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Newsletter



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The Situation of Academic Freedom and University Students and the International Community

Progressively, through intense international advocacy work carried out by civil society organizations, leaders of student movements, and other major university actors, international human rights protection bodies have devoted greater attention to discussing and condemning violations of academic freedom and university autonomy in Nicaragua.

United Nations

1.1.

United Nations High Commissioner for Human Rights in his oral update on the human rights situation in Nicaragua

As part of his oral update to the 54th session of the United Nations Human Rights Council, the High Commissioner for Human Rights (HRC)- Volker Türk", expressed concern about the closure of universities and its implications for academic freedom. In this regard, the High Commissioner said:

"Exercising organized civic activism and defending human rights has become almost impossible. Since August 2022, civil society organizations have had their legal status cancelled in 2020, for a total of 3,394 organizations since 2018. In other words, nearly half of Nicaragua's civil society groups have been shut down – and many others have been forced to self-censor. Twelve universities have also been closed in the past year. One of them, the Central American University, was described as a "center of terrorism to organize criminal groups." The closure of these universities, and the confiscation of some schools run by various Catholic congregations, limits access to the right to education and freedom of information, with detrimental consequences for freedom of expression and academic freedom."

1.2.

Aula Abierta as a speaker in the Interactive Dialogue

In the same session, Aula Abierta, through Dr. Ernesto Medina, former rector of the American University and the National University of Nicaragua Núcleo León (UNAN-LÉON), participated in the Interactive Dialogue within the framework of the presentation of the oral update by the High Commissioner, where he denounced:

"I am Ernesto Medina, I was Rector of the National Autonomous University of Nicaragua and the American University. In February, I was stripped of my nationality and all my rights, including my retirement pension.

Together with Aula Abierta, or Nicaraguan student and social organizations, we document the repression against students and academics and against universities. We denounce the 2022 reforms to several laws that have resulted in the end of University Autonomy and academic freedom, opening the doors to the arbitrary closure and confiscation of more than twenty-five universities, including the Central American University UCA, which had been operating since 1960.

Thousands of young people have been forced to drop out of school and leave the country. Most have not been able to resume them because they do not have the necessary documentation to enroll in a new university or do not have the financial resources.

We also denounce the repercussions of this situation in the lack of adequate education for indigenous and Afro-descendant peoples.

We request that the Nicaraguan State be demanded: 1) To cease the attacks against university students and universities 2) To restore the legal status of the universities that have been sanctioned and return them to their rightful owners 3) To demand that the university authorities deliver the academic record to all students who request it 4) To investigate and punish serious violations of human rights 5) To guarantee respect for the human rights of the peoples indigenous and Afro-descendants.

We ask the international community to: 1) provide all the necessary support so that students forced to live in exile can continue their studies 2) support the efforts to hold the Nicaraguan government accountable before international courts of justice for its human rights violations."



1.3.

States interventions in the Interactive Dialogue

Finally, in their intervention at the Council, the States also expressed their concern about violations of academic freedom and university autonomy. In total, 22 per cent (11 out of 46) of the member states of the Human Rights Council and 33 per cent (11 out of 31) of the states that actually requested the right to speak in the interactive dialogue with the High Commissioner on the situation in Nicaragua, expressed their concerns about the violations of academic freedom and university autonomy in that country:



Netherlands

MR. PAUL BEKKERS

Kingdom of the • On behalf of a group of countries
Luxembourg and Belgium

"The recent closure and confiscation of the Central American University as well as the previous confiscation and closure of property of 26 universities severely undermines academic freedom and the right to education. This measure leaves students in an educational limbo and negatively impacts the ability for free and critical thinking of the countries' youth".



European Union

MS. LOTTE KNUDSEN

"We deplore the rollback on academic freedom, undermining Nicaraguans' right to education and university autonomy".



Estonia

MS. ARNIKA KALBUS

On behalf of a group of countries

"We are deeply concerned about the decision of the Nicaraguan Government to confiscate all assets of the Central American University and the detention of 3 students

In light of the situations in Nicaragua, Mr High Commissioner "What concrete measures the international community can take to urgent Nicaragua to ensure academic freedom and freedom of expression".



Chile

MS. CAMILA MARQUEZ ARAUJO

On behalf of a group of countries

"27 universities have been shut down".



Ecuador

MR. JUAN DIEGO STACEY CHIRIBOGA

"We are concerned for the closing down of civil society organizations, media, and universities".



Chile

MS. CAMILA MARQUEZ

"We express our concern on the attacks of the right to education, la libertad de cátedra and the democratic principles under Ortega Murillo. Chile urges the Nicaraguan Government to cease any measure affecting the integrity of higher education institutions".



Alemania

MR. FELIX KROLL

"Germany is deeply concerned due to the continuous silence of voices throughout the country and the shrinking of civic space, repression against political opposition, against the media, Academics (...)".



France

MR. ARNAUD DEWYNTER

"Repression is being carried against political opponents, the media, civil society, the church and the public universities system".



United States of America

MS. MICHÈLE TAYLOR

"We find the shattering of more than 3000 Organizations, numerous media independent outlets and 27 universities unacceptable."

Spain



"Attacks on academic freedom and universities seriously attack the right to education of Nicaraguans".

Ireland



"are the implications of the administrative measures on the right to education (closure of the universities)" "

United Nations Group of Human Rights Experts on Nicaragua (GHREN) denounces the violations against academic freedom

For its part, on September 12, 2023, the Group of Human Rights Experts on Nicaragua (GHREN) also held an oral update on the human rights situation in Nicaragua, where it was able to make serious complaints about the closure of universities and serious violations of academic freedom in the aforementioned country. In this regard, the GHREN stated:

We have observed the intentional and severe deprivation of economic and social rights, in particular the right to education and academic freedom. Today, the university sector of Nicaragua as a whole no longer has independent institutions.

Nicaragua is being stripped of its intellectual capital and critical voices, leaving the country's prospects and development on hold.

Group of Human Rights Experts on Nicaragua

1

Universities closed down

The legal status of 27 private universities, including the Jesuit Central American University, has been cancelled and their assets confiscated.

2

The academic community suffers gross human rights violations

In our last report we documented how students were murdered, illegally imprisoned, and tortured. Since then and to date, many have been expelled from their universities. They are among those deported, stripped of their nationality, and forced to leave their country.

3

Denial of academic records and violations of labor rights

As additional obstacles, authorities de facto refuse to provide them with documents and/or authentications recognizing courses already completed. Many students are unable to carry on with their studies due to the lack of valid paperwork.

Academic staff has been dismissed, had pension payments withheld, and have also been forced to leave their country.

4

Elements for crimes against humanity

The violations are perpetrated at the highest level of the State, jointly with other government-controlled institutions, such as the Ministries of Education, Youth, and Interior, the National Assembly, educational councils and trade unions.

The seriousness of these violations, in conjunction with the other crimes documented to date, perpetrated by reason of the political identity of the group targeted, lead us to conclude that these constitute prima facie the crime against humanity of persecution on political grounds.

Side event co-organized by the GHREN and Aula Abierta on academic freedom

A side event was held in partnership with GHREN, entitled “Violations of Academic Freedom and Education in Nicaragua: Attacks on Universities, Professors and Students”. This event was held from 5 to 6 PM in Room XXV of the Palais des Nations of the UN in Geneva, Switzerland. It counted with the participation of the titular experts of the aforementioned group, Jan-Michael Simon (Chair) and Ariela Peralta Distefano, as well as the participation of former Rector Ernesto Medina and the moderation of Professor Ricardo Villalobos Fontalvo, from Aula Abierta.

Among the participants were the permanent missions of the United States, Canada, the United Kingdom (all members of the Human Rights Council), and Belgium (candidate for a

seat on the Human Rights Council in 2024). Organisations such as UPR-Info and the International Human Rights Network Europe (RIDHE) also participated.

This event was of utmost importance, as it allowed the group of experts to expand on the statements made to the diplomatic missions in the framework of their oral update on 12 September before the Human Rights Council. In this sense, this space allowed delegations with weight and leadership within the Human Rights Council to receive information that would encourage them to continue positioning the issue of academic freedom, universities and academics in the upcoming discussions on Nicaragua in the framework of the Council.



From left to right on the panel during the side event, Ricardo Villalobos Fontalvo (project advocacy coordinator), Ernesto Medina (member of the advocacy mission to the UN), Ariela Peralta Distefano (GHREN expert) and Jan-Michel Simon (GHREN Chair).



Inter-American Commission on Human Rights Expresses Concern over Violations of Academic Freedom (IACHR)

On November 9, 2023, the IACHR published its report “Closure of Civic Space in Nicaragua,” in which it analyzes the closure of civic space, mainly through the cancellation of legal status and the forced dissolution of thousands of civil society organizations as a result of the human rights crisis that began in April 2018.

In this regard, one of the concerns expressed by the IACHR was related to the closure of universities in Nicaragua and its impact on academic freedom. The IACHR indicated “88. In relation to the right to education, academic freedom, and university autonomy, the IACHR was informed that more than 37,000 university students had been directly affected by the closure of universities or technical and higher education centers.”

Similarly, the IACHR indicated

91. The closure or cancellation of universities or other spaces in which academic activity is carried out in retaliation for dissenting from the government’s ideological vision has an impact on the conditions for the opening of civic space and academic freedom. Added to this are acts of propaganda or the alleged indoctrination within academic spaces to impose Sandinismo as the only current of thought and political position.”

Citation 106, in reference to Aula Abierta and its work on the Reduction of Civic Space in Nicaragua: References to the Higher Education System, August 2023

Finally, the IACHR recalled that “92. The IACHR recalls that the Inter-American Principles on Academic Freedom and University Autonomy state that state regulations on education must be aimed at guaranteeing the process of learning, teaching, research, and dissemination in an accessible, plural, participatory, and democratic manner, as well as guaranteeing the self-governance of academic institutions, which includes, among others, the free functioning of teaching establishments or student bodies.¹⁰⁷

#Universitarios
EnRiesgo

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