

**THE INVOLVEMENT OF UNIVERSITIES
IN THE PROTECTION OF HUMAN RIGHTS DEFENDERS
AND CASES OF VIOLATIONS AGAINST ACADEMIC FREEDOM:
THE ATTACKS ON STUDENT EXPRESSION IN COLOMBIA**

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Abstract

Lo scritto si propone di porre in risalto come le Università possano contribuire nel sostenere il ruolo e la tutela dei difensori dei diritti umani. Allo stesso tempo si dà atto di come le stesse Università possano subire forme di repressione e di come accademici e studenti possano essere esposti a gravi minacce e a restrizioni delle loro libertà.

L'esempio è fornito dalle ripetute violazioni ai diritti umani perpetratesi in Colombia tra ottobre e dicembre 2018, durante le proteste degli studenti, a novembre 2019 durante il “paro nacional” e nel periodo a seguire fino alla mobilitazione di massa contro il governo e le disuguaglianze iniziata il 28 aprile 2021 che vede i giovani in “primera línea”. Nello specifico viene esaminato il caso dell'Università del Cauca.

This paper concerns the involvement of Universities in supporting the role and the protection of human rights defenders. At the same time, it sheds light, through a case study, on how Universities themselves can face repression and how academics, students and teaching staff, can be victims of threats to their lives, liberty and well-being.

This specific case is about the human rights violations occurred in Colombia from October to December 2018 in the framework of the national students' protest, during the *paro nacional* in November 2019 and in the following period until the mass mobilisation against the government and inequalities that began on 28 April 2021, with young people in “primera línea”. A specific focus will be given to the case at the University of Cauca.

Keywords

Academic Freedom; Colombia - Cauca; Human Rights; Human Rights Defenders; Students' protest.

Introduction

States, higher education communities and civil society have a responsibility to take action to protect the academic freedom, namely, by referring to the UNESCO definition, the right to research, teach, disseminate knowledge and be educated without any undue interference by the State or other organizations. The recognition of the academic freedom as a key element of the sustainable development, in particular the achievement of the Sustainable Development Goals enshrined in the 2030 Agenda, depends on whether the right to education, teaching and research can be only fully enjoyed in an atmosphere of academic freedom (Stromme 2020, pp. 35-38; Macfarlane 2012). Despite the awareness about the essential role played by the academic freedom in the educational

advancement and the development of humankind and modern society, the academic community and education institutions are increasingly vulnerable to interference, pressure or repression from states, the business sector or other non-state actors. The consequences affect society by shrinking the civic space for the inclusive democratic participation, free speech and empowerment of all citizens and «by depriving future generations of high-quality academics and researchers» (EP 2018, p. 2). This paper, through the analysis of a case study, remarks as students and civil society have the right to freedom of expression and freedom of assembly, but at the same time an obligation to exercise those rights peacefully and responsibly. In this case, academics and students in addition to being individuals whose rights are being violated, become human rights defenders who are being attacked. In front of this, a response is needed both at international and national institutional levels, but also it should come from higher education itself, civil society and the public at large scale.

The Universities' internal advocacy for the social wellness and the involvement in supporting the role and protection of human rights defenders

Although the primary responsibility for the protection of human rights lies on states, other organs of the society as well as different groups and the individuals themselves play important parts in furthering the cause of human rights. Academic institutions have a long history in supporting civil society organizations and human rights activism in various ways, which could be in all areas of internal and external activities.

Human rights defenders are recognized by the UN declaration of 1997 as who individually or with others promote and protect peacefully the human rights and the fundamental rights of freedom. The protection for human rights defenders can be embedded in the universities' as internal advocacy for the social wellness, the promotion of public service values, the enjoyment and the respect of human rights (Brems 2019; Hazelkorn 2019).

This knowledge and experience exchange is not unidirectional. Human rights defenders (Hrds) can bring their own skills and experiences to the service of their host community.

Good practices regarding the involvement of the universities in the protection of Hrds, as well as the partnership with the civil society, not to mention the human rights activism in general are contributions which emphasize the added value that universities are able to lead in a proactive approach and take the importance of mapping experiences. The same shed light on the importance of applying a gender perspective when approaching the issue of Hrds and the relevance of ensuring an holistic approach and psychosocial support mechanisms during the temporary relocation of Hrds at risk. With regard to women Hrds, an intersectional perspective is essential to understand the various forms of discrimination affecting women, as misogynistic attacks and gender-based

violence, less support when they are attacked and difficulties accessing the protection mechanisms and because of that experiencing feelings of isolation.

The measures that involve national, regional and international organizations for swift assistance and protection to Hrds of foreign countries in danger, such as emergency visas and facilitation of temporary shelter, have been considered the extrema ratio. Those measures should, in any case, not become a substitute for the overall objective to bring about an environment where human rights defenders can operate freely.

The last annual reports from Scholar at Risk International provided documentary evidence that attacks carried out, by both state and non-state actors, on scholars on higher education communities around the world occur with alarming frequency using a variety of legal, economic and administrative means, but with the common motivation to control or silence higher education institutions and their personnel. Consequently, academics can be victims of threats (Sar Free to think 2018, 2019 and 2020). The attacks concerning scholars and students killed, arrested, or subjected to other coercive force in connection with their expressive activity, not only harm their immediate victims but also damage the university space more broadly.

Despite the absence of cases reported for the year 2018 in the Sar's Academic Freedom Monitoring Project¹ regarding Colombia (as this article will exemplify a large number of violations is not recorded), five cases have been registered for the period of April-September 2019 and eight cases of killings and violence from November 2019 to November 2020. All these concerned violent threats, aggressions and incidents occurred against students in several institutions, such as in University Javeriana, University of Cundinamarca, National University of Colombia, Universidad del Valle, University of Antioquia, National University of Colombia and Medellin, and National Pedagogic University. As underlined in the report SAR, «such attacks threaten the future of strong, nonviolent student movements, which are important to understanding contemporary issues and to the development of future leaders» (Sar Free to think 2020, p. 4).

The students protested over planned government reforms or/and against cases of corruption in public universities. Their first request consisted of more funding for public education and the dismantling of the Mobile Police Riot Squadron (Esmad) and these requisitions are still valid. The State has the power to ensure the security of higher education communities and, more in general, to provide for the public order; at the same time, the response of State authorities should respect the criteria of necessity and proportionality and not interfere with peaceful exercise of the rights to freedom of expression and freedom of assembly. In particular, Esmad has been accused of using excessive force against the protesters, including beatings and the abusive use of “less-than-lethal”

¹ For more details, see: <https://www.scholarsatrisk.org/academic-freedom-monitoring-project-index/>

weapons. Since November 2019, students, labor unions, indigenous groups, and civil society members have held a series of nation-wide anti-government protests that have shown a convergence on critical issues. This leads us to remember how it is important to identify attacks on academic freedom as part of a global phenomenon and to recognise that «claims to academic freedom fall under existing human rights law, derived from the right to education and the rights to freedom of expression and of opinion» (EP 2018, p. 4).

The alarming situation of human rights defenders in Colombia

Before referring to our case study, which does not result in the Sar's Academic Freedom Monitoring Project, it is worth mentioning, although briefly, the alarming situation of Hrds in Colombia, particularly in rural regions worst affected by the conflict, and the persistence of disparities in the enjoyment of economic, social and cultural rights. This context is determined not only to define the reasons and requests of the mobilizations led by students, but also to understand the testimonies from students and professors involved in the demonstrations occurred in the University of Cauca.

Even though, the Peace Agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia (Farc) had “well-developed human rights based approach” and it set out “specific provisions on the rights on indigenous people” as well as “mechanisms for the protection of human rights defenders and rural communities” the effective implementation of the Accord has encountered difficulties. The delays are linked to lack of resources, political support by some sectors, interinstitutional coordination and an integrated state presence, particularly in rural areas with a historic presence of the Farc-Ep².

The failure of State in ensuring protection of the civil population in these areas has allowed several smaller illegal armed groups, Farc dissidents, drug trafficking gangs and illegal economies to enter. Consequently, the enemy is nowadays much harder identifiable, mass displacements continue to occur, and those who oppose their interests, such as the ones who support the “Comprehensive Program for Substitution of Crops” envisaged by the Peace Agreement, become easy targets (Forst 2020, p. 10).

² After the South America's longest guerrilla conflict, the revised peace agreement between the Colombian government of President Juan Manuel Santos and the Revolutionary Armed Forces of Colombia (FARC-EP) was ratified by Both houses of Congress on 29-30 November, 2016. The parties agreed on a program “with combines truth telling, public acknowledgment of responsibility, reparations and non – repetition with reduced sanctions for perpetrators (Cassel 2018).

Despite the reduction of the number of general murders by 40% in the Country, the violence against Hrds and social leaders is alarmingly increasing, especially against categories most at risk living in rural and poor areas, who are most affected by criminal groups and illicit economies. From 2016 to 30 June 2019, Colombia was the country with the highest number of murders of Hrds in Latin America, according to the case compiled and verified by the United Nations (Forst 2020, p. 6). Half of the killings occurred in just four provinces, including the Colombian department of Cauca (UN Human Rights Colombia May 2019). Several cases of widespread generalized violence and lethal attacks continue to be registered against indigenous peoples, Afro-Colombians, farm workers, defenders of the rights of L.G.B.T.Q.I.A.+ community (Limpal 2019), and journalists working on human rights issues and corruption (UN Human Rights 2019; M. Forst 2018). The killings of female Hrds increased by almost 50% in 2019 compared to 2018.

According to the records published by UN Human Rights Colombia, 120 activists were killed during the year of 2019. This terrible trend has further increased in 2020, with 66 massacres documented until December, in which 255 people, including 120 Hrds, have been killed in 18 departments (UN Human Rights December 2020).

The Nasa community, in Northern Cauca department, has been one of the worse affected indigenous groups. Only in the first six months of the year 2019, 36 of its members have been killed; six of them defended human rights, 53 have been threatened with death and 8 have been victims of assassination attempts (UN Human Rights Colombia August 2019). During 2020, the number of killings has increased to 66 and repeatedly indigenous guards and leaders have been threatened with death by putting bounties on their heads (UN Human Rights December 2020). The Nasa community is one of the 102 indigenous peoples that live in Colombia and that peacefully withstand the conflict for social justice, the rights and autonomy of indigenous people. This territory is particularly coveted by drug trafficking, because it is suitable for the production of coca and marijuana, but also targeted by international and national companies, particularly by those in the hydroelectric and extractive sector, as the illegal mines.

It is significant how Eduin Mauricio Lectamo, leader of Pueblo Nasa and coordinator inside the *Asociación de Cabildos Indígenas del Norte del Cauca* (Acin) of the project *tejido* (tissue) for the defense of the life and the human rights, define himself: “they say I am a human rights defender, but I am only a man engaged in the protection of earth and of my enlarged family, namely my *Pueblo*”³. On the eve and after the local and regional elections, planned for the 27 October 2019, the situation became even more dramatic, reaching 33 Hrds killed between May-September 2019, especially

³ Extracted from the report held by Eduin Mauricio Lectamo on 24 November 2018 in Verona during the conference “La difesa della terra e della Comunità” (Verona, Società Letteraria, 24 November 2020).

defenders of land and opponents of illegal armed and economic groups⁴, and the threats against all those who adopt a position for political culture and non-violence have been increasing since then.

It is worth remembering that Karina García, who was running for mayor in the municipality of Suarez (Department of Cauca), in week after the signing of a pact for political culture and non-violence in the election campaign, was killed on 2 September 2019 in a terrible attack in which almost five other individuals died (UN Human Rights Colombia November 2019).

Even after the last elections, won across the country by the center-left, the number of indigenous people killed in the area raised sharply as armed groups seek to seize control. On 29 October, the governor Cristina Bautista of the Nasa Tacueyó indigenous community and four indigenous guard volunteers, who are tasked with protecting communities and who do not carry arms other than traditional wooden staves, were killed.

The day after the attack, President Duque travelled to Cauca to announce a major deployment of up to 2.500 soldiers to the region. Human rights organisations have opposed the decision to further militarise the region, saying that this could lead to violations by state security forces.

Following the decision pronounced by the Constitutional Court in 2016⁵ that in its turn recalls the international human rights treaties ratified by the Colombian Congress, the State is required to adopt measures on prevention and protection in close consultation with the beneficiaries, in this case the authorities of the Nasa Pueblo. The State response for an effective protection of physical and cultural integrity of the indigenous people and the territories most affected by illegal groups cannot consist of merely security and armed operation, but requires also other measures, such as support for the education, access to justice, health, infrastructure, social programs and positive measures to implement a culture for human rights.

The Colombian Constitution recognises the rights and the autonomy of indigenous people, as well as the Afro-Colombian populations, not only their rights to govern themselves with own authorities to have a special jurisdiction, but also their social-economic-cultural identity. Furthermore, the rights of indigenous people have been defended by the ILO Convention no. 169.

It is increasingly urgent to tackle the structural causes that sustain violence against Hrds, in order to prevent the attacks and to prosecute the responsible for the violations conferring on the victims and their families a right to justice, truth and reparations. As requested by the international bodies for

⁴ According to the Special Rapporteur, M. Forst, environmental defenders “have been particularly affected and criminalized for their participation in peaceful assemblies against extractive and business projects for the defence of environmental”, and in the majority of judicial process concerning the criminalization of defenders in the context of social protest, they are apprehended and subjected to preventive detention (Forst 2018, p. 11).

⁵ Corte Constitucional de Colombia, Sentencia T-030/16, Accion de tutela para obtener cumplimiento de medidas cautelares ordenadas por la Corte Interamericana de Derechos Humanos en sus Sentencias, <http://www.corteconstitucional.gov.co/relatoria/2016/t-030-16.htm>.

human rights, Colombia urgently needs the adoption and the development of a comprehensive security and protection policy on prevention and protection of Hrds (Pao)⁶ in close consultation with the *Procuraduría* and, especially, the national Nhris, called *Defensoría del pueblo*⁷. This has been accredited with an A status, that means a status fully compliant with the Paris Principles. Its mandate includes competences to investigate complaints and provide effective protection.

The State should value the essential contribution of defending human rights adopting a strategy against the stigmatization of Hrds (blamed as “guerilleros, internal enemy, terrorists, anti-development, or informants”), but “the vast majority of them are unable to work in a safe and supportive environment. They lack positive social and public recognition and are undermined and criminalized because of their human rights work by State and non-State actors” (Forst 2020, p. 17). Forst’s report about the Hrds’ situation in Colombia for the forty-third session of Human Rights Council (from February, 24th to March, 20th 2020) underlines also as national and international corporations operating in rural communities are adversely affecting the human rights situation. The Special Rapporteur expresses concern about corporate abuse and recommends that companies, even if they are not responsible for these attacks, they should work to prevent and mitigate them, in accordance with the UN Guiding Principles on Business and Human Rights.

Forst’s presentation should be followed up by a second visit before the end of Special Rapporteur’s term, but the Government vehemently disagreed with Forst’s findings and it has been critical of the work of the OHCHR office in the country, despite a recent renewal of its mandate.

On the 2nd March 2020, 430 Colombian NGOs and 41 international NGOs expressed their support for the work of the OHCHR Office⁸. The same organizations required that the Colombian State did not use measures in response to the Sars-CoV-2 pandemic as a pretext to weaken or withdraw protection for Hrds and social leaders⁹. In fact, on 15 December 2020, the Commissioner for Human Rights, Michelle Bachelet, called on State authorities “to take stronger and much more

⁶ The Organisations for human Rights at international at national level welcomed the decision taken by the Government to adopt on 19 November 2018, the decree 2137 signed by the President which creates the Inter-Institutional Commission for the development of the “Plan de Acción Oportuna de Prevención y Protección para los Defensores de Derechos Humanos, Líderes sociales, comunales y periodistas” (PAO), <https://www.mininterior.gov.co/sala-de-prensa/plan-de-accion-oportuna-de-prevencion-y-proteccion-pao>.

⁷ This is an organism part of the institutional architecture of State but independent, that acts to guarantee and protect human rights and human rights defenders. On 20th of December 1993, the General Assembly of the United Nations formally recognized the “importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights”. Although the resolution is merely exhortative, in the past twenty years the number of National Human Rights Institutions (Nhris) has significantly grown. The resolution endorsed the Paris Principles, which represents the minimum standards applicable to Nhris entrusted with a mandate to protect and promote human rights. The level of compliance with those principles is reflected by the accreditation status accorded to Nhris (E. Brems et al. 2013; Linos - Pegram 2016; Mertus 2012).

⁸ Respalmdados la labor de la Oficina en Colombia de la Alta Comisionada de Naciones Unidas para los Derechos Humanos y a su Representante Alberto Brunori, 2 Marcho 2020, <http://www.ishr.ch/>

effective action to protect the population from this appalling and pervasive violence (...) dismantling the criminal groups that succeeded paramilitary structures and their support networks (...) and implementing a whole range of comprehensive public policies, not only to clamp down on those responsible for the violence, but also to provide basic services and safeguard the fundamental rights of the population" (UN Human Rights December 2020)¹⁰.

The national students' protest and the case law of Unicauca

The region of Cauca, marked by an incessant and unacceptable violence suffered by the communities and indigenous peoples, as it has been described in the previous paragraph, would miss an emancipatory force if it were not for the University of Cauca (UniCauca)¹¹, a well-known public institution located in the city of Popayan, in the Cauca Department, offering higher education for 180 years to students from the region and country.

The violence emerge not only in the act of throwing stones during the protests, but also in structural inequalities that affect the civil society. In the same way, the student organisation and platform *Unidad Estudiantil* (Unees)¹², which is the first students' organization in Colombia that succeeded in negotiating with the national Government, declares itself sensitive to the requests of the indigenous and rural movements.

This convergence should have been visible also due to the coincidence in time of their protest, but in fact, the students' protest anticipated the widespread demonstration and collective action, locally known as *Minga*, which the Regional Indigenous Council of Cauca (Cric) led at the Cauca Valley since the 10 March 2019 for the defense of life, territory, democracy, justice and peace. The manifestation reminded many of the last major such protest in 2011 and received support and endorsement by teachers, parents, representatives of different social sectors and trade unions who

⁹ Several Organisations, including PBI, express the urgency of protecting these rights in this situation of pandemic, particularly for the population historically excluded from the enjoyment of such fundamental rights: <https://www.peacebrigades.org/en/news/now-more-ever-we-must-all-defend-human-rights>.

¹⁰ About the risks that Colombian Hrds face and their experiences of protection measures see also Cousins and Schmitz 2021, pp. 130-157.

¹¹ On 13 June 2019, Unicauca was once more recognized a quality University, although events similar to the disorders arrived the year before seriously prevent the accreditation (Resolución Ministerio de Educación Nacional, n. 6218, <https://www.unicauca.edu.co/versionP/documentos/resoluciones/resoluci%C3%B3n-6218-por-medio-de-la-cual-se-renueva-la-acreditaci%C3%B3n-institucional-de-alta-calidad-la>).

¹² UNEES was founded in March 2018 to facilitate the relations among the components of the Federación des Estudiantes Universitarios (Feu). In September 2018, the members of UNEES sent their claims to the Government preannouncing the protest in case of failed negotiations. In the same month, the internal structure of the platform was developed with the establishment of specialised committees. In addition to the "academic Commission", with political and organisational functions at national and local level, the committees "human rights", "communication" and "health" played an important role during the protest.

sought after a free, dignified, inclusive and quality education. In this case, as during the education sector protests, criminalization in the context of social protest involved arbitrary arrests and the excessive use of force by the public security forces (Forst 2020, p. 9).

Back in 2009, the Special Rapporteur of the situation of Hrds, Mrs. Margaret Sekaggya, following her visit to Colombia included students and youth activists in the categories of defenders who suffered a situation of persistent insecurity and a systematic stigmatization by Government officials and non-State actors.

The UN Special Rapporteur on the situation of Hrds, Michel Forst, in his final statement at the end of his mission to Colombia expressed concerns about the situation of over 100.000 students mobilized in Bogota and major cities in Colombia since the 10 October 2018. The protest was against the decision of the national government to reduce the budget for the higher public education, the government actions against armed groups that targeted teachers and social leaders, the subjugation of higher education to market demands and other reforms, apparently and singularly not so relevant, but able to damage the education and social-cultural rights (Forst 2018, p. 13). Strikes led to the closure of 32 universities. University students have been protesting since 2018, on certain campuses, over corruption, perceived unmet promises for increasing the education budget, and alleged abuses by the police against education-related protesters (GCPEA 2020, p. 1).

In addition to the claims decided at national level, the programme of each student representation contained specific requests. The UniCauca students demanded more democracy, freedom of expression, recognition of Unees within the university as a social movement engaged for the higher education space and, nonetheless, specific training about human rights, managing risk and strengthening protection.

The report, in the part concerning students' demonstrations occurred in Bogota and in other cities, makes reference to "shrinking civic space and criminalization of social protest", due to the testimonies collected about unnecessary use of force by Esmad; repeated threats against student leaders by emails, telephone calls, text messages and pamphlets; criminalization of social protest and the presence of violent infiltrators and several people arrested, of which 95 only in the demonstration occurred on 15 November in Bogota, some of them in judicial process (UN Human Rights December 2018).

In November 2018, the UN Human Rights Office in Colombia expressed its concerned for the incidents occurred during the students strike in the region of Cauca and in Bogota and requested that the competent authorities at national and local levels with regard to the maintenance of law and public order prevent all forms of abuse by members of the security forces (UN Human Rights Colombia November 2018).

The Organism for the United Nations urges Government to ensure the promotion and protection of human rights in the context of peaceful protests in accordance with the Protocol on the right to social protest, adopted in August 2018 by the Ministry of Internal Affairs,¹³ and the international standards relevant to freedom of assembly, freedom of expression and participation in public affairs, such as the Covenant on Civil and Political Rights under articles 19 and 21. Only the assembly organized with peaceful intentions are protected by international human rights instruments but “assembly organizers should not be held liable for the violent behaviour committed by others” (UN Human Rights January 2013).

The clashes occurred in Popayan have been among those with worst consequences at national level. In this case, the mobilization began on 11 October 2018 and intended to continue indefinitely until the achievement of requests. They were conscious that the main difficulty was not to start the strike, but to proceed it keeping the legitimacy by the public opinion. The students moved from the University area to the main square of the historical centre, a place that represents the heart of the city at religious, touristic and economic levels. The square became the head quarter of the camp, with a student presence 24/7. The demonstrators were aware of the serious danger to their safety arising from this choice. They continued to proactively seek a dialogue with local decision-makers, but no results were achieved. On the other hand, at least a part of the citizens was with students. The more the participation and the support to students increased, the more the press attempted to delegitimize the movement¹⁴. The students were defined by the press as “hoodeds”, “vandals” (for the writings on the walls) and “lazies”.

Regardless of the efforts of the Dean, on 23 November at 6 pm the response of the army was requested. Because the army is trained only to attack the enemy, the consequences would have been disastrous. Once again, the human rights institution and the University avoided the worst. They negotiated, as a last resort, that a professor near to students and at risk for his engagement at political and social level, persuaded them to clear the road and to demobilize the camp inside the Faculty of engineering. However, the protests did not stop.

The students convened a march at national level for the 13 December 2018 in order to claim the start of negotiations with the Government. That day other clashes between the demonstrators and

¹³ Ministerio del Interior, Resolución no. 1190/2018 - Protocolo para la coordinación de las acciones de respeto y garantía a la protesta adoptado el 3 de agosto de 2018, https://www.elespectador.com/sites/default/files/pdf-file/resol-1190-18-adopta_protocolo_protesta_pacifica.pdf

¹⁴ “The violence being reported in the media is another *falso positivo*, explains one student, referring to the past practice of the state forces of seeking pay bonuses by murdering poor people and disguising them as guerrillas” (S. Hide, Student strikes continue: The march of the pencils, The Bogota Post, 16 November 2018). More in general, about the role of mass media in the delegitimation of contemporary student protest against market-oriented reforms in higher education see Mampaey J., De Wit K. & Broucker B. (2019).

the police were spotted in Popayan and in other cities. Next to students there were parents, teachers, workers.

Wounded and arrested students during the demonstration were needed to persuade the Government to finally open the negotiations in December.

At least for now, it does not seem that the agreement signed on 14 December 2018 has been implemented by national authorities both regarding funding and human rights claims, although there are testimonies and proofs about abusive use of force by police, menaces to students and professors. For these reasons, the situation has been considered an attack to the higher education.

In the following month the students, in the meantime, requested the negotiations to continue and the national protocol for the social protest has been followed¹⁵.

Otherwise, it might have been expected, the students protest did not wait until the outcome of the regional elections before eventually restarting. In fact, in September 2019 after reportedly Esmad's violent response (with injuries and at least two students and one professor arrested) against an anti-corruption protest led by students from FJCDU University, in Bogota several universities took to the street to denounce violent tactics deployed by the security forces to repress pacific demonstrations¹⁶. Shortly after, it was the students who started on 21 November the *paro nacional*, followed immediately by trade unions, human rights groups, indigenous organisations and opposition parties, among others. The governmental neoliberal reforms for labor and pension have been criticized; the slow-walking of the rollout of the peace agreement; the lack and/or the inadequacy of the government action against corruption and the protection of social leaders and indigenous people; the compression of the right to demonstrate. The 18-year-old student Dilan Cruz, who died on 26 November 2019, has become a symbol of protest and excessive use of force by Esmad, that are responsible for the deaths of 34 people from 1999 until today, according to a report of the NGO *Temblores* (Temblores 2019).

In the Region of Cauca the solidarity of the indigenous communities in defense of students was manifested out of universities with human chains to avoid acts of abuse of force by special forces. The UN High Commissioner for human rights in Colombia raised concerns about the high number of messages on social media and in newspapers that stigmatised social protest or that recalled the use of violence in the mobilization of numerous sector (UN Human Rights Colombia November 2019).

¹⁵ The Special Rapporteur Forst expressed concern about “bill No. 281 of 2018 which could contribute to the criminalization of social protests, and the apparent failure to implement the National Protocol on Social Protest adopted within the framework of the National Committee on Safeguards” (Forst, 2020, p. 9).

¹⁶ The events of the FJCDU protest are reported also by SAR's Academic Freedom Monitoring Project: <https://www.scholarsatrisk.org/academic-freedom-monitoring-project-index/>

While most of the protests have been peaceful, some properties were vandalised when the demonstrations first broke out. The government response closed Colombia's borders and deployed 170,000 members of the security force, towards which President Duque has reiterated his support.

Conclusion

The condemnation by the international community of the “heightened violence being carried out by non-state armed groups, criminal groups and other armed elements in Colombia” joins with the call on the Colombian authorities “to provide a safe environment to enable people from all sectors of society to participate in public and cultural affairs, free of fear, intimidation or stigmatization” (UN Human Rights Colombia December 2020). This request, renovated by the Office of the UN High Commissioner for Human Rights in December 2020, concerns also the topic treated by this paper: the academic freedom and the active participation of students in the social movements. It seems, therefore, appropriate to conclude by trying to make an assessment, albeit partial, about the results of this student demonstration at national and local level. In this regard, it is important to highlight how, a direct experience, or also a direct knowledge of the different testimonies of the actors involved in the protest at different levels - students, teaching and administrative staff, NGOS and Institutions - is crucial in order to know better their reasons and the achieved results. This paper, therefore, takes into account the different testimonies shared during a meeting held in July 2019 at the Unicauca in addition to the reports from international and national human rights organisations. At national level the position of the Government and the requests of students seem still far to find a common ground, although some concessions have been made, partially, in the area of higher education funding. However, it is known that an adequate and reliable level of funding for education is a basic assumption for implementing the right to education and the academic freedom. More extensive results have been achieved as it concerns Unees and its affirmation inside of Unicauca and in relation to its coordination with other social movements in that area. It is important to call the attention to these results because they demonstrate a positive example given by a student movement to engage in a dialogue with the University administration and the social forces engaged on the territory, and, meanwhile, the involvement by the University administration to meet such requirements of students in the perspective of a collaboration for advances towards the objectives of free, dignified, inclusive and quality education.

We can mention, as an example, the creation, since the month of May 2019, of the new course *Diplomado en Derechos Humanos con Énfasis en Políticas Públicas de Prevención y Protección* required by students, which is opened to the community, in addition to the development in the

drafting of the new regulation for students written by themselves¹⁷. It is a meaningful decision the one taken by the *Rectoria* in November 2019, after following this training, to formally recognize as Hrds, in conformity with the UN Declaration of human rights, the components of the students committee for human rights. This act, and the subsequent visibility given to it, is highly significant. The fact that the university itself recognises, protects and trains the committee's members also means that in times of tension during protests they can be considered as important channels for dialogue between the parties. Another relevant result obtained at local level (although was also requested by the student movements at national level) has been the free enrolment of the students from lower social classes during the pandemic. The growth of this student movement as an important social movement in the region for the defence of human rights has been evidenced by the new presence of one representative student of Unees inside the *Mesa de garantías en materia de DD.HH. en el departamento del Cauca*. This commission, composed by only ten spokesmen from the many social movements for human rights in the region, aims to analyse the human rights context, in order to prevent accidents and issue early warnings, as well as to investigate threats and attacks against the integrity and lives of social leaders.

Unicauca declares “tenir un compromiso histórico, vital y permanente con la construcción de una sociedad equitativa y justa en la formación de un ser humano integral, ético y solidario”. It means that the University must be engaged in solving societal problems and strive for the achievement of peace in the territory, interpreted not only as physical space, but also as social-cultural space. In this way, a public University not only respects the negative legal obligation under international human rights law, but also takes effective action to promote and fulfil the rights in a positive dimension.

As pointed out by the Dean of Unicauca, these objectives require a unified action inside the University's organizational process and a structured space of coordination among its members, including teaching staff, administrative staff and students, who will benefit from the long term results of human rights enforcement.

Dialogue and negotiations between the parties and State commitment to safeguard human rights have been invoked as the only possible solution in response to the worrying developments of the mass mobilization that erupted on 28 April 2021 highlighting the failure of the state to address a widespread social dissatisfaction, which with the pandemic has only further increased. Even after the presidency announcement on 2 May that the proposed reform, which would have lowered the

¹⁷ “Este ejercicio académico tiene el objetivo de darle la posibilidad a los participantes de conocer, identificar y entender los fundamentos de los Derechos Humanos, focalizado en lo histórico, conceptual y práctico, ilustrando la protección que a nivel nacional consagra la actual Constitución Política de Colombia, como también conocer el sistema de prevención y alerta para reacción rápida a la presencia, acciones y/o actividades de las organizaciones, hechos y conductas generales que pongan en riesgo los derechos de la población”.

salaries taxes should be withdrawn, the protests continued, above all in Cali and Popayan, expanding in other regions and taking an anti-system connotation against the neoliberal policies and the violence of State in Colombia.

Young people of the cities have been in “primera línea” in the protests since 28 April, but they have not been alone: workers, farmworkers, artists, mums and, mostly indigenous people, such as members of the Regional Indigenous Council of Cauca (CRIC)¹⁸, have joined them to the streets and cooperated in collective experiences aimed at reorganising the civic space from below. For example, they have developed community kitchens and transformed unused police stations into libraries, in particular in the most deprived neighbourhoods of the cities forgotten by urban development projects. As pointed out by the president of the Commission for human rights inside the European Parliament, Maria Arena, the number of attacks on, and intimidation of, human right defenders has continued to multiply in the context of social protests (European Parliament, 2021).

The requests incessantly submitted by the demonstrators even after the withdrawal of the health reform have been related to the end of the repression, a basic income, a radical change in public policy to assist the disadvantaged social classes¹⁹ and guarantees for the right to health and education. At the same time, they have also insistently requested for the dismantling of the riot police force Esmad, accused of systematic violence against the population, and the defence of the territories of indigenous communities threatened by extractivism, armed groups and drug trafficking. In addition, the social dissatisfaction has been considered a symptom of how the Duque Government has progressively lost democratic legitimacy. There are several worrying signs of how a process of democratic erosion is taking place in the country, such as acts of violence (including murders, hundreds of disappearances, dozens of deaths, victims of sexual violence and arbitrary detention), the indiscriminate use of force by the police against the demonstrators documented by dozens of amatorial video²⁰, the aggressions against independent journalists, the deployment of military troops to Cali and other centres of the protest established with the emergency decree 575.

On 25 May the Inter-American Commission on human right (IACHR), which, until the 4 June, was not granted permission by the government to conduct an observation visit to monitor the situation of

¹⁸ The indigenous people shared food and natural medicines, spiritually accompanied the mobilised communities and staged the traditional protest and collective action “Minga” blocking several roads.

¹⁹ In the last year, the Colombian economy contracted by 6.8 % and unemployment rose by 16 %. 42 % of Colombians live below the poverty line and the government has not provided any form of support for the poorest social groups (MORI (2021)). In Cali, the third biggest city in Colombia and the epicentre of the protests, during the pandemic, the number of people in poverty has increased three times more than in the rest of the country.

²⁰ In May 2021, the Interamerican Commission on Human Rights (IAHCR) has received thousands of complaints linked to an excessive use of force and violent acts, thus the Commission has repeatedly requested to conduct an observation visit to monitor the situation of human rights in the context of social protests, but the Government has been against it (IAHCR (25 May 2021)).

human rights in the context of social protests, reminded the State of Colombia its international obligations²¹. On 30 May the UN High Commissioner for Human Rights, Michelle Bachelet, called for a swift investigation because she considered that “it is essential that all those who are reportedly involved in causing injury or death, including state officials, are subject to prompt, effective, independent, impartial and transparent investigations and that those responsible are held accountable” (UN Human Rights May 2021). At the same time, it’s crucial to find a political solution and to support who are engaged at local level in the challenge to find the basis for an initial agreement establishing a process of dialogue between the parties and setting out several guarantees to be respected in the prospective of the longed-for territorial peace²².

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²¹ On 4 June the IAHCR announced its visit in Bogota and Cali from 8 to 10 June in order to “dialogar y recibir información de amplios sectores” and “escuchar a las víctimas de violaciones a los derechos humanos y sus familiares para recibir testimonios, denuncias y comunicaciones” (IAHCR (4 June 2021)).

²² On 13 May, the Rector of Unicauca in a statement in response to the clashes in Popayan, to the cases of arbitrary detention and violence reported by students of the same University, called for guarantees in favour of the integrity of the university campus and reaffirmed once again that “La Universidad del Cauca seguirá dando condiciones para que nuestra comunidad universitaria siga aportando a la construcción de un mayor país y a lograr la paz territorial que tanto anoramos, por la vía del diálogo y la concertación en medio de la diversidad y la diferencia”.

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Acronyms

Cric	Regional Indigenous Council of Cauca
Esmad	Esquadron Movil Antidisurbios
Farc	Revolutionary Armed Forces of Colombia
Feu	Federación des Estudiantes Universitarios
Nhris	National Human Rights Institutions
Pao	Plan de Acción Oportuna de Prevención y Protección para los Defensores de Derechos Humanos, Líderes sociales, comunales y periodistas
Sar	Scholar at Risk
Unees	Unidad Estudiantil
UniCauca	Universidad del Cauca