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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.

Name of the country/entity submitting information	Norwegian Students and Academics International Assistance Fund – SAIH
	

Questions

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

1. Academic freedom is anchored and protected in existing international human rights law, including the right to education, and as such all members of the academic community, at all levels of education, are entitled to it. However, we observe that this understanding is not always applied, especially in the case of students, and academic freedom can be seen as a right first and foremost for academics and teachers. At all levels of education, students as learners contribute to the free exchange of ideas, engage in critical thinking, and pursue new knowledge and research. Like academics and teachers, they are instrumental in developing schools and universities as vibrant spaces where learning and knowledge production are open, free, and innovative. Moreover, through their activism, students also defend and protect education-related issues and, in turn, strengthen academic institutions as a space for activism.
2. It is crucial to ensure that students, at all levels of education are guaranteed the right to academic freedom, which is intrinsically tied to their right to education. SAIH is part of a working group, which includes UN experts, that recently published the '[Guiding Principles for Implementing the Right to Academic Freedom](#)'. The Guiding Principles, which are being shared, debated, and discussed in relevant sections of the UN, clearly lay out in Principles 7 and 8 that students have academic freedom as members of the academic community, at all levels of education. It is envisioned that the Guiding Principles will help establish legal grounding at the national level for academic freedom and help guide the work of national-level academic communities and civil society.

2. **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. The latest [Varieties of Democracy Institute Report \(2023\)](#) indicates that a mere 13% of the global population is currently living in liberal democracies. Civil liberties, rights, and freedoms are under extreme pressure globally, and the report highlights that academic and cultural freedom, and freedom of expression and opinion rank among the main rights attacked by autocratic leaders. Declining levels of academic freedom across contexts are a stark reminder that there is a clear attack on critical thinking and learning. This can be seen in different parts of the world where attacks are not only targeted towards members of the academic community, in particular students but also aim to limit the autonomy and freedoms of academic institutions themselves.
2. Students play a critical role in challenging authoritarian regimes, opposing attacks on democratic civic space, and advocating for human rights. In

particular, student activists are at the forefront of the fight for human rights as seen in the #FeesMustFall movement in South Africa, the political demonstrations against Lukashenko in Belarus, the protests in Iran, and the recent global protests following the events in Palestine. They challenge and confront worrying global trends such as the privatization of education, colonial legacies and racist practices in education, and disruptive university policies that curtail student expression and organizing. It's within the space of the university that many civil society actors and human rights defenders develop their critical ideas and activism.

3. As a result, students are at significant risk of experiencing threats and physical violence. This is well evidenced in the [2023 Free to Think report](#) by Scholars at Risk, which documented that attacks on student expression remain the most frequent type of attack, accounting for approximately 47% of the 409 incidents of attacks on higher education communities across 66 communities. Our own experience working with student groups globally corroborates this however, we also see that current documentation of attacks on academic freedom do not provide a full picture. Firstly, documentation of attacks on students clearly outweighs those on academics given that the former is a much more dominant group in the higher education community. However, this doesn't fully problematize the situation. Current monitoring of attacks on academic freedom is primarily limited to physical attacks and ignores the subtle forms of repression experienced by students. From our experience with the [Norwegian Students at Risk](#) program, we see countless examples of how subtle attacks on students' academic freedom go unreported. Academics withholding grades or universities using expulsion as a tool to silence dissent are just some examples of concealed repression that explicitly target students, who experience vulnerability within higher education institutions and viz-a-viz academics and teachers.
4. Our report '[Activism under Attack](#)' (2023) makes the case that monitoring subtle forms of repression of academic freedom will not only give us a much more expansive understanding of violations but also help us identify ways to counter them. It is the more concealed forms of repression that over time result in physical oppression, including in most open and democratic societies. Our report notes that both state and non-state actors utilize four subtle forms of repression to shut down student dissent – lawfare, delegitimization, co-option, and factionalization. By monitoring and documenting the subtle forms of repression, the global civil society would better understand the patterns of violations and be better equipped to counter those violations at an early stage.
5. As noted by [Scholars at Risk](#), academic freedom is legally grounded in several international human rights frameworks and norms. In particular, it is enshrined in freedom of opinion and expression, the right to education, and the right to the benefits of science. However, we observe considerable pushback to acknowledging academic freedom as a human right. Our experience at the Council of Europe Civil Society Summit in 2023 demonstrated that European

civil society actors don't view the rights of the higher education community as part of protecting attacks on civic space. Moreover, they didn't see the connection between attacks on academic freedom and the erosion of democratic values. Several have also raised questions about students' right to academic freedom.

6. Moreover, there is a lack of awareness amongst students and academics about the protection of their right to academic freedom. Higher education institutions should use the language of academic freedom more in classrooms and on campus when speaking about rights and protections for students and academics. In Norway, we observe that the 'Student Advocacy Seminars' provide an opportunity in higher education settings to speak about academic freedom and its challenges with students and academics.
7. To overcome such gaps, the working group who drafted the '[Guiding Principles for Implementing the Right to Academic Freedom](#)' have spent considerable time discussing and expanding on academic freedom being grounded and considered a core tenet of international human rights frameworks.

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.