**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** | **Sweden**  **Scholars at Risk, Sweden Section** |

**Questions answered (others deleted)**

**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.

Academic freedom is part of the Swedish law and is fundamental to an open and democratic society.

**Autonomy of educational institutions**

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

Example 1:

At a time when democracy and academic freedom are under threat in many parts of the world, it is important to emphasise that these values are universal. Together with over 900 universities, Malmö University has signed the Magna Charta Universitatum, an international declaration that stipulates the role of universities in society. The Magna Charta Universitatum is based on principles in line with academic values and emphasises the inseparability of education and research.

The Higher Education Act also states that researchers should have the right to choose their subjects, research questions and methods and to publish their research freely. Academic freedom also includes freedom of education. Students and staff are guaranteed the right to seek knowledge freely. At the heart of this is academic integrity, which means that research and education must be free from direct political, economic and ideological influence. Freedom and integrity are closely intertwined with a democratic society where peace and freedom prevail and human rights are respected.

Example 2:

During the autumn semester of 2023 a well-known Swedish far right activist with a Nazi past named Christian Peterson consciously sabotaged my course in critical race and whiteness studies at Karlstad University “Ras och vithet i Sverige” (Race and whiteness in Sweden).

He publicly announced that he would enroll at the course many months ahead with the sole purpose of mapping out the students and the contents of the course and at the same time he became totally obsessed by me and wrote regularly about me in social media and on various far right digital platforms. I was portrayed as a “woke left” researcher and teacher and I was ridiculed for being Asian as I am adopted from South Korea to Sweden.

When the course started he recorded the first lesson and later published the film on his blog and he started to write aggressively about the other students in a disparaging way which resulted in most of the students dropping out while I was forced to sick leave myself for a period.

Example 3:

Lund University has an increased interest in academic freedom reflected by the increased mandate of the ethics council to also include academic freedom ([Increased focus on academic freedom | Staff Pages (lu.se)](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.staff.lu.se%2Farticle%2Fincreased-focus-academic-freedom&data=05%7C02%7Cclaudia.tazreiter%40liu.se%7C043e0c7d58c348b8217308dc225f328b%7C913f18ec7f264c5fa816784fe9a58edd%7C0%7C0%7C638423039465110855%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=zSaG0xG%2FfmdSHlwlMyw%2BwVW6NfmJC07JJP9t8fr8H3g%3D&reserved=0); [Lunds universitets råd för etik och akademisk frihet](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fetikradet.blogg.lu.se%2F&data=05%7C02%7Cclaudia.tazreiter%40liu.se%7C043e0c7d58c348b8217308dc225f328b%7C913f18ec7f264c5fa816784fe9a58edd%7C0%7C0%7C638423039465121353%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=rHm3D4y%2FQsYJ72dmkNQcVkva0apP2jxxoWDQ0hR5QwU%3D&reserved=0" \o "Original URL: https://etikradet.blogg.lu.se/. Click or tap if you trust this link." \t "_blank)).

**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?

The main source of research funding in Sweden is through the Swedish Research Council (VR <https://www.vr.se/english.html>). During 2023 the Swedish government directed that funding to the research area ‘Development Studies’ should be abolished without recourse to any consultation with Universities or researchers.

**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?

In line with the release of the Tido agreement ([https://theconversation.com/professionals in-sweden-are-pushing-back-hard-against-a-rightwing-plan-to-make-them-snitch-on-undocumented-migrants-213124](https://theconversation.com/professionals%20in-sweden-are-pushing-back-hard-against-a-rightwing-plan-to-make-them-snitch-on-undocumented-migrants-213124)), the Swedish government introduced a proposal for a planned law that would require public sector workers, including University teachers to report any students or fellow staff they believe to be undocumented migrants. University teachers as well as other public sector workers, in health and welfare sectors have engaged in widespread protests at the proposed law. At many Swedish Universities, Academics have announced to university leadership their intention to not comply with such a law were it to be introduced.

**How to submit information**

Submissions should be sent electronically no later than **2 February 2024 to** [hrc-sr-education@un.org](mailto: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.