



Special dossier: Academic Freedom – Presentation by the editors of this issue

Dossier especial: Libertad Académica – Presentación de los editores de la Edición

Dossiê especial: Liberdade Acadêmica – Apresentação dos editores convidados

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Introduction

As members of the scientific committee of the Coalition for Academic Freedom in the Americas (CAFA or Coalition) responsible for this publication, we are pleased to present this special dossier on academic freedom and university autonomy in the Americas. This volume is published by the Revista de Direito Econômico e Socioambiental of the Programa de Pós-Graduação em Direito da Pontifícia Universidade Católica do Paraná, Brazil.

About the Coalition for Academic Freedom in the Americas (CAFA)

CAFA seeks to promote and strengthen academic freedom and university autonomy in the hemisphere. Led by the University of Monterrey (Mexico), Scholars at Risk (United States), and the Human Rights Research and Education Centre (HRREC) at the University of Ottawa, the Coalition brings together higher education institutions, civil society organizations, and individuals from across the Americas to identify and respond to threats to academic freedom and develop strategies for its protection and promotion.

Since 2022, the Coalition organizes annual conferences to discuss the status and challenges of university autonomy and academic freedom in the Americas, bringing together colleagues from across the continent. Some of the recurring themes at the annual meetings have been the development of international and Inter-American standards for the protection of academic freedom, gender violence in higher education institutions, the scope of application and protection of academic freedom, and freedom of expression for members of the academic community. Over the years, these annual meetings have become an important forum for coordinating efforts and projects among colleagues in the hemisphere.

The importance of academic freedom in the current context

This is the CAFA's second publication compiling articles presented at our annual conferences. The first publication was edited by the International Journal of Law and Social Sciences of the School of Law and Social Sciences of the University of Monterrey and Tirant Lo Blanch Mexico in the fall of 2023. That publication represented a first opportunity to highlight the need to articulate regional voices on the state of higher education, academic freedom, and university autonomy in the Americas.

Approximately two years have passed since the publication of that first journal and the launch of this special edition of the Revista de Direito Econômico e Socioambiental. During that time, we have seen attacks on universities increase around the world, placing academic freedom at the center of public debate.

When the Coalition started its work, it emphasized on the need to link academic freedom with democracy, the rule of law, and human rights. What has happened in recent years shows that this motivation was not merely inspirational, but rather an urgent need to protect the mission of the university in building free and democratic societies.

Presentation of the dossier on academic freedom

This special edition includes eight articles in Spanish, English, and Portuguese that were presented and discussed at the 2023 and 2024 annual conferences, held in Curitiba and Washington, D.C., respectively. These essays offer important reflections and recommendations that analyze the theoretical aspect of academic freedom and the challenges to its monitoring, the recognition of this freedom in constitutions, as well as various case studies from the region.

The first article in the dossier was written by Andrea Boggio and is entitled “Monitoring academic freedom: reflections for advocates.” In this work, the author reflects on the challenges and opportunities involved in monitoring situations that affect academic freedom, as a means of articulating strategies for its protection. The author believes that constant monitoring should also lead to greater doctrinal development and a growing interconnection between academic freedom and other rights.

The second article is by Cesare Romano, entitled “Academic freedom in national constitutions: an initial comparative study.” This article maps constitutions globally to determine the degree of protection and recognition of academic freedom around the world and to determine the status of academic freedom within international law. The study shows that this freedom is recognized in Constitutions in all regions. However, the author concludes that, while it cannot be concluded that academic freedom is a customary norm at the international level, this is a first step toward a more ambitious study combining national and international sources.

The third article, written by Miguel Barboza López and Léa Leamy Langlois, is entitled “Libertad académica indígena: una aproximación desde los estándares internacionales de derechos humanos y la voz de educadores indígenas.” This is the first paper presented at the Coalition's annual conferences that specifically addresses indigenous higher education. In this case, although international standards recognize a right to indigenous academic freedom, in practice there is no regulatory clarity regarding its scope and limits. For this reason, there is a call for clear standards and policies on the indigenous perspective to be established and for state policy not to be limited to assimilation processes within higher education.

The fourth article is by Esteban Oyarzún Gómez and Renato Sebastiani León Mazza and is entitled “Mientras vivo, recuerdo”: la libertad académica frente al negacionismo de graves violaciones a los derechos humanos.” The article analyzes the role of academic freedom in the face of denialism of serious human rights violations in Latin America, with special emphasis on its impact on historical memory and democratic truth. The study highlights the importance of accountability in academia, the crucial role of educational institutions in preventing denialist discourse, and the responsibilities of the state in implementing public policies that promote critical memory. Finally, it proposes a comprehensive approach that balances academic freedom with the need to combat denialism, contributing to the construction of free societies that are conscious of their history.

The fifth article, written by Inês Neves, is entitled “Sobre a autonomia universitária: de garantia institucional a verdadeiro direito fundamental das Universidades.” In this work, the author examines the classification of university autonomy as a “simple” institutional guarantee, with the aim of highlighting its shortcomings and promoting the reasons for its classification as a genuine fundamental right. Universities have the right to claim this status as holders of fundamental rights, which leads to the fulfillment of a series of prerogatives and limits for its proper exercise.

The sixth article is by Fernando Romani Sales and Conrado Hubner Mendes and is entitled “O que protege o discurso acadêmico? Entre liberdade acadêmica e liberdade de expressão no Brasil.” In this article, the authors consider that, although the Brazilian Federal Constitution protects academic freedom and freedom of expression, there are situations related to the scope and limits of academic discourse that weaken its protection due to the juxtaposition of these two freedoms. To address this problem, the authors propose definitions of academic freedom, freedom of expression, and academic discourse under the scope of the Brazilian Constitution.

The seventh article, written by Mayda Hočevár and Nelson Rivas, is entitled “Venezuela y Nicaragua: autoritarismo vs. libertad académica.” In this paper, the authors examine the deterioration of university autonomy and academic freedom in the authoritarian contexts of Venezuela and Nicaragua during the period 2000-2023. Using the Inter-American Principles on Academic Freedom and University Autonomy as the legal framework, they analyze how growing government influence

and authoritarian practices have impacted the ability of educational institutions to maintain their independence and foster an environment of free research and teaching.

Finally, the eighth article in this dossier, written by Eve Darian-Smith, is entitled “Policing the University – A Global Trend.” In this work, the author analyzes the growing police control in universities and colleges and, specifically, how it is affecting the right of professors and students to assemble peacefully and question an oppressive government. This practice, seen as a global trend of repressing peaceful protests at universities, contributes to the rise of authoritarian regimes, from which institutions of higher education cannot escape.

As can be seen, the articles in this special edition contain works that theoretically analyze the scope of academic freedom, the importance of increasing monitoring efforts to strengthen its protection, the impact of authoritarianism on higher education, and case studies from countries in the Americas.

With this dossier, we seek not only to broaden knowledge about the challenges and possibilities of academic freedom, but also to foster collaborative networks among researchers, institutions, and societies in the Americas.

May this compilation serve as an invitation to critical reflection and collective action in defense of academic freedom, an indispensable element for truly democratic societies.

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