

Academic Freedom and Human Rights Commission

Policy and Procedures

Policy

As an association of researchers and educators, we affirm, as a central principle of our identity, the academic freedom of our members, as well as the human rights that support their exercise of professional activities, free of threats, intimidation, constraints on mobility, or other arbitrary sanctions. It is incumbent upon us to respond to the specific demands of members in those instances in which these basic rights and freedoms are demonstrably in jeopardy.

The Latin American Studies Association (LASA) established a Commission on Academic Freedom and Human Rights (AFHRC) with the following characteristics and operating procedures.

Scope

1) LASA is a scholarly association whose members hold a wide variety of views concerning social and political conflicts that typically provide the context in which alleged violations take place. Recognizing the need to avoid LASA being used for partisan purposes, LASA AFHRC will consider acting when there are clear human rights violations that affect academic freedom.

2) LASA is an international organization whose members work in countries where customs and legislation concerning academic affairs (e.g., tenure, university autonomy, funding) and speech (e.g., libel codes) vary widely. Therefore, the actions of AFHRC will be guided by international human rights standards on the subject:

The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression of the UN's Human Rights Council in 2020 defined academic freedom as a basic aspect of freedom of opinion and expression. He highlights the central role those academic institutions and the communities of people that compose them have in democratic societies because: they promote critical reflection on the course of social life, the generation of knowledge, and the constant search for the improvement of people's living conditions. That is why it considers that threats to academic freedom endanger the dissemination of information and knowledge, which are central components of freedom of expression (UN/A/75/261).

Moreover, for its part, the United Nations Committee on Economic, Social and Cultural Rights considers that:

“Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actors, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction” (E/C.12/1999/10, para. 39, with reference to the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, art. 1).

Therefore, the guarantee of personal and institutional autonomy are necessary conditions for the exercise of the right to academic freedom. This implies the recognition of the academic freedom of individuals but also of the academic communities and organizations in which they work and also the protection of their academic freedom from attacks by the state or other actors.

Academic freedom is affected by actions ranging from intimidation to state repression of individuals and institutions due to the content of their research, their topics of interest, their public statements, the methodologies they use, the public policy recommendations they make... (UN/A/75/261). Academic freedom can also be violated by action or omissions committed by a member or members of this professional body against other members.

In line with the above and for the purposes of the matters to be considered by the AFHRC, academic freedom is defined as follows:

- The individual or collective freedom of members of the academic community to develop or transmit ideas through different media.
- The individual or collective freedom of members of the academic community to freely express opinions about the institutions in which they work or about the system in which they are inserted (in the case of LASA this implies not only one country but different countries in the region).
- The individual or collective freedom of members of the academic community to carry out their activities without fear of any type of discrimination or repression.
- The individual or collective freedom of members of the academic community to participate in collective bodies or professional associations related to academic work.
- The individual and collective protection from professional misconduct related to the goals of this Commission.

Composition

The Commission will be chaired by the Vice President, will operate in direct consultation with the President, and will include among its seven members three individuals --including the Vice President-- currently serving as members of the EC. The composition must consider gender, race, ethnic and geographical balance. Terms of Commission members would be three years, with initial staggering. Members of the Commission would agree to respond in a timely fashion, electronically, to requests by the Chair for action concerning specific cases.

Petitions

The Commission may consider petitions submitted individually or collectively by members of the Association regarding attacks on any of the components of academic freedom defined in the Scope section.

Petitions may relate to situations experienced directly by the petitioner or may be submitted on behalf of others with their express consent. To be considered, petitions must include:

1. An account of the facts considered to be in violation of the rights or freedoms of members of the Association or otherwise affecting members of the Association.
2. An explanation of why the alleged violations fall within the remit of the Commission, with explicit reference to these Policies and Procedures.
3. Supporting documentation, where appropriate, of sufficient detail to allow the Commission to reach an informed judgment.

Petitions will be submitted to LASA's Executive Director and will be forwarded to the Vice President in their capacity as coordinator of the AFHRC.

If a petition is received, the Vice President will convene the AFHRC.

In responding to petitions submitted by members of the Association concerned with violations of academic freedom, the ACHRC will consider four types of actions:

- i. Determination that the matter at hand lies outside the purview of the Commission, such that the case will not be pursued. A generic statement of principles -- the Association's commitment to the free conduct of research and teaching and the unconstrained exchange of ideas -- will be issued without reference to the specific case in hand; or determination that the situation appears to be within the purview of the Commission but calls for more detailed investigation than that which is within the capabilities of the Commission and seems best suited for attention of human rights organizations. In these instances, appeals will be made to such organizations requesting their attention to the matters at hand. Pending the outcome of such efforts, a generic statement of principles -- the Association's commitment to the free conduct of research and teaching and the unconstrained exchange of ideas -- will be issued without reference to the specific case in hand.
- ii. Determination that the matter at hand is within the purview of the Commission, and that the alleged violations are well documented, in which case the Commission will suggest to the Executive Council what actions can be taken on behalf of the Association (writing letters to corresponding authorities, circulating a petition, etc.).
- iii. Determination that the matter at hand is within the purview of the Commission, but the alleged violations do not justify the intervention of the Association.
- iv. Determination that the matter at hand is (or may be) within the purview of the Commission but that additional information is required before action can be taken, in which case the Commission will request additional information from the requesters, as well as from other relevant individuals and organizations to assess the allegations. Based on these findings, action may be undertaken as in i) and ii) above.

Procedures

Procedures for the Commission will be as follows:

*A quorum of at least five of the seven members is required to call a session.

*A majority vote of the members of the Commission will be required for a particular case to be considered, and a two-thirds majority will be required for the Commission to take specific action.

In assessing whether specific allegations meet the criteria outlined above, it is established that LASA is not equipped to investigate or otherwise deal with issues that lie within the purview of academic policies in any given setting, that are currently before the courts, and/or that have been resolved in judicial venues. Exceptions will be made if the Commission is supplied with compelling grounds to indicate that these entities are themselves hostile to the basic principles guiding LASA's commitment to unconstrained intellectual exchange.

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