

Academic Freedom in Colombian Universities

A first attempt at complicating things

By Mónica Almanza and Santiago Amaya / 2023



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Introduction

Academic freedom seeks to protect the capabilities of members of academic institutions to build and disseminate knowledge, as well as to assume the various responsibilities that derive from the trust that society places in them. More than a privilege, academic freedom is a hard-won right based on the general protections to education. Its status as right derives from the protections to freedom of expression, and the rights to assembly and association.

Despite the relevance of academic freedom for both the idea and the daily lives of universities, regionally there is a dearth of legally binding documents defining the content of the right and provisions to uphold it. In Colombia, conversations and debates about the definition of academic freedom (i.e., who enjoys it, what are its limits, and which regulations serve its purpose better) are rare, in comparison with the large body of discussions in Anglo-European settings.

To better understand how members of academic institutions in Colombia understand and experience academic freedom, we held a workshop at the Universidad de los Andes at the end of November 2022. We invited six scholars, who were not necessarily experts on the topic, but who had occupied roles in their institutions that would potentially allow them to make distinctive contributions to this report. Here we present the main lessons learned from this exercise.

We must emphasize that it is a *preliminary* report. It is, to our knowledge, the first local effort to raise awareness about the importance of advancing the understanding of academic freedom and to gather a diverse set of voices to (re) conceptualize it. In it, we sought to identify local understandings of the term, existing regulatory frameworks and protective mechanisms, as well as the various types of restrictions common in Colombian academic institutions. As this report makes it clear, it is urgent that we lay the foundations of a network that promotes collective deliberation about the nature and implications of academic freedom. Also, it is important that we develop a methodological route that will allow us to continue investigating the topic at a national and regional level.

General overview

Colombia is one of the oldest democracies in Latin America and the only one that has suffered an internal armed conflict for more than 60 years.

Colombia is one of the oldest democracies in Latin America and the only one that has suffered an internal armed conflict for more than 60 years. The history of widespread violence has undergone different variations in terms of the causes that originated the conflict, the factors of prolongation and escalation, the armed actors and their repertoires of violence, and the regions and populations that have been victims of multiple human rights violations (CNMH 2013; CHCV 2015; CEV 2022).

Throughout these years there have been several attempts to overcome the humanitarian catastrophe that has left 9,472,019 victims (UV 2023). The most recent effort is the Peace Agreement signed between the government with Fuerzas Armadas Revolucionarias de Colombia – Ejército Popular (FARC-EP) (Revolutionary Armed Forces of Colombia – People’s Army), the most influential guerrilla group in the country and the oldest in the western hemisphere. As part of the agreement, over the last six years a framework of Transitional Justice, the Integral System of Truth, Justice, Reparation, and Non-Repetition, has been operating. The system includes the Special Jurisdiction for Peace (JEP – Jurisdicción Especial para la Paz), the Truth Clarification Commission (CEV – Comisión de Esclarecimiento de la Verdad), and the Unit for the Search for Disappeared Persons (UBPD – Unidad de Búsqueda de Personas Desaparecidas).

It is known that in contexts affected by war the educational sector suffers greatly (GCPEA 2014, 2018, 2020). Institutions are destroyed, used for military purposes, or ideologically and financially co-opted; students, educators, researchers, and administrators are attacked in their physical and mental integrity. Some of these attacks are directly related to academic freedom because they are retaliations for the activities carried out individually or collectively by members of the institutions in the performance of institutional functions and duties. Others seem less directly related to academic freedom and more connected to the limitations and obstacles faced by people living in contexts marked by structural violence. Still, even in the latter cases, the social, economic, and political issues that pertain to war interfere with the capacity for individual and institutional academic self-determination. So, although the connections with academic freedom seem less direct, upon inspection things turn out to be otherwise.

Recently, in the Academic Freedom Index (FAU 2023), Colombia ranked 97th out of 179 countries. It obtained a score of 0.71, where 1 is the ideal. The index is composed of five indicators: freedom to research and teach, freedom of academic exchange and dissemination, institutional autonomy, campus integrity, and freedom of academic and cultural expression. The research found no significant differences with respect to the 2010 measurement. Colombia remains at a low average level of academic freedom in comparison with the rest of the countries observed.

A definition

Individual freedom: the capacity for self-determination of the members of the community to seek, construct and transmit knowledge through teaching, learning, and research.

To the extent that academic freedom is an educational principle and a fundamental right, its various conceptualizations interweave moral values and principles with legal and regulatory issues. Whereas the former generally guide the choice of ends and means to promote academic freedom, the latter provide mechanisms for its protection and limitations of its exercise. Taken together, they illustrate the co-responsibility acquired by institutions and society to protect a common good.

Within this broad space, there are several possible conceptualizations of academic freedom. Some of them focus more on external or institutional autonomy: the legitimacy of institutions to exercise their capacity for self-determination, i.e., to choose, without external pressures (for example, from the state or private individuals), the means and ends of their activity. Other conceptualizations focus on individual freedom: the capacity for self-determination of the members of the community to seek, construct and transmit knowledge through teaching, learning, and research. For the purposes of this exercise, we are interested in the latter type of approach to the idea of academic freedom.

Framing our discussion in terms of individual freedoms has several advantages. First, the focus on internal autonomy is at the center of several widely acknowledged documents concerning academic freedom. Taking this approach, therefore, allows us to situate our research within a broad and consolidated body of literature on academic freedom. For instance, the World University Service (1982, 2), a network of non-governmental organizations, noted that:

- Academic freedom means the freedom of members of the academic community, individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing, and writing.
- Academic community covers all those persons teaching, studying, researching and working at an institution of higher education.

Likewise, the United Nations Educational, Scientific and Cultural Organization (1997, 49) has also expressed itself in these terms:

Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher education teaching personnel should have the right

to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source

More significantly, we decided to focus our attention on individual freedoms because they help us to understand the ways in which community members experience academic freedom (and the threats to it) on a day-to-day basis, as their daily activities are the primary objects in terms of which the right is standardly explicated:

in the right to free thought, freedom to teach, learning and opinion; that is, in the academic freedom of professors and students to learn, investigate, have access to the most varied sources of knowledge, to choose the best existing methodologies, to carry out their substantive tasks in a network and to deploy the exercise of criticism and issue an ethical judgment about the society in which one lives. (Orozco 2019, 1)

.....

Apparently, there are a number of manifestos and declarations and international things that talk about academic freedom, however I as a professor and I think many of my colleagues we are not aware of them (Participant 2).

.....

The workshop

Selection of participants and methodology

In preparation of the workshop, we asked colleagues to help us contact academics from universities outside of Bogotá, who might be interested in the topic and had experienced restrictions to their academic freedom. Once we had spoken with them, we chose six participants, with the aim of representing a range of different roles within the universities and a diversity of backgrounds and experiences. Of the selected participants, four of them were permanent faculty at their institutions, one had a leadership position; one of them had an administrative role and did not consider herself an academic.

Once the participants accepted our invitation, we asked them to write a short text in which they provided answers to the following questions:

1. What do you understand by academic freedom?
2. What kind of restrictions on your academic freedom have you felt/suffered in the exercise of your work by institutions, individuals, or interest groups inside or outside your university?
3. What institutional initiatives or resources are there at your university for the protection of academic freedom? Do you know of any personal/institutional initiative in this regard?
4. What do you identify as the main challenges for the exercise of academic freedom in your institution, region, etc.?

With this information, we designed the seven parts of the workshop. Each of the planned activities was designed to allow deeper investigation into the initial set of questions. During the workshop, however, a more organic conversation took place from the beginning, so we decided to stick to a simplified version of the agenda.

In our first activity, we discussed participants' answers to the questionnaires sent to them, focusing primarily on their understanding of academic freedom and the challenges personally experienced by them. To better gauge their understanding, in the second part of the workshop we discussed different documents where the notion of academic freedom was defined and explained. There, we followed a collaborative methodology: pairs of workshop participants discussed a document among themselves and later related their findings to the group. In the third part, we returned to one of the topics that everyone wanted to discuss from the beginning and that was central to the workshop: observed instances of threats to academic freedom. Finally, we closed the workshop asking participants about recommendations for further work.

The meeting was attended by five of the invited participants. The sixth person could not arrive due to road blockages, occurring during several days

prior to and during the workshop. The road blockages were organized by indigenous and Afro communities of the Pacific region of Colombia, who were demanding that the government find solutions to the emergency caused by the rainy season floodings in the country.¹ We found this to be very significant in terms of the theme of the workshop. Our colleague was not allowed by protestors to cross the picket line to attend a workshop to discuss the threats to academic freedom in the country.

In addition to this group, we were also joined in the workshop by three colleagues from the Faculty of the School of Social Sciences of Los Andes.

Key findings

Although a large part of the workshop revolved around the restrictions on academic freedom, we began addressing two different central themes:

- (1) conceptualizations of the right; and
- (2) regulatory and protective mechanisms.

The conceptualization of academic freedom

The conversation about conceptualizations of academic freedom allowed us to corroborate that there is a very restricted knowledge about this notion, and to identify some conceptual limitations in its understanding as well as some challenges.

All the participants stated that they were familiar with the term “freedom to teach”, but not all recognized the broader notion and were not aware of the most recent international statements and discussions. This was expressed by two of the participants:

I have not heard the term academic freedom at the university, ever, the one I have heard is freedom to teach... That broader sense in which one might say “they are restricting my academic freedom” is not one that I was familiar with. If we had known about it before we would have embraced it to better defend our publication. (Participant 1)

Apparently, there are a number of manifestos and declarations and international things that talk about academic freedom, however I as a professor and I think many of my colleagues we are not aware of them (Participant 2).

This may be because until very recently, faculty positions in universities were teaching positions, with no real expectations or demands for independent research. Teaching was consolidated as the center of academic activity, so that the idea of “freedom to teach” seems in common parlance to encompass academic freedom.

As noted during our discussion, however, freedom to teach is only one of the facets of academic freedom. First, faculty in academic institutions are regularly engaged in activities other than teaching: they conduct research, have outreach activities, etc. Arguably, these activities ought to be protected too. More significantly, perhaps, whereas the right to teach freely is held primarily by teachers (professors and lecturers), the protections that academic freedom is meant to enshrine are supposed to include a larger segment of the members of the institutions where such teaching takes place. Let us explain.

Whereas the freedom to teach ought to be protected, it is arguably the case that some of the activities of administrators and students should also be under the protections of academic freedom. In the case of administrators, as our workshop Participant 3 remarked, many play significant roles in defining and implementing policies (e.g. regarding gender equality or diversity and inclusion) that affect academic life. But, above all, it is worth noting that many administrative staff members not only affect institutional life, but actually perform work that is often labelled as “academic”. For instance, people hired in administrative positions, such as project manager or laboratory coordinator, frequently end up contributing to the research and mentoring work of their colleagues.

As a consequence, some administrators often face lower pay than their colleagues, difficulty in being

promoted or building a career, and multiple pressures in the form of job security. The lack of clarity about the provisions of academic freedom with respect to administrative staff exacerbates these pressures. Ultimately, as Participant 3 remarked, this leads to unprotection, lack of representation, and to the absence of mechanisms of institutional governance to protect their work, even when they help set in motion changes that are core to the mission of the universities to which they belong. Arguably, under these conditions, it is worth discussing whether some of the provisions of academic freedom should be extended to administrators and, if so, how this ought to be carried out.

In the case of students, the issue of repression of public protests demanding educational reforms from the institution or the government was also highlighted during the workshop. Gómez and Velazco (2020) point out that student repression in Latin America continues to be a constant, is on the rise, and in many cases, is justified on the grounds that the protesters are off campus. Arguably, the right to protest or to express political dissent is being violated in many of these cases. However, as participants in the workshop pointed out, the ability to freely protest educational reforms seems to be an exercise of the academic freedom of students.

In fact, there might be some precedents in this regard. The Inter-American Commission on Human Rights (CIDH 2022) has urged the State of Colombia to guarantee the rights to academic freedom and peaceful protest. It expressed its concern about the stigmatization, violence, repression, threats and harassment, arbitrary detentions, censorship, and expulsions of members of the university community that occurred during the national strike between April 28 and June 8, 2021.²

In addition to the question of the narrow focus on freedom to teach, participants also emphasized the need to re-think whether universities are the only places where provisions for academic freedom ought to be relevant. In Colombia’s internal conflict, primary and

secondary institutions and the educators working in them have had a paramount role in voicing the concerns of the victims of the conflict and the need for social change and reconciliation. At the same time, and because of this, attacks on their infrastructure and on members of these institutions have been part of the repertoire of violence used by all armed actors in the country (see the section on direct restrictions).

The issue of academic freedom was raised by participant 2, who began their presentation in the workshop by relating a piece of history of one of the schools with which they work:

At the outset of the 21st Century, when the Colombian armed conflict was reaching one of its highest peaks, Atilio Vásquez Suárez and then Pura Álvarez de Bustillo, rectors of the Institución Educativa Normal Superior de los Montes de María in San Juan Nepomuceno, were disappeared by the paramilitary group of the Autodefensas Unidas de Colombia (AUC). At the same time, a pamphlet circulated threatening 30 teachers of the institution, among them Edgardo Romero, who, by his own admission, spent the next five years at home living in fear. (Participant 2)

Legal and institutional framework for the protection of academic freedom

NATIONAL LEVEL

We asked participants to indicate which legal and institutional frameworks were known to them wherein academic freedom (or any of its cognates) was explicitly defined and protections for it were set up. In general, participants were aware that the Colombian Constitution has a series of articles to this effect, although they were mostly unaware of how these articles were further developed into laws or regulations.

The Colombian Constitution³ protects academic freedom through articles 27, 67 and 69. Of these, Article

¹ La Silla Vacía, “Levantamos bloqueo en vía a Buenaventura a la espera de diálogo con el Gobierno,” La Silla Vacía, November 24, 2022, <https://www.lasillavacia.com/la-silla-vacia/envivo/levantamos-bloqueo-en-via-a-buenaventura-a-la-espera-de-dialogo-con-el-gobierno>

² For further information about violations of academic freedom and peaceful protest in Colombia, see <https://derechosuniversitarios.org/2021/09/26/continuan-las-violaciones-a-la-libertad-academica-y-la-protesta-pacifica-en-colombia/>

³ Asamblea Nacional Constituyente. 1991. Constitución Política de la República de Colombia. 4.07.1991, 23-24, <https://www.corteconstitucional.gov.co/inicio/Constitucion%20politica%20de%20Colombia%20-%202015.pdf>

27 is closer to the notion of academic freedom as defined in this report (i.e. as internal autonomy), whereas article 67 is more concerned with the general right to education and article 69 with the institutional (external) autonomy.

Article 27. The State guarantees the freedoms of teaching, learning, research, and professorship.

Article 67. Education is a right of the person and a public service that has a social function: it seeks access to knowledge, science, technology, and other goods and values of culture.

Article 69. University autonomy is guaranteed. Universities may issue their directives and abide by their own statutes, in accordance with the law. The law will establish a special regime for State universities. The State will strengthen scientific research in official and private universities and will offer special conditions for its development. The State will facilitate financial mechanisms that make possible the access of all the able-bodied persons to higher education.

One year after the Constitution was promulgated, the regulations of the higher education system were established by Law 30 of 1992. In Chapter I, which concerns the Principles, Article 3 recalls that the State “guarantees university autonomy and ensures the quality of the educational service through the exercise of the supreme inspection and surveillance of Higher Education.”⁴

Further on, in Chapter VI, autonomy is referred to. There are three articles that recognize the right of universities to create and modify statutes and regimes for teachers and students; designate their authorities and teaching staff; create and develop programs; define their tasks (including the search for truth and the exercise of responsible criticism, teaching and learning); grant degrees; distribute, and apply resources for the fulfillment of their social mission and institutional function.

In addition to the Colombian Constitution, there is the *Sistema de aseguramiento de la calidad de la educación superior* (National System for Quality Assurance in Higher Education), which belongs to the Ministry of National Education, that regulates academic freedom. It is a body

that collects data on the formulation of supply, evaluation processes, improvement plans, development programs and the definition of policies. This information serves as input for the assessment and granting of qualified registrations and quality accreditation certificates for all institutions in the sector. Given that it is an oversight and control body, it collaborates in the regulation of external autonomy.

In general, besides mentions of these legal frameworks, participants were generally unaware of other types of organizations, university networks, professional associations, unions, etc. that promote and protect academic freedom in Colombia. We believe this is a reflection of the state of academic freedom in the country, not just how it is perceived by those who are supposed to be protected by it, but also by the institutional frameworks that codify and oversee it. After the workshop, we carried out a survey of national institutions or boards in charge of academic freedom, but we only found a very broad reference to it by the *Asociación Colombiana de Universidades* (Colombian Association of Universities) whose web page reads: “to promote the principles of academic quality, university autonomy, the search for and dissemination of knowledge and social responsibility” but it was not clear to us how this is implemented as we did not find any project specifically associated with university autonomy and the freedoms of individuals.

INSTITUTIONAL LEVEL

We also asked participants to identify the main bodies and legal frameworks designed for the protection of academic freedom within their institutions. In general, participants referred to the Faculty Handbooks as places where these provisions and protections were addressed. They had a harder time identifying university offices which oversaw these protections and provisions.

FACULTY HANDBOOKS

The perception of workshop participants of these documents is, in general, negative. Many of them agreed that mentions of academic freedom in them were mostly protocolary, perhaps instrumental to accreditation issues, but not very efficient in real life:

I can state that in the institution where I work, academic freedom is a formality because there are too many interests of the employer in controlling speech and there are even reprimands to those who dare not to follow the orientations of the same interests. (Participant 3)

Some participants, however, went even further. Their negative perceptions had to do with the fact that there is no conceptual elaboration of the terms of reference: these appear without explanations or distinctions, and they lack precision about the mechanisms of regulation and institutional protection. This was pointed out by Participant 4 with respect to the statutes of the universities where she worked:

The scenarios in which I have worked lack protection devices for academic freedom and also, paradoxically, a definition of what it implies. In other words, beyond stating briefly in regulations, statutes, regulations, etc., that academic freedom will be protected, the definitions are diffuse, polysemic, adjusted to the criteria of who designs the text of the regulations, so that there are no debate scenarios nor are discussions promoted about the different conceptions. Consequently, the confusion has generated dispersion, confusion, widespread ideas and risky practices regarding that “inside the classroom professors can do whatever they want”, “researchers can make the use they consider of the data obtained”, “the relationship with students is determined by the professor”. All these ideas, of course, are far removed from what academic freedom is. (Participant 4)

Other participants perceive Faculty Handbooks as facades that hide the real institutional agendas. According to them the rights that institutions publicly profess in their handbooks are one thing, and have very little to do with the contracts that employees sign privately and that are what really regulate workers’ capacity for self-determination. For example, a sensitive issue here concerns participation in unions, especially in private universities. This has to do with the fact that in Colombia the unions have been stigmatized as a source of

discord and backwardness. Therefore, although the rights to association, assembly, and protest cannot be denied openly, the institutions do so surreptitiously including imprecise clauses in the contracts.

The lack of clarity about institutional protection mechanisms results, according to Participant 4, in “de facto ways” of opposing threats to academic freedom such as strike, work stoppage, public denunciations, *escrache*,⁵ and other forms of public denunciation. Especially in public universities, people might appeal to these forms of address when they believe their academic freedom has been restricted, but do not find institutional channels that would support them.

BODIES AND OFFICES

To further probe their understanding, we asked workshop participants to name the persons or offices they would contact should they be targets of a violation of academic freedom. Their responses included the dean of their school (or a similar administrative authority, i.e., head of the department) and their local faculty union. They also noted that, depending on the case, on the type of restriction, they could also turn to other existing bodies:

Academic freedom is not a specific object of protection but depends on the type of violation that has to do with academic freedom. So, if for example, I feel it is a matter of racism, I go to office X; if I feel that it is workplace harassment, I go to another office; and if I feel that my dean is restricting my research topics, I go to another. (Participant 2)

There are at least two reasons why this situation was generally found to be problematic. First, as participants emphasized, perceived threats to academic freedom may come from the very offices they would be inclined to contact. As Participant 2 related, in his case attempts to limit the scope of his research to exclude “politically fraught” issues came directly in the form of a request from his Dean.

In addition, although faculty unions have in many cases sufficient influence to oversee the fulfilment of the pro-

⁴ Congreso de la República de Colombia. 1992. Ley 30 de 1992, 28.12.1992, 1. https://snies.mineducacion.gov.co/1778/articles-391237_Ley_30.pdf

⁵ Protest against an individual, generally from the political or administrative sphere, which is held in front of his or her home or in some public place to which he or she must go.

visions regarding academic freedom, not every institution (in particular, private universities) will have faculty unions. Even when they have them, these unions do not necessarily represent the interests of everyone whose academic freedom might be under threat, for instance, administrators pursuing change in academic life through the definition of campus wide policies on inclusion and diversity.

Other strategies to deal with violations of academic freedom

Participants highlighted the importance of certain “non-standard routes” to confront serious restrictions to their academic freedom directly associated with the armed conflict. Some of these restrictions came from within the affected institutions. But others came from outside, including judicial and political measures to prevent, repair and protect institutions, their members and academic activity. Recognizing and highlighting these examples is important to identify some of the ways in which institutional and community practices can serve as coping and preventive mechanisms in circumstances in which the value of academic freedom is de facto unprotected.

The first example comes from the Escuela Normal Superior Montes de María which is a model of resistance and resilience. The Superior Normal Schools in Colombia are in charge of beginning the pedagogical training process for teachers. While young people pursue their secondary studies, they are also being trained as teachers.

This type of situation (murder of teachers) was very common in the context of the armed conflict and could even constitute a systematic pattern of socio-political violence. However, the Normal Superior did not close its doors and continued in its task of training both students and school teachers. What is emblematic of this particular case – what comes to mind when mentioning the Normal Superior de los Montes de María – is not its victimization but its resistance and resilience: today, both the educational institution and Edgardo and other teachers, such as Aracely

Rodríguez, are a national reference for peacebuilding and historical memory from the classroom. (Participant 2)

The following examples refer to the fact that several Colombian public universities, within the framework of Transitional Justice, have been recognized as subjects of collective reparation.

In my university, due to the aforementioned conditions (author’s note: victimizations of the academic community), there are – not free of disputes – some spaces that are aiming at rebuilding the academic and social fabric. One of them is within the framework of the Integral Plan for Collective Reparation,⁶ which seeks to promote spaces for peacebuilding in the university and non-repetition, and this involves building a democratic culture that allows overcoming the legacies of the armed conflict. On the other hand, the Cátedra de paz⁷ has incorporated specific units on peacebuilding and has included content from our book on the case of the university. We hope that this will lead to an environment of greater academic freedom. (Participant 1)

Identification of restrictions to academic freedom

Participants identified two broad types of restrictions to academic freedom: direct and subtle. Both threaten the emotional health of people, but the former also threaten and effectively damage their physical integrity. These restrictions seem to come from actors external to the institutions: economic and ideological financiers of the internal armed conflict, armed actors, politicians, participants in social networks, etc. The subtle restrictions are more related to reproachable practices culturally and structurally installed in society. Within the academy they are carried out by the members themselves or are evidenced in the dynamics of certain professional associations, disciplinary cultures (shared paradigms, ways of researching, teaching, and disseminating knowledge, etc.), and internal governance models.

⁶ Congreso de la República de Colombia. 2011. Ley 1448 de 2011, 03.03.2011. <https://www.unidadvictimas.gov.co/es/ley-1448-de-2011/13653>.

⁷ This is a mandatory academic space for all educational institutions in Colombia, which aims to generate citizenship skills for a democratic coexistence, and respect of human rights.

DIRECT RESTRICTIONS

These types of restrictions reflect a violent national reality. The academic community, like other social communities, suffers the effects of the internal armed conflict in a particular way. Its members are victimized as a consequence of their academic activity or their link with their institution. The forms of violence that most affect the community are threats, exile, forced displacement, attempts on life, murder, arbitrary detention, torture, landmines, sexual violence, and forced recruitment.

Table 1 describes some of the modalities of violence suffered by Colombian school and university educators and illustrates why Colombia has been reported by the Global Coalition to Protect Education from Attack (GCPEA) three times (2014, 2020, 2022) as one of the countries with the highest number of attacks on educational institutions and their members.

Human rights violations (selected types) against educators (1991-2006)						
Year	Murder	Death threat	Arbitrary detention	Disappearance	Forced displacement	Torture
1991	44	2	0	1	0	3
1992	28	3	3	1	0	5
1993	14	0	0	3	0	0
1994	38	0	0	2	0	3
1995	31	1	0	4	0	4
1996	69	163	32	6	1	0
1997	84	285	10	1	261	0
1998	49	228	1	3	425	0
1999	39	365	6	3	26	0
2000	60	37	31	13	136	2
2001	84	49	7	7	26	0
2002	94	20	1	4	3	0
2003	49	212	7	3	89	0
2004	46	329	15	5	30	1
2005	44	186	44	1	8	1
2006	35	135	4	2	3	2
Total	808	2015	161	59	1008	21

TABLE 1: HUMAN RIGHTS VIOLATIONS AGAINST COLOMBIAN EDUCATORS (1991–2006). / SOURCE: ESCUELA NACIONAL SINDICAL IN NOVELLI (2010)

As can be seen in Table 1, between 1991–2006, Colombia suffered a human rights catastrophe in which at least 808 educators were assassinated, 2,015 received death threats, and 1,008 were forced to leave their jobs and homes for fear of violence. The three modalities of violence that most affect school and university educators were also identified in our workshop, and we perceived that they are intertwined and produce devastating effects on the teaching community.

The murder of educators was reported by three of the five participants. In addition to the testimony of the Normal Superior de Montes de María, one colleague mentioned that her partner, who was also a university professor, had been killed by paramilitaries. Another commented that the university where she works was recognized as a subject of collective reparation “due to the lethal violence that paramilitarism deployed between 1998 and 2006, which left a trail of 22 people murdered, including students, professors and administrative staff” (Participant 1).

Through the Justice and Peace Law⁸ that demobilized a group of paramilitaries after signing an agreement with the government, a court ruling ordered an investigation into the violence that occurred at her university. Our colleague was part of the research group that carried out the research. Restrictions on her academic freedom did not take long to arrive. Senior members of the university who feared that the victims' testimonies would link members of the director's office with the violent acts at the university tried to censor her activities. Some censorship also came from the victims, militant leftists, who feared that the research would reproduce the official version in which their families and relatives were re-victimized.

The group carried a historical memory research to gather the memory of the victims without neglecting the complex context that helped to explain the logics behind the violence. However, mistrust remained and both sectors delayed our research. After its completion, it took at least six years, blocked by various internal excuses. It could only be published when the magistrate sent a letter to the University reminding that the research had to be published. (Participant 1)

The publication of the report brought new restrictions: police intimidation, harassment in networks, threats. Centro Nacional de Memoria Histórica (2013) vehemently insisted that intimidation and threats are a persistent modality of violence in the development of the internal armed conflict that have tended to be undervalued when they do not lead to fatal outcomes. However, the violent reputation of the armed actors provides high credibility to their threats and that installs intense fear and emotional instability in people and their communities in the very long term. An unfortunate consequence of fear is exile and forced displacement:

Luis Trejos, professor of Political Science at Universidad del Norte, and renowned analyst of the armed conflict and organized crime in the Colombian Caribbean, had to leave the country and his family for many months due to threats against his life. The publication

and dissemination in the media of the results of his research showing links between criminal structures vestigial to the paramilitary demobilization and the electoral houses that govern in his city and department brought him a series of bloody threats that led him to exile. (Participant 2)

Another consequence is confinement:

At the same time (two teachers were murdered) a pamphlet circulated threatening 30 teachers of the institution, among them Edgardo Romero, who, according to what he said, lived locked up for the next five years of his life because of fear [...] Two decades after those events, and already having been able to breathe a little freedom with the demobilization of the AUC and the signing of the Peace Agreement with the FARC, Edgardo felt fear again and had to lock himself up again; but this time not because of physical violence and explicit threats from paramilitary groups, but because of the media violence of an important national political leader and the subtle but insidious threats from the comments of his fellow citizens on social networks. (Participant 2)

A third consequence is self-censorship:

After this, for me, intimidating conversation, I had no choice but to restrict my interactions and political views on social media. I was afraid both of taking critical positions against the government and against violence and its actors at the university. What I am telling you is not an exceptional fact, rather it is a story that is still present in various public universities; that contains explicit or implicit forms of restriction to academic freedom and that has to do with the difficulty of overcoming the logic of armed conflict on our campuses. (Participant 1)

The obstacles to research, teaching and dissemination of knowledge reflect in many cases ideological and administrative co-optation by sympathizers and militants of armed and illegal groups. In Colombia, there are multiple complaints in this regard, including infiltration of

the teaching and student body, academic personnel who indoctrinated students as a first step for enrollment, armed actors who used educational institutions and their surroundings for forced recruitment, which is the form of violence that most affects the child and youth population.⁹

The ideological co-optation of educational institutions favored, and in some cases promoted, serious human rights violations and a continuous undermining of democracy. This can be seen through the prolongation of polarizing dynamics and demonizing perspectives on the other; also, through institutional governance models that, far from teaching how to live in democracy, reproduce hierarchical and exclusionary systems. Both examples are best explained by our colleagues:

All this configured permanent friend-enemy logics within the university, typical of the Cold War, which have not completely disappeared. The adversary is still assumed as the enemy. The culture of the leaflet (pasquin) is still in force, that is: the symbolic destruction of the other through slander, threats, picket lines and graffiti on the walls of the university. The political debate is visceral and is constantly crossed with partisan political interests that feed this environment under clientelist logics. In general, there is little democratic culture, little space for plurality of thought and therefore little tolerance for divergent opinions. (Participant 1)

Academic freedom does not depend so much on the concept or its implementation but rather on failures in university governance and self-government. We have university governments that are reflecting the authoritarianism of our political system, they are university governments that are somehow also pseudo-democratic and not deliberative governments, but clientelist, vertical, of that simulation of democracy which we are used to, but which ultimately is not. (Participant 2)

SUBTLE RESTRICTIONS

We have just mentioned some direct restrictions on academic freedom that generate serious damage and harm

to school and university educators. However, less direct, more subtle restrictions were reported by participants when asked to discuss threats to academic freedom.

One interesting testimony came from participant 5, who is an academic with an indigenous background, and whose main academic project involves disseminating, writing, and discussing various topics regarding indigenous philosophy. He mentioned that he has not felt direct restrictions to his academic activity, but that this does not imply the absence of obstacles to the exercise of his academic freedom. Some of these obstacles translate into discriminatory practices: "In my opinion, there are also other forms of institutional undervaluation, not of my academic activity per se, but of what I represent, the attempt carried out by indigenous people to create an intellectual tradition of indigenous communities" (Participant 5).

Subtle restrictions are part of the cultural and structural violence deeply rooted in our society and are no less worrying or harmful than the direct ones. In the academic environment they refer, for example, to obstacles and censorship exercised by its members to maintain a professional or disciplinary culture that defends certain values, paradigms, research and teaching topics, methodologies, and pedagogical practices over others.

Many of these restrictions mask profound racism, classism, male chauvinism, homophobia, and transphobia that are subtly expressed and difficult to demonstrate before regulatory and legal bodies. To explain, let us continue with the testimony of the professor interested in doing indigenous philosophy from the Latin American collective experiences:

On the occasion of the inauguration of a doctoral program in philosophy at a university in Colombia, I was invited to give a talk about the type of philosophy that I considered important to investigate. The day after my speech, one of the most iconic professors of the institution made his intervention, indicating that in his opinion, the only type of philosophy worth doing was analytical philosophy and that it seemed to him

⁸ Congreso de la República de Colombia. 2005. Ley 975 de 2005, 25.07.2005. <https://www.fiscalia.gov.co/colombia/wp-content/uploads/2013/04/Ley-975-del-25-de-julio-de-2005-concordada-con-decretos-y-sentencias-de-constitucionalidad.pdf>.

⁹ According to the Truth Clarification Commission (CEV) from 1990 to 2017, 16,238 cases of recruitment of children and adolescents were recorded throughout the country.

that other discourses fall into quackery. Another professor, half jokingly said that he recognized his racial prejudices but that he thought it was great that I was a philosophy professor. He pointed out that the university where I worked at least had an indigenous “specimen” to show. He also asked me sarcastically from what branch of knowledge had I descended? Another person from academia, who found that I had published a book on the philosophy of the indigenous community to which I belong, said that I had been published more for being indigenous than for what the book said. (Participant 5)

This type of ethnically based restriction is evident in other issues of structural violence such as budget restrictions and teaching positions. The same professor maintains that in Colombia’s philosophy faculties there are none that actively promote or are dedicated to investigating indigenous philosophies, despite the fact that Colombia declares itself a multi-ethnic and multicultural country in its Constitution. This shows in a broader way how certain academic sectors are in charge of preserving the status quo by influencing a single way of doing and understanding science, and how these paradigms reinforce colonialist practices within academic institutions.

Similar situations are experienced by communities of women and LGBTI who suffer from restrictions on their academic freedom. Women professors identify obstacles to offering courses on feminisms, limitations in finding teaching quotas within certain faculties and, more broadly, obstacles to occupying high positions. This is the testimony of a colleague:

It is in this scenario where I was able to experience a concept that until then was not very clear to me, which is the “glass ceiling”. When I began to question how the university had lost its founding principles, how academic freedom really wasn’t academic freedom, budget management and many of the things that happen at the university, but with the authority that being Vice Chancellor gave me, I began to feel the aggression of the rector. Aggression in terms of “you do not have the capacity to hold strategic positions”... I started to feel deeply damaged, because I went from: “I shouldn’t pay attention to those things” telling me that I did not have the capacity, to feeling that what he said had a certain effect of truth. The issue was so com-

plex that I looked for female lawyers to help me get out of the university. The lawyers said to me: “if you have another option, it is better that you leave because the issue is so structural in the university, it is so difficult to demonstrate all the subtleties with which they have harmed you, that this fight is a fight that is almost lost”. (Participant 3)

It is generally very difficult for women to prove the correlation between gender-based violence, professional devaluation, and harassment at work, which results in serious injuries. This is how our colleague expressed it:

For me it is very important to understand these restrictions to academic freedom also in terms of gender, not because they are the only ones or the most important, but because it is the restriction that has finally gone through my body. I was telling you that my partner was murdered and I... I feel that I was able to escape from that, but not with this last event at the university, I feel that it was more damaging, harmful, injurious to my humanity than all the others. (Participant 4)

Finally, one of our participants, who is a transgender woman, actively working on behalf of her university on outreach programs said:

There is a social imaginary about what trans people do in society, because there is a certain conditioning to trades and jobs such as sex work or hairdressing that perpetuates these visions of what is socially expected of us and our identities, which exacerbates and limits labor rights, and the freedom to teach because rather than being read as an academic, I am read and judged for being a trans woman. In a particular way, I have experienced and perceived restrictions when I send documents, make interventions, and express any idea. Any intervention I make is questioned and in an unserious manner, which sometimes generates emotional stress and sometimes disinterest in wanting to participate in important issues for the advancement of our institution. (Participant 3)

These imaginaries extend outside her university. When she has to attend different types of events, unlike most people, she must show the identification that accredits her as a member of an academic institution.

Something important that we observe together is that labor instability and precariousness are at the base of these restrictions. Most of the time, these people do not enjoy a stable and recognized position within the institution, so confronting superiors and peers, denouncing, and even just exposing issues publicly, may put their economic livelihood at risk; forcing people to remain silent and submit.

Deep inside me is the concern of what to do when someone with social privilege can say whatever they please while you know you can’t say as much as you would like because your job, the livelihood you live on, may be at risk. What I have learned from this is that sometimes you have to be in uncomfortable places temporarily. And that as long as you don’t have a stable job, you can’t afford to speak calmly. (Participant 5)

Subtle and direct restrictions to academic freedom make up a complex network of modalities of violence that are a reflection and consequence of the social, economic, and political Colombian context. These must be clearly identified in order to prevent and repair the damage that might or may have been caused to institutions and their members, to give new meanings to academic activity, and to inform the community so that it can make decisions and establish courses of action that will enable it to transform its own violent structures.

After the workshop

The lack of clarity about institutional mechanisms for the protection and regulation of academic freedom and the negative perceptions about teaching statutes motivated us to make a preliminary revision of Faculty Handbooks among Colombian Universities. We reviewed 35 faculty

statutes of Colombian higher education institutions: 18 from public universities, 17 from private universities. These documents are public and available on the web. Our main findings can be summarized as follows.

We found 77 references associated with academic freedom. In some cases they appear in the statement of the principles and values defended by the institution, and in all cases at least one reference was in the chapter concerning the rights and duties of professors. It is also worth noting that the expression academic freedom only appears three times, while “full freedom of academic activities” is referred to on 23 occasions. Here is an example:

Exercise full freedom in their academic activities to expose and evaluate scientific, cultural, social, economic, and artistic theories and facts within the principle of freedom of thought and teaching.¹⁰

The most recurring term of reference is “freedom to teach”. It appears 15 times independently, 10 times together with the freedom of research and learning, 6 together with other rights (expression, creed, association, thought, etc.), and as evidenced in the previous quote, 15 times as a complement to academic activity.

Regarding the Faculty Handbooks, we corroborated what Participant 4 had pointed out. Across the board, there is no conceptual elaboration on the terms of reference, they generally appear without explanations or distinctions and lack precision on the mechanisms of regulation and institutional protection. The Handbooks are mainly used to guide professors on the regulation of their career.

¹⁰ Universidad del Magdalena. 2003. Estatuto Docente. Acuerdo superior No.007, 19.03.2003, 41. https://www.unimagdalena.edu.co/Content/Public/Docs/Entrada_Facultad4/adjunto_1023-20180507160631_236.pdf

Conclusions

In this report, we have attempted to present a preliminary sketch of the situation of academic freedom in Colombian universities. We have focused on three interrelated questions: (1) How is the concept of academic freedom understood by Colombian academics? (2) What are the regulatory local frameworks where protections for academic freedom are defined? (3) What are the felt threats and experiences of Colombian academics with regards to academic freedom?

Our conclusions can be summarized as follows. Colombian academics tend to understand the concept of academic freedom narrowly, mostly in terms of protections to freedom to teach. This is partly a function of and reflected in local regulatory frameworks. Although many of these frameworks do not recognize academic freedom beyond this narrow domain, when they do recognize it additional domains of protections are not clearly conceptualized or defined. These regulatory flaws have evident consequences for the way in which universities and the individuals that work in them navigate possible violations of academic freedom. These violations run in tandem with the political and social effects that Colombia's violent conflict has had on the population in the last 60 years.

Recommendations

This first exercise of inquiry helped us to identify four types of actions to implement in order to advance in the understanding of academic freedom and in its protection and defense.

1. Spaces and opportunities for collective deliberation on academic freedom among communities of academics and other interested groups (e.g. administrators) should be created. This could be done through workshops, conversations, and conferences.
2. Qualitative research on various issues associated with academic freedom in Colombia and Latin America is required. Such research would include, for example,
 - a. Discursive analysis on the conceptualization of academic freedom and its regulation and protection mechanisms set forth in the teaching, student and labor statutes.
 - b. Historical memory about the exercise of academic freedom, restrictions, and coping mechanisms of professors, teachers, students, directors, and administrative staff of schools and universities, from public and private institutions.
 - c. Mapping of organizations, institutions, and entities that protect academic freedom.
3. Creation of a digital repository that allows exploration of the subject at a regional level in Latin America. This repository should include conceptual material, declarations and documents of the international community, and examples of institutional mechanisms for regulation and protection.
4. Strengthening of a national and Latin American network that contributes to the development and dissemination of the three previous points.

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