



Scholars at Risk

<https://www.scholarsatrisk.org/>

Organization's Focal Point:

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Scholars at Risk (SAR) is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide. SAR has Special Consultative Status with ECOSOC (2013) and welcomes the opportunity provided by Germany and Namibia, as co-facilitators of the intergovernmental preparatory process of the Summit of the Future, to contribute to the development of the agreed outcome document, the Pact for the Future.

Academic freedom is independently and interdependently grounded in the rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as protected under the Universal Declaration of Human Rights and codified, respectively, in ICCPR Article 19 and ICESCR Article 13 and Article 15(3).<sup>1</sup> It is essential for ensuring quality education (SDG 4), and it is vital for fostering democratic societies and strong institutions (SDG 16).

Under these existing international human rights standards, states have affirmative obligations to protect and promote academic freedom.<sup>2</sup>

However, as recognised in the historic *Joint Statement on Academic Freedom*, delivered at the 52nd UN Human Rights Council Session, and signed by 74 countries, including both Germany and Namibia, "attacks on academic freedom are on the rise"<sup>3</sup>, with concerning levels of attacks on higher education and declines in national levels of respect for academic freedom highlighted in SAR's *Free to Think* report series<sup>4</sup> and recent data from the *Academic Freedom Index*, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR.<sup>5</sup>

This submission calls on the Pact for the Future to clearly affirm commitment to the protection of academic freedom under existing international human rights standards and to take affirmative actions to ensure protection and understanding by States, the higher education sector and society.

## Chapeau

Threats to academic freedom are widespread and growing.

According to the *Academic Freedom Index*, more than half the world's population – over four billion people – live in states where academic freedom is in decline.<sup>6</sup> SAR's 2023 *Free to Think* report identified and tracked 409 distinct attacks on higher education in the year ending June 30, 2023; making the largest number of attacks SAR has identified in a given year to date.<sup>7</sup>

Threats stem from a range of state and non-state actors, including armed militant and extremist groups, police and military forces, government authorities, and members of higher education communities. Although these threats range in scale and severity across countries and regions, the motivations behind them are largely the same: to control, repress and silence research and expression that is deemed threatening to authorities; research and expression that is at the same time essential to peaceful, democratic, rights-respecting societies.

## Chapter I. Sustainable development and financing for development

The signatories of the *Joint Statement on Academic Freedom* recognised that “[w]ithout freedom to teach and research, and without freedom to disseminate and debate the results of research, the achievement of the Sustainable Development Goals will be compromised.”<sup>8</sup> Academic freedom is vital for fostering democratic societies and strong institutions (SDG 16), and especially essential for ensuring quality education (SDG 4).

Academic freedom allows the creation, preservation, and transmission of evidence-based knowledge, and nurtures critical thinking, open discourse, and the free exchange of ideas; all of which are essential to a society capable of holding public authorities and other powerful forces to account. Indeed, the V-Dem Institute has explicitly found that academic freedom – alongside media and civil society – is among the first targets when autocracy takes hold.<sup>9</sup>

The Committee on Economic, Social, and Cultural Rights (CESCR), which interprets the ICESCR, has stated that “the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.”<sup>10</sup> However, in her 2023 report, “Securing the right to education: advances and critical challenges”, the Special Rapporteur on the right to education, Farida Shaheed, concluded that “[i]n many countries, increased societal polarization around cultural diversity, history teaching, the decolonization of curricula, critical race and gender theories and comprehensive sexual education, **compounded by insufficient protection of academic freedoms**, affect the functioning of educational systems”.<sup>11</sup> She went on to state that she “supports the process leading to the draft Principles for Implementing the Right of Academic Freedom, which can provide useful guidance to United Nations mechanisms, States and other stakeholders”.<sup>12</sup>

The draft Principles for Implementing the Right of Academic Freedom were developed by an international working group of experts co-convened by SAR.<sup>13</sup> This new guidance offers a framework of concrete support designed to encourage the strengthening of monitoring and protection mechanisms for academic freedom across all levels and mechanisms of the United Nations, including among UN offices and systems, as well as among UN Member States. When fully implemented, these Principles will substantially guarantee protection, promotion, and enjoyment of the right of academic freedom.

⇒ **Adopt authoritative, international guidelines on implementing the right of academic freedom.**

## Chapter II. International peace and security

The world is facing significant challenges to peace and security. The practices of evidence-gathering, reasoned debate, and civil discourse engendered within higher education communities are essential to promoting the information, ideas and understanding necessary for any future, lasting peace.

The 2023 U7+ Alliance of Global Universities Tokyo Statement on Peace and Security: Universities as Engines of Innovation for Peace and Security, called on the G7 leaders to work with the U7+ to prioritize

and advance peace and security in key areas, including through the defence of academic freedom and free speech.<sup>14</sup>

The Alliance articulated the ways in which universities can become engines of innovation for peace and security, by (1) preparing the next generation of leaders, (2) research for a more peaceful and secure world, (3) creating opportunities for those displaced by conflict, (4) public and multilateral engagement, including by working for public understanding of peace and security issues.

The Berlin Declaration on International Academic Cooperation amidst a World in Crisis that emerged during the “G7 + Partners” Higher Education Summit 2022, had previously pledged to support threatened or persecuted students and scholars through dedicated schemes.<sup>15</sup>

- ⇒ **Support universities to become engines of innovation for peace and security.**
- ⇒ **Publicly commit to protecting higher education from attack by endorsing the Safe Schools Declaration.**
- ⇒ **Support scholars and students who are at-risk due to their views, academic work, identity, threat of violence, and conflict through the establishment of dedicated schemes.**

### **Chapter III. Science, technology and innovation and digital cooperation**

UNESCO’s 2017 Recommendation on science and scientific researchers states that “academic freedom – lies at the very heart of the scientific process and provides the strongest guarantee of accuracy and objectivity of scientific results”.<sup>16</sup>

Attacks and pressures on academic freedom and scholars harm not only the individuals directly targeted or the institutions where they teach, research, and study, but entire societies. They impair what is being researched, how it been researched, and what happens to that research, with wide ranging and damaging implications for social, political, cultural, and economic development.

In Our Common Agenda, the Secretary-General recognised that the “war on science must be stopped and that we must defend a common, empirically backed consensus around facts, science and knowledge”.<sup>17</sup> In support of this objective, the SG acknowledged the importance of supporting an “independent media, regulation of social media, strengthening freedom of information or right to information laws and ensuring a **prominent voice for science and expertise**”.<sup>18</sup>

- ⇒ **SAR submits the draft Principles for Implementing the Right of Academic Freedom as a global code of conduct that promotes integrity in public information, one that is underpinned by a prominent voice for science and expertise.**<sup>19</sup>
- ⇒ **Intergovernmental, regional, and supranational bodies should develop monitoring mechanisms to allow them to track respect for academic freedom.**
- ⇒ **States should Invest in regular calls for research on academic freedom to close the gaps in information on academic freedom and attacks on higher education communities.**<sup>20</sup>

### **Chapter IV. Youth and future generations**

As members of education communities students have the right of academic freedom.<sup>21</sup>

A vibrant society requires a knowledge sector that is free of unjustified interference and able to train students in independent analysis, critical thinking, and peaceful discourse. Student leadership is often fostered within the university space, with campuses historically acting as focal points for collective action.<sup>22</sup>

In 2023, the Social Forum of the Human Rights Council focused on the contribution of science, technology and innovation to the promotion of human rights, with a panel dedicated to the importance of Science-Based Decision-Making to the Rights of Present and Future Generations. However, how can we have Science-Based Decision-Making, if the science is compromised?

- ⇒ **SAR reiterates our earlier call for enhanced international cooperation towards strengthening the protection and promotion of academic freedom. Specifically, for agreement on integrating authoritative guidance on implementing the right to academic freedom within the UN framework.**

## Chapter V. Transforming global governance

In his 2020 report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, highlighted that, “without academic freedom, all societies lose one of the essential elements of democratic self-governance: the capacity for self-reflection, for knowledge generation and for a constant search for improvements of people’s lives and social conditions”.<sup>23</sup>

Academic freedom is as important to a free society as an independent judiciary, strong civil society, or a free press. Concretizing academic freedom must be a central part of our understanding of what is required for social and scientific progress and democratic advancement, and the realisation of the Sustainable Development Goals. To achieve this we must develop more and better tools that States, as well as international and institutional actors can use to protect and promote academic freedom.

- ⇒ **SAR reiterates our earlier call for enhanced international cooperation towards strengthening the protection and promotion of academic freedom.**

22 December 2023

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<sup>1</sup> R. Quinn and J. Levine, Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law, Int’l J. of Hum. Rts., Dec. 2014, Vol. 18, Issue 7-8, ISBN: 1364-2987

<sup>2</sup> These include obligations: to refrain from direct or complicit involvement in violations of academic freedom; to protect higher education communities against such violations; to support victims of such violations; to deter future violations, including by investigating violations holding perpetrators accountable; to promote the exercise of academic freedom, including by supporting higher education and international research cooperation; and to promote greater understanding of academic freedom and its benefit to society.

<sup>3</sup> <https://onu-geneve.delegfrance.org/Joint-declaration-on-Academic-freedom>

<sup>4</sup> Available here: <https://www.scholarsatrisk.org/free-to-think-reports/>

<sup>5</sup> Available here: <https://academic-freedom-index.net/>

<sup>6</sup> Available here: <https://www.scholarsatrisk.org/resources/free-to-think-2023/>

<sup>7</sup> Based on assessment of the de facto protection of academic freedom as of December 2022, the Academic Freedom Index Update 2023 provides an overview of the state of academic freedom in 179 countries and territories. Available here: [https://academic-freedom-index.net/research/Academic\\_Freedom\\_Index\\_Update.pdf](https://academic-freedom-index.net/research/Academic_Freedom_Index_Update.pdf) (pg. 1)

<sup>8</sup> <https://onu-geneve.delegfrance.org/Joint-declaration-on-Academic-freedom>

<sup>9</sup> V-Dem Institute, ‘Autocratization Turns Viral: Democracy Report 2021’, pg. 22. Available here: [https://www.v-dem.net/documents/12/dr\\_2021.pdf](https://www.v-dem.net/documents/12/dr_2021.pdf)

<sup>10</sup> Committee on Economic, Social and Cultural Rights (CESCR), General Comment 13: The Right to Education, E/C.12/1999/10, 1999, paras. 38.

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<sup>11</sup> A/HRC/53/27 Para. 4

<sup>12</sup> A/HRC/53/27 Para. 56

<sup>13</sup> Available here: <https://www.scholarsatrisk.org/principles/>

<sup>14</sup> Available here: <https://www.northwestern.edu/u7secretariat/news/2023-u7+-statement-universities-as-engines-of-innovation-for-peace-and-security.html>

<sup>15</sup> Available here: [https://static.daad.de/media/daad\\_de/der-daad/kommunikation-publikationen/presse/berlin\\_declaration\\_on\\_international\\_academic\\_cooperation\\_may2022.pdf](https://static.daad.de/media/daad_de/der-daad/kommunikation-publikationen/presse/berlin_declaration_on_international_academic_cooperation_may2022.pdf)

<sup>16</sup> UNESCO Recommendation and Science and Scientific Researchers, adopted 13 November 2017, pg. 2. See also a 2023 study from London School of Economics where David Audretsch, Christian Fisch, Chiara Franzoni, Paul P. Momtaz and Silvio Vismara, analysed the relationship between academic freedom and technological innovation, as represented by patents, and found a quantifiable causal link between reduced academic freedom to lower levels of innovation. Available, <https://blogs.lse.ac.uk/impactofsocialsciences/2023/04/20/less-academic-freedom-leads-to-less-innovation/> (last accessed 15 December 2023).

<sup>17</sup> Our Common Agenda – Report Of The Secretary-General, 2023, pg. 4. Available here, <https://www.un.org/en/content/common-agenda-report/> (last accessed 18 December 2023).

<sup>18</sup> Our Common Agenda – Report Of The Secretary-General, 2023, pg. 27. Available here, <https://www.un.org/en/content/common-agenda-report/> (last accessed 18 December 2023).

<sup>19</sup> Available here: <https://www.scholarsatrisk.org/principles/>

<sup>20</sup> Such activities could lead to the following outcomes: 1) new approaches to combating threats to academic freedom; (2) increased understanding of academic freedom and the short- and long-term consequences for society when academic freedom is repressed; (3) increased data on threats to academic freedom and increased knowledge and effectiveness of existing protections; (4) development of policies, procedures, guidelines, toolkits and methodologies to implement academic freedom; (5) reinforced legislative tools for protecting and promoting academic freedom; and (6) tailored curricula to implement trainings for targeted staff, civil servants—including members of Ministries of Education and Foreign Affairs—national human rights institutions, and diplomatic missions, among others

<sup>21</sup> See Principle 8 of the Principles for Implementing the Right of Academic Freedom, March 2023. Available here:

<sup>22</sup> SAIH, 'Under Attack; Understanding the Repression of Student Activism', (March 2023), available here: <https://saih.no/english/article/2023/3/attacks-on-student-activism-is-an-indicator-of-democratic-backsliding>

<sup>23</sup> A/75/261, Para. 54.