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Inter-American Principles on Academic Freedom and University Autonomy



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INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Inter-American Principles of Academic Freedom and University Autonomy

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PREAMBLE

REAFFIRMING the need to ensure in the hemisphere respect for and full enjoyment of individual freedoms and the fundamental rights of all people through the rule of law, and considering the importance of promoting standards to strengthen the protection and guarantee of academic freedom in the Americas;

RECOGNIZING that academic freedom is an independent and interdependent human right, which serves an enabling function for the exercise of a series of rights that include the protection of the right to freedom of expression, the right to education, the right of assembly, freedom of association, equality before the law, freedom of conscience and religion, the right to the benefits of culture and scientific progress, as well as labor and trade union rights, all of which are recognized in the American Declaration on the Rights and Duties of Man, the American Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as in the International Covenant on Civil and Political Rights, Social and Cultural Rights, as well as in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights - "Protocol of San Salvador"-, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women - "Convention of Belem Do Para"-, the Inter-American Convention against Racism, Racial Discrimination and Other Forms of Racial Discrimination, and the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance, the Inter-American Convention Against All Forms of Discrimination and Intolerance, the Inter-American Convention on the Protection of the Human Rights of Older Persons, the International Labor Organization Convention 169 on Indigenous and Tribal Peoples, among other international instruments and national constitutions;

EMPHASIZING the enabling and social function of academic freedom to consolidate, democracy, pluralism of ideas, scientific progress, human and societal development, and for the full guarantee of the right to education, and understanding that obstacles to it postpone the advancement of knowledge, undermine public debate and reduce democratic spaces;

AWARE that science and knowledge is a public and social good and a fundamental pillar of democracy, the rule of law, sustainable development, pluralism of ideas, scientific and academic progress, and the improvement of the human person and society, being an indispensable requirement for a free, open, pluralistic, fair and egalitarian society;

EMPHASIZING that free and open access to information and education through, among others, access to the Internet, new technologies, libraries, and on- and off-line publications as a whole, exponentially increases the possibilities of universalizing the right to education and access to knowledge, empower people to participate actively in societies from informed, critical, creative, responsible and supportive positions, strengthen relations between peoples, provide conditions for closing the gaps in quality of life between urban and rural areas, and foster the diversity of positions and ideas.

to ensure that decision-making processes on matters of public interest take into consideration reflection and open, nurtured and consistent dialogue;

EMPHASIZING that students, faculty, academic staff, researchers and other individuals and institutions of the academic community play an essential role as catalysts, generators of knowledge and agents for discovery, self-reflection, scientific progress, the promotion of democratic principles, the appropriation of human rights, respect for diversity, the fight against authoritarianism in the Americas, They are subject to special vulnerability in non-democratic contexts, as they may face restrictions, risks and violations of their human rights as a result of their research, thought and critical expressions, especially when they are involved in the discussion of matters of public interest, and therefore enjoy special protection;

RECALLING the scope given by the Committee on Economic, Social and Cultural Rights ("CESCR") on academic freedom and institutional autonomy in its 1999 General Observation No. 13 on the right to education (Article 13) based on the 1997 Recommendation of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on "The Status of Higher-Education Teaching Personnel" as a freedom with a protection of the individual and with an institutional dimension embodied in university autonomy; the United Nations World Programme for Human Rights Education in its phases II and IV in which higher education is included; as well as article 14 of the United Nations Declaration on the Rights of Indigenous Peoples and the Rabat Plan of Action of the office of the United Nations High Commissioner for Human Rights;

RECALLING that the right to education - understood in its dimension of knowledge of facts, concepts, conceptual systems and theories, in its procedural dimension in terms of skills, techniques and methods, and in its attitudinal dimension in terms of the set of behaviors, attitudes and values for plural and peaceful sharing has the purpose to contribute to the full development of the human personality and the sense of its dignity, to strengthen respect for human rights, ideological pluralism and fundamental freedoms, as well as to offer solutions and mitigate the social impact of emergency, conflict or crisis situations; that commercialization of academic activities can act to the detriment of these qualities and that States have a duty to progressively advance free education;

NOTING concern over reports in several countries in the hemisphere regarding repression of student groups and university unions, as well as harassment, harassment, attacks, budget cuts to academic institutions and retaliations of various kinds against members of the academic community through arbitrary or discriminatory measures;

EMPHASIZING that the current declaration of principles has higher education as its scope of application in which individuals with autonomy of discernment and full responsibility on their actions in society, and

it is clear that these principles are not directly applicable to basic education, for which the Protocol of San Salvador enshrined the duty of the State to contribute to the creation of a stable and positive environment in which children and adolescents perceive and develop the values of understanding, solidarity, respect and responsibility;

VALUING the role of the various declarations formulated by the academic community at the global level for the conceptualization and consolidation of standards of protection and guarantee of academic freedom, being of special relevance for the hemisphere the Declaration of Principles on Academic and Academic Freedom of the American Association of University Professors and the Association of American Colleges and Universities, as well as the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education;

TAKING INTO CONSIDERATION the Abidjan Principles on the obligations of States to provide public education and regulate private involvement in education, as well as the applicable standards of the report "Business and Human Rights: Inter-American Standards" of the IACHR's Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA);

RECOGNIZING the need to effectively protect academic freedom in the Americas, the Inter-American Commission on Human Rights, in support of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) and the Office of the Special Rapporteur for Freedom of Expression (RELE), in virtue of the functions conferred by Article 106 of the Charter of the Organization of American States, in application of Article 41.b of the American Convention on Human Rights and Article 18.b of its Statute; adopts the following Declaration of Principles;

PRINCIPLES

PRINCIPLE I

SCOPE OF PROTECTION OF ACADEMIC FREEDOM

Academic freedom implies the right of every person to seek, generate and transmit knowledge, to be part of academic communities and to carry out autonomous and independent work in order to access education, teaching, learning, teaching, research, discovery, transformation, debate, search, and dissemination of information and ideas freely and without fear of reprisals. In addition, academic freedom has a collective dimension, consisting of the right of society and its members to receive information, knowledge and opinions produced within the framework of academic activity and to obtain access to the benefits and products of research, innovation and scientific progress;

Academic freedom is protected equally inside and outside educational centers, as well as in any place where teaching and scientific research are exercised. The academic community is a space for reflection and informed deliberation on issues that affect society, mainly its conflicts and externalities arising from the growing interdependence between peoples and social groups. For this reason, academic freedom is protected in both formal and non-formal educational settings, and also includes the right to express oneself, to assemble and demonstrate peacefully in relation to the topics being researched or debated within that community in any space, including the various analog and digital media, as well as to demand better conditions in educational services, and to participate in professional or representative academic bodies.

Academic freedom encompasses the dissemination and discussion of knowledge based on one's own experience or field of research, or on matters related to academic life in general. This right also encompasses the freedom of workers, employees, and students of academic institutions to express themselves and associate with respect to those institutions and the educational system, among others.

The protection of academic freedom also includes the possibility that education within or to indigenous peoples responds to their particular needs, encompassing their cultural identity, ancestral history, traditional knowledge and skills, value systems and social, economic and cultural aspirations, as well as the guarantee of receiving educational opportunities in their own indigenous language or in the language most commonly spoken in the group to which they belong.

Academic freedom protects the diversity of methods, topics and sources of research in accordance with the internal practices and rules of each discipline.

PRINCIPLE II

AUTONOMY OF ACADEMIC INSTITUTIONS

Autonomy is a prerequisite for academic freedom and functions as a guarantee for higher education institutions to fulfill their mission and objectives of production and dissemination of knowledge. As a democratic pillar and an expression of the self-government of academic institutions, autonomy guarantees the exercise of teaching, research and extension services, as well as financial, organizational, didactic, scientific and personnel decision-making. By virtue of this principle, state regulations on education should be aimed at guaranteeing the process of learning, teaching, research and dissemination in an accessible, pluralistic, participatory and democratic manner and guaranteeing the self-government of academic institutions, which includes, among others, the free functioning of teaching staffs or student bodies.

The distribution of resources cannot become a tool for attacking academic institutions and groups, nor a threat to critical thinking. The public budget must be proportionate so that all institutions of higher education can develop their activities with equal autonomy. Transparency and accountability are indispensable requirements for States in their budgetary management. While academic freedom - in its dimension of freedom of research - is fundamental to innovation and discovery, it is contrary to university autonomy for public or private funding, as well as positions of hierarchy over research teams, to preconceive the findings or formulate a priori conclusions of academic research.

It contributes positively to university autonomy that the appointment of persons to lead public institutions of higher education should recognize academic merit, be free of undue partisan influence, and take into consideration transparent processes that allow for the participation of the academic community concerned. Autonomy also entails duties and responsibilities of higher education institutions in fulfilling the purposes of the right to education and in respecting the fundamental rights of the people who make up their academic community. Social responsibility, planning that contemplates principles of quality, pertinence and participation are also duties associated with university autonomy.

By virtue of these duties and responsibilities, institutions of higher education are obliged to provide transparency in their management, financing and decision-making, establish policies and procedures that guarantee labor and psychosocial stability, and ensure that decision-making is based on equitable and reasonable requirements, guaranteeing due process in decisions that affect the rights of those who are part of their academic community. Likewise, freedom of expression, association, assembly, conscience, religion or the exercise of labor and union rights, as well as the use and enjoyment of the material and immaterial aspects of authorship rights and other rights, must be guaranteed and not interfered with.

rights over appropriable tangible or intangible property capable of having value, as well as other internationally recognized human rights.

In application of the right to academic freedom without any type of discrimination, evaluation policies in academic institutions should aim at reducing the limitations and eliminating obstacles faced by groups and individuals subject to special protection because they have been historically excluded or are at greater risk of being discriminated against, adopting affirmative measures to favor their full participation;

PRINCIPLE III

NON-DISCRIMINATION

Academic freedom must be promoted, protected and guaranteed in equal opportunities without discrimination on any grounds, including those based on political opinions, ethnic-racial origin, nationality, age, gender, sexual orientation, gender identity and expression, language, religion, cultural identity, political opinions, or of any other nature, social origin, socioeconomic status, level of education, human mobility status, disability, genetic characteristics, mental or physical health condition, including infectious-contagious, disabling psychiatric or any other nature.

These categories are considered suspect under international and inter-American human rights law and, therefore, any distinction or differential treatment based on them must be subject to a strict test of proportionality. This implies that the adoption of any of these measures must pursue ends that are not only legitimate under the American Convention on Human Rights, but also compelling. It also requires that the means chosen be adequate, effectively conducive and necessary in the sense that it cannot be replaced by a less harmful alternative means. In addition, the benefits of adopting the measure must clearly outweigh the restrictions it imposes on the conventional principles affected by it. In such measures, no discriminatory rule, act or practice based on such criteria suspected of discrimination, whether by State authorities or by individuals, may in any way diminish or restrict the rights of a person in the exercise of his or her academic freedom.

States have a duty to harmonize their obligation not to discriminate with respect for religious freedom in the context of educational institutions with a religious vocation. The application of this principle of non-discrimination cannot be projected in such a way as to prevent the existence of these religious associations. However, respect for religious freedom does not authorize the use of religious dogma as a basis for violations of the principle of non-discrimination or for contravening human rights obligations.

States have the obligation to eliminate conditions of structural discrimination in the academic field and must therefore establish, among others, measures that allow and promote equitable access to it, especially through the adoption of measures in favor of groups or persons historically excluded or at greater risk of being discriminated against. In addition, States are obligated to establish affirmative measures that guarantee equitable professional development without discrimination, especially through the reduction of gaps in remuneration, opportunities, scholarships, as measures of job stability and access for such persons or groups. In particular, measures should be adopted to eradicate obstacles faced by women in academia due to prejudice, customs or practices based on gender stereotypes, race or other discriminatory motives. Along these lines, higher education institutions should also adapt their infrastructure to ensure accessibility for persons with disabilities.

PRINCIPLE IV

PROTECTION AGAINST STATE INTERFERENCE

Any state interference in academic curricula and programs must meet requirements of legality and legitimate purpose within the framework of the American Convention on Human Rights, as well as suitability, necessity and proportionality under the precepts of a democratic society. Legitimate purposes for interference may include, among others, the eradication of discrimination against certain groups or persons, or the prevention, punishment and eradication of violence against women. However, in accordance with inter-American jurisprudence, the legitimacy of an end does not necessarily imply legality, appropriateness, necessity or proportionality. The disproportionate interference of States in curricula and academic programs through, among others, the imposition of guidelines contrary to the purposes of education as a right, severely impacts academic freedom.

It also has a negative impact on academic freedom: (i) the imposition of indirect pressures on curricular content through professional accreditation requirements or state exams; (ii) negative and stigmatizing discourse by high-ranking officials against institutions of higher education, the academic community or individuals who are part of it; (iii) the adoption or omission in the revocation of norms that establish discrimination against individuals or groups contrary to what is set forth in Principle III; (iv) the omission in the progressive implementation of free education; v) the establishment of discriminatory barriers to access, permanence and graduation; vi) the application of budgetary measures or measures with an impact on the budget of academic institutions in order to punish, prioritize or privilege them; and vii) the closure or non-renewal of accreditation of institutions, libraries, laboratories or other spaces in which academic activity is carried out as a reprisal for dissenting from the ideological, economic or axiological vision of the government.

PRINCIPLE V

PROTECTION AGAINST ACTS OF VIOLENCE

Murder, kidnapping, intimidation, harassment, harassment, threats, gender-based violence and other aggressions against individuals because of their participation in the academic community or the exercise of activities, as well as attacks against institutions, libraries or laboratories violate the fundamental rights of individuals, restrict academic freedom and sow self-censorship in society. It is the duty of States to prevent and investigate these acts, punish the perpetrators, protect the victims and ensure adequate reparation regardless of whether the harmful acts occurred by analog or digital means. In the application of this duty to prevent and investigate the facts, States must apply an approach that recognizes and responds to the differentiated and intersectional impacts and modalities of physical and psychological violence in accordance with inter-American standards. The State and institutions of higher education must recognize the circumstances in which academic controversies and discussions degrade into phenomena of intimidation and actions that promote the a priori cancellation of diverse perspectives, including those that offend, shock or disturb majorities.

PRINCIPLE VI

INVOLABILITY OF ACADEMIC SPACE

The intervention of State security forces in academic institutions violates their autonomy and generates a chilling effect on the academic community. Although such interventions may occur in exceptional cases and by virtue of the State's duty to preserve the security, stability and democratic governance of the States, they must take place within the limits and in accordance with the procedures that allow the preservation of both public security and human rights. Therefore, States may not invoke the existence of exceptional situations as a means of suppressing or denying, denaturalizing or depriving of real content academic freedom, university autonomy or, in general, the rights guaranteed by the American Convention on Human Rights, or as a justification for practicing or tolerating acts contrary to imperative norms of international law. The application of national security legislation, anti-terrorism regulations and in general any action by security forces on campuses must comply with the standards of proportionality, reasonableness, legality and necessity;

PRINCIPLE VII

RESTRICTIONS AND LIMITATIONS ON ACADEMIC FREEDOM

States are obliged to generate a favorable environment for participation in institutions of higher education, as well as for research, debate, and the dissemination of academic knowledge. This provision should not limit the spaces for cooperation between the public sector and academia in the development of research and other projects for public purposes.

Academic freedom expressly excludes any propaganda for war or advocacy of hatred against any person or group of persons on any grounds, including national, ethnic, racial, religious, sex, gender, gender identity, sexual orientation or any other grounds that constitute incitement to violence or any other illegal action. To qualify speech as pro-war propaganda or hate speech will require strict compliance with the threshold test contained in the United Nations Rabat Plan of Action.

Any interference with academic freedom must meet the requirements of legality, lawful purpose, appropriateness, necessity and proportionality in accordance with the American Convention on Human Rights in a democratic society, which constitute a safeguard against possible arbitrariness on the part of the authorities both inside and outside academic institutions, as established by inter-American standards. Restrictions on academic freedom should not perpetuate prejudice or foster intolerance.

Professional accreditation, state examinations and other forms of licensing play a crucial role in ensuring the quality of higher education institutions. However, these procedures may not be used to impede or retaliate against legitimate academic content. Excessive legal or regulatory requirements for the operation, supervision, sanctioning, or evaluation of the quality of academic institutions designed to retaliate against or otherwise limit academic conduct in a manner inconsistent with Principle III constitute a violation of academic freedom.

Illegitimate restrictions to academic freedom may be generated by acts or omissions coming from state agents, power groups or individuals, and may also come from actors within the academic institutions themselves;

PRINCIPLE VIII

PROHIBITION OF CENSORSHIP AND EXCEPTIONALITY OF STATE PUNITIVE EXERCISE

The imposition of state restrictions on research, discussion or publication of certain topics, as well as the imposition of restrictions on access to publications, libraries or physical or online databases, constitute prior censorship, expressly prohibited in Article 13.2 of the American Convention on Human Rights and contrary to the right to education in the terms of Article 13 of the Protocol of San Salvador.

It is contrary to academic freedom and the rights interdependent with it any state measure aimed at imposing discretionary limitations or fostering taboos with respect to any field of knowledge, persons, ideas, or any aspect recognized within the scope of protection described in Principle III.

The application of administrative or disciplinary processes on institutions or individuals in the exercise of academic freedom, as well as the imposition of subsequent sanctions of a labor or civil nature, must take place under the application of minimum rules of transparency, due process, judicial guarantees and non-discrimination, and must be based on criteria that meet the requirements of legality, legitimate purpose in the framework of the American Convention on Human Rights, suitability, necessity and proportionality under the precepts of a democratic society. In this sense, the imposition of restrictions against criticism by members of the academic community with respect to institutions of higher education or the educational system, as well as against personal decisions to apply positions far from the official positions of the institutions of higher education of which one is a member, that do not comply with such criteria, are contrary to academic freedom.

The use of criminal law to punish persons in the exercise of their academic freedom is inconsistent with the protections afforded to that right by the inter-American system. Any State interference to punish the possible commission of a crime by a person who is in the legitimate exercise of his academic freedom must be analyzed with special caution, weighing the extreme seriousness of the conduct of the possible perpetrator, the malice with which he acted, the characteristics of the harm unjustly caused and other elements that demonstrate the absolute necessity of using, in a truly exceptional manner the exercise of the punitive power of the State;

States should presume the good faith of the opinions and information disseminated by members of the academic community generated from the participation in research processes under the application of any of the scientific methods accepted by the academic community.

PRINCIPLE IX

PROTECTION AND PREVENTION AGAINST ACTIONS OR OMISSIONS OF PRIVATE PARTIES

The States' duty to guarantee also includes the imposition of measures to prevent, investigate and punish violations of academic freedom by private parties and to respond to the differentiated risks based on the suspected criteria of discrimination indicated in Principle III, including, among others, the adoption of protocols for attention, and sexual harassment, as well as violence against women or violence based on sexual orientation or gender identity and other forms of oppression or discrimination, and the creation or promotion of mechanisms for external and independent review of sanctioning or meritocratic decisions of academic institutions. In any case, the design and application of these protocols should have a focus on non-revictimization and on counteracting sociocultural patterns based on assumptions of inferiority or superiority of either gender or stereotyped roles for men and women that legitimize violence against women;

PRINCIPLE X

HUMAN RIGHTS EDUCATION

Because of international obligations on the right to human rights education and the elimination of all forms of discrimination, States must adopt measures, including national plans, to ensure that all persons are educated in human rights, in accordance with the American Convention on Human Rights and other applicable international instruments, and that public and private educational institutions develop curricula and programs to guarantee human rights education in an interdisciplinary manner and in all cycles of education with a gender equality and intersectionality perspective, also guaranteeing comprehensive sexual education.

Freedom of expression and academic freedom should be protected with respect to the content of such subjects, without persecuting those who teach them or establishing discriminatory restrictions on persons in vulnerable conditions. In addition, States have the duty to promote and implement the design and application of comprehensive educational programs that promote a culture of human rights, counteracting all prejudices and practices that entrench, promote or instigate discrimination against persons and groups in situations of special vulnerability or historical discrimination. States should ensure that all their civil servants receive human rights training in a programmatic and continuous manner.

PRINCIPLE XI

ACCESS TO INFORMATION

When members of the academic or any other community seek access to statistics, databases and other information held by the State, they do so in exercise of their fundamental right of access to public information in connection with the right to academic freedom and all related human rights. States are obliged to guarantee the exercise of this right through prompt and adequate response to requests for information, proactive disclosure and public, free and timely access to statistics, databases and other sources relevant to the development of academic activity. This principle only admits exceptional limitations that must be previously established by law and be necessary and proportional to fulfill legitimate purposes within the framework of the provisions of the American Convention on Human Rights;

PRINCIPLE XII

INTERNET AND OTHER TECHNOLOGIES

Every person has the right to carry out his or her academic activities by any means and in any form. Given the essential nature of the Internet and other technologies for access to and enjoyment of the right to education, knowledge, and the freedom to seek, receive, disseminate and exchange ideas and opinions through classrooms, institutions, libraries or virtual databases or distance or online education methods, among others, States must establish measures to advance in guaranteeing universal access to the Internet, the elimination of the digital divide and the use of such technologies by the academic community. Complementarily, respect for academic freedom implies, among other things, that States should refrain from establishing censorship or arbitrary limitations on the operation of the Internet or the content circulating therein, and from unduly interfering in the development of academic activities in virtual spaces, as observed in Principle VII. The digitization of academic services and the use of technologies should be evaluated in terms of their human rights implications. Higher education institutions should carry out risk analyses of human rights violations in any technology they design, use or implement.

Platforms that serve as intermediaries for accessing content arising from the application of scientific methods accepted by the academic community can contribute to guaranteeing the right to academic freedom through: i) transparency in the criteria that rank the results of searches; ii) weighing the scope of personalization of results when there is solid scientific evidence on the topic consulted; iii) the promotion of geographic, racial, gender and sexual orientation diversity in individuals in charge of programming; and

iv) strengthening dialogue with the academic community to take advantage of the Internet's potential for disseminating knowledge.

PRINCIPLE XIII

DUTY OF PRINCIPAL GUARANTOR, PLURAL CONCURRENCE AND FREEDOM OF ASSOCIATION

States have an obligation of neutrality with regard to the content derived from the activities of the academic community and are the principal guarantors of the right to academic freedom. In addition to ensuring a broad and diverse public offer of higher education, States must facilitate the free and voluntary participation of privately managed institutions of higher education as a legitimate manifestation of the right to freedom of association. Guaranteeing the right to the ideology of privately managed universities is a commitment of the State to pluralism.

Privately managed institutions of higher education should seek and protect pluralism and diversity of perspectives within their respective academic communities; give wide publicity to the principles and values that guide their academic activities and share with their academic community in advance and explicitly those matters that openly contradict their identity. States shall establish by law the scope and limits of the right to freedom of association for privately managed institutions of higher education, as well as the minimum requirements that promote their quality, the guarantee of human rights and the protection of democracy, in accordance with international norms and standards and in harmony and complementarity with these Principles of Academic Freedom.

PRINCIPLE XIV

PROTECTION OF INTERNATIONAL MOBILITY AND COOPERATION

Academic freedom includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers. Since international academic exchange, including conferences, research, research stays, exchanges and academic meetings, are fundamental aspects of academic life and necessary expressions of academic freedom, States shall not arbitrarily prevent persons from leaving or entering their borders for the purpose of limiting or stopping the exchange or cross-border flow of ideas, the exchange of information and ideas, the dissemination of information and ideas of all kinds, regardless of frontiers.

information gathering for academic purposes and promote international mobility and academic cooperation.

Academic freedom also includes the freedom to seek exile abroad, to apply for and process refugee or asylum claims by scholars and scientists based on personal, religious, ethnic or political harassment against the government and persecution motivated by scientific denial by state or private actors.

PRINCIPLE XV

INCLUSIVE DIALOGUE IN THE FRAMEWORK OF HIGHER EDUCATION

States have the obligation to foster spaces for dialogue among all parties interested and involved in academic activity in order to promote the debate on the respect and guarantee of academic freedom and the implementation of these principles.

PRINCIPLE XVI

DUTY OF IMPLEMENTATION

States and institutions of higher education should adopt affirmative measures, within their capabilities, aimed at the effective implementation of the aforementioned principles, and third parties and individuals involved in research and academic activity should also orient their actions and processes to these principles.

Actions by States aimed at the production of official data and information on the situation of academic freedom, the exchange of updated information on progress, pending challenges and best practices facilitate the monitoring of the duty of implementation. It also contributes to this duty that States grant permission for visits by specialized international organizations that can review in situ the conditions of academic freedom, and the participation in and promotion of multilateral forums, among others.

Compliance with these principles and the duty to implement them must be carried out in accordance with an interpretation that is in keeping with the just demands of a democratic society. In this sense, the private character of an institution of higher education may not be invoked to suppress, denaturalize or deprive of real content the right to academic freedom and the principles derived from it.