

Scholars at Risk Europe: Recommendations in respect of the European Parliament draft report on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021

September 30, 2021

I. Summary

[Scholars at Risk Europe](#) welcomes the inclusion of academic freedom in the draft European Parliament's report on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021. In advance of the adoption of the report, given the strong attention to academic freedom evident in recent activities of the European Commission, including in the EU Action Plan on Human Rights and Democracy 2020-2024, SAR Europe recommends the incorporation of the following additional language, drawn in part from the European Parliament 2018 Recommendation on Defence of Academic Freedom in the EU's external action.¹

In particular, SAR Europe submits five recommendations which aim to assist in the protection and defence of this right. These include the creation of a new section on academic freedom in the report, as well as language that specifically supports reporting obligations, academic freedom's strategic placement within the EU's foreign policy work, the development of monitoring mechanisms to better reflect attacks on scholars and academic freedom, and the development of clear guidance on how to implement academic freedom.

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 12 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](#). SAR Europe is also a member of the [Human Rights and Democracy Network](#).

III. Overview of threats to academic freedom and scholars worldwide

Since the publication of the last European Parliament report on human rights there have been repeated attacks on academic freedom around the world. [China](#) sanctioned scholars and academic institutions in the EU and the United Kingdom in retaliation for their research, teaching, and public discourse about China, including reported human rights violations in the [Xinjiang Uyghur Autonomous Region](#). There were reports that [Yemeni scholars](#) and other professionals in Saudi Arabia's southern provinces were being dismissed on mass from their positions and facing deportation from the country. Scholars and

¹ European Parliament, "European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action (2018/2117(INI)),” adopted November 29, 2018, http://www.europarl.europa.eu/doceo/document/TA-8-2018-0483_EN.pdf?redirect. (last accessed 22 September 2021).

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civil society actors in [Afghanistan](#) who fought for a new, rights-respecting, forward-looking, knowledge-based Afghanistan, are now facing retaliation by the Taliban. Attacks on the higher education community in [Belarus](#) continue, with students and scholars continuing to suffer arrests, detentions, prosecutions, expulsions, and wrongful dismissals. Academic freedom is under immense strain in [Thailand](#) where state authorities have used arrests, prosecutions, surveillance, and other coercive actions to punish and restrict expression and inquiry by members of the higher education community. In [Myanmar](#) raids and occupations of universities indicate a clear effort to exercise control over Myanmar's higher education community. The rapid deterioration of [Hong Kong](#)'s academic freedom should be alarming to researchers, educators, students, and university administrators around the world. These are just some examples to show the range and severity of attacks. According to Scholars at Risk's [Academic Freedom Monitoring Project](#), attacks on scholars, students, staff, researchers, scientists, and their institutions are occurring with frequency, even within democracies themselves. [Free to Think 2020](#) analysed 341 attacks on higher education communities in 58 countries between September 1, 2019 and August 31, 2020,² while the latest data from the [Academic Freedom Index](#) confirmed that only about 20 percent of the world's population lives in countries where academic freedom is well protected.

IV. Recommendations

The European Parliament has continually supported activities to promote and defend academic freedom, most particularly in its adoption of the 2018 Recommendation on Defence of Academic Freedom in the EU's external action. SAR Europe was pleased to see references to academic freedom in the draft text of the **European Parliament's report on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021**. However, in advance of the adoption of the report, and in light of the European Commission's commitments to support action to protect academic freedom and the autonomy of education institutions in the **EU Action Plan on Human Rights and Democracy 2020-2024**³, SAR Europe recommends the incorporation of the following additional language, drawn in part from the European Parliament 2018 Recommendation.

- (i) As academic freedom is fully cognizable under existing human rights standards protecting freedom of opinion and expression, the right to education, and the benefits of science, respectively, and has elements of freedom of association, freedom of movement, and other rights,⁴ consider creating a **new section in the report for academic freedom** within the report that will serve to acknowledge the broad scope of academic freedom while also highlighting its importance.
- (ii) More must be done to ensure states are held to account for their academic freedom record, and that they are complying with their international **reporting** obligations. Towards that aim the EU and its Member States should take the initiative at the UN Human Rights Council and raise academic freedom during the periodic review process. Suggested language for insertion into the draft report:

Reaffirms that academic freedom is protected under existing international human rights law, in line with the UN Special Rapporteur's 2020 report on the freedom of opinion and expression aspects of academic freedom, and encourage the EU and its Member States to raise academic freedom concerns at the UN Human Rights Council.⁵

² *Free to Think 2021* forthcoming, available December 2021.

³ 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 is available here: <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf> (last accessed 22 September 2021). (See pg. 11.)

⁴ For a detailed account of this statement please refer to UN SR on Freedom of Opinion and Expression's report on academic freedom, available online here: <https://undocs.org/A/75/261> (Last accessed 22 September 2021).

⁵ See also European Parliament 2018 Recommendation, para. t.

- (iii) The European Parliament’s 2018 Recommendation on Defence of Academic Freedom recommended a range of actions based on the understanding that academic freedom is “a tool to promote democracy, respect for the rule of law and accountability”.⁶ Academic freedom should be raised by the EU in political dialogue, through bilateral and multilateral engagement in relation to incidents of concern, as well as public statements, policies and actions. Suggested language for insertion into the draft report:

*Reiterates its call for the EU to raise academic freedom at different levels of political dialogue, including in human rights dialogues and consultations with partner countries; step up diplomatic efforts with partner countries through bilateral and multilateral engagement in relation to incidents of concern, and to explicitly recognise the importance of academic freedom in public statements, policies and actions relating to the EU’s external action.*⁷

- (iv) The Academic Freedom Index and SAR’s Academic Freedom Monitoring Project provide good starting points when it comes to the **monitoring of attacks on scholars and academic freedom**. The European Parliament should encourage the widespread use of this publicly available data, (e.g. in the development of the EU’s Human Rights Country Strategies). However, there is an urgent need for support to extend monitoring efforts to more countries, more regions, and more languages, and to expand their use by policymakers in order to achieve broad and lasting impact. Suggested language for insertion into the draft report:

*Stresses the need for the EU to collaborate with the UN, the Council of Europe, international agencies, civil society and higher education communities to support mechanisms for monitoring and reporting attacks, threats and undue restrictions on higher education and individual scholars and to strengthen and promote monitoring in order to raise awareness, hold perpetrators to account and improve efforts to prevent and respond to attacks on academic freedom.*⁸

- (v) Following strong statements of support for academic freedom at the EU level, there is a need for detailed guidance for States and other stakeholders on implementing academic freedom in practice. The EU should support the development of new guidelines on implementing academic freedom, either within the EU Human Rights Guidelines on Freedom of Expression Online and Offline or as standalone guidelines. Suggested language for insertion into the draft report:

Calls on the EU to support the development of new guidelines on implementing academic freedom.

V. Relevant standards and policies

Any or all of the following standards and policies could be referenced in the European Parliament’s report in support of further action to promote academic freedom.

- **having regard to the European Higher Education Area Rome Communiqué Annex I - Statement on Academic Freedom, adopted November 2020**, embracing a shared understanding of academic freedom and supporting future development of indicators to measure adherence to academic freedom principles within the European Higher Education Area.⁹

⁶ European Parliament recommendation para. Q.

⁷ See also European Parliament 2018 Recommendation, para. h.

⁸ See also European Parliament 2018 Recommendation, para. k.

⁹ EHEA, Rome Ministerial Communiqué | Annex I, Statement on Academic Freedom, adopted 19 November 2020, available here: (http://eha.info/Upload/Rome_Ministerial_Communique_Annex_I.pdf) (Last accessed 22 September 2021).

- **having regard to Parliamentary Assembly of the Council of Europe Resolution 2352 (2020), Threats to academic freedom and autonomy of higher education institutions in Europe, adopted 20 November 2020**, which marks strong support for monitoring and assistance instruments.¹⁰
- **having regard to the UN Special Rapporteur Report on the freedom of opinion and expression aspects of academic freedom (A/75/261, 2020)**, which recognised that academic freedom is protected under existing human rights law, even if there is no single, exclusive international human rights framework for the subject.¹¹
- **having regard to the Bonn Declaration on Freedom of Scientific Research¹² as well as the SFIC Opinion on the implementation of the Bonn Declaration on Freedom of Scientific Research in International Cooperation in Research and Innovation.¹³**
- **having regard to the European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action.**

VI. Contact Information

We thank the European Parliament for considering these recommendations. SAR Europe is ready to provide additional background information or context as helpful. Please contact Denise Roche, Advocacy Manager, at denise.roche@mu.ie with any questions.

¹⁰ Motion for a resolution (Doc. 14365), Report (Doc. 15167), Recommendation (Rec. 2189), and Resolution (Res. 2352), on *Threats to academic freedom and autonomy of higher education institutions in Europe*, available at: <https://pace.coe.int/en/files/28881> (last accessed 22 September 2021).

¹¹ UN SR on Freedom of Opinion and Expression's report on academic freedom, available online here: <https://undocs.org/A/75/261> (Last accessed 22 September 2021).

¹² *Bonn Declaration on Freedom of Scientific Research*, adopted at the Ministerial Conference of the European Researcher Area 20 October 2020 in Bonn, and is available here: https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf (last accessed 22 September 2021).

¹³ ERAC-SFIC 1356/21, 13th of July 2021: 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> (last accessed 30th September 2021).