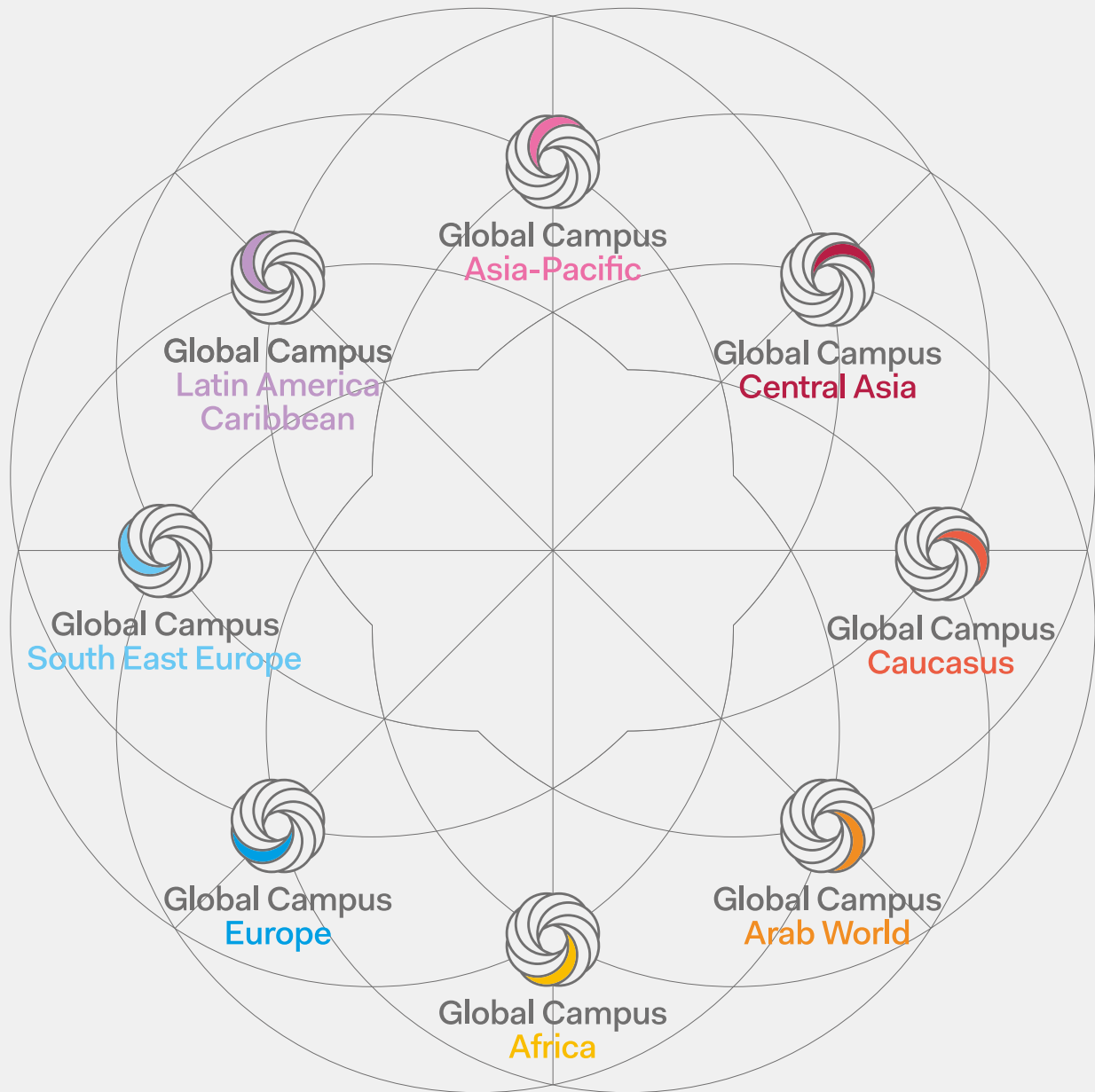




Luis Fernando Herrera Martínez

Protecting university autonomy and academic freedom amidst democratic backsliding: a strategic proposal for an IACHR thematic report







This policy brief is part of the **7th edition of the Global Campus Policy Observatory**, which revolves around the research project on 'Protecting, promoting and enjoying academic freedom: trends, challenges and impacts from a human rights-based approach', which was conceptualized and led by GC Research Manager Dr. Chiara Altafin and involves a team of eight policy analysts selected among alumni* of GC regional programmes, namely Meline Avagyan (CES - GC Caucasus), Anida Gjurgjiali (ERMA - GC South East Europe), Lakshita Kanhiya (HRDA - GC Africa), Luis Fernando Herrera Martínez (LATMA - GC Latin America and the Caribbean), Mostafa Masjedi Arani (ArMA - GC Arab World), Minh Nguyen (APMA - GC Asia Pacific), Dr. Nikolaos Sousos (EMA - GC Europe), and Akylai Tenizbaeva (MAHRS - GC Central Asia). Research outputs include workshop presentations, policy briefs, advocacy plans, and webinars held in cooperation with the GC E-Learning Department.

This policy brief was written by **Luis Fernando Herrera Martínez**, who holds a Law Degree from the National Autonomous University of Mexico and a Master's degree in Human Rights and Democratisation in Latin America and the Caribbean (LATMA) from the National University of General San Martín, Buenos Aires, Argentina. His research interests include Constitutional Law, Law and AI, and the Inter-American Human Rights System. He previously worked as a clerk in the Mexican federal court and also served as a Visiting Professional at the Inter-American Court of Human Rights, San José, Costa Rica. He is currently based in Buenos Aires and serves as a Project Researcher at the International Center for Political Studies of National University of General San Martín. Contact: fernandoherreramrtz@hotmail.com

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Luis Fernando Herrera Martínez ¹

In sum, one conclusion is relatively clear: where democracy is in retreat, academic freedom is also in severe threat.

Lars Lott

Executive summary

This policy brief addresses the rising threat to higher education posed by regional democratic backsliding and escalating attacks against scholars, students and universities. A core tactic used to undermine university autonomy and academic freedom is budgetary asphyxiation.

The urgency of this situation is illustrated by key regional cases spanning severe authoritarianism to actions taken by elected anti-pluralist leaders. Examples include the systemic elimination of academic freedom in Nicaragua and the financial strangulation policies in Venezuela, two examples of consolidated authoritarian regimes, alongside budgetary cuts and political interference in backsliding democracies as implemented by the Milei administration in Argentina and the Bolsonaro administration in Brazil.

Despite the milestone adoption of the Inter-American Principles on Academic Freedom and University Autonomy by the Inter-American Commission on Human Rights (IACHR) in 2021, a significant implementation gap persists. This policy brief will urge the IACHR to intensify its efforts through continuous monitoring, addressing violations and preparing a thematic report to further develop regional standards, focusing specifically on protecting the academic community against these hybrid threats.

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Introduction

In 2020, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression delivered a groundbreaking report on academic freedom. Although ‘there is no single, exclusive international human rights framework for the subject’, its international basis is derived from other human rights such as freedom of opinion and expression under the International Covenant on Civil and Political Rights (ICCPR: Article 19) as well as the right to education and the right to science under the International Covenant on Economic, Social and Cultural Rights (ICESCR: Articles 13 and 15; Kaye 2020: para 5). While acknowledging the difficulties of establishing a sole definition of academic freedom, Kaye described it as ‘freedom of individuals, as members of academic communities or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law’; he also described a collective or rather an ‘institutional’ aspect of academic freedom (Kaye 2020: paras 8–10).

The United Nations Committee on Economic, Social and Cultural Rights’ General Comment No 13 had already considered that the right to education can only be enjoyed if accompanied by the academic freedom of staff and students (CESCR 1999: para 38). Its subsequent General Comment No 25 shifted the focus towards the right to science and highlighted its relevance for academic freedom (CESCR 2020: paras 13, 14, 20, 43 and 46; Roberts Lyer, Saliba and Spannagel 2023: 13–14). Significantly, Article 15(3) of the ICESCR establishes that states must respect the ‘freedom indispensable for scientific research and creative activity’.

More recently, the international Working Group on Academic Freedom delivered the Principles for Implementing the Right to Academic Freedom (WGAF 2024), articulating nine crucial aspects of this right. It defined academic freedom as ‘the human right to acquire, develop, transmit, apply, and engage with a diversity of knowledge and ideas through research, teaching, learning, and discourse’ (Principle 1). Later that year, the Special Rapporteur on the Right to Education not only highlighted that academic freedom is not named as a standalone right in the 1966 Covenants while is legally grounded in several interdependent provisions of international human rights law (Shaheed 2024: para 10), but she also proposed that academic freedom be recognised as an autonomous human right (Shaheed 2024: paras 11

and 84). The UN Human Rights Council’s Resolution 59/9, adopted without a vote during its 59th session, also took note with appreciation of the WGAF Principles (UNHRC 2025b: para 18).

Notably, Europe has a long-standing history of academic freedom dating back to the Universities of Bologna (1088) and Padua (1222) and later with the foundation of Humboldt University (1809). The evolution of academic freedom in Latin America finds its modern ideological foundation in the 1918 University Reform movement in Córdoba, Argentina, which challenged the traditional, oligarchic university structure to advocate for autonomy and social commitment as essential pillars of democracy (Salvioli and Urbina 2024: 31). Historically, however, the region has faced cyclical waves of autocratisation, where authoritarian regimes in countries like **Argentina** and **Chile** during the 20th century, and more recently in **Venezuela** and **Nicaragua**, have systematically attacked university autonomy to neutralise political dissent and independent knowledge production (Hočevár and Rivas 2025: 3–4). As will be discussed later, these attacks often involve the intervention of governing bodies, the imposition of state ideology and the criminalisation of students and professors.

The path toward the consolidation of regional standards was significantly accelerated by an intensive advocacy effort led by academic networks and civil society organisations, including Aula Abierta, Scholars at Risk and the Human Rights Research and Education Centre at the University of Ottawa (Gómez-Gamboa and Villalobos-Fontalvo 2023: 73). A pivotal moment occurred during the 2019 public hearing before the Inter-America university community in the Americas, as was broadly discussed before the IACHR.

This process culminated in December 2021 with the adoption of the Inter-American Principles on Academic Freedom and University Autonomy (Inter-American Principles), the first regional instrument to formally recognise academic freedom as an autonomous, independent, and interdependent human right (Aula Abierta 2023: 4; Gómez-Gamboa and Villalobos-Fontalvo 2023: 70–71).

Importantly, the Inter-American Principles are not a treaty *per se* and were unilaterally adopted by the IACHR in December 2021. This adoption was carried out under the mandates conferred upon the Commission by Article 106 of the Charter of

the Organization of American States (OAS), as well as the application of Article 41(b) of the American Convention on Human Rights (ACHR) and Article 18(b) of its Statute. These grant the IACHR the authority to formulate recommendations to member states to encourage the adoption of progressive measures in favour of human rights, thereby allowing the Commission to establish regional standards without the requirement of a formal treaty negotiation process.

According to Gómez Gamboa and Villalobos Fontalvo (2023: 71), there is ‘no doubt that [the Inter-American Principles] are soft law norms’ generated as an internal decision of an OAS organ to promote standards. However, their status does not diminish their legal and doctrinal value, as they function as an essential hermeneutic tool for interpreting the ACHR. Salvioli and Urbina (2024: 57) argue that the principles fill a critical ‘normative vacuum’ by systematically compiling international standards and providing an authorised roadmap for states to align their domestic laws.

It is our understanding that by integrating these principles through ‘cross-fertilisation’ into the jurisprudence of the Inter-American Court of Human Rights, they will progressively acquire mandatory weight, serving to give specific content and development to existing conventional provisions

under the *pro persona* perspective. Another route to consolidation as hard law will be their integration into national systems either as constitutional or legal reforms. This route will be of special significance, because as referred by Gómez-Gamboa and Villalobos-Fontalvo (2023: 73–74), 97 percent of OAS member states still lack express constitutional recognition of academic freedom, with **Ecuador’s** constitution¹ being the only one to establish academic freedom as a distinct constitutional right; with **Bahamas, Bolivia, Canada, Chile, the Dominican Republic and Mexico** regulating it at the legal level.

This policy brief will try to address the risks posed by the lack of implementation of the Inter-American Principles, highlighting the threats to academic freedom in backsliding democracies and outright authoritarian regimes. It considers the cases of **Nicaragua, Venezuela and Brazil** during the Bolsonaro presidency, and **Argentina** under its current administration.

¹ In November 2025, Ecuador’s President Daniel Noboa called for a referendum to establish a Constitutional Assembly to review the whole text of the Constitution under a radically different approach. While the referendum failed on that point and the Constitution remains unchanged, we note this to convey the idea that constitutional texts can also be abruptly overhauled at any given moment for better or for worse.

Problem description

Attacks on academic freedom manifest across a continuum, ranging from financial control in democratic contexts to violent repression in authoritarian ones.

Under Nicolas Maduro’s regime, budgetary asphyxiation in **Venezuela** was institutionalised as a primary instrument of financial and political control, systematically utilising the executive branch to undermine university autonomy (Hočevár and Rivas 2025: 3, 9 and 11; OHCHR 2025: para 12). As testified by Ricardo Villalobos Fontalvo of Aula Abierta, during a public hearing before the IACHR, this strategy has generated a severe deficit of up to 99 percent of the requested budget for public universities, a repressive practice sustained since at least 2004 (IACHR 2024: 24:50). This continuous defunding is characterised by international bodies as a form of political retaliation against critical institutions, violating the Inter-American Principles, which mandate that the

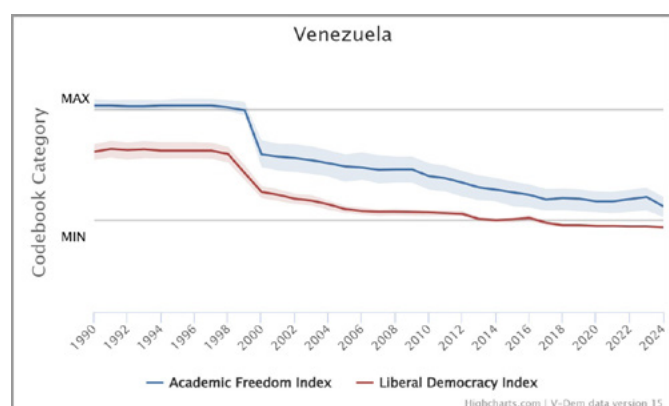
distribution of resources must not be used as an instrument to attack institutions or critical thinking (IACHR 2021: principle II; Salvioli and Urbina 2024: 84–85). Between 2008 and 2017 alone, the Central University of Venezuela (UCV) suffered a real funding cut equivalent to 6.8 billion dollars, pushing the institution toward a ‘technical closure’ (Hočevár and Rivas 2025: 11).

By creating a state of extreme operational uncertainty, the Maduro regime was able to bypass traditional university governance and substitute academic self-regulation with direct executive oversight. This is manifest in the implementation of the ‘Sistema Patria’ for the centralised payment of university salaries, which eliminated the financial autonomy of institutions and allows for the selective suspension of pay for vocal critics (Hočevár and Rivas 2025: 9; OHCHR 2025: para 15). These actions reflect a broader anti-pluralist governing agenda where independent

research is viewed as a threat to the state's model, leading to the criminalisation of academics who publish critical technical analyses (IACHR 2024: 24:30; Salvioli and Urbina 2024: 171, n 301).

The SAR Network has identified academic flight of scholars as one of the main consequences of the decline of academic freedom (SAR Network: 7). In the case of Venezuela, the budgetary crisis and systematic repression, has driven approximately 30 to 60 percent of the academic workforce into forced migration, as monthly salaries ranging from 5 to 11 dollars are insufficient to cover basic needs (Hočevár and Rivas 2025: 10; IACHR 2019: 19:56). Furthermore, students and faculty have been the targets of arbitrary detentions and extrajudicial executions during protests against these repressive conditions (Gómez Gamboa and Villalobos Fontalvo 2023: 70; OHCHR 2025: paras 33 and 40). This environment of fear has effectively created a pervasive 'chilling effect' (*efecto inhibitor*) that stifles intellectual dissent and reinforces the government's efforts to establish a parallel system of higher education dedicated to indoctrination and pro-government propaganda (Hočevár and Rivas 2025: 12 and 16; IACHR 2019: 14:45; Salvioli and Urbina 2024: 72).

The graph below² illustrates the correlation between Venezuela's turn into an authoritarian regime and the decline of academic freedom, showing even a steeper fall during the Maduro regime (2013–2025).



Graph 1. Venezuela's Academic Freedom Index and Liberal Democracy Index.

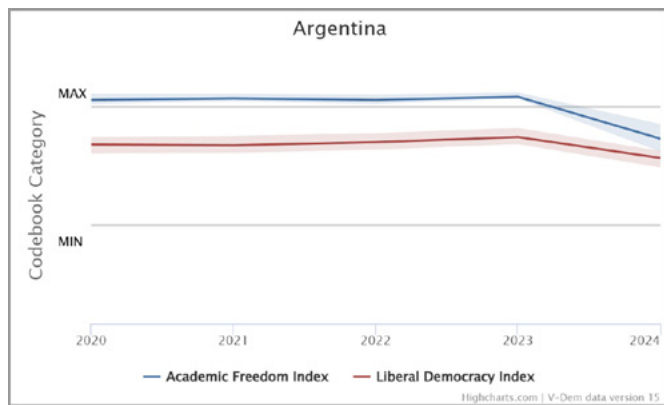
In **Argentina**, under the administration of President Javier Milei (2023–current), budgetary asphyxiation has been employed as a definitive tool of financial and political control, to undermine institutional autonomy (Puiggrós et al 2025: 10–11). This strategy reached a critical juncture with the presidential veto of the University Financing Law through Decree 647/2025, which effectively nullified legislation

designed to update operating budgets for universities and salary recompositions for staff (Grainger 2025; SAR Network 2025: 17). While the executive justified this action on the grounds of protecting the fiscal surplus and curbing inflationary pressure, domestic critics and international monitors characterise it as a deliberate defunding of the public sector that has left an estimated 70 percent of university salaries below the poverty line (IACHR 2024: 11:00; Puiggrós et al 2025: 10–12 and 36). This use of the budget as a coercive lever is viewed as an attack on the university's role in a democratic society.

The deterioration of academic freedom in Argentina has seen a marked acceleration following Milei's 2023 election victory and the rise of his La Libertad Avanza coalition. This decline is reflected in the Academic Freedom Index (AFI), which in its 2025 update notes a statistically significant and substantially meaningful drop across all indicators, placing Argentina among countries where the space for scholarly inquiry is rapidly contracting (Kinzelbach et al 2025: 5–7). The 2026 AFI update further establishes Argentina among the countries with a 'substantive and statistically significant decline in institutional autonomy', which can correlate to its decline of university autonomy (Kinzelbach et al 2026: 6).

After the return to democracy, Argentina was labelled as one of the most democratic countries in Latin America, and thus one with a very high index of academic freedom. Just before the 2023 presidential election, the UN Independent Expert on the effects of foreign debt and other related international financial obligations of states on the full enjoyment of all human rights (Waris 2023: paras 80 and 83) celebrated the 'vibrant and committed civil society and academia' in Argentina, highlighting their role in public accountability and their contribution to the country's resilience. However, as the next graphic suggests, both academic freedom and liberal democracy indices have declined significantly during the tenure of President Milei.

² All graphs were built using V-Dem's graphing tools and data sets, available at https://v-dem.net/data_analysis/CountryGraph/.



Graph 2. Argentina's Academic Freedom Index and Liberal Democracy Index.

Central to this phenomenon is the president's aggressive anti-establishment rhetoric, which portrays the state as a 'criminal organisation' and delegitimises intellectual opposition as enemies of the majority. By specifically accusing university staff of political corruption and claiming they serve elite interests, Milei has created a climate where academic work is viewed with suspicion, thereby threatening the reputation and intellectual independence of the entire higher education community (Kinzelbach et al 2025: 6; Puiggrós et al 2025: 7).

In response to this financial strangulation, nationwide protests have emerged, which have been met with instances of violence and intimidation directed at both students and faculty. Reports from the SAR 'Academic Freedom Monitoring Project' have verified the use of pepper spray by unidentified individuals to disrupt university assemblies at the National University of Quilmes and the National University of Córdoba, where hundreds had gathered to discuss the protest movement (Grainger 2025; SAR Network 2025: 17–18 and 89). Furthermore, the university community has faced retaliatory threats, including reports from the University of Buenos Aires (UBA) where professors received intimidating phone calls following their participation in demonstrations (SAR Network 2025: 18). The problem has been aggravated by the government's encouragement of student-to-professor denunciations via 'tip lines', a practice that fosters a climate of fear and self-censorship. The deployment of security forces against peaceful academic communities signifies an escalation in the use of state power to suppress intellectual dissent and protect the government's ideological status quo (IACHR 2024: 10:08; Becerra and Dussel 2024).

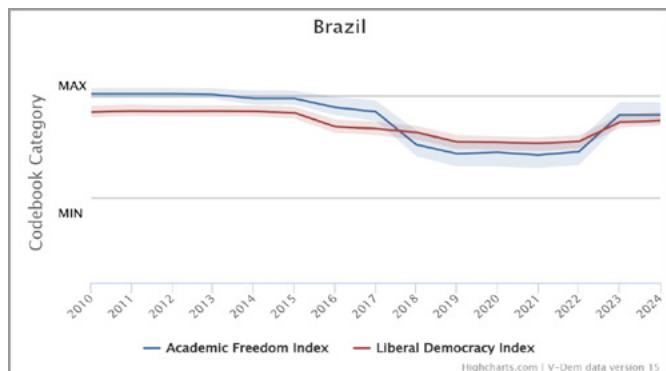
In Brazil, during the administration of Jair Bolsonaro (2019–2022), budgetary asphyxiation also became a primary instrument of financial and political control of higher education institutions. This strategy was

most notably manifest in a 30 percent contingency in the discretionary funding of all federal universities, a move initially justified by the government as a punitive response against institutions allegedly promoting 'disorder' or 'turmoil' (*balbúrdia*) on their campuses (Hübner Mendes et al 2020: 4, 8, 11, 17 and 19; Oliveira 2023: 269–270; Salgado 2021; Roberts Lyer, Saliba and Spannagel 2023: 179 and 186). This measure created a state of extreme operational uncertainty, particularly as academic research in Brazil is profoundly dependent on public funding and state-level agencies (Salgado 2021).

Furthermore, the executive branch attempted to cement this control through Provisional Measures (such as PM 914 and PM 979) designed to bypass internal democratic processes and allow the central government to appoint ideologically aligned rectors (deans), effectively nullifying the traditional 'triple list' of candidates chosen by the university community (Hübner Mendes et al 2020: 15–16; Oliveira 2023: 272–274).

The Bolsonaro administration specifically targeted academic content that challenged its conservative ideological framework, focusing heavily on research and teaching relating to gender, race, and history. Under the pretext of neutralising 'gender ideology' and 'cultural Marxism', the government sought to de-prioritise funding for the humanities and social sciences, with the president and his ministers publicly advocating for the 'decentralisation' of investments away from philosophy and sociology in favour of technical fields (Hübner Mendes et al 2020: 4, 7, 8–10 and 20; Oliveira 2023: 268–269; Shaheed 2024: paras 72–73; Salgado 2021). Notably, the Committee on the Elimination of Discrimination against Women (2024: para 30) noted 'the persistent discrimination faced by girls and women with disabilities in educational institutions, in particular Afrodescendent and Quilombola girls and women with disabilities', as well as legislative proposals to explicitly ban alleged 'gender ideology'.

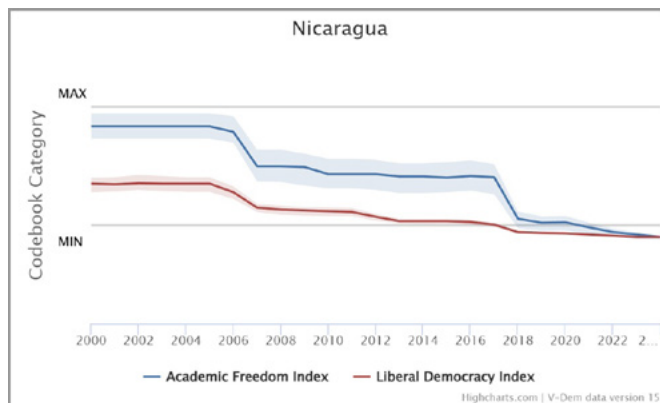
This ideological vetting extended to the direct surveillance of classroom discourse and official efforts to rewrite historical narratives, such as the proposal to revise textbooks to recharacterise the 1964 military coup as a 'democratic regime' (Oliveira 2023: 269). The democratic backslide lived during the Bolsonaro years, correlated to the decline of academic freedom as shown in the next graphic:



Graph 3. Brazil's Academic Freedom Index and Liberal Democracy Index.

As in the current case of Argentina, the Bolsonaro administration actively fostered a culture of denunciation by encouraging students to report professors as noted by Camilla Croso before the IACHR on a recent hearing (IACHR 2024: 10:10; also Oliveira 2023: 273–274). This institutionalisation of surveillance, often associated with the ‘School without Party’ (*Escola sem Partido*) movement, aimed to identify ideological dissidents in the classroom has been linked to the broader regional ‘authoritarian playbook’ which also includes the constant threat of administrative investigations, combined with aggressive social media smear campaigns (Becerra and Dussel 2024; Hübner Mendes et al 2020: 13–14). Consequently, evidence from expert monitoring projects and qualitative surveys indicates that a significant number of Brazilian scholars resorted to self-censorship, intentionally altering their professional vocabulary or abandoning sensitive research topics to avoid political persecution and the risk of professional retaliation (Hübner Mendes et al 2020: 13–14; Salgado 2021).

Under the administration of now Co-Presidents Daniel Ortega and Rosario Murillo (2006–current), **Nicaragua** has emerged as one of the most extreme global cases of state-sponsored repression against the academic community, resulting in the total elimination of academic freedom and university autonomy (Hočevár and Rivas 2025: 15–17; UNHRC 2024: para 2). CESCR’s concluding observations (2021: paras 9–10, 27 and 48–49) registered the persecutions of students and faculty members, as well as detecting that academic governance was increasingly tied to political and partisan interests. The unprecedented decline is quantified in the AFI 2025 update, which ranks Nicaragua as the least free country in the world with a record-low score of 0.02 (Kinzelbach et al 2025: 63–64). As the graphic below describes, since 2006 as the Ortega regime has consolidated power, there has been a correlative erosion of academic freedom, which has left Nicaragua as the lowest ranking country in the region in both indices.



Graph 4. Nicaragua's Academic Freedom Index and Liberal Democracy Index.

This erosion was finalised through a series of constitutional and legislative reforms, such as Law No 1114 and Law No 1176, which centralised the entire higher education subsystem under the direct authority of the presidency, effectively dismantling the self-governance structures and legal protections that once protected independent thought. By legalising the executive branch’s monopoly of power, the state has its aims at eliminating all remaining remnants of dissent (Hočevár and Rivas 2025: 4; UNHRC 2024: paras 154–157).

As stated by Marco Aurelio Peña before the IACHR (2024: 19:00), the state’s strategy for neutralising the university sector has involved the arbitrary cancellation and nationalisation of approximately 30 private universities out of the 50 that previously operated in the country (Hočevár and Rivas 2025: 6–7). This offensive has affected tens of thousands of students (estimates range from 30,000 to over 43,000 individuals) who were left without access to independent educational spaces or forced to migrate due to political persecution (UNHRC 2024: paras 160–161).

A watershed moment in this pattern of dispossession was the seizure of the Central American University (UCA) in August 2023; the government confiscated all physical and financial assets after accusing the institution of serving as a ‘centre of terrorism’, subsequently rebranding it as a state university (Salvioli and Urbina 2024: 39 and 103–104; UNHRC 2024: paras 200–215). Observers have categorised these confiscations as a ‘lucrative business’ for the regime, as the state appropriates private infrastructure to generate income while simultaneously absorbing public resources (Hočevár and Rivas 2025: 7; UNHRC 2025a: paras 802–806).

To maintain absolute political control over the remaining institutions, the state has weaponised the National University Council (CNU), transforming it into a political arm of the executive branch (IACHR 2023: para 89; UNHRC 2025a: paras 226–228). Through legislative mandates, the CNU is now empowered to appoint university leadership based on political loyalty, oversee ideological indoctrination and suppress any curricula or research that diverges from the government’s narrative (Hočevár and Rivas 2025: 4). This institutional capture has turned classrooms into venues for pro-government

propaganda, where faculty and students are hyper-monitored by pro-government student organisations such as the National Union of Nicaraguan Students (UNEN) (UNHRC 2024: para 183). Furthermore, the repression extends beyond campus through transnational violations, including the revocation of professional titles, the deletion of academic records and the arbitrary deprivation of nationality for dozens of scholars, a practice that imposes a state of ‘civil death’ (GHREN 2025: 14–16; UNHRC 2025a: paras 679–681).

Rationale for action

Understanding the current approach is vital for assessing alternatives. The status quo can be characterised as a fragmented, *ad-hoc* system reliant on sporadic condemnations, disparate national legal frameworks and uncoordinated monitoring.

The status quo’s primary weakness is its reliance on national legal frameworks that are demonstrably inadequate. A comprehensive legal review of all 35 OAS member states reveals a staggering deficit in formal protection: 34 out of 35 states lack explicit constitutional recognition of academic freedom, and 28 out of 35 lack any specific legal (sub-constitutional) recognition of the right (Aula Abierta 2023: 5 and 19–21). This vast legal vacuum creates conditions of impunity, especially enabling authoritarian-leaning governments to systematically dismantle university autonomy, suppress critical research and persecute academics. The absence of clear domestic standards means that such attacks, while fundamentally undermining democratic principles, often face no formal legal recourse within the affected states.

The escalating threats against higher education communities across the Americas demonstrate that current legal protections have left scholars and students in a state of extreme vulnerability. Historically, academic freedom has been subsumed under the general rights to education or freedom of expression, a fragmented approach that has led to the ‘invisibilisation’ of victims’ in international monitoring reports, as interferences were rarely characterised as violations of academic freedom itself (Gómez Gamboa and Villalobos Fontalvo 2023: 68–70).

A fundamentally different response is required because existing domestic legal orders suffer from a

massive ‘implementation gap’. Across the Americas, most states lack specific legislation to safeguard the academic sector from political retaliation, and only Ecuador recognises academic freedom expressly at the constitutional level (Aula Abierta 2023: 5; Gómez Gamboa and Villalobos Fontalvo 2023: 74). Without a robust, normative standard to limit state discretion, universities are increasingly vulnerable to attacks, like being shut down or transformed into instruments of state propaganda, resulting in the violation of principles IV and VIII of the Inter-American Principles. (Hočevár and Rivas 2025: 4 and 16; Shaheed 2024: paras 43 and 72–74).

This new approach must be grounded in the recognition of academic freedom as an autonomous human right, distinct from freedom of speech and other rights as recognised by the Inter-American Principles.

Furthermore, there is an urgent necessity for international organisations, such as the IACHR, to monitor academic freedom violations as a distinct universe of violations. Specialised monitoring is essential to identify and address complex threats – such as ‘budgetary asphyxiation’, the arbitrary cancellation of institutional legal personality and the purge of teaching practices – that do not always fit neatly under traditional civil and political rights, in accordance with principle IV of the Inter-American Principles (Aula Abierta 2023: 93–94; IACHR 2021: 11; Roberts Lyster and Suba 2019: 60). The implementation of the Inter-American Principles provide the necessary roadmap to ensure that these violations are identified accurately and that the academic community is recognised as a group facing distinct vulnerabilities.

Continued inaction constitutes an institutional and normative failure because data reveals that the space for academic inquiry is contracting at an accelerating pace globally (Kinzelbach et al 2022: 2–3; Kinzelbach 2025: 4–6). Monitoring data confirms that when democratic standards decline, universities are often the first targets of repression because their research provides vital checks on power (Lott 2024: 1000 and 1008–1009; SAR Network 2025: 4).

Ultimately, a rights-based framework is required to move universities beyond mere reactive advocacy and toward institutional resilience and risk management (Roberts Lyer, Saliba and Spannagel 2023: 198–203). This involves the integration of the Inter-American Principles into domestic laws (principle XVI) and university regulations, ensuring that intellectual pluralism (principle XIII) remains free from the undue influence of political actors, corporate interests or even religious fundamentalism (Salvioli and Urbina 2024: 178). Transitioning to this framework is the only way to bridge the gap between doctrinal achievements and the lived reality on campuses.

The absence of a unified, specialised monitoring and response mechanism exacerbates the problem, leading to critical oversights that have devastating consequences. The case of the UN Independent International Fact-Finding Mission (IFFM) on Venezuela serves as a powerful example. While the IFFM's initial reports in 2020 and 2021 documented widespread and severe human rights abuses, they failed to identify university students and academics as a uniquely targeted and vulnerable group (Gómez Gamboa and Villalobos Fontalvo 2023: 70). This oversight is stark when contrasted with civil society data, which shows that during the 2017 protests, university community members constituted a majority of victims in key categories of abuse, including arbitrary detentions (47.8 percent), extrajudicial executions (45 percent) and cruel, inhuman and degrading treatment (53 percent) (Aula Abierta 2021, as cited in Gómez Gamboa and Villalobos Fontalvo 2023: 70). This 'invisibilisation' demonstrates how a non-specialised monitoring approach fails to grasp the strategic nature of attacks on academia and the disproportionate price paid by its members.

Policy options

Having established the nature and severity of the growing threats to academic freedom in the Americas, this section critically evaluates two distinct policy pathways for strengthening academic freedom through the OAS and the IACHR.

Scenario 1: Affirmative policy integration

This policy option proposes a more proactive strategy that seeks to leverage the existing institutional capacity and mandate of the IACHR and the broader OAS system. The core rationale is to mainstream the protection of academic freedom across established mechanisms, thereby avoiding the political and bureaucratic hurdles of creating a new institutional body. This integration would involve systematically incorporating academic freedom as a distinct area of concern within the IACHR's primary tools for monitoring and promotion.

This approach would embed the monitoring of academic freedom into the IACHR's regular functions through several concrete actions:

- i. **Annual reports:** mainstreaming a dedicated chapter or, at a minimum, a distinct subsection on the state of academic freedom and university autonomy in the hemisphere.
- ii. **Country visits:** mandating that in loco visits include consultations with university rectors, faculty, student leaders and human rights clinics, along with assessments of campus integrity and institutional independence.
- iii. **Thematic hearings:** proactively convening thematic hearings to investigate regional patterns of attacks against universities, political interference in academic governance and restrictions on research and teaching.
- iv. **Special rapporteurships:** explicitly incorporating the protection of academic freedom into the mandates of relevant rapporteurs, most notably the Special Rapporteur for Freedom of Expression, to ensure consistent attention and analysis.

The primary advantage of this approach lies in its operational efficiency. By utilising existing institutional structures, reporting cycles and established mandates, the IACHR could begin

addressing academic freedom issues with greater speed and less political resistance than would be required to negotiate and fund an entirely new mechanism. This would allow for a more immediate response to the escalating threats identified across the region without a lengthy and potentially contentious reform process.

Despite its advantages, this option carries significant risks that mirror the core problems of the *status quo*:

- i. **Risk of inconsistency:** Without a dedicated, unified standard guiding the work across different mechanisms, the treatment of academic freedom would likely remain inconsistent. This mirrors the international legal landscape, where normative dispersion has led to fragmented and uneven protection (Aula Abierta 2023: 7–10). Different rapporteurships or IACHR reports might apply different criteria, leading to a patchwork of standards rather than a coherent regional policy.
- ii. **Risk of variable depth:** When academic freedom is merely one of many issues within a broader mandate, it risks receiving shallow analysis. This danger is exemplified by the critique of the European Court of Human Rights, which, in cases like *Mustafa Erdoğan and Others v Turkey*, relied on general freedom of expression concepts rather than establishing clear, specific indicators for identifying academic freedom violations (Aula Abierta 2023: 8). This ‘umbrella concept’ approach can fail to capture the unique dimensions and vulnerabilities of the academic sphere.
- iii. **Risk of politicised prioritisation:** This approach would leave the defence of academic freedom vulnerable to mandate-dependent prioritisation. Its importance could be elevated or downplayed depending on the specific focus of a given rapporteur, the political context of a country visit, or the competing urgency of other human rights crises. This perpetuates the very ‘invisibilisation’ of academics and students as a uniquely vulnerable group that has undermined effective protection to date (Gómez Gamboa and Villalobos Fontalvo 2023: 68–70).

While an improvement on the status quo, the inherent limitations of this approach highlight the need for a more coherent and durable strategy.

Scenario 2: Commissioning a thematic report on academic freedom

The most strategic and effective response to the systemic threats facing academic freedom in the Americas is for the IACHR to commission a comprehensive, region-wide thematic report on the subject. This option moves beyond fragmented, reactive measures to create a durable, authoritative and evidence-based framework for protection. The primary value of such a report lies in establishing a unified set of regional standards, a systematic methodology for monitoring threats and clear baselines for holding member states accountable. It would serve as the foundational document for a coherent and long-term regional policy.

A thematic report would be the ideal mechanism to operationalise the 2021 Inter-American Principles. While these principles represent a historic achievement, they currently exist as a soft law instrument that fills a critical normative vacuum but lacks enforcement power (Aula Abierta 2023: 96). A thematic report, grounded in these principles and substantiated with regional case studies, would give them significant doctrinal weight. It would transform the cited principles from an aspirational document into a practical tool with clear guidance for states, universities, civil society and the IACHR itself on their implementation and interpretation.

The report would create the first comprehensive, evidence-based map of threats to academic freedom in the Americas, situated within the global context of decline that has been underway since 2013 (Lott 2024: 1015). It would build a detailed typology of threats, moving beyond anecdotes to systematically categorise patterns of repression. This analysis would be structured around the five core components of the AFI – ie, freedom to research and teach, freedom of academic exchange, institutional autonomy, campus integrity and freedom of academic and cultural expression – providing a robust analytical framework (Kinzelbach et al 2025: 12). This would allow for a nuanced understanding of specific vulnerabilities, illustrated with concrete examples such as the systematic, state-led attacks on universities in Venezuela (Aula Abierta 2023: 93) and the sharp ‘decline episode’ in Brazil, marked by hostile political rhetoric and targeted infringements on university autonomy (Lott 2024: 1009; Kinzelbach 2020: 63–64).

Crucially, the report’s function would be to create a sustainable mechanism for monitoring and accountability. It would establish definitive baselines and a set of actionable indicators for assessing the health of academic freedom in each member state.

This framework would draw upon the concept of structural indicators to evaluate national legal protections (Aula Abierta 2023: 19–21) and the quantitative methodology of ‘decline episodes’ to track deteriorations over time (Lott 2024: 1000–1001). By doing so, the report would equip the IACHR and the OAS with a powerful, data-driven tool to monitor trends, identify emerging crises before they escalate

and hold member states accountable in a consistent, non-selective and evidence-based manner.

By creating a single, authoritative reference point, this option offers far greater coherence than the ad-hoc status quo and provides greater durability and strategic impact than the fragmented integration model.

Policy recommendations

To the IACHR and its Special Rapporteurships:

- Initiate a thematic report: commission a joint thematic report on academic freedom and university autonomy, to be co-led by the Special Rapporteurship for Freedom of Expression and the Special Rapporteurship for Economic, Social, Cultural and Environmental Rights (ESCER) of the IACHR. A single-led Special Rapporteurship thematic report would also be acceptable.
- Establish monitoring indicators: use the thematic report process to develop a clear set of indicators for monitoring attacks, explicitly incorporating the categories identified by other actors (eg, the Scholars at Risk, Free to Think reports), such as wrongful imprisonment, loss of position, travel restrictions and legislative erosion of autonomy.
- Convene thematic hearings: organise a series of further public hearings to gather testimony and evidence from civil society organisations, university representatives and directly affected academics and students from the four focus countries and others across the region.

To OAS member states:

- Endorse normative frameworks: formally adopt and integrate into national law and policy the 2021 Inter-American Principles and the 2024 WGAF Principles for Implementing the Right to Academic Freedom.
- Cease punitive measures: immediately halt all forms of budgetary retaliation, ideological policing, administrative harassment and violent suppression targeting universities and their members, drawing clear lessons from the repressive tactics documented in Argentina, Brazil, Nicaragua and Venezuela.

- Protect at-risk scholars: create national programmes and streamline visa processes to establish mechanisms of support for at-risk and displaced scholars and students, enabling them to continue their academic work in safety.

To universities, academic networks and civil society organisations:

- Strengthen solidarity networks: bolster regional and international networks for collaborative monitoring, advocacy and direct support for colleagues and institutions under threat. The crucial advocacy role played by such organisations in the development of the Inter-American Principles serves as a model for future action (see Gamboa and Fontalvo 2023: 73–74).
- Reinforce institutional autonomy: actively defend principles of collegial self-governance against political and managerialist encroachment, which prioritises bureaucratic and financial metrics over academic values.
- Develop legal and practical support: expand the creation of academic freedom legal clinics and student advocacy seminars to hold state actors accountable and provide direct support to victims of repression.

To international donors and foundations:

- Provide flexible emergency funding: establish and expand rapid-response funds dedicated to academics and students facing immediate threats, including loss of position, wrongful prosecution, violence or forced displacement.
- Support independent institutions: prioritise flexible, core funding for independent civil society organisations that specialise in monitoring

academic freedom violations and providing legal, material and advocacy support to academic communities in high-risk countries like Nicaragua and Venezuela.

- Fund collaborative research and monitoring: support cross-border research initiatives that document and analyse threats to academic freedom, thereby strengthening the evidence base for advocacy efforts at the IACHR and other international human rights bodies.

Conclusion

The evidence compiled in this study highlights a definitive correlation: as democratic institutions across the Americas erode, universities and academic freedom are often the one of the first targets of state repression. This assault manifests across a variety of threats, ranging from the systemic dismantling and confiscation of educational institutions in consolidated authoritarian regimes like Nicaragua and Venezuela to the aggressive use of budgetary asphyxiation and ideological policing in backsliding democracies such as Argentina and Brazil. Whether through violent dispossession or the more subtle tactic of financial strangling, these actions share a singular objective: the neutralisation of independent thought, critical inquiry and political opposition.

Despite the pivotal achievement of the 2021 Inter-American Principles, a profound gap persists between regional theory and local practice. The lack of explicit constitutional and legal protections in nearly all member states has created a normative vacuum, allowing governments to weaponise the budget and public rhetoric with impunity. By continuing to treat academic freedom as a derivative of other rights rather than an autonomous entitlement, the

international community has inadvertently facilitated the ‘invisibilisation’ of scholars and students as a uniquely vulnerable group. This institutional failure leaves the academic community exposed to political retaliation that undermines the very foundation of democratic self-governance.

Moving forward, the Inter-American system must transition from a reactive stance to a proactive and sustainable framework for accountability. Commissioning a comprehensive thematic report on academic freedom is the most strategic tool to bridge the current implementation gap, transforming the 2021 principles from an aspirational roadmap into a practical instrument for monitoring and legal reform. Only by establishing clear regional indicators and integrating these standards into national legal orders can it be ensured that universities remain resilient against political or financial coercion. Defending the academy is not a matter of protecting a professional privilege; it is an essential requirement for safeguarding a society’s capacity for reflection, innovation and democratic survival.

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GC Headquarters

Monastery of San Nicolò,
Riviera San Nicolò, 26
I-30126 Venice Lido (Italy)

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