

## Concept Note On The Webinar

### Defending Academic Freedom

#### A Human Right Under Attack In Need Of A Global Response

9 March 2021 (6 Pm To 8 Pm CET)

Academic freedom is both an individual and a collective right. Individually, it protects the scholar from interferences with her freedom of expression by the institutions that employ her, the government and third parties. As the European Court of Human Rights underlined in *Sorguç v. Turkey*, academic freedom guarantees academics the right to “express freely their opinion about the institution or system in which they work and freedom to distribute knowledge and truth without restriction.”<sup>1</sup> The right extends to academics’ activities both within their institutions and outside, because “all too often, academics are targeted for their public perception as sceptics and objective knowledge-seekers, especially when they engage in public debate.”<sup>2</sup>

Collectively, academic freedom protects academic institutions from encroachment by the government and private actors. As the United Nations Educational, Scientific and Cultural Organization’s (UNESCO) Recommendation Concerning the Status of Higher-Education Teaching Personnel noted: “[s]elf-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education.”<sup>3</sup> The autonomy of higher education institutions is a “precondition to guarantee the proper fulfillment of the functions entrusted to higher-education teaching personnel and institutions.”<sup>4</sup>

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<sup>1</sup> *Sorguç v. Turkey*, App. No. 17089/03, European Court of Human Rights, Judgement, para. 35 (23 June 2009) [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%2217089/03%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-93161%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%2217089/03%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-93161%22]}).

<sup>2</sup> United Nations General Assembly, *Promotion and Protection of the Right to Freedom of Opinion and Expression*, para. 56(c) (28 July 2020) U.N. Doc. A/75/261.

<sup>3</sup> United Nations Educational, Scientific and Cultural Organization, *Recommendation Concerning the Status of Higher-Education Teaching Personnel*, UNESCO General Conference, 29<sup>th</sup> Paris, para. 21 (11 Nov. 1997).

<sup>4</sup> *Id.* at para. 18.

As the Committee stressed, academic freedom necessarily “requires the autonomy of higher institutions,”<sup>5</sup> and autonomy is defined as the “degree of self-governance necessary for effective decision-making ... in relation to their [the institution’s] academic work, standards, management and related activities.”<sup>6</sup> The “[e]xternal interference in the selection, appointment, and dismissal of leadership and professors”<sup>7</sup> is one example of how the collective and individual right to academic freedom might be encroached.

Academic freedom imposes on States obligations, such as the duty to ensure the respect the academic freedom of others, the fair discussion of contrary views, and the treatment of everyone without discrimination on any of the prohibited grounds.”<sup>8</sup> It also confers on the State positive obligations, such as the duty to foster an enabling environment that ensures protection of academic freedom.<sup>9</sup>

The webinar organized by Science for Democracy in collaboration with Associazione Luca Coscioni and Eumans will provide an opportunity to present a [shadow report](#) submitted to the Committee on academic freedom in China and to present other situations in which academics and researchers have been at the center of arbitrary limitations of their work. The final version of the program will be posted at [www.sciencefordemocracy](http://www.sciencefordemocracy) by the end of February.

Science for Democracy is an international non-governmental organization, based in Brussels, Belgium to promote the human right to benefit from progress in science and technology (the “right to science”) by fostering a dialogue between the scientific community and national and international decision-makers to urge States to fulfil their international human rights international obligations and to promote universally the right to science.

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<sup>5</sup> United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (Twenty-First Session 1999) The Right to Education*, paras. 40 (8 Dec. 1999) U.N. Doc. E/C.12/1999/10.

<sup>6</sup> *Id.*

<sup>7</sup> United Nations General Assembly, *Promotion and Protection of the Right to Freedom of Opinion and Expression*, para. 39 (28 July 2020) U.N. Doc. A/75/261.

<sup>8</sup> United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (Twenty-First Session 1999) The Right to Education*, paras. 39 (8 Dec. 1999) U.N. Doc. E/C.12/1999/10

<sup>9</sup> United Nations General Assembly, *Promotion and Protection of the Right to Freedom of Opinion and Expression*, paras. 9-10 (28 July 2020) U.N. Doc. A/75/261.