

SCHOLARS AT RISK

NETWORK EUROPE

Scholars at Risk Europe: Feedback to the European Commission’s Communication on the Global Approach to Research, Innovation, Education, and Youth

8 April 2021

I. Summary

Scholars at Risk Europe welcomes the opportunity to provide feedback to the European Commission’s Communication on the Global Approach to Research, Innovation, Education, and Youth. SAR Europe submits that academic freedom should be a clear and visible strategic priority within EU engagement with global partners. The Global Approach should unequivocally promote academic freedom and institutional autonomy as essential pre-conditions for quality in research, and for the development of evidence-based research, free from censorship. In particular, the strategy must carefully consider the effects that such international partnerships can have on higher education values and take action to ensure their preservation.

The Global Approach is an opportunity for the European Commission to give meaningful implementation to academic freedom in international cooperation. In late 2020, the European Research Area, European Higher Education Area, the Council of Europe and the European Court of Justice all independently issued important reports, statements, decisions, declarations, resolutions and communiqués on academic freedom and the need for greater protection.¹ Similar actions were also issued from the UN Human Rights Council/OHCHR special procedures and UNESCO. These state-level actions require meaningful follow-up and implementation to move beyond words on paper.

To support the European Commission in its development of the Global Approach, SAR Europe submits 7 recommendations on concrete ways to advance support for academic freedom and at-risk scholars with EU research and innovation programmes. Our recommendations include expanding monitoring and reporting on academic freedom; strengthening related policy and advocacy efforts; safeguarding academic freedom in internationalisation activities; promoting academic freedom as inextricably linked to excellence in research; targeted training programmes on academic freedom; transnational coordination of efforts to promote academic freedom in international cooperation; and an EU fellowship scheme for researchers at risk.

II. 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 540 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 11 Scholars at Risk national sections and 10 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. 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.

III. Definitions & Standards

In accordance with the 1997 UNESCO Recommendation on the Status of Higher Education Teaching Personnel, academic freedom includes the “freedom of teaching and discussion, freedom in carrying

¹ Links to above-mentioned statements, reports and declaration are available in the ‘Resources’ section at the end of this submission.

out research and disseminating and publishing the results thereof, freedom [of higher education personnel] to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.”⁴ The recent UN Special Rapporteur’s Report on Academic Freedom further defines academic freedom as: “[T]he freedom of individuals, as members of academic communities (e.g., faculty, students, staff, scholars, administrators and community participants) or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law.”²

Academic freedom is fully and independently grounded in rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as articulated, respectively, in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) (opinion and expression), and Articles 13 (right to education) and 15 (right to scientific advancements) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Charter of Fundamental Rights of the European Union at Article 13 states that the “arts and scientific research shall be free of constraint. Academic freedom shall be respected”. In support of this provision, the Charter provides for the freedom of expression and information in Article 11, the freedom of assembly and of association in Article 12 and the right to education in Article 14.³

At-risk scholars include researchers, academics, scientists, and professors who are experiencing threats to their life, liberty, or research career, and those who are forced or have been forced to flee because of such threats.

IV. Prioritising Academic Freedom in the Global Approach

Academic freedom is essential for any meaningful research, learning and teaching. It facilitates open, constructive and diverse dialogue, allowing societies to grow in thought and function. However, Scholars at Risk’s Academic Freedom Monitoring Project shows that attacks on scholars, students, staff, researchers, scientists, and their institutions are occurring around the world with alarming frequency. SAR’s Free to Think 2020 analysed 341 attacks on higher education communities in 58 countries between September 1, 2019 and August 31, 2020, while the latest data from the Academic Freedom Index asserts that only about 20 percent of the world’s population lives in countries where academic freedom is well protected.

The internationalisation of research and innovation creates diverse environments that fuel the production of knowledge, discovery, and innovation, leading to significant economic and social benefits that transcend borders. However, there are inherent risks in developing relationships with global partners in countries that show low levels of adherence to academic freedom standards. This risk is exacerbated by a shortage of tools and guidance to assist those navigating the opportunities these partnerships present when real and pressing concerns emerge that threaten to undermine institutional autonomy and academic freedom.

SAR Europe welcomes the significant commitments that have already been made at EU policy level towards the protection and promotion of academic freedom. Academic freedom was given explicit mention in the recently launched European Democracy Action Plan⁴ concerning respect for democracy within the EU, and in the EU Action Plan on Human Rights and Democracy, which sets out the EU’s

² Report of the [United Nations] Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, 28 July 2020, A/75/150 (report on academic freedom).

³ Charter of Fundamental Rights of the European Union 2012/C 326/02, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> (last accessed 23 March 2021).

⁴ European Democracy Action Plan para. 4.3.

priorities with third countries.⁵ We welcomed the news that Horizon Europe and Erasmus+ are expected to include references to respect for academic freedom in their upcoming work programmes.⁶ The Bonn Declaration on ‘Freedom of Scientific Research’, adopted by the Ministers of the European Research Area in October 2020, affirmed the central role of freedom of scientific research as a common core value and principle for research cooperation within the European Research Area and with international partners.⁷ The European Higher Education Area adopted communiqués embracing a shared understanding of academic freedom and supporting the development of indicators to measure adherence to academic freedom principles within the EHEA.⁸

More specifically, according to the Bonn Declaration, freedom of scientific research should be a “visible common norm” that guides “any research and innovation policy dialogue and research cooperation” that involves EU Member States, the European Commission and “international partner countries and regions”. The declaration encourages and commits to “full support” for the establishment of strong research cooperation around the world and calls on research organisations and their researchers to “uphold and promote the freedom of scientific research” in international cooperation. The declaration also commits to ensuring that “freedom of scientific research is acknowledged as an important element in establishing our global collaborations, including through future negotiations with their countries and international organisations, and for the renewal of agreements on scientific and technological cooperation”.⁹

V. Recommendations for advancing academic freedom and supporting researchers at risk

To advance academic freedom as a strategic priority within international cooperation on research and innovation between Europe and the rest of the world, SAR Europe recommends the following measures:

1. **Expansion of monitoring and reporting on academic freedom:** The European Research Area’s Bonn Declaration on Freedom of Scientific Research states its support for “the development of more effective instruments, including monitoring, for the full implementation and safeguarding the freedom of scientific research in the context of the Bologna Process”.¹⁰ Research and innovation stakeholders must be equipped with the knowledge they need to make appropriate decisions about the international relationships they develop and the environments in which they operate. There is an urgent need to (a) collect more data on undue restrictions on academic freedom and individual scholars around the world and a need for more detailed qualitative analysis/country reports and to (b) ensure reporting on academic freedom in official records, reports and action plans of national, regional and international higher education and human rights mechanisms. A more complete base of evidence will lead to more robust global monitoring and provide research and innovation stakeholders with data on academic freedom conditions in other countries for their consideration when evaluating their international activities. The Academic Freedom Index (AFI) and SAR’s Academic Freedom Monitoring

⁵ The Council Conclusions on the EU Action Plan on Human Rights and Democracy 2020-2024, and the annexed EU Action Plan on Human Rights and Democracy 2020-2024, as agreed by the Council on 17 November 2020, available at: <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf> (last accessed 8 April 2021). (See pg. 11.)

⁶ “Research: MEPs reach deal with Council on Horizon Europe Programme”, at <https://www.europarl.europa.eu/news/en/press-room/20201207IPR93246/research-meps-reach-deal-with-council-on-horizon-europe-programme>

⁷ *Bonn Declaration on Freedom of Scientific Research*, adopted at the Ministerial Conference of the European Researcher Area 20 October 2020 in Bonn, available at: https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf (last accessed 13 December 2020).

⁸ EHEA, Rome Ministerial Communiqué | Annex I, Statement on Academic Freedom, adopted 19 November 2020, available at: (http://eha.info/Upload/Rome_Ministerial_Communique_Annex_I.pdf) (Last accessed 8 April 2021).

⁹ *Bonn Declaration on Freedom of Scientific Research*, adopted at the Ministerial Conference of the European Researcher Area 20 October 2020 in Bonn, page 3, available at: https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf (last accessed 1 April 2021).

¹⁰ As above, page 2, available at: https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf (last accessed 1 April 2021).

Project provide a solid basis for international academic freedom monitoring mechanisms.¹¹ The Academic Freedom Index should be more widely used by European, national and institutional policymakers in order to understand, react and plan ahead for changing levels of academic freedom in other countries.¹²

2. **Stronger policy and advocacy for academic freedom and researchers at-risk, grounded in data and analysis on both de jure and de facto conditions:** There is a need to strengthen the capacity of researchers and higher education institutions around the world to inform policymaking on academic freedom at the national, regional and global levels. Such policy and advocacy work might include more systematic raising of academic freedom concerns with states, intergovernmental, regional and supranational bodies on matters relating to academic freedom, or the development of. (model) policies and strategies for integrating academic freedom concerns into national and regional norms and standards.
3. **Safeguards for academic freedom in internationalisation activities:** The EU should play a proactive role in safeguarding academic freedom and institutional autonomy in research and innovation internationalisation activities. International partnerships agreements should implement mechanisms that review and respond to pressures on academic freedom as necessary. Universities should be advised to consult a specific country's Academic Freedom Index scores when considering future or ongoing research cooperation, not in order to exclude a potential partner but as a way of anticipating, understanding and managing the risks. A set of minimum standards for safeguarding academic freedom in international partnerships would provide useful guidance for academic engagement with international partners. For example in the UK, the Academic Freedom and Internationalisation Working Group has published a draft Model Code of Conduct for the Protection of Academic Freedom and the Academic Community in the Context of the Internationalisation of the UK Higher Education Sector, which will be developed further in close consultation with UK Universities in order to develop minimum standards in this area.¹³
4. **Promoting academic freedom as inextricably linked to excellence in research:** Excellence in research depends upon open scientific debate, and is driven by a multiplicity of ideas, people and perspectives. When the academic freedom of individual researchers is repressed, not only are individual lives and careers at risk; the quality, the very future of research is also at stake. Clear recognition of academic freedom as an essential pre-condition for quality in research should be made explicit and reinforced in all EU research and innovation programmes.
5. **Targeted training on academic freedom** for research and innovation stakeholders, including high-level trainings for ministries, EU delegations, member states' embassies, higher education and human rights networks, civil society organisations and NGOs. Trainings should introduce the meaning and scope of academic freedom; its protections under existing international human rights law; related international, regional and national standards; how academic freedom intersects with its constituent freedoms of expression, opinion, thought, association, and travel; the societal implications when academic freedom is repressed; and practical strategies and policies to protect academic freedom on the ground.
6. **Transnational coordination** to promote academic freedom. Although pressures on scholars and academic freedom range in scale and severity across countries and regions, certain patterns

¹¹ See Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel, and Robert Quinn, *Free Universities: Putting the Academic Freedom Index Into Action* (March 2021), available at: https://www.gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFI-2020.pdf

¹² For detailed recommendations on how to deploy the Academic Freedom Index, see Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel, and Robert Quinn, *Free Universities: Putting the Academic Freedom Index Into Action* (March 2021).

¹³ The Code was developed by the Academic Freedom Internationalisation Working Group (AFIWG): <https://hrc.sas.ac.uk/networks/academic-freedom-and-internationalisation-working-group/about-afiwg> (last accessed 1 April 2021).

have emerged over time and challenges show similar features. Those working to shape policy on academic freedom may learn from these similarities to develop more effective responses. Support for transnational coordination of academic freedom policy/advocacy allows policymakers, researchers and other stakeholders in different countries to work together on a set of standards, actions and strategies that over time could produce significant positive gains across widely divergent political, social, cultural, historical and economic contexts. Such support would help mobilise a greater concern for academic freedom issues and channel this into focused transnational responses.

7. **EU Fellowships for Researchers at Risk:** The EU-funded [Inspireurope](#) project, coordinated by SAR Europe at Maynooth University, Ireland, published a mapping report authored by the European University Association identifying a shortfall in EU-level support for individual at-risk scholars. To address this shortfall, Inspireurope recommends the establishment of a [dedicated EU fellowship scheme for researchers at risk](#). In addition to providing urgent support to individual scholars, dedicated EU support for at-risk scholars would serve to publicly highlight the central role that scholars and academic freedom play in EU research and innovation strategic priorities.¹⁴

Related Resources

- [2020 UN Special Rapporteur for Freedom of Opinion and Expression: Report on Academic Freedom](#)
- [2020 Council of Europe Recommendation and Resolution on Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe](#)
- [Rome Ministerial Communique- Annex 1, Statement on Academic Freedom, 2020](#)
- [Bonn Declaration on Freedom of Scientific Research](#)
- [Free to Think 2020](#), Report of Scholars at Risk Academic Freedom Monitoring Project
- [DRAFT Inspireurope Recommendation for an EU Fellowship Programme for Researchers at Risk](#)
- [Monitoring: Academic Freedom Index & SAR's Academic Freedom Monitoring Project](#)
- [Promoting Higher Education Values: A Guide for Discussion, Scholars at Risk, 2020](#)
- [Obstacles to Excellence: Academic Freedom & China's Quest for World-Class Universities, Scholars at Risk, 2019](#)

¹⁴ The Inspireurope project's mapping report, and a draft detailed proposal for an EU Fellowship Scheme for Researchers at Risk are available at: <https://www.maynoothuniversity.ie/sar-europe/inspireurope/policy>