

## **Coalition for Academic Freedom in the Americas**

Scholars at Risk

University of Ottawa Human Rights Research and Education Centre  
and University of Monterrey



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# **REPORT ON CASES AND TRENDS IN THE ACADEMIC FREEDOM AND UNIVERSITY AUTONOMY IN THE AMERICAS**

Report for the Office of the  
Special Rapporteur for Freedom of Expression  
of the Inter-American Commission on Human Rights

New York, Ottawa & Monterrey  
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## CREDITS AND INSTITUTIONAL INFORMATION

This report is submitted to the Inter-American Commission on Human Rights (IACHR) in fulfillment of the commitments made by the Coalition for Academic Freedom in the Americas in the context of the second phase of the Specialized Academic Network for Technical Cooperation in support of the IACHR. This network, composed of Scholars at Risk, the Human Rights Research and Education Centre (HRREC) of the University of Ottawa and the University of Monterrey, aims to contribute to the monitoring of cases and situations related to academic freedom and university autonomy in the hemisphere and to support the dissemination and implementation of the Inter-American Principles on Academic Freedom and University Autonomy, adopted by the IACHR in December 2021.

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For more information about the Coalition, visit the following website:  
<https://www.udem.edu.mx/es/institucional/coalicion-por-la-libertad-academica-en-las-americas>

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## I. Introduction

1. The purpose of this report is to present to the Inter-American Commission on Human Rights (IACHR) an account of events affecting academic freedom in the Americas during the year 2022. It includes incidents and trends that help to establish a regional panorama on the matter.
2. Since 2021, the Coalition for Academic Freedom in the Americas (CLAA)<sup>1</sup> has been working on the following three objectives:
  - a. To raise awareness of academic freedom and its importance not only in academic circles, but also in civil society and democratically legitimated states.
  - b. To develop a hemispheric network of advocates and allies to identify and respond to threats, and generate strategies to protect and promote academic freedom that are consistent with international standards and adapted to local realities.
  - c. To generate advocacy actions in national and regional legal and human rights bodies to articulate clear standards in support of academic freedom.
3. Part of the Coalition's mission is to conduct regional monitoring of cases where academic freedom is at risk. To this end, we have built a database of more than 200 regional and local secondary sources. We have also used the indicators outlined by Scholars at Risk in their global monitoring project<sup>2</sup> which include attacks related to assassinations, violence and disappearances; false/incorrect detentions; unjust prosecutions; loss of positions, including dismissals, suspensions, expulsions; travel restrictions; and other serious violations such as occupation of campuses by armed forces or closure of universities.
4. Other sub-themes included in these indicators are legislative pressure, including laws targeting speech on or off campus; administrative pressure, such as defunding measures targeting specific areas of study, or classes at the institution; and sexual harassment and assault on campus.
5. Our effort goes beyond reporting isolated cases. In this sense, we include in this report an analysis of trends that allows us to understand academic freedom as a social factor that is framed within the political and economic tensions of each country. In the same way, this analysis allows us to configure academic freedom from the Inter-American framework.
6. In 2022, two trends emerge with respect to cases related to attacks on academic freedom in the Americas: violations of university autonomy and gender-based violence on university campuses. This report seeks to delve into representative cases for these trends.

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<sup>1</sup> For more information about the project, see: <https://www.udem.edu.mx/es/institucional/coalicion-por-la-libertad-academica-en-las-americas>

<sup>2</sup> See: Scholars at Risk, *Free to Think Report 2022*. Available at: <https://www.scholarsatrisk.org/resources/free-to-think-2022/>

## II. University Autonomy at Regional Risk

7. In 2022, in some countries of the Americas, higher education institutions, research centres and academic communities have frequently reported state attacks on university autonomy. Its implications suggest a growing threat to critical thinking and pluralistic debate that guarantees democracy and respect for university autonomy in the region.
8. It is imperative to consider the cases and tendencies that affect university autonomy because the latter is not only a universal good, but it also serves the ultimate interest of the promotion of science and knowledge, through training and research, as mentioned by Francesc Pedró, director of UNESCO's International Institute for Higher Education in Latin America and the Caribbean (IESALC).
9. University autonomy is key to ensure the respect for human rights, democracy and freedom of expression, among other internationally recognized rights. This was established in the Inter-American Principles on Academic Freedom and University Autonomy, which state the following: <sup>3</sup>

Autonomy is an essential prerequisite for academic freedom and works to guarantee that higher education institutions can fulfill their mission and objectives of production and dissemination of knowledge. As a pillar of democracy and expression of the self-governance of academic institutions, autonomy guarantees the exercise of teaching, research, and extension services, as well as financial, organizational, educational, scientific, and personnel-related decision-making.

10. Following the text of the Inter-American Principles, Principle II recognizes the autonomy of academic institutions by stating that: <sup>4</sup>

State regulations concerning education should be directed toward guaranteeing the process of learning, teaching, researching, and disseminating knowledge in a manner that is pluralistic, participatory, and democratic, and should guarantee the self-governance of academic institutions, which includes, among other things, the free functioning of teaching staffs and student bodies.

11. In order to understand the attacks on university autonomy in the Americas, it is necessary to explore in detail what Hugo O. Juri proposes: a) the capacity of self-government of each university institution, that is, the faculty it has to dictate its own statutes, to elect its authorities, and to administer its own budget; b) the management of institutional policies and the possibility of delimiting its own academic and scientific priorities in commitment to its social environment and c) the power to guarantee that its campuses are safe spaces for discussion, manifestation, and free expression of ideas.

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<sup>3</sup> Inter-American Commission on Human Rights, *Inter-American Principles on Academic Freedom and University Autonomy*, Adopted by the Commission during the 182nd Regular Session, held December 6-17, 2021.

<sup>4</sup> *Ibid*, Principle II.

### III. Self-governance and Budget Management

12. In the following section, we discuss violations to university autonomy in Mexico, Nicaragua and Brazil. The incidents discussed illustrate the erosion of universities' capacity to govern themselves, to elect their main authorities, to establish their own policies and to administer their budgets.

#### *Mexico: Research Centres under Threat*

13. In Mexico there is a great diversity of public research and higher education entities, including universities and Public Research Centers (CPI). These entities are part of the National System of Science, Technology and Innovation and the National Education System (SEN). Each institution is regulated, as appropriate, by different specialized laws, as well as by their statutes, rules and other internal regulations.
14. The Law of Science and Technology, adopted in 2002 by the Mexican federal government, establishes that the CPIs enjoy technical, administrative and managerial autonomy to link their plans and performance evaluation criteria with the Special Program of Science and Technology (Special Program) defined by CONACYT. In a complementary way, the General Law of Higher Education recognizes the autonomy of the CPIs that are integrated to the National Subsystem of Higher Education, by having training programs in higher education, as well as carrying out activities of academic linkage, extension, and dissemination.
15. Despite the fact that the regulatory framework establishes the CPIs' autonomy, newspaper reports from 2021 and 2022 denounce the irregular or arbitrary intervention of CONACYT that has affected or influenced the process of appointing general directors in at least four public research centers: the Center for Research in Optics (CIO), the Center for Scientific Research of Yucatan (CICY), the National Institute of Astrophysics, Optics and Electronics (INAOE) and the Center for Research and Teaching in Economics (CIDE).
16. The case with the greatest national and international impact has been that of the CIDE, where after the abrupt resignation of its previous director in August 2021, that same month, the General Directorate of CONACYT appointed Mr. José Antonio Romero Tellaeché as general director of the Center, ignoring the internal regulations for the appointment of authorities.<sup>5</sup>
17. In accordance with the CIDE General Statute, it is possible for external persons to be part of the External Review Group for the appointment of its authorities, provided that none of the persons chosen has a close professional or personal relationship with any of the candidates, in such a way that their actions could give the appearance of partiality or conflict of interest.
18. As publicly reported, the appointment of authorities outside the Statute was

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<sup>5</sup> This regulation includes (i) internal screening of candidates by the academic, administrative and general services staff, (ii) external screening by a group of people selected by Conacyt, (iii) a round of interviews of the candidates with the General Direction of Conacyt, as well as (iv) formalization by the Board of Directors of CIDE, the body that has the final say in the appointment.

accompanied by other events such as the dismissal of people from different management positions under arguments such as "loss of confidence" or the commission of "acts of rebellion".

19. Likewise, in January 2022, a series of reforms to the General Statute of the CIDE were implemented, excluding the Academic Council -the highest internal body representing the academic staff- in the process of deliberation and approval of these reforms. With these measures, CONACYT regularized and legalized arbitrary appointments, going against the legitimately constituted statutes.

### ***Mexico: Widespread Budget Cuts***

20. In 2022, the impact became evident of a decree published on November 6, 2020, in the Official Journal of the Federation of Mexico, which amended and repealed various legislative provisions of the Law of Science and Technology, in order to extinguish various public trusts.<sup>6</sup> Most of these resources were earmarked for research projects in areas of public interest for the country. There were multiple expressions of opposition from public research and higher education institutions in Mexico to this legal reform. A central argument of this opposition was that the extinction of these trusts would negatively impact the capacity of universities and institutions of higher education to comply with the training of professionals, and the generation, application, and transfer of knowledge.
21. This impact was particularly relevant in the case of the CPIs, since the extinct trusts were the figure through which the self-generated resources, necessary to ensure the financial viability of these centers, were administered. An over-bureaucratization of the administration and use of the remaining funds of the extinct trusts has a clear negative effect on the CPIs.
22. At the same time, in addition to the uncertainty produced at the beginning of 2022 by the announcement of a budget cut to freeze the hiring of more than 350 temporary employees of the National School of Anthropology and History (ENAH), the University of Guadalajara (UdeG) is affected by budget cuts.
23. The budget allocated to the UdeG in 2022 is the lowest in the last 10 years. This budget deficit puts educational coverage and infrastructure at risk. The governor of Jalisco, Enrique Alfaro, had announced that the budget would be used to combat the COVID-19 pandemic, an action that was considered a violation of the university's budgetary autonomy. Students and academics have accused the government of wanting to creating a tension between two key state sectors: education and health.

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<sup>6</sup> Decree reforming and repealing various provisions of the Law for the Protection of Human Rights Defenders and Journalists; the Law on International Cooperation for Development; the Law on Hydrocarbons; the Law on the Electricity Industry; the Federal Law on Budget and Fiscal Responsibility; the General Law on Civil Protection; the Organic Law of the National Finance for Agricultural, Rural, Forestry and Fisheries Development; the Law on Science and Technology; the Customs Law; of the Regulatory Law on Railway Service; of the General Law on Physical Culture and Sport; of the Federal Law on Cinematography; of the Federal Law on Duties; of the Law on the Mexican Petroleum Fund for Stabilization and Development; of the Law on Biosecurity of Genetically Modified Organisms; of the General Law on Climate Change; of the General Law on Victims; and the Law that creates the Trust Fund that will administer the Social Support Fund for Former Mexican Migrant Workers is repealed.

24. On May 26, 2022, a protest was held with more than 100,000 attendees to demand a fair budget for the UdeG. A "mega-march for the dignity and autonomy of the UdeG," as the students called it, took place in five different points of the city to converge in downtown Guadalajara. However, officials from the Jalisco Secretariat of Security and Civil Protection stopped the buses that would transport the students. According to the students, government authorities tried to discourage participation in the protest and showed authoritarian behavior that affects their freedom.<sup>7</sup>

### ***Nicaragua: State Control of Universities***

25. In February 2022, the Nicaraguan National Assembly, controlled by the Sandinista Front, cancelled the legal status of five universities: Universidad Politécnica (Upoli), Universidad Católica del Trópico Seco (Ucaste), Universidad Nicaragüense de Estudios Humanitarios (UNEH), Universidad Paulo Freire and Universidad Popular (Uponic), paying no attention to the dictates of the law on the autonomy of higher education institutions, which confers university autonomy and protects universities from state intervention, and also ignoring the Constitution where confiscation is prohibited. More than 14,000 students were affected by this measure.
26. The Ministry of the Interior's official argument is that these institutions "have not reported their financial statements and neither have their boards of directors and therefore have violated the law against laundering and terrorism." However, advocates for academic freedom in the country have argued that the move is a dangerous political vendetta against universities that played a crucial role in the 2018 citizen mobilizations. "'The fact that the Upoli was one of the centers of protest, Ortega did not forget it, he did not forgive it,' assures Ernesto Medina, a government opponent."
27. As part of the 2018 protests against the government of Daniel Ortega, four universities- the National Engineering University (UNI), the National Autonomous University of Nicaragua (UNAN) in Managua, UNAN-León and the Polytechnic University (UPOLI)- were at the center of the demonstrations. Many demonstrators were attacked by police and parapolice. "In a few weeks the student activists became not only strategic actors in the mobilization against the government, but also prominent spokespersons for a heterogeneous and multisectoral opposition with weak mechanisms of cohesion based almost exclusively on anti-Orteguism, the demand for justice for the victims of repression, and early elections."
28. As soon as the university authorities regained control after the protests, a series of blacklists began to circulate with the names of professors and students who had participated in the mobilizations. Subsequently, some public universities officially expelled 144 students, announcing that they would not be able to re-enter their universities or apply to other universities in Nicaragua or abroad for the next three

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<sup>7</sup> See more:

"Megamarcha de la UdeG: Exigen presupuesto digno y respeto a la autonomía," *Aristegui Noticias*, May 26, 2022.  
"Megamarcha UdeG: Comunidad universitaria exige presupuesto justo; Enrique Alfaro niega recorte," *Animal Político*, May 26, 2022.



years because their records and grades had been erased. "Terrorism and destruction of public property" were part of the reasons for the measure.

29. Days after the cancellation of legal status, the five affected universities were renamed and started functioning again under the full control of the ruling regime's political party. "The National Council of Universities (CNU) will guarantee the continuity of studies for the 14,000 students (of the closed universities)," the National Assembly assured.
30. On February 4, 2022, the former rector of the Paulo Freire University, Adrián Meza, fled to Costa Rica due to concerns for his safety and freedom following the university's closure. In statements to Despacho 505, Meza stated that a high-ranking Ortega government official had directly warned him that he should leave the country.<sup>8</sup>

### ***Brazil: Budget Restrictions on Scientific Research***

31. On October 6, 2022, a decision of the Federal Register of Brazil was announced, that 123.2 million dollars, intended for research in public universities, were blocked from the Ministry of Science, Technology and Innovation (MCTI, in Portuguese). Dozens of projects that were crucial to the country's scientific and technological advancement have been affected by budget cuts since Jair Bolsonaro took office as president. Now these initiatives have been definitively cancelled.
32. Fernando Cassio, a professor at the Universidade Federal do ABC, explains that these recent budget cuts hit the research activities of public universities, which are responsible for about 95% of the country's scientific and technological work. "They took [money] away from one thing to give it to another. They changed their mind on the decision to block the universities' budget, but they cancelled the MCTI budget. They gave money to universities to pay energy bills, but they took away all the money meant

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<sup>8</sup> See more:

"Nicaragua to Take Over Six Universities Seen as Critical of Ortega," *US News*, February 7, 2022.

"El Parlamento de Nicaragua retira los permisos de cinco universidades", *La Nación*, February 3, 2022.

"Daniel Ortega arremete contra las universidades rebeldes de Nicaragua", *El País*, February 2, 2022.

"Nicaragua cierra universidades íconos de las protestas de 2018", *La Jornada*, February 2, 2022.

"Ortega strips more universities and schools of legal status," *Confidencial*, February 3, 2022.

"IACHR Condemns the Cancellation of the Legal Personality of Human Rights Organizations in Nicaragua," *IACHR, Press Release*, December 13, 2018.

"'This is a revolution': Who are Nicaragua's protesters?," *Al Jazeera*, 13 August 2018.

"Nicaragua strips universities' legal status in new attack on dissent," *The Washington Post*, 3 March 2022.

Civic Freedom Monitor, Nicaragua, *International Centre for Not-For-Profit Law*, 27 September 2022.

Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Promotion of Human Rights in Nicaragua, *Human Rights Council, fortieth session*, 25 February-22 March 2019.

"Cierre de universidades en Nicaragua dejó en el limbo a miles de alumnos," *El Nacional*, February 5, 2022.

Adrián Meza, rector de la universidad Paulo Freire, se exilia en Costa Rica", *Nicaragua Actual*, February 4, 2022.

"Rector Adrián Meza: 'Por qué si mis estudiantes de la Paulo Freire ahora son estudiantes de la universidad pública, por qué van a pagar aranceles, si los estudiantes de la UNAN no pagan?'," *La Mesa Redonda*, 9 February 2022.

"Adrián Meza: 'La autonomía universitaria desapareció desde que Ortega decidió que era un estorbo'," *La Plática*, February 6, 2022.

"Rector de universidad ilegalizada en Nicaragua se exilia en Costa Rica," *abc*, 4 February 2022.

"Adrián Meza: El régimen 'confiscó medio millón de dólares' a la Paulo Freire," *Confidencial*, February 10, 2022.

for research," the academic said.

33. At the end of October, the Brazilian Union of University Students (UBES), the National Union of Students (UNE) and the National Association of Postgraduates (ANPG) held protests in 21 states and the federal district. The marches were intended to mobilize citizens against budget cuts. "It is unacceptable that educational institutions suffer budget cuts one after another. Bolsonaro's government has no project to treat them as strategic entities for the country's development," said UNE president Bruna Brelaz.

#### **IV. Management of institutional policies without external interference**

##### ***Canada: draft legislation against university autonomy***

34. Some Canadian provinces adopted measures that gravely threaten university autonomy in the region, illustrating the dangers of state interference in the policy management of higher education institutions.
35. On June 7, 2022, the Quebec government enacted Bill 32 on academic freedom in the university sector. The bill is the result of a December 2021 committee report commissioned by the government in response to a controversy at the University of Ottawa in 2020, when Professor Verushka Lieutenant-Duval was suspended for using a pejorative term in a pedagogical context during a class. While the purpose of this bill is to recognize, promote, and protect university academic freedom, some sections have generated criticism from the academic community. While some academics have celebrated the bill's ability to define a legislative framework to protect professors from censorship and ensure academic freedom, others feel it will only achieve the opposite.
36. On the one hand, this law conceives of the right to academic freedom as "the right of every person to engage freely and without doctrinal, ideological or moral constraint, such as institutional censorship, in an activity through which the person contributes to carrying out the mission of an educational institution." This could potentially help ensure a high quality learning environment, unrestricted by censorship, dogmatism and ideological militancy. On the other hand, the bill threatens the autonomy of academic freedom in relation to state control, given that its Article 6 grants the Minister of Higher Education the right to "order an educational institution to include in its policy any element indicated by the Minister," a clause that would give this government official legal authority to interfere in the internal policies and decisions of universities, limiting institutional academic freedom in terms of research and teaching.
37. This provincial law obliges universities to apply measures and sanctions in case of academic infringement and to promote awareness of the university community through instructional tools and a counselling service. According to Article 4 (1), universities must establish a council "whose main functions are to oversee the implementation of the policy, (and) examine complaints about university academic freedom." These procedures create a platform for faculty and students to understand the guidelines for academic freedom in the classroom. However, the introduction of a punitive approach to protecting academic freedom could simultaneously be seen as a coercive mechanism to restrict freedom of thought and expression.

38. Several student unions across Quebec signed a joint statement characterizing the bill as "a call for the repression of the student community and a populist means to mobilize the population against progressive ideas," considering that the teacher will have the right to use controversial words or terms, justified by a conceptual or intellectual context. In this line, the student unions consider that "academic freedom does not protect the right to say anything," but "protects the rigorous pursuit of knowledge, the search for a just and egalitarian society and the challenge of power by scholars." In addition, the student unions criticize the bill for instrumentalizing academic freedom to excuse discriminatory or provocative comments.
39. Along with Bill 32, on May 24 the National Assembly of Quebec passed Bill 96, an act establishing French as the official and common language of Quebec. This bill poses enormous risks to academic freedom, as it limits provincial English-speaking institutions in the free use of language. The bill became a law on June 1st, when it was approved by the Lieutenant Governor.
40. Bill 96 will affect non-French-speaking students residing in Quebec, as they will be required to take and pass three core subjects in French as a requirement for graduation from English-speaking CEGEPs. If students pass with a low grade, their overall grade point average will suffer, and their chances of being accepted to top universities could be reduced. In addition, this law will discourage non-French-speaking students from outside Quebec, including international students, from enrolling in the province's universities and colleges. As a result, universities could suffer a decrease in talented students from both inside and outside the province. Finally, this bill could negatively affect Indigenous students, who will be required to master a third language, while their mother tongue continues to be ignored at the national level.<sup>9</sup>

## V. Ensure Campus Security

### *Ecuador: Police forces on university campuses*

41. In this section, we look into three incidents of violent interference of the state and the police in university campuses in Ecuador. The incidents show how this interference undermines the power of higher education institutions to ensure that their campuses are safe spaces for discussion, demonstration and free expression of ideas.

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<sup>9</sup> See more:

Projet de loi n°32: "An Act respecting academic freedom in the university sector," *National Assembly of Québec, 43<sup>rd</sup> Legislature, 1<sup>st</sup> Session*.

"Quebec tables bill 32 to protect academic freedom in universities," *Montreal Gazette*, 6 April 2022.

"Is Bill 32 the real threat to academic freedom? 130 Quebec professors speak out in open letter," *CTV News*, April 27, 2022.

"Quebecers' support for Bill 96 is not unconditional, survey suggests," *Montreal Gazette*, July 5, 2022.

"Bill 96's stated goal is protecting French. Instead, it hurts Anglophone families," *CBC*, May 26, 2022.

"Quebec Is Bringing Its 'War On Woke' To Unis With A Crackdown On 'Safe Spaces' In Class," *Mtl Blog*, April 6, 2022.

"CEGEP students protest Bill 96: 'It's going to damage our futures,'" *Meltwater*, May 6, 2022.

"No allies for Anglos on Bill 96," *The Suburban*, April 6, 2022.

42. On June 15, 2022, members of the Ecuadorian National Police entered the campus of the University of Cuenca without authorization and used tear gas to disperse a group of non-violent student protesters who had gathered there. The students had gathered outside the campus as part of a nationwide series of protests that began on 13 June over the economic and social crisis that caused medicine shortages, rising unemployment, and Indigenous and trade union mobilisations. The protest was reportedly non-violent, until police moved in and fired tear gas at students protesting both on and off campus; the students reportedly threw stones in response.
43. On 20 June 2022, members of the Ecuadorian National Police entered the National Polytechnic School without authorization to disperse a peaceful student protest. The police, who was not invited to enter the campus, allegedly threatened and lied to campus security guards in order to gain access.
44. On June 21, 2022, members of the Ecuadorian National Police entered the Pontifical Catholic University of Ecuador without authorization and fired tear gas canisters at the university's educational center. The protest was reportedly non-violent, but several police officers entered the campus to disperse the protesters. After being evicted from the campus, police fired tear gas from outside to disperse the protesters.
45. The universities and their allies petitioned the National Ombudsman's Office to adopt a resolution prohibiting the national police and armed forces from entering university campuses or firing weapons on them, and to establish "peace borders" outside university campuses to prevent clashes between state authorities and protesters.

## **VI. Gender-Based Violence in Universities**

46. According to UN Women, Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms.
47. According to the United Nations Population Fund, one in three women in the world today suffers physical or sexual violence. 14 of the 25 countries with the highest number of femicides are in Latin America and the Caribbean, with Honduras, El Salvador, Dominican Republic and Bolivia leading the way. Despite a slight decrease from the previous year, in 2020 there were at least 4,091 cases of femicide in the region, according to ECLAC.
48. The university community does not escape this reality, nor does it escape the protests and mobilizations of its members demanding attention and measures to address the situation, nor the initiatives in terms of laws and protocols with which academic and political institutions seek to respond.

49. Acts of gender-based violence in university communities reported by victims and in the press include sexual harassment, rape and attempted rape, as well as attempts to silence those who choose to speak out, almost always in defiance of existing institutional structures both within and outside academia. Gender-based violence occurs both in the context of relationships between people who have similar roles in the academic community-among students, among faculty, among administrators-and in the context of relationships between members of these different groups.
50. A study on gender violence in [Ecuador's](#) universities conducted in 2021 showed that "1 in 3 female students has been assaulted by other members of the university community, an average of 10 times in the last year." The research points out that the aggregated effect of these aggressions and those suffered by teachers and administrative officials at the hands of their partners or other members of the university community has been a loss of days of academic productivity, with "economic losses equivalent to 3% of the national university budget."
51. An investigation carried out in several of Mexico's main universities and published in 2020, about protocols to prevent and deal with cases of sexual violence, revealed that a third of the universities studied did not have a specific definition of sexual abuse or harassment in their protocols; 44% of the protocols reviewed did not establish a gradation of severity in the types of sexual violence; 11% of the protocols impose a 12-month limit for reporting; 22% do not establish spaces of containment for the victims, and 44% do not contemplate alternative procedures for conflict resolution.<sup>10</sup>
52. In North America, the situation is no different. According to the Canadian Federation of Students, 1 in 5 women in [Canada](#) will be sexually assaulted during their post-secondary studies, with higher incidence among Indigenous women, women of colour, LGBTQ2S+ and women with disabilities. In the United States, the Supreme Court's [overturning of Roe v. Wade](#), which had until then established a constitutional right to access abortion, raises a red flag in the landscape of gender-based violence in the country, inside and outside academia.
53. According to Principle V of the [Inter-American Principles on Academic Freedom and University Autonomy](#), "Killing, kidnapping, intimidation, assault, harassment, threats, gender-based violence, and other attacks against individuals because of their participation in the academic community or the exercise of its activities, as well as physical attacks against institutions, libraries, or laboratories, violate the fundamental rights of individuals, restrict academic freedom, and prompt self-censorship in society. It is the duty of States to prevent and investigate these acts, punish the perpetrators, and ensure adequate reparation to the victims regardless of whether the harmful events occurred through analog or digital channels. In complying with this duty of prevention and investigation, States must apply an approach that recognizes and responds to the differentiated and intersectional impacts and forms of physical and psychological violence in accordance with inter-American standards on the subject."

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<sup>10</sup> Medina-Medina, B. y Cienfuegos-Martínez, Y. (2020). Análisis de protocolos universitarios contra el hostigamiento y acoso sexual en México. *Reencuentro. Análisis de problemas universitarios*. 32 (79), 47-68.

54. In 2022, cases of sexual harassment, rape and attempted rape, and protests and mobilizations against gender-based violence in universities had profound impacts on academic freedom in the region. Below are some representative cases.

## VII. Sexual Harassment, Rape and Attempted Rape on Campus

55. Incidents of sexual harassment, rape, and attempted rape in campuses in Mexico, Honduras and Colombia illustrate a regional trend on gender-based violence in academic communities.

### *Mexico: Sexual Violence at UNAM*

56. On August 30, a student suffered [an attempted rape](#) inside the facilities of the College of Sciences and Humanities (CCH) of the National Autonomous University of Mexico (UNAM). The student received medical and legal attention, but the Feminist Collective of the National Autonomous University of Mexico denounced that the legal department of the institution asked for discretion and silence regarding the incident. The campus administration has expressed its willingness to collaborate in this case.
57. On October 17, another CCH student was raped on campus, as denounced by student and feminist groups. According to the group Feministas Organizadas Independientes (Independent Organized Feminists), the student left a classroom to go to the bathroom, where she was attacked. When she entered the bathroom, she felt that a person "hugged her from behind, covered her mouth and committed rape." After the events, the student returned to her classroom and asked for help at the School Affairs Office. According to the testimony, she was told that there was no evidence to proceed, and then she was referred to a lawyer. The collective claims that the lawyer instructed the student to remain silent and not to contact any feminists on campus. Subsequently, the student, her mother and another lawyer filed a complaint. The CCH then published a statement in which it admitted that "an unfortunate event occurred" in its facilities, affecting the integrity of a student. The statement said that the university had provided advice and support to the student.<sup>11</sup>

### *Honduras: Student arrested for rape*

58. A 19-year-old Ecuadorian student at the Zamorano Panamerican Agricultural School in Honduras is accused of raping two freshmen. University officials filed a formal complaint with Honduran police on March 20, 2022. The perpetrator allegedly took advantage of his friendship with the two students and sexually assaulted them on the university campus. The Honduran police have issued a statement confirming the arrest of the alleged perpetrator and promising that due process will be followed.<sup>12</sup>

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<sup>11</sup> See more:

"Alumna del CCH Sur fue violada dentro de la escuela; el plantel dice que brinda acompañamiento," *Animal Político*, October 21, 2022.

"Alumna denuncia violación en baños del CCH Sur; estudiantes realizan protesta," *Aristegui Noticias*, October 20, 2022.

<sup>12</sup> See more:



### ***Colombia: Teacher arrested for rape***

59. The universities and their allies petitioned the National Ombudsman's Office to adopt a resolution prohibiting the national police and armed forces from entering university campuses or firing weapons on them, and to establish "peace borders" outside university campuses to prevent clashes between state authorities and protesters.
60. At the end of May 2022, Camilo Capote, a teacher at the Faculty of Performing Arts of the University of Cali's Departmental Institute of Fine Arts, was arrested, accused of sexually assaulting nine students between 2016 and 2022. Seven of the students were minors at the time of the events as Capote served as a teacher for a bachelor's degree program in performing arts and a children's and youth program. The defendant did not accept the charges against him. Capote was suspended from his position and is awaiting trial.<sup>13</sup> The arrest warrant was issued by the Attorney General's Office after receiving complaints from the victims. According to the victims' lawyer, Élder Montaña, the Fine Arts Institute does not have an internal disciplinary body to handle incidents such as these. Montaña also said it is necessary to investigate why teachers and administrators who knew about the situation did not take steps to put a stop to it.

## **VIII. Protests and mobilizations against gender-based violence in universities**

61. In response to the many incidents of gender-based violence in institutions of higher education, members of academic communities have mobilized throughout the region, with protests demanding greater attention and transparency in the treatment of complaints by university authorities. In this section, we refer to protests and mobilizations that have occurred in universities in Mexico and Colombia as paradigmatic examples of actions by students, professors, and feminist collectives to make gender violence visible within universities, denounce impunity and silencing, and demand appropriate institutional responses to the seriousness of the problem.

### ***Colombia: two public universities mobilize***

62. On 30 August 2022, more than 100 students demonstrated around the University of Antioquia over allegations of sexual harassment at two universities in Medellín. The protests followed a complaint by a student at the National University of Colombia against an official for sexual harassment and abuse, and a wave of allegations of sexual assault at [the University of Antioquia](#). Students at the National University declared a permanent assembly. The vice-rector's office told the students that it would act within

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Press Release from the National Police of Honduras, March 21, 2022.

"Ecuadorian arrested in Honduras for alleged rape of two university students," *The LA News*, March 22, 2022.

"Zamorano students staged protests for alleged violations at that Honduran university," *247 News Agency*, March 21, 2022.

"Ecuadorian arrested for alleged rape of two university students in Honduras," *Infobae*, March 21, 2022.

<sup>13</sup> See more:

"Fiscalía investiga acoso a 9 víctimas en instituto de artes," *El Tiempo*, 2 June, 2022.

"Capturaron a profesor de Bellas Artes, en Cali, acusado de abuso sexual," *Infobae*, November 23, 2022.

the disciplinary process based on the presumption of innocence of the official accused.

63. In September, [hooded women](#) showed up at the University of Antioquia and pointed out alleged sex offenders. At the same time, a pamphlet circulated with 25 names of men linked to the university, mostly teachers, created by a group that identified itself as Acción Clandestina Policarpa Salvarrieta. These events show the degree of conflict surrounding gender violence in this institution, and the degree of frustration of those who cannot find effective responses to the problem within their university. In October, [the University of Antioquia](#) told a media outlet that it was aware of six complaints filed with the Attorney General's Office by members of the academic community about cases of sexual violence.

### ***Mexico: demonstrations against impunity***

64. On September 30, 2022, students at the Autonomous University of Querétaro (UAQ) began a strike to protest the lack of attention to cases of gender violence within the institution. The strike began after a student from the Faculty of Political and Social Sciences (FCPS) denounced another student for harassment and threats. The director of the Faculty, Marcela Ávila-Eggleton, denounced that the University's Victim Attention Unit did not respond to the student's case. In fact, about 300 cases of gender violence are pending resolution.
65. Ávila-Eggleton explained that the main problem in dealing with gender violence within the university is the lack of sanctioning capacity of the protocol used in these cases. The UAQ applies restorative practices, agreements between parties and sanctioning processes that are not specified. When cases are identified as crimes, accompaniment is offered to the victims so that they can file their complaints. However, in the case mentioned above, the maximum sanction that the aggressor could receive was a suspension for five days.
66. Several student organizations and collectives denounce that the processes for filing complaints take a long time, are often not resolved and sanctions are not applied. For example, the protesters called for the dismissal of four institution officials after complaints of sexual abuse, extortion, abuse of power and manipulation were filed against them. However, the rector of the UAQ stated that excluding these officials is unacceptable because there are no official reports and these accusations are false. According to one of the student collectives, revealing allegations against the four officials would victimize those affected. The college of directors and the rector of the UAQ have spoken in favor of respecting the agreements between the students regarding the strike, which ended on October 29.<sup>14</sup>

## **IX. Good practices and promising actions**

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<sup>14</sup> See more:

"300 denuncias por violencia de género, un feminicidio y amenazas contra estudiante mantienen en paro a la UAQ," *Animal Político*, October 8, 2022.

"Funcionarios de la UAQ acusados por alumnos no serán despedidos," *La Jornada*, November 23, 2022.



67. Through protests and mobilizations, the issue of gender-based violence in the university environment has been gaining greater visibility and, compared to some years ago, the need to generate relevant responses seems to be much more present among institutions of higher education. The following are some of the new norms and good practices that are emerging in the region to prevent and respond to situations of gender-based violence in academic communities.

### ***New laws in the region on academic freedom***

68. After massive protests in 2018 calling for responses to gender-based violence in the university environment, in September 2022 [the Law on Sexual Harassment, Violence and Gender Discrimination in Higher Education \(Law 21.369\)](#) came into full force in [Chile](#). This law aims to develop policies to prevent, address, and eradicate sexual harassment and gender-based violence in universities. In order to obtain institutional accreditation, universities must have a comprehensive policy on the issue and have specialized staff and facilities. Among the difficulties [reported](#) with respect to the implementation of the new regulations are the scarcity of resources and the limited timeframe established in the law for implementation.
69. In July 2022, the Colombian Ministry of Education dictated that all Higher Education Institutions in the country must develop action protocols for the prevention, detection, and attention to gender-based violence and discrimination. [Resolution 014466 of 25 July 2022](#) establishes a maximum period of six months for higher education institutions to develop these protocols.<sup>15</sup>
70. Similar practices of establishing protocols for action in cases of gender violence are seen in several other countries in the region, such as [Mexico \(General Law of Higher Education\)](#), [Argentina](#), and [Uruguay](#) (Ordinance of Action in Situations of Violence, University of the Republic). The emergence of these norms is part of broad social processes of discussion about inequality and gender violence.

### ***Transparency in access to information***

71. The universities and their allies petitioned the National Ombudsman's Office to adopt a resolution prohibiting the national police and armed forces from entering university campuses or firing weapons on them, and to establish "peace borders" outside university campuses to prevent clashes between state authorities and protesters.
72. Similarly, there were significant developments regarding transparency in access to information in cases of gender-based violence in universities. For example, Mexico's National Institute for Transparency, Access to Information and Protection of Personal Data (INAI) ordered the National Autonomous University of Mexico (UNAM) to report on complaints of harassment, bullying, and sexual assault against historian Pedro Salmerón.

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<sup>15</sup> See more:

"Universidades ahora deberán tener un protocolo de género. Qué retos enfrentan?", *El Espectador*, August 3, 2022.

"Universidades tendrán seis meses para mejorar protocolos contra la violencia de género: MinEducación," *Blu Radio*, 27 July 2022.

73. After having received a request for information on the case of Professor Salmerón, the Transparency Committee of the UNAM classified such information as confidential and indicated that Salmerón left the university due to the termination of his contract. The person who requested the information then filed an appeal with the INAI, which after analyzing the case, considered that the information was of public interest and should be disclosed. On June 8, INAI ordered UNAM to make the complaints of sexual harassment and abuse, transparent. This decision was aimed at promoting the right of access to information on gender violence. The person who requested the information wanted to know the type of relationship Salmerón has with UNAM as well as whether he left the university due to allegations of sexual harassment or abuse.
74. Salmerón had previously been identified as an aggressor. In 2019, he was denounced by a student to the authorities of the Instituto Tecnológico Autónomo de México. This testimony was confirmed by testimonies from other students. Salmerón resigned from his position before any sanctions were issued. The accusations against Salmerón attracted special attention in early 2022 after President Andrés Manuel López Obrador proposed him as ambassador to Panama. The process did not continue because of the Panamanian government's rejection.<sup>16</sup>
75. There has been progress in the access to information and transparency around cases of gender-based violence in university settings in Canada as well. The province of Ontario is in the process of passing new legislation so that professors who have a history of sexual assault cannot keep this history secret when applying for a new position. The legislation would prohibit the use of non-disclosure agreements by post-secondary institutions' employees reported for acts of sexual violence, and would authorize those institutions to dismiss without notice or termination pay the employees who have sexually abused students. In addition, the legislation would require universities to have policies and disciplinary measures in place for employees who engage in sexual violence.<sup>17</sup>

## X. Conclusions

76. The universities and their allies petitioned the National Ombudsman's Office to adopt a resolution prohibiting the national police and armed forces from entering university campuses or firing weapons on them, and to establish "peace borders" outside university campuses to prevent clashes between state authorities and protesters.
77. The purpose of this report was to identify the most representative cases of attacks on

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<sup>16</sup> See more:

"INAI determina que la UNAM deberá informar sobre denuncias contra Pedro Salmerón por acoso y agresión sexual," *Aristegui Noticias*, June 8, 2022.

"El INAI ordena a la UNAM transparentar las denuncias por acoso sexual contra Pedro Salmerón; es de interés público, señala," *Animal Político*, June 8, 2022.

<sup>17</sup> See more:

"Ontario to end secrecy behind campus sexual misconduct and let universities fire faculty who abuse students," *Toronto Star*, October 27, 2022.

"Ontario to ban NDAs in sexual misconduct cases by staff at colleges, universities," *Guelph Today*, October 27, 2022.

academic freedom and university autonomy in the hemisphere. Regardless of their ideological position and their level of development, both national and subnational governments have adopted measures to limit or restrict academic freedom. This phenomenon is not isolated and goes hand in hand with a growing authoritarian trend, weakening of democracy and violation of human rights in the region.

78. The annual reports that the IACHR and its special rapporteurs can make to illustrate the degree to which academic freedom is under attack in the region, can serve as a tool to limit these state reforms and support the work of civil society organizations and academia to defend the role of higher education institutions in society.
79. In this regard, it is of the utmost importance to continue promoting the dissemination and implementation of the Inter-American Principles on Academic Freedom and University Autonomy. This is a tool that systematizes international human rights standards applicable to the countries of the hemisphere.
80. The frequently reported cases of interference with university autonomy demonstrate that many of the governments of the Americas are using state regulations on higher education to perpetuate and promote their ideas and policies. This threatens the self-governing capacity of university institutions and their ability to decide about policies and research priorities, and undermines the creation and development of free societies guided by democratic principles.
81. Although gender-based violence on campuses in the Americas continue to occur, the development in recent years of laws and protocols to fight the problem in several countries in the region is an encouraging sign. It remains to be seen how far the existence of new norms will go beyond paper and translate effectively into positive changes that will lead to a future free of gender-based violence for academic communities and society as a whole.
82. It is imperative to continue to make progress in the collection of data on academic freedom, the monitoring of cases, and the evaluation of the implementation of policies and protocols, which will make it possible to promote impactful actions and disseminate the importance of this right in the Americas.