**Mandate of the Special Rapporteur on the right to education**

**ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION**

**IN EDUCATIONAL INSTITUTIONS**

**Call for CONTRIBUTIONs**

For her upcoming report to the Human Rights Council to be presented in June 2024, the United Nations Special Rapporteur on the right to education, Ms. Farida Shaheed, will consider academic freedom and freedom of expression in educational institutions.

The report will build on previous work achieved by other United Nations human rights mechanisms on the topic, particularly the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Committee on Economic, Social and Cultural Rights. While recognizing that there is no single, exclusive international human rights framework for the subject, Ms. Shaheed will consider academic freedom through the right to education framework. More precisely, the report intends to consider academic freedom as part of the entitlement to receive and provide quality education, at all levels of education.

The Special Rapporteur intends to take stock of setbacks and progress both under international human rights law and in domestic legislation and practice with respect to defining academic freedom, ensuring its enjoyment by all relevant actors and protecting it from attacks and interferences.

The report will examine existing legal frameworks and normative content of academic freedom as a human right. It will consider subjects and duty bearers of this right. It will also analyze, from a human rights perspective, direct and indirect attacks on and interferences with respect to academic freedom of staff and students, including through commercialization, online surveillance, funding, conditions of work and studies and other pertinent issues.

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| **Name of the country/entity submitting information** | Malaysian Academic Movement (GERAK) |

**Questions**

**General framework**

1. How is academic freedom defined and protected in the constitution or laws of your country, and what are possible limitations or restrictions? Please provide the original citation and source, as well as a summary of relevant judicial practice, if any.

*Not defined in the Malaysian constitution nor law*

1. Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain.

*No legal entitlement but practiced independently by HEI’s*

*Each HEI adopted differing, selected parts of 1997 UN Recommendation*

*Each HEI has different level of adoption, but all are generally low*

1. What do you consider to be (a) the main challenges to academic freedom, and (b) gaps in the legal framework for protecting academic freedom?

1. *Individuals and universities have different understanding of academic freedom.*

*Reluctance to adopt academic freedom by government and universities*

*Lack of advocacy. Very limited number of organizations and individuals*

1. *No legal framework*

**Autonomy of educational institutions**

1. Please explain the autonomy and self-governance enjoyed by educational institutions at the different tiers of education. Please explain what autonomy and self-governance entail. Are there restrictions on police or military personnel entering educational institutions? If so, please share the rules.

*Varying level of autonomy among HEI*

*Public universities are suppose to be autonomous, but the government still micromanage them*

*Autonomy being regarded as transferring of control of HEI to their their boards of directors or vice chancellors, without including the concept of collegiality. Generally, no changes in the level of academic freedom and rights within the universities.*

*The HEI were regarded as a normal public area, so there is no retriction on police and military on campus.*

5. Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.

***Universities***

*Universiti Teknologi Malaysia (UTM) (2011). Polisi Kebebasan Akademik dan Kecemerlangan Profesional. Retrieved 2022 from https://registrar.utm.my/governan/files/2020/12/Polisi-Kebebasan-Akademik-Kecemerlangan-Profesional.pdf?msclkid=e91d2642cfa711ec8eea566cbb30d1f9*

*Universiti Malaysia Pahang (UMP) (2014). Dasar Kebebasan Akademik dan Kecemerlangann Profesional. Retrived 2022 from https://edasar.ump.edu.my/jheaa/905-dasar-kebebasan-akademik-kecemerlangan-profesional-universiti-malaysia-pahang/file?msclkid=27601a25cfa611ec9b399104bd22e8ea*

*Universiti Kebangsaan Malaysia (UKM) (2018). Etika dan Amalan Cemerlang Akademik. Retrieved 2022 from https://ukm.my/integriti/wp-content/uploads/2019/08/Buku-Etika-dan-Amalan-Cemerlang-Akademik-UKM-Edisi-Ke-2.pdf*

***External***

*Laws of Malaysia (LOM) (1971). Act 30, Universities and University Colleges Act. Retrieved from http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%2030. Pdf*

*Laws of Malaysia (LOM) (2000). Act 605, Statutory Bodies (Discipline and Surcharge) Act. Retrieved from http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20605.pdf*

**Funding**

6. How is funding, including for research, regulated? Is the process transparent, and are there any guarantees put in place to ensure respect for academic freedom?

 *Fundings are regulated by the government and the universities. Not very transparent. Details on the applications, assessment and result are not publically available.*

7. Which rules and regulations protect academic freedom from interferences by commercial actors and financial sponsors, at different tiers of education? Please explain how conflicts of interest that may arise are addressed.

*No rules and regulations protect academic freedom from interferences by commercial actors and financial sponsors*

**Surveillance**

8. Please explain whether and the extent to which academic staff and students, at all levels of education, are subject to surveillance by public authorities, for example through on-site cameras or online scrutiny. Has this led to undue restrictions to academic freedom and freedom of expression in educational institutions?

*Entry into public universities are controlled by auxiliary police*

*There is no open surveillance on campus, but it is suspected there is undercover surveillance*

*Academics do exercise self control and self censureship in their activities*

**Freedom of expression in teaching and access to books**

9. Do teachers and professors, at all levels of education, enjoy freedom of expression in their own teaching? Are there any limitations imposed, such as remaining “neutral” or forwarding a particular perspective, e.g. on religious and political matters?

*Self control and self censureship due to the two acts in (5)*

10. Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, including from school libraries, and alternatively is some material mandatory? If so, why?

*At the university level, there is no restriction on books for teaching and research. However, there are section for restricted or banned books at some university libraries.*

**How to submit information**

Submissions should be sent electronically no later than **2 February 2024 to** hrc-sr-education@un.org, using the email title: “Contribution: Academic freedom”.

Please select and answer the questions most relevant for your agency. Kindly limit your responses to **3,000 words** and attach annexes where necessary. To facilitate their consideration, please send responses in a Word document, and in English, French, or Spanish. **Please clearly specify the entity making the contribution on the document itself and add paragraph numbers**.

All inputs received will be posted on the OHCHR website. Please indicate if you have any objections regarding to your reply being posted on the OHCHR website.