

SAR Europe Briefing regarding the European Parliament Annual Report on Human Rights and Democracy.

Submitted to the Rapporteur and the Secretariat of the European Parliament Subcommittee on Human Rights (DROI). 3 August 2022

SAR Europe calls on the EU, and its members states, to recognise explicitly that academic freedom, institutional autonomy, and the safety of scholars, students, researchers, and scientists are essential to securing and advancing democracy, human rights, and the rule of law, and to take measures to ensure that those rights are protected. SAR Europe recognises the important role that the European Parliament has played in defending academic freedom and at risk scholars, most particularly in its adoption of the 2018 Recommendation on Defence of Academic Freedom in the EU's external action, and in its annual report on EU policy on human rights and democracy. In advance of this year's report, and in light of the European Commission's commitments to support action to protect academic freedom in the EU Action Plan on Human Rights and Democracy 2020-20243, SAR Europe highlights five actions to protect higher education and the free exchange of ideas.

- 1) Condemn the growing number of attacks against higher education personnel, students, institutions or systems, including intentional acts resulting in wrongful death, physical harm, loss of liberty, loss of professional standing, or resulting in damage or destruction of higher education institutions, facilities, or equipment, as well as procedural or administrative policies which impinge upon the agency of academics to determine the scope of the right in a given circumstance.**
- 2) Recall that academic freedom and institutional autonomy are essential foundations of a democratic society; recognising the importance of quality higher education to the advancement of society, including through the development of evidence-based knowledge, and the role the higher education community plays in preserving the space for critical discourse.**
- 3) Call for the EU to make specific efforts to protect academic freedom, institutional autonomy, and those who advocate it, including by affirming its commitment in public statements to academic freedom and institutional autonomy, and committing to the expansion of monitoring and reporting of attacks on scholars and academic freedom.**
- 4) Continue to show solidarity and provide concrete support to scholars and students who face serious risks to their lives and their work. SAR Europe welcomes the European Commission's new scheme, MSCA4Ukraine, funded under the Horizon Europe programme's Marie Skłodowska-Curie Actions to ensure support to displaced researchers from Ukraine through dedicated fellowships, putting into practice the EU's core principles of academic freedom and freedom of scientific research. SAR Europe continues to encourage the development of dedicated European and national fellowship schemes for researchers and students at risk from all countries.**
- 5) Emphasise that in order to transition strong statements of support for academic freedom into concrete measures, there is a need for detailed guidance for Member States and other stakeholders on implementing academic freedom in practice and appoint a clear point of contact for academic freedom related matters, such as a dedicated Special Rapporteur, office, or Ombudsperson.**

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Protecting higher education and the free exchange of ideas.

- 6) International human rights law sustains claims for violations of academic freedom. Academic freedom is fully cognisable under existing human rights standards protecting freedom of opinion and expressionⁱ, the right to educationⁱⁱ, and the benefits of scienceⁱⁱⁱ, respectively, and has elements of freedom of association, freedom of movement, and other rights.^{iv} Academic freedom is also anchored in the Charter of Fundamental Rights of the EU,^v and it is further included through freedom of expression in the European Convention on Human Rights.^{vi}
- 7) Scholars are targeted because of the content of their work, and a result of their peaceful exercise of basic human rights, in particular, the right to freedom of expression or freedom of association.^{vii} Scholars who are members of traditionally marginalised groups, especially women, ethnic or religious minorities, or members of the LGBTI communities, are often at particular risk due to such status exacerbating risks due to content of work, their academic profile, or exercise of basic rights.^{viii} And scholars and universities are frequently the target of populist attacks, aimed at turning higher education into a political target, and even reshaping university spaces to conform to the agenda of the factions in power.
- 8) SAR Europe welcomes the strong attention to academic freedom evident in recent statements, recommendations and action plans of the EU. In particular, in the context of the EU's human rights policy, we welcome the European Parliament 2018 Recommendation on Defence of Academic Freedom in the EU's external action^{ix}, the European Commission's commitments to support academic freedom in the EU Action Plan on Human Rights and Democracy 2020-2024,^x as well as the Bonn Declaration on Freedom of Scientific Research in International Cooperation, adopted in 2020.^{xi}
- 9) The EU Action Plan on Human Rights and Democracy confirms that protecting academic freedom and institutional autonomy are among the EU's external relations policy objectives.^{xii} The Action Plan also explicitly lists academics, alongside journalists, human rights defenders, and other such relevant actors, as individuals warranting the EU's support in defending them 'to exercise their roles free from any form of intimidation, discrimination or violence.'^{xiii} These objectives can only be realised if the internationally recognised human rights norms and standards accompanying academic freedom are effectively implemented.

Academic freedom, institutional autonomy, and the safety of scholars, students, researchers and scientists

- 10) Around the world, higher education communities are the subject of frequent attacks on scholars, students, researchers, scientists, staff, and their institutions. Working in this area for over 20 years, Scholars at Risk (SAR) has observed that attacks are carried out by a range of state and non-state actors, including armed militant and extremist groups, police and military forces, government authorities and political actors, and members of higher education communities.
- 11) While these attacks range in scale and severity across countries and regions, the motivations behind them are largely the same: to control, repress and silence discourse, research, debate, and expression that is deemed threatening.
- 12) These attacks impede quality higher education from delivering its benefits to society: new knowledge, innovation, and the training of new leaders in science, health and medicine, government, and technology, as well as future journalists, judges, and civil and human rights advocates. Moreover, they constrict society's space to think, question, and share ideas, undermining the conditions required of peaceful, democratic, rights-respecting societies.

- 13) Therefore, like for a free media, an independent judiciary, and an active civil society, we must protect academic freedom and institutional autonomy to provide quality higher education.

Documented Attacks on the Higher Education Community around the Globe

- 14) SAR's Academic Freedom Monitoring Project responds to attacks on higher education by identifying and tracking key incidents, with the aim of protecting vulnerable individuals, raising awareness, encouraging accountability, and promoting dialogue and understanding that can help prevent future threats. Since 2015, SAR has been publishing *Free to Think*, a series of annual reports analysing attacks on higher education communities around the world.
- 15) SAR's 2021 Free to Think report analyses 332 reported attacks in 65 countries that occurred between September 2020, and August 2021.^{xiv} Examples of such attacks included extremist groups carrying out violent attacks on campuses, state authorities arresting and prosecuting outspoken scholars and students, university officials dismissing academic personnel for their ideas, and governments restricting academic travel, among other violations that have become all too frequent.^{xv} The 2021 report includes case studies on Afghanistan, Bangladesh, Belarus, Brazil, China, Hong Kong, India, Israel and the Occupied Palestinian Territory, Myanmar, Nigeria, Pakistan, South Africa, Thailand, Turkey, United States and Zimbabwe.
- 16) Free to Think 2021 reflects only a small fraction of attacks on higher education that have occurred over the past year – many more incidents go unreported, often because of a lack of public information or victims' fear of reporting due to potential retaliation. The global Academic Freedom Index (Afi), a new research tool measuring levels of respect for academic freedom in 175 countries and territories, underscores the extensive scope of the problem, demonstrating in 2022 that almost two out of five people around the world live in countries which have experienced a substantial decline of academic freedom in the past ten years.^{xvi}
- 17) SAR uses its data of attacks on higher education to make regular country submissions to the United Nations, and in the last year, has submitted detailed country reports in respect of India^{xvii}, Indonesia^{xviii}, Brazil^{xix}, Belarus^{xx}, Venezuela^{xxi}, and China^{xxii}. SAR also issued public appeals in respect of Israel^{xxiii}, Ukraine^{xxiv}, Afghanistan^{xxv}, Nicaragua^{xxvi}, Turkey^{xxvii}, Yemen^{xxviii}, Belarus^{xxix}, Thailand^{xxx}, China^{xxxi}, Myanmar^{xxxii}, and Hong Kong^{xxxiii}.
- 18) The impact of attacks on academic freedom and higher education are further found in SAR's advocacy and protection casework in support of at-risk scholars. Through the Scholars in Prison project, SAR conducts advocacy on behalf of scholars and students who are wrongfully imprisoned in connection to their academic or expressive activities. Collectively these individuals are subjected to judicial harassment, unfair or inadequate legal proceedings, lengthy sentences, abuse and torture in custody, and denial of access to legal counsel, appropriate medical care, or family, among other forms of mistreatment. Numbered among our current cases: Iranian-Swedish scholar Dr. Ahmadreza Djalali in Iran, Patrick George Zaki and Ahmed Samir Santawy^{xxxiv}, students at University of Bologna and Central European University, respectively, in Egypt, and Marfa Rabkova, a student at European Humanities University, Lithuania, imprisoned in Belarus.^{xxxv}
- 19) SAR's core protection work provides direct assistance to threatened scholars, including arranging temporary research and teaching positions at SAR member institutions. Due to spreading conflicts and pressures on academics and universities around the world, SAR has continued to receive an elevated number of requests in recent years; in the 2020-2021 academic year we received 1,053 new applications, including a high volume of applications from Afghanistan. SAR currently handles a caseload of over 1,500 scholars seeking assistance. This year, the top five countries for scholars requesting assistance were Afghanistan, Turkey, Yemen, Myanmar, and Ethiopia.^{xxxvi}

With academic freedom, institutional autonomy, and scholars, students, researchers, and scientists under sustained attack around the world, it is essential to facilitate a greater awareness of this freedom, including by increasing its visibility in important publications, such as the European Parliament report on human rights and democracy. Actions such as this will contribute to a greater understanding of academic freedom, and ultimately a greater integration of academic freedom into the operational work of the EU Institutions and EU Member States. SAR Europe thanks the European Parliament for their continued commitment to academic freedom, and is ready to provide additional background information or context as helpful, or to assist in identifying relevant stakeholders to include in any related consultations on this topic. Please contact Denise Roche, Advocacy Manager, at denise.roche@mu.ie with any questions.

About Scholars at Risk Europe

Scholars at Risk Europe is the European office of the global Scholars at Risk network. Scholars at Risk was founded in 2000 and is an international network of over 600 higher education institutions in 42 countries working to protect threatened scholars and to promote academic freedom. SAR's European office, hosted by Maynooth University, Ireland, supports and coordinates the activities of 13 Scholars at Risk national and regional sections and 11 partner networks across Europe to strengthen our collective voice at the European level and contribute to informed policymaking for the greater protection of scholars and increased respect for academic freedom worldwide. SAR Europe coordinates Inspireurope, an EU-funded, 10-partner initiative to support researchers at risk, as well as the consortium implementing MSCA4Ukraine. SAR Europe also works to expand, coordinate, and support advocacy in Europe to promote academic freedom, including convening the European Coordinating Committee for Academic Freedom Advocacy. SAR Europe was granted Observer Status with the Council of Europe Steering Committee for Education (CDEDU) in 2021. SAR Europe is a member of the Coalition Against SLAPPs in Europe, and the Human Rights and Democracy Network (HRDN).

ⁱ International Covenant on Civil and Political Rights, ICCPR Art. 19. For a detailed exploration of how academic freedom is grounded in freedom of opinion and expression, see the UN Special Rapporteur for Freedom of Opinion and Expression: Report on Academic Freedom, 2020

ⁱⁱ International Covenant on Economic, Social and Cultural Rights, ICESCR Article 13 guarantees the right to education. See also ESCR, General Comment No. 13: The Right to Education (Article 13), December 8, 1999, para. 38, <https://www.refworld.org/pdfid/4538838c22.pdf>.

ⁱⁱⁱ ICESCR Article 15(3) protects the right to the benefits of scientific progress and requires state parties to “respect the freedom indispensable for scientific research and creative activity.”

^{iv} For a detailed overview of the law see Free to Think 2021, Academic freedom and Its Protection Under International Law, p. 13 -16, <https://www.scholarsatrisk.org/wp-content/uploads/2021/12/Scholars-at-Risk-Free-to-Think-2021.pdf>

^v See Article 13, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

^{vi} See Article 10, https://www.echr.coe.int/documents/convention_eng.pdf

^{vii} <https://www.scholarsatrisk.org/>. SAR reports that although each individual researcher's situation is unique, clear patterns have emerged over 20 years' experience and within the 6,000+ applications for assistance the Network has received since its founding. See also Inspireurope Report: Researchers at Risk: Mapping Europe's Response (November, 2020), available at: <https://www.maynoothuniversity.ie/sites/default/files/assets/document/Inspireurope%20Report%2C%20Researchers%20at%20Risk%20-%20Mapping%20Europe%27s%20Response%20FINAL%20web.pdf>, section 1.2 for definitions.

^{viii} Robert Quinn & Jesse Levine (2014) Intellectual-HRDs and claims for academic freedom under human rights law, The International Journal of Human Rights, 18:7-8, 898-920.

^{ix} European Parliament recommendation of 29 November 2018 on defence of academic freedom in the EU's external action (2018/2117(INI)), available at: http://www.europarl.europa.eu/doceo/document/TA-8-2018-0483_EN.pdf?redirect.

^x 2020, EU Action Plan on Human Rights and Democracy 2020-2024, available at https://eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf.

^{xi} See the Strategic Forum for International S&T Cooperation (SFIC) Opinion on the implementation of the Bonn Declaration on Freedom of Scientific Research in International Cooperation in Research and Innovation, and it is available here: <https://data.consilium.europa.eu/doc/document/ST-1356-2021-INIT/en/pdf> (July 2021).

^{xii} 2020, EU Action Plan on Human Rights and Democracy 2020-2024, available at

https://eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf, p. 15, para. j.

^{xiii} As above, p. 24, para. a.

^{xiv} *Free to Think 2021*, Scholars at Risk Network, available at: <https://www.scholarsatrisk.org/resources/free-to-think-2021>, p. 17.

^{xv} The Academic Freedom Monitoring Project reports incidents that include at least one of six types of attacks: killings/violence/disappearances; wrongful imprisonment or detention; wrongful prosecution; loss of position; travel restrictions; and an “other” category of systematic or chilling attacks, including military raids and occupations of campuses, campus closures, event cancellations, etc.

- ^{xvi} More information on the Academic Freedom Index at: <https://www.fau.eu/2022/03/03/news/research/academic-freedom-on-the-decline/>, with data generated by the AFI is available at: <https://www.v-dem.net/en/analysis/>.
- ^{xvii} <https://www.scholarsatrisk.org/2022/05/repression-of-anti-caa-protesters-and-kashmiri-community-mar-academic-freedom-conditions-in-india/>
- ^{xviii} <https://www.scholarsatrisk.org/2022/05/repression-of-indonesias-higher-education-community-threatens-future-progress/>
- ^{xix} <https://www.scholarsatrisk.org/2022/04/brazil-decline-in-academic-freedom-requires-uns-attention/> and <https://www.scholarsatrisk.org/2021/02/submission-to-the-committee-on-economic-social-and-cultural-rights-on-brazil/>
- ^{xx} <https://www.scholarsatrisk.org/2022/02/submission-to-the-un-special-rapporteur-on-the-situation-of-human-rights-in-belarus-to-the-human-rights-council/>
- ^{xxi} <https://www.scholarsatrisk.org/2021/07/sar-urges-venezuela-to-protect-academic-freedom-student-expression/>
- ^{xxii} <https://www.scholarsatrisk.org/2021/02/submission-to-the-committee-on-economic-social-and-cultural-rights-on-china-hong-kong/>
- ^{xxiii} <https://www.scholarsatrisk.org/2022/04/protect-and-promote-international-academic-travel-to-the-west-bank/>
- ^{xxiv} <https://www.scholarsatrisk.org/2022/03/solidarity-with-the-people-of-ukraine-and-ukrainian-higher-education/>
- ^{xxv} <https://www.scholarsatrisk.org/2021/08/urgent-appeal-to-european-governments-and-eu-institutions-take-action-for-afghanistans-scholars-researchers-and-civil-society-actors/>
- ^{xxvi} <https://www.scholarsatrisk.org/2022/03/restore-institutional-autonomy-to-nicaraguan-universities/>
- ^{xxvii} <https://www.scholarsatrisk.org/2022/02/restore-academic-freedom-and-autonomy-at-bogazici-university/>
- ^{xxviii} <https://www.scholarsatrisk.org/2021/08/saudi-arabia-urgent-appeal-to-reverse-mass-dismissals-of-yemeni-scholars/>
- ^{xxix} <https://www.scholarsatrisk.org/2021/05/belarus-eua-esu-and-sar-call-on-europe-to-take-action-against-criminalisation-of-students-and-academics/>
- ^{xxx} <https://www.scholarsatrisk.org/2021/03/sar-urges-states-to-call-on-thailand-to-cease-attacks-on-higher-ed-communities/>
- ^{xxxi} <https://www.scholarsatrisk.org/2021/05/china-revoke-sanctions-on-international-scholars-and-respect-free-and-open-scholarly-inquiry/>
- ^{xxxii} <https://www.scholarsatrisk.org/2021/03/violent-crackdown-on-pro-democracy-protesters-and-the-higher-education-community-in-myanmar/>
- ^{xxxiii} <https://www.scholarsatrisk.org/2021/03/reverse-the-rapid-deterioration-of-academic-freedom-in-hong-kong/>
- ^{xxxiv} Ahmed Samir Santawy, a postgraduate student at Central European University (CEU), was released from prison on July 30, 2022, following a presidential pardon. Mr. Santawy was detained in Egypt for 18 months. Please read CEU's statement about the release, available here: <https://www.ceu.edu/article/2022-07-30/ceu-overjoyed-finally-see-justice-our-student-ahmed-samir-santawy>
- ^{xxxv} More information on SAR's Scholars in Prison Project at: <https://www.scholarsatrisk.org/action/scholars-in-prison-project/>
- ^{xxxvi} <https://www.scholarsatrisk.org/wp-content/uploads/2022/01/SAR-Annual-Report-2021-Pages-1.pdf> page 6.