop a network within the Americas aimed at generating further advocacy, information-sharing, and norm-development.¹
3. The Human Rights Clinic has been monitoring cases in these seven countries in the Americas since January 2018 and some trends have become evident across different countries of the region: first, greater restrictions to academic space, whether limiting university autonomy or reducing higher education funding; second, violent repression and intimidation of student voices using aggressive means to suppress protests; and, third, frequent cases of sexual violence on campuses that put women's safety at risk in academic scenarios.
4. The purpose of this report is to submit to the United Nations Special Rapporteur on Freedom of Expression a summary of incidents in different countries of the Americas that could contribute to the drafting of his report on academic freedom that will be submitted to the General Assembly in the summer and presented in the fall of 2020. We conclude the report with some brief conclusions and recommendations arising from the incidents and trends identified in relation to academic freedom in the Americas.

LIMITATIONS TO UNIVERSITY AUTONOMY & FUNDING RESTRICTIONS

5. **CANADA** | In early 2019, Ontario's provincial government enacted controversial "free speech"² policies, threatening that if post-secondary institutions failed to adhere to their rules then the institutions could suffer a reduction in funding. Academic and labour groups have stated that these policies infringe on academic freedom, and actually threaten staff, faculty, and students' rights to express themselves and oppose controversial speech on campus³.
6. **BRAZIL** | In April 2019, the Minister of Education, Abraham Weintraub, suggested that the Government would withdraw resources from particular departments—namely philosophy and sociology⁴—which he alleged were "courses for people already very rich, from the elite", and relocate these investments "(...) in colleges that generate revenues: nursing, veterinary, engineering, and medicine."⁵ President Bolsonaro later indicated support for this position, writing on Twitter: "The role of the government is to respect the taxpayer money, teaching young people to read, write, and do math and then a trade that generates income for the person and his family well-being in order to improve society."⁶ Targeted reductions in funding have been reported: for instance, the call for submissions from the Ministry of Science and Technology (MCTIC) 1122/2020 - 1329/2020 excluded the Humanities and Social Sciences.
7. **BRAZIL** | On May 14 2019 President Bolsonaro's administration published Decree No. 9,794 that allows the executive branch to veto nominations for university authorities,⁸ vesting the executive branch of government with the authority to appoint rectors, vice-rectors, deans, and other staff within federal universities. These officials were previously elected by public consultation within their academic communities.⁹ Critics of the Decree charge that it not only harms university autonomy, but allows for politicization of university appointments, insofar as it establishes a broad framework for investigating, with the assistance of the Brazilian Intelligence Agency, the background of candidates for office including federal university deans and directors.¹⁰ Although Parliament voted against Decree No. 9,794, the Executive's Provisional Measure No. 914/2019 went into effect changing the selection process in federal secondary and post-secondary educational institutions, allowing more possibilities for politicization of university appointments.¹¹
8. **VENEZUELA** | The creation of new institutions that serve the political and ideological aims of the regime, such as the Bolivarian University of Venezuela, are a demonstration of legalized institutions of political entities created for social control. These institutions are considered to be experimental universities, which means that faculty and staff appointments can be strictly controlled by the MPPEU (Ministerio del Poder Popular para la Educación Universitaria) along with the content of university courses.

Some data can help put into perspective the scope and depth of the damage that the regime has caused to higher education over the last 21 years. With the creation of the universities under government control, oriented to ideological indoctrination, the number of college students increased substantially in Venezuela – from about 100,000 students in 2000 to about 250,000 in 2015. However, the number of students graduating remained relatively low, at about 10,000 per

year¹². The salary of a full-time professor in an autonomous university in Venezuela varies between US\$5 and US\$20 per month, depending on the exchange rate. Some universities have lost half of their scholars¹³. Students are also leaving universities and fleeing the country. Aula Abierta, a local NGO, has reported that, in 2017, between 30 and 40 per cent of those who entered undergraduate programs in autonomous universities discontinued their studies¹⁴.

VIOLENT REPRESSION & INTIMIDATION OF STUDENT VOICES

9. **CANADA** | During a 143-day faculty strike at York University¹⁵ (Ontario) in November 2019, protestors complained about the use of restrictive surveillance and additional private security by University authorities. In response to the strike, students staged a Senate sit-in and were subsequently threatened with possible disciplinary consequences. Protesters claimed that students and faculty feared that they may be disciplined for protesting, causing a breakdown of communications between administration, faculty and students, and undermining the democratic environment on campus. Although the strike was settled, the use of “subtle” restrictions such as hiring private security personnel and installing video surveillance during the crisis raised questions about the real state of academic freedom at Canadian universities.

10. **HONDURAS** | 19 university students from the Universidad Nacional Autónoma de Honduras (UNAH) were detained in May 2018, after taking over the administrative building in an act of protest against the privatization of universities across the country. According to witnesses, when the military officer and UNAH’s head of security Roger Aguilar arrived, he ordered the use of tear gas against the students, leaving them with no way out. Soon after, the students were taken to the Metropolitan Headquarters No. 1 (Core 7) of Tegucigalpa with neither an official order nor the presence of a judge, and, later, suspended for five years from the higher education institution¹⁶. According to the Honduran defenders of public education, the order given by political authorities was to kill the students. This recent event (part of the mass protests which began on 29 November 2017 around the country to denounce the lack of transparency around the presidential election) was one of many student demonstrations brutally repressed by security forces¹⁷.

Bertha Oliva, coordinator of the Committee of Relatives of the Disappeared in Honduras (Cofadeh), told Resumen Latinoamericano, a digital media, “in Honduras, authoritarianism has taken over all institutional spaces. What is happening at the UNAH is no more than a reflection of this dictatorial exercise... There is a campaign of criminalization and stigmatization of the students... University authorities do not want to implement a true dialogue, but to measure their strength, show their claws, and grow their muscles against those who have dared to challenge the dictatorship.”¹⁸

11. **COLOMBIA** | In late November 2019, hundreds of thousands of Colombian pensioners, students, social leaders, and union members took to the streets of the country’s main cities to protest over labour, pension and tax reforms being discussed in the Colombian National Congress, the killings of grass-roots leaders, the lack of financial support of public universities, and the Government’s alleged failure to implement the peace process. The movement grew as other sectors joined and the rallies across the country became one of the largest mass demonstrations in recent years.¹⁹



Our team monitored two forms of repression to these demonstrations: one from the Government and the other from groups outside the law.

On the one hand, President Duque's government responded to marches with a heavy hand: illegally raiding homes of activists, artists, and alternative media journalists; stigmatizing protestors, criminalizing the right to protest, and using the Colombian National Police's Mobile Anti-Disturbances Squadron (ESMAD) to violently break up any gathering of demonstrators²⁰. In one of those clashes, in Bogotá, 18-year-old Dylan Mauricio Cruz was murdered. One ESMAD officer projected tear gas at Cruz's head, causing severe damage to his brain. Cruz was admitted to a hospital, where he later died²¹.

On the other hand, our team also tracked when dozens of pamphlets signed by the armed group Autodefensas Gaitanistas de Colombia (AGC) started circulating on Universidad de Antioquia (UdeA)'s campus in Medellín on March 2nd, spreading terror among the academic community²². Professor Sara Fernández Moreno, secretary of the Board of Directors of the UdeA Association of Professors, was one of the targets. On March 5th 2020, Professor Fernández was stabbed at her house by an unidentified individual²³. While Professor Fernández survived the stabbing, the circumstances of the attack are still under investigation.

12. **HAITI** | At the beginning of 2019, thousands of people took to the streets in the capital and other cities demanding President Moise's resignation, due to allegations of corruption and embezzlement with the Government of Venezuela²⁴.

Universities were at the center of the rallies. Higher education institutions ceased their activities, locked their campuses, set up barricades that could not be crossed on foot to protect students and teachers who were joining the marches, and supported all members of their communities who were protesting. Universities were also victims of governmental repression. In November 2019, l'Unité de Sécurité Générale du Palais National (Usgpn) violently attacked a student protest taking place at Université d'État d'Haïti. Their agents fired at students who were peacefully protesting at the main entrance. The University condemned the armed attack, demanding an investigation into the incident²⁵.

13. **BRAZIL** | Before the run-off election in 2018, State authorities reportedly raided several universities throughout the country, questioned professors, confiscated materials, and ordered signs deemed political to be taken down from public spaces. The raids arose out of court orders issued under a Brazilian law prohibiting political advertising in public spaces. However, several of the materials in question did not endorse a particular candidate or party. In other cases, the actions by authorities appear to have been conducted without warrants, or based on unclear evidence²⁶. In Paraíba, police raided the office of a professors' union at Campina Grande Federal University, confiscating "Manifest in Defense of Democracy and Public Universities" flyers, and seizing a hard drive from the union's press office²⁷. At Greater Dourados University, a court ordered the cancellation of a public lecture titled "Crushing Fascism" on the day it was scheduled to take place. At the State University of Paraíba, men wearing Regional Election Authority uniforms—but who reportedly did not produce identification—entered a professor's classroom claiming they had been informed she had been campaigning for a political candidate. They left after learning the professor was not engaged in partisan activities in the classroom. In Minas Gerais State, a court ordered São João Del Rei



Federal University to pull from its website a statement, signed by the dean's office, promoting democratic principles and rejecting violence in the elections.²⁸

Actions negatively impacting academic freedom in higher education have continued in Brazil following President Bolsonaro's election. These include, for example, an initiative led by Ana Caroline Campagnolo, an elected State representative, who invited students via Facebook to film their classes to catch "political-partisan or ideological" behavior from teachers, and the establishment of an anonymous phone line for students and members of the public to denounce "ideological professors and indoctrinators" at universities.²⁹ Despite the Federal Supreme Court's defense of university autonomy and academic freedom³⁰, government officials, including President Bolsonaro, have continued encouraging students to film teachers during class if they suspect them of pushing leftist ideas. "Teachers need to teach and not indoctrinate," Bolsonaro tweeted in May 2019.³¹ Bolsonaro's son Carlos also retweeted: "Filming/recording in schools is an act of legitimate defense against ideological predators who are disguised as teachers."³²

14. **VENEZUELA** | There have been several cases that show evidence of repression of professors and university students who have been wrongfully arrested after major protests, or public resistance to the regime via on-campus arrests like that of the surgeon José Marulanda who was arrested at the University Hospital of Caracas on 20 May 2018 by the General Directorate of Military Counterintelligence of Venezuela and later accused of "treason against the fatherland". Marulanda is a professor from the Universidad Central de Venezuela (UCV) and holds the position of Coordinator of the postgraduate course in Hand Surgery³³. All this occurs in a context of repressive violence by police, military and paramilitary forces of the Maduro regime³⁴.

GENDER VIOLENCE

15. **MEXICO** | Lesvy Osorio was a student murdered by her boyfriend on UNAM's campus in 2017. After the incident, the Attorney General's office (PGJ) published information about her alleged drug use, and conducted an inadequate investigation into her death. UNAM students stood in solidarity after the murder of Lesvy, and took to social media to fight back when the Mexican authorities blamed her for her own death. They launched the hashtag "SiMeMatan" (If I am murdered) on social media as a sign of their discontent and to express how they must defend their own right to safety and respect³⁵.
16. **COLOMBIA** | "The different types of violence against women are not isolated cases. On the contrary, they are part of the daily life of [Colombian] students. It is a silenced and invisible reality, which has normalized. There are many who suffer and remain silent in this situation", claims Laura Páez, a student from Universidad Libre in Bogotá, during the first public hearing against sexual violence in universities that took place in the Congress of Colombia in November 2018³⁶. Student movements such as Pairs of Accompaniment against Harassment (PARES in Spanish), It is not Normal, Polyphony, Rosary without Panties, to mention some, have taken the lead in making visible the cases of violence against women in Colombian universities. They suggest that campuses have become hostile scenarios for women as the frequent cases of sexual violence threaten their academic progress, future and professional performance³⁷.

CONCLUSIONS

17. During these years of monitoring in the region, our analysis has revealed that many of the violations of academic freedom are not reported or are significantly overshadowed by other related cases or matters. This implies that organizations that work in the defense of human rights in the Americas do not have enough data to identify trends or initiate targeted advocacy actions to reduce the number of incidents. Moreover, this lack of data prevents organizations from placing the protection of academic freedom and higher education per se in their analyses and listing attacks on academic spaces as among the threats to the creation and maintenance of democratic and healthy societies.
18. Based on our monitoring and advocacy efforts in the Americas, we believe that the upcoming report on academic freedom by the UN Special Rapporteur on Freedom of Expression should recommend States to:
 - Adopt policies to respect, protect and ensure the exercise of academic freedom.
 - Avoid political interference in the allocation of research grants offered to post-secondary institutions and researchers.
 - Register data related to incidents affecting academic freedom and the personal integrity of academics, students and staff.
 - Work with post-secondary institutions in the adoption of safe mechanisms to protect women from sexual harassment and sexual violence on campus and in the performance of their academic work.
 - Call on States to protect public budgets of post-secondary institutions (notably in the context of the global economic crisis due to the Covid-19 pandemic).
19. The process of tracking and reporting incidents has shown that international standards applicable to academic freedom are not in themselves enough to deal with the situation that is occurring in the region and that the development of regional standards (like the Inter-American Human Rights System) may be necessary in order to deliver effective protection. This should not only be based on the relationship that academic freedom has with the freedom of expression and the right to education, but with the larger role that universities and colleges have on the development of our societies. To this end, we believe that the report that your office will submit this fall to the United Nations General Assembly will significantly contribute to strengthen the right to academic freedom.

ENDNOTES

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HUMAN RIGHTS RESEARCH AND EDUCATION CENTRE

University of Ottawa
Fauteux Hall | FTX550
57 Louis-Pasteur Private
Ottawa (ON) K1N 6N5

613-562-5775
HRREC@uOttawa.ca
www.cdp-hrc.uOttawa.ca



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