**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** | **Palestine Polytechnic University**  |

**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.**

In Palestine, much like in various other regions and nations, academic freedom is regarded as a crucial element within the higher education system. Nevertheless, the precise definition, protection, and potential constraints of academic freedom in Palestine are not as explicitly delineated in legal and constitutional documents as they might be in certain other jurisdictions. This is primarily due to the intricate political and legal landscape in the region.

The Palestinian territories are governed by a combination of laws inherited from diverse administrations, including Ottoman, British, Jordanian, Egyptian, and Israeli military orders, alongside legislation from the Palestinian Authority. The Basic Law of the Palestinian National Authority, functioning as a temporary constitution, contains provisions related to freedom of expression, which can be linked to academic freedom. Article 19 of the Palestinian Basic Law guarantees freedom of opinion, political affiliation, and expression without explicitly mentioning academic freedom. However, it is commonly interpreted to imply that scholars have the liberty to express their opinions and conduct research without undue interference. Notably, there are no specific provisions exclusively dedicated to safeguarding academic freedom.

Limitations and Restrictions:

Similar to many other locations, academic freedom in Palestine may encounter limitations grounded in national security concerns, public order, morality, and the protection of other rights and reputations. Furthermore, Palestinian academic institutions and scholars confront distinctive challenges and restrictions stemming from the political situation, particularly issues related to the Israeli-Palestinian conflict. These challenges can affect access to resources, freedom of movement for researchers and students, and the ability to engage in international collaborations.

Judicial Practice:

Information about specific judicial practices related to academic freedom in Palestine is limited. Given the complex legal and political context, cases involving academic freedom may not be systematically documented or reported in the same manner as they would be in jurisdictions with more established legal frameworks and traditions of case law. To obtain the most accurate and up-to-date information on academic freedom in the Palestinian territories, one should review current Palestinian legislation, relevant decisions by Palestinian courts, and reports from international and local organizations monitoring academic freedom and human rights in the region.

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

The concept of academic freedom generally extends to all members of the academic community, encompassing academic staff, teachers, and students. Its purpose is to ensure that scholars, educators, and learners can engage in the pursuit of knowledge, research, and education without unwarranted interference. In the Palestinian context, the absence of specific legislative provisions delineating academic freedom necessitates inferring its application to academic staff, teachers, and students from broader human rights principles and the right to education. While these rights are likely recognized across various education levels, emphasis on academic freedom is typically more pronounced in higher education, where research and the exchange of controversial or critical ideas are more prevalent.

The entitlement of academic staff, teachers, and students to academic freedom in Palestine can vary based on several factors:

Institutional Policies: Universities and other academic institutions may have their own policies defining and safeguarding academic freedom, although these policies may be constrained by the broader legal and political context.

Level of Education: Academic freedom is most commonly associated with higher education, given the nature of advanced research and scholarship. In primary and secondary education, while teachers are expected to have the freedom to teach and students to learn, content regulation is often more stringent to ensure age-appropriateness and adherence to educational standards.

Political Climate: The political situation in Palestine, including the ongoing Israeli-Palestinian conflict, significantly influences the application and protection of academic freedom. Checkpoints, travel restrictions, and security measures can impact the mobility and collaboration of scholars and students, while political tensions can affect the content and conduct of teaching and research.

Funding Sources: Dependence on external funding, whether governmental or non-governmental, can also shape the extent of academic freedom enjoyed by faculty and students, as funders may impose certain conditions or expectations.

To assess the current status of academic freedom for different educational levels and members of the academic community in Palestine, it is imperative to review the policies of individual educational institutions, relevant Palestinian Authority legislation, and reports from human rights and educational organizations monitoring these issues in the region.

3. **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. **Main Challenges to Academic Freedom in the Palestinian Context:**

**Political Interference**: Governmental bodies in Palestine may attempt to control or influence academic institutions for political reasons, potentially resulting in censorship or self-censorship among academics.

**Financial Pressures:** Dependency on external funding, whether from government or private sources, can exert pressure on academic institutions to conform to the interests or ideologies of funders.

**Conflict and Instability**: In regions experiencing conflict, war, or political upheaval, academic freedom in Palestine can be severely compromised due to security concerns, damage to infrastructure, and displacement of academics and students.

**Legal Restrictions**: Laws in Palestine that restrict expression, such as those against defamation, hate speech, or those protecting national security, can be applied in ways that unduly limit academic freedom.

**Institutional Governance**: University governance structures in Palestine that do not prioritize academic freedom or that are subject to external control can limit the ability of academics to operate independently.

**Social and Cultural Norms**: Societal pressures and cultural taboos in Palestine can create an environment where certain topics are off-limits, leading to self-censorship among academics and students.

**Surveillance and Monitoring**: The monitoring of academic work by state or non-state actors in Palestine can create a chilling effect on research and teaching.

**Retaliation and Intimidation**: Academics and students in Palestine may face threats, harassment, or disciplinary measures for their scholarly work, opinions, or activism.

**Intellectual Property Issues**: Overly strict intellectual property laws in Palestine can hinder the sharing of research findings and collaboration.

**Technological Controls**: Internet censorship and surveillance in Palestine can limit access to information and impede the ability to conduct and disseminate research.

1. **Gaps in the Legal Framework for Protecting Academic Freedom in the Palestinian Context:**

**Vague or Nonexistent Definitions**: Often, there is no clear legal definition of academic freedom in Palestine, making enforcement and protection challenging.

**Lack of Specific Legislation**: Palestine may lack specific statutes that explicitly protect academic freedom, leaving it vulnerable to political whims.

**Weak Enforcement Mechanisms**: Even where academic freedom is recognized in Palestine, there may be insufficient mechanisms for enforcing these rights, especially against powerful state actors or institutions.

**Inadequate Protection for Students:** Academic freedom in Palestine may sometimes be considered only in terms of faculty rights, with less attention paid to the rights of students to learn and express themselves freely.

**International Law Limitations**: While international declarations recognize academic freedom in Palestine, these are not always binding and can be inconsistently applied or ignored by national authorities.

**Insufficient Institutional Policies**: Universities and colleges in Palestine might lack clear policies that protect academic freedom or mechanisms to address grievances related to its infringement.

**Overlap with Other Rights**: The intersection of academic freedom with other rights, such as freedom of expression and the right to education, can be unclear in Palestine, leading to challenges in asserting academic freedom in legal contexts.

**Lack of Awareness and Training**: There may be a lack of awareness among academics, students, and administrators in Palestine about the principles and importance of academic freedom, leading to inadvertent or unchallenged violations. Addressing these challenges and gaps requires a multifaceted approach involving legal reforms, changes in institutional governance, international advocacy, and education about the importance of academic freedom for the well-being of societies and the advancement of knowledge.

**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.**

In the Palestinian context, educational autonomy and self-governance are influenced by several factors, including the political situation, the legal framework, and the funding sources for educational institutions.

 **Autonomy and Self-Governance in Palestinian Educational Institutions:**

 1. Palestinian universities typically have a greater degree of autonomy and self-governance, allowing them to set their own academic programs, research priorities, and internal regulations. They are usually governed by a board of trustees, an academic council, and an administrative structure that includes a president or rector. However, these institutions must still operate within the broader legal and regulatory framework set by the Palestinian Ministry of Education and Higher Education, which may influence their degree of autonomy.

 2. Schools in Palestine are subject to more direct oversight by the Palestinian Ministry of Education. The curriculum and educational standards are often set at the national level, although individual schools might have some flexibility in implementation. Public schools typically have less autonomy than private schools, which may have more freedom to develop their own educational programs within the constraints of national requirements.

**Restrictions on Police or Military Personnel:**

The presence of police or military personnel in educational institutions is a sensitive issue in any context and can be particularly complex in Palestine due to the ongoing Israeli-Palestinian conflict. In general, educational institutions around the world seek to maintain a peaceful and secure learning environment, and the entry of police or military forces is often restricted to preserve this environment and protect academic freedom and institutional autonomy. In the Palestinian territories, any rules or norms regarding the entry of police or military personnel into educational institutions would be governed by Palestinian law for areas under the control of the Palestinian Authority. However, given the complexity of the situation, including the presence of Israeli military forces in certain areas and the division between the West Bank and Gaza Strip, the actual control over these matters can vary widely. In areas under full or partial Israeli military control, there are instances where Israeli forces have entered university campuses or schools, often in response to protests or security incidents. Such occurrences can disrupt the educational process and are typically met with condemnation from Palestinian educational authorities and human rights organizations. For specific rules and practices regarding the entry of police or military personnel into educational institutions in Palestine, one would need to refer to the relevant Palestinian legislation and any agreements between Israeli and Palestinian authorities. It's important to note that the situation on the ground can change rapidly, and the enforcement of any such rules may be inconsistent due to the political and security dynamics of the region.

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

“The proposal of the "Universal Declaration of academic rights and freedoms"

Submitted by the Amman Center for Human Rights Studies”

**Academic freedoms:**

The entire academic community, like all groups and individuals, should enjoy internationally recognized civil, political, social, economic, cultural and environmental rights enshrined in international human rights conventions and applicable to all citizens.

To do this, the principle of academic freedom must be strictly respected as the basic prerequisite for the academic community to carry out its functions in a free and non-discriminatory environment without any interference or repression from state organs or any other body. It should also be considered as a prerequisite for the institutional autonomy of higher education and the participation of the academic community in decision-making regarding educational policy.

Academic freedom should be understood as the right of the academic community, individually or collectively, without any restrictions in accordance with the stated doctrine, to freedom to teach and discuss in an atmosphere of mutual respect, freedom to conduct research and publish results, freedom to express their opinions about the institution or system in which they work, freedom from institutional control and freedom to participate in professional or representative academic bodies.

**Article 2-freedom of belief, conscience and religion:**

Members of the academic community have the right to freedom of belief, conscience and religion, without any restrictions, in order to pursue the development of their educational abilities.

States undertake to eliminate all forms of intolerance, discrimination and incitement to hatred on the basis of thought, religion and beliefs. It should also be ensured that in cases where states have an official belief in their constitutions or in their practice, this will not lead to any hindrance to freedom of thought, conscience and religion or to any discriminatory action against this person.

**Article 3-Freedom of teaching:**

Members of the academic community have the right to teach without any interference, taking into account accepted professional principles including Professional Responsibility and intellectual rigor in relation to teaching standards and methods.

Members of the academic community may not be forced to orient against their knowledge and conscience or forced to use curricula and methods contrary to national or international human rights standards.

**Article 4-freedom of research:**

Members of the academic community have the right to conduct research work without any interference or any repression, in accordance with their Professional Responsibility and subject to nationally or internationally recognized professional principles of intellectual rigor, scientific research and research ethics.

Researchers may not be denied permission to conduct research on any grounds except for reasons of Public Health and morality, or in any circumstances for a clear, present and imminent danger to the nation and its independence and any restrictions that can be justified in a democratic society.

Researchers should have access to libraries that have modern collections reflecting the diverse aspects of the issue and whose holdings are not subject to censorship or other forms of intellectual interference. They must have access, without censorship or other restrictions, to international computer systems, digital programs and databases required for research or scholarships.

**Article 5-freedom of expression:**

Members of the academic community have the right to freedom of expression. This right includes the freedom to hold opinions without any interference, harassment, intimidation or stigmatization of a person and to seek, receive and transmit information and ideas of all kinds regardless of borders, orally, in writing, in artistic form, or through any media of his choice.

Members of the academic community have the right to criticize the work of higher educational institutions, including their own, while respecting the rights of others.

States shall take all appropriate measures to ensure that everyone exercises their right to freedom of expression on an equal basis.

The natural result of freedom of expression is a tolerant and pluralistic system where people have the freedom to express their opinions, seek to convince others and respect the rights of minorities.

The exercise of the above rights implies Special Duties and responsibilities, in particular the obligation of the academic community not to interfere with the right of others to privacy and in any way or form unreasonably provoke religious, moral, national or gender hatred. Thus, you may be subject to certain specific actions, conditions, restrictions or penalties as prescribed by law that are considered necessary in a democratic society:

A-respect the rights or reputation of others, to prevent disclosure of information received confidentially؛

B-for the protection of national security, territorial integrity, public safety, prevention of disorder, crime, public order, public health or public morals؛

C-to maintain the authority and integrity of the judiciary.

**Article 6-freedom of publication:**

States Parties shall encourage and facilitate the dissemination of research results with a view to the advancement of Science, Technology, Education and culture. To this end, members of the academic community are free to publish the results of research and scholarship in books, journals and databases of their choice, and under their own names, provided that they are authors or co-authors, without any censorship and/or other sanctions and/or harassment.

States may impose restrictions on publications provided that they are kept to a minimum, consistent with the public interest and the right of employers and their co-workers, consistent with the appropriate granting of scientific research credits and acknowledge their contributions to the result obtained and as correctly as possible communicated in writing in the conditions of their employment.

**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?**

 In general, the transparency of funding processes and the guarantees in place to ensure respect for academic freedom depend on the specific policies and regulations established by the relevant authorities and institutions. Here are some factors that may play a role:

 Government Policies: Palestinian government policies can impact the regulation of funding in education and research. The government may establish guidelines and regulations for the allocation and distribution of funds to educational institutions, including universities and research centers.

 University Policies: Individual universities in Palestine may have their own policies and procedures for managing funding, including research funding. These policies may address issues such as grant applications, peer review processes, and the allocation of resources.

 Research Ethics Committees: Universities often have research ethics committees that review research proposals to ensure compliance with ethical standards. These committees may also play a role in safeguarding academic freedom by ensuring that research projects are conducted with integrity and respect for academic principles.

 Transparency and Accountability: Transparent processes for the allocation of funds and research grants contribute to accountability. The availability of clear guidelines, open application processes, and public reporting mechanisms can enhance transparency in the funding process.

 Academic Freedom Protections: While specific guarantees for academic freedom may be embedded in university policies or national laws, the effective protection of academic freedom also depends on the broader political context. Political stability and respect for human rights are essential for the promotion of academic freedom

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.**

Funding for Palestinian universities, including research funding, comes from a variety of sources, such as the Palestinian government, tuition fees, donations, and international aid. The regulatory framework and processes for funding in Palestinian universities involve several considerations:

1. Government Funding: Public universities in Palestine may receive a portion of their funding from the Palestinian Ministry of Education and Higher Education. This funding may come with conditions or expectations related to the types of programs or research that should be pursued.

2. Tuition and Fees: Tuition fees from students are another significant source of funding for both public and private universities. The autonomy that universities have in setting tuition rates can impact their financial independence.

3. Grants and Donations: Palestinian universities may apply for grants from various national and international organizations. They may also receive donations from private individuals, foundations, or alumni. The conditions attached to these funds can vary widely and may influence the direction of research and academic programs.

4. International Aid and Partnerships: International aid from various countries and international organizations can be an important source of funding for Palestinian universities, especially for research and development projects. These partnerships often come with specific terms and conditions that must be adhered to.

Regulation and Transparency:

 The regulation and transparency of funding processes in Palestinian universities can depend on several factors, including the source of the funds, the internal governance of the university, and the broader legal and political context. Some general practices may include: - Budget Oversight: Universities typically have internal budget oversight mechanisms, such as financial departments or committees, which are responsible for managing and allocating funds. - Research Ethics and Review Boards: Many universities have established research ethics and review boards to oversee research proposals, ensuring that they meet ethical standards and do not compromise academic freedom.

 - Grant Application Processes: When applying for grants, universities often have to go through a competitive and peer-reviewed process, which may include justifications for how the research respects academic freedom.

- Reporting Requirements: Funding from external sources usually comes with reporting requirements to ensure that the funds are used as intended and to provide accountability.

Guarantees for Academic Freedom: In terms of guarantees put in place to ensure respect for academic freedom, these can vary and may include:

 - Institutional Policies: Universities may have policies that explicitly state their commitment to academic freedom and delineate the terms under which funding is accepted to prevent undue influence.

 - Funding Agreements: Contracts or agreements with funding bodies may include clauses that recognize and protect the academic freedom of the researchers and the institution.

- International Standards: When involved in international partnerships, Palestinian universities may adhere to international standards and norms that advocate for the protection of academic freedom.

Given the complexities of the Palestinian context, including political and economic challenges, the processes for funding regulation and the guarantees for academic freedom may face unique pressures. The actual level of transparency and the effectiveness of guarantees can be influenced by factors such as the political situation, the capacity of institutions to negotiate terms with funders, and the overall legal framework governing higher education. For precise information on how funding is regulated at a specific Palestinian university and what guarantees are in place to ensure academic freedom, it would be necessary to consult the university's regulations, funding agreements, and annual reports, if available.

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

8. **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?**

 The situation regarding freedom of expression for teachers and professors in Palestine, particularly under Israeli occupation, is complex and has been a subject of concern. The conditions can vary, and there are challenges and limitations that educators may face in the context of the political situation in the region.

9. **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?**

 In general, teachers and professors often have a degree of autonomy in selecting educational materials, including textbooks and resources. However, there are various factors that can impact this process:

* Educational Policies: National or regional educational policies can influence the selection of educational materials. Governments and educational authorities may establish guidelines for curriculum development, and certain materials may be recommended or mandated for use in schools.
* Cultural and Religious Considerations: Given the cultural and religious diversity in Palestine, there may be considerations to ensure that educational materials align with cultural and religious sensitivities. This could influence the approval or disapproval of certain books or resources.
* Political Context: The political context, including issues related to the Israeli-Palestinian conflict, can impact educational content. In some cases, there may be attempts to shape the narrative in a way that aligns with particular political perspectives, and this can affect the selection of materials.

**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.