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EXECUTIVE SUMMARY

Information and communication technologies (ICTs), freedom of expression and their impact on academic freedom

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The 2021 Declaration of Inter-American Principles on Academic Freedom and University Autonomy of the Inter-American Commission on Human Rights (IACHR) highlighted the strong connection of the Internet and new technologies with academic freedom (principle 12). Within the framework of this connection, this report seeks to analyse the relationship between the right to academic freedom and the rights, interests, challenges and problems that arise from its exercise when there is interaction in ICTs.

The report is divided into five sections. The first section refers to the connection between Internet access and academic freedom. In particular, it indicates the vectors for assessing the phenomenon of digital exclusion with differential approaches and under the yardstick of meaningful connectivity. In this area it is highlighted that the principles on academic freedom emphasise the widest possible access as an instrument for the widest possible access to information, the dissemination of research and the expansion of global scholarly deliberation.

This section on structural conditions is followed by one that focuses on the exercise of academic freedom in the digital environment. Emphasis is placed on the need to ensure the widest possible breadth of the content of that right in both physical and digital spaces. The aim was, at the same time, to distinguish academic freedom from freedom of expression on the internet without denying the strong links and interdependencies between the two rights. In this part of the report, the elements of freedom of expression that are instrumental for an adequate and expansive exercise of academic freedom in the framework of democratic societies were specified. It highlights how the exercise of academic freedom can strengthen public debate and how the wider expression and dissemination of knowledge, ideas and academic experiments expands access to information for society at large. In this area, the role of the state in guaranteeing the free exercise of academic expression was highlighted, with the well-known limits related to the prohibition of hate speech or incitement to violence, among others.

The third section addresses the role of platforms in guaranteeing academic freedom in the digital sphere. Due to the risks of censorship or other distortions, the experiences of regulation are examined in order to protect fundamental rights and avoid processes of fostering democratic erosion. Emphasis is placed on the instruments of classification and indexing of information that can discriminate against the dissemination of and access to scholarly output. It also addresses the challenge posed by algorithms and artificial intelligence to empower or silence some academic voices. This section ends with an analysis of content moderation mechanisms and the risks they pose to pluralism and academic freedom.

The fourth part is devoted to the difficult question of distinguishing between private and professional use of social networks by the academic community. To be sure, the grey lines are wide so that the way of reacting to some of these exercises is still equivocal. The report argues against the cancellation culture and favours some regulatory alternatives.

Finally, some of the main tensions between academic freedom and freedom of expression are addressed under the models of prohibition (not having accounts on social networks), restriction (regulated and monitored use), freedom without link to the institution (attempt to separate the individual from his or her institution) and the question of the right to the reputation of institutions. On this aspect, the legitimacy of this concern was highlighted, but with due caution so that this protected interest does not end up overriding both freedom of expression and academic freedom. The document concludes with a series of recommendations addressed to both individuals and states.

