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*Plenary sitting*

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**A8-0403/2018**

27.11.2018

# REPORT

on a European Parliament recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action  
(2018/2117(INI))

Committee on Foreign Affairs

Rapporteur: Wajid Khan

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## **DRAFT EUROPEAN PARLIAMENT RECOMMENDATION**

**to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action  
(2018/2117(INI))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 13 thereof,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (11855/2012), adopted by the Foreign Affairs Council on 25 June 2012,
- having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline, adopted by the Foreign Affairs Council on 12 May 2014,
- having regard to the EU Annual Report on Human Rights and Democracy in the World in 2016 and the European Union's policy on the matter,
- having regard to the Recommendation Concerning the Status of Higher Education Teaching Personnel, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), at its 29th session from 21 October to 12 November 1997,
- having regard to the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, adopted by the World University Service in September 1988,
- having regard to Resolution 29/7 on the Right to Education, adopted by the UN Human Rights Council at its 42nd meeting of 2 July 2015,
- having regard to General Comment Number 13 of the UN Committee on Economic, Social and Cultural Rights adopted on 8 December 1999 at its Twenty-first session,
- having regard to Opinion 891/2017 of the Venice Commission,
- having regard to the reports by national, European and international non-governmental organisations (NGOs), and, in particular, the Principles of State Responsibility to Protect Higher Education from Attack,
- having regard to its previous resolutions addressing fundamental rights,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the Universal Declaration of Human Rights,

- having regard to Rule 113 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0403/2018),
- A. whereas UNESCO defines academic freedom as ‘the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies’;
  - B. whereas the right to education is of fundamental importance for the enjoyment of all other human rights and for achieving sustainable development; whereas this right can only be enjoyed in an atmosphere of academic freedom and with the autonomy of institutions of higher education;
  - C. whereas the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education defines academic freedom as the freedom of members of the academic community – covering all persons teaching, studying, researching and working at an institution of higher education – individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing and writing;
  - D. whereas this definition must be grounded in core democratic values, including equitable access and anti-discrimination principles, accountability, critical and independent thinking institutional autonomy and social responsibility; whereas there can be no democracy without the academic freedom that enables informed debate;
  - E. whereas academic freedom is a key element to advance to sustainable development, in particular to the achievement of the Sustainable Development Goals (SDGs) enshrined in the 2030 Agenda, where quality education, scientific research and innovation occupy a central place;
  - F. whereas autonomy is a necessary precondition for education institutions to fulfil their proper functions; whereas academic freedom requires constant and vigilant protection from undue pressure from the State or commercial interests;
  - G. whereas academic freedom – including its constituent freedoms of thought, opinion, expression, association, travel, and instruction – contributes to creating the space in which any open and stable pluralistic society is free to think, question, share ideas and produce, consume and disseminate knowledge;
  - H. whereas attacks on academic freedom undermine research, study, teaching, public discourse and the right to education, eroding academic quality and social, political, economic and cultural development; whereas answers to issues in society should be found through reason, evidence and persuasion;
  - I. whereas the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom;

- J. whereas the academic community and education institutions are increasingly vulnerable to interference, pressure or repression from states, the business sector or other non-state actors; whereas every year, hundreds of attacks on universities, higher education institutions and their members are reported around the world, including killings, violence and disappearances, imprisonment wrongful imprisonment/detention, wrongful prosecution, loss of position, wrongful dismissal/expulsion from study, and restrictions on travel or movement, and other extreme or systemic threats; whereas violations of academic freedoms are also occurring within Member States of the European Union and its closest partners;
- K. whereas cuts in public funding for education, including higher education, and the subsequent need for alternative sources of income puts academic freedom at risk, particularly when such external funding originates from autocratic regimes abroad or multinational corporations;
- L. whereas foreign education institutions within the European Union are facing attacks from national governments and encountering violations of their academic freedom;
- M. whereas the attempts to control or silence higher education institutions or their scholars, students and staff extend well beyond the individuals and institutions directly targeted and affect society at large by shrinking the space for the inclusive democratic participation, free speech and empowerment of all citizens and by depriving future generations of high-quality academics and researchers;
- N. whereas the effective realisation of the right to education and the guarantee of academic freedom require states to ensure an adequate and reliable level of funding for education; whereas policies of financial and economic austerity have gravely undermined academic freedom and continue to do so around the world, including within the EU;
- O. whereas violations of academic freedom are rarely addressed within a human rights framework, reflecting, in part, a lack of familiarity with issues of academic freedom among human rights advocates and, in part the fact that claims often refer to other rights being violated, such as freedom of expression or opinion; whereas, as a result, standards in this area are underdeveloped and violations of academic freedom underreported;
- P. whereas there is a general need both to raise awareness of the importance of academic freedom as a tool to promote democracy, respect for the rule of law and accountability, and to create opportunities to improve the capacity for its advocacy and defence;
- Q. whereas it is important to identify attacks on academic freedom as part of a global phenomenon, and to encourage the recognition of academics and students being targeted not only as individuals whose rights are being violated, but also as human rights defenders who are being attacked; whereas a robust response is needed at international and national level, both from within higher education itself and from civil society and the public at large;
- R. whereas many at-risk academics and students are not able to obtain access to the opportunities provided by EU programmes for academic mobility and human rights defenders, as a result of not meeting the application criteria or of having great difficulty in following the general application procedures, requirements and schedules;

- S. whereas funding limitations in EU programmes restrict the actions of organisations and universities in the EU that already support students and scholars who are at risk or flee their countries as a result of the threat of persecution for their academic engagement; whereas these organisations and universities require more assistance for their actions and initiatives;
- T. whereas the EU is committed to promoting and protecting human rights, democratic institutions and the rule of law worldwide; whereas the EU Action Plan on Human Rights and Democracy calls for a more effective EU human rights and democracy support policy, including increasing the effectiveness of Human Rights Dialogues, improving the visibility and impact of human rights country strategies, focusing on effective implementation of the EU Human Rights Guidelines and improving public diplomacy and communications on human rights;
1. Recommends the following to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:
- (a) explicitly recognise the importance of academic freedom in public statements, policies and actions relating to the EU's external action, including recognition of the principles that ideas are not crimes and that critical discourse is not disloyalty, but rather essential parts of a democratic society and its development, that the autonomy of education institutions should be protected at all times, and that academic freedom plays an essential role in the educational advancement and the development of humankind and modern society;
  - (b) recognise that claims to academic freedom fall under existing human rights law, derived from the right to education and the rights to freedom of expression and of opinion; recall that academic freedom extends to the freedom of academics to disseminate information and conduct research and distribute knowledge and truth without restriction, the freedom to express their views and opinions – even if controversial or unpopular – in the areas of their research and professional expertise, which may include an examination of the functioning of public institutions in a given political system and criticism thereof;
  - (c) publicly highlight the problems of attacks on academic freedom, including their negative consequences; express concern regarding the vulnerability of the academic community to undue interference by national authorities, private actors or corporate interests and; recall the responsibility of states to guarantee academic freedom, act in conformity therewith and proactively protect higher education institutions, academics and students from attacks, regardless of their origin and nature;
  - (d) ensure that EU institutions and Member States' representatives visiting third countries are briefed on the situation of academic freedom;
  - (e) demonstrate support for the institutions, staff and students that are at risk or have been the victims of coercion or violent attacks, and publicly condemn such attacks, by raising the issue at all levels, including through statements, visits, invitations to public appearances and trial and prison monitoring, and specific references to individual cases of members of higher education communities at risk;

- (f) support equal access to the academic community, regardless of ethnicity, caste, disability, nationality, religious belief, gender identity, sexual orientation or other status; pay particular attention in their dealings with third countries, to support the elimination of gender-based discrimination and all forms of violence and to help realise gender equality and the right to education for all;
- (g) highlight that attacks on academic freedom can also take the form of cyberattacks, as academics today increasingly make use of the internet and social media to express their ideas and opinions;
- (h) raise academic freedom at different levels of political dialogue, including in human rights dialogues and consultations with partner countries; step up diplomatic efforts with partner countries through bilateral and multilateral engagement in relation to incidents of concern, involving threats or attacks on academic freedom and particularly violent attacks on institutions and members of the higher education community, as well as discriminatory policies or practices, undue restrictions on research or expression, wrongful prosecution or detention and restrictions on the right to form and join trade unions; encourage partner countries to set up a framework for academic freedom and institutional autonomy and to monitor the implementation of these fundamental rights; ensure that any international cooperation agreements with partner countries respect these principles;
- (i) encourage all states to do as most EU Member States have already done and endorse and implement the Safe Schools Declaration and its accompanying Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, which serve as guidance on the responsibility to protect core values, especially academic freedom and institutional autonomy, in the context of violent and coercive attacks on higher education;
- (j) work with the UN, the Council of Europe, international agencies, civil society and higher education communities to create mechanisms for monitoring and reporting attacks, threats and undue restrictions on higher education and individual scholars; and to strengthen and promote monitoring in order to raise awareness, hold perpetrators to account and improve efforts to prevent and respond to attacks on academic freedom;
- (k) engage and encourage regular dialogue with university communities and organisations whose mission it is to protect higher education communities and promote academic freedom, in order to develop the best policy frameworks, initiatives and advocacy strategies for academic freedom;
- (l) contribute to the development of capacities for prompt, thorough and transparent investigations of violations of academic freedom, particularly in situations involving violent attacks; improve efforts to prevent and respond to attacks on academic freedom and undertake all reasonable efforts to hold perpetrators to account;
- (m) foster work on research and advocacy aimed at reforming legislation and regulations imposing undue restrictions on academic freedom or the academic autonomy of higher education institutions, and promote institutional autonomy as a way of protecting systems of higher education from state, business or other non-state

actors' interference or attacks and preserving higher education from politicisation and ideological manipulation;

(n) step up diplomatic efforts with partner countries through bilateral and multilateral engagement in relation to incidents of concern involving threats or attacks on academic freedom, in particular violent attacks on institutions and members of the higher education community, as well as discriminatory policies or practices, undue restrictions on research or expression, wrongful prosecution or detention;

(o) revisit existing support and protection mechanisms for human rights defenders to develop the capacity to identify and provide assistance, including emergency protection and support, in cases involving attacks on academic freedom, including through physical protection, legal and visa support, medical support, trial and prison monitoring, advocacy and lobbying, and long-term support during exile; calls, in particular, on the European Instrument for Democracy and Human Rights to include among its priorities the promotion of academic freedom and support for at-risk members of the academic community;

(p) review existing programmes and resources for academic mobility and other forms of education and research cooperation, including their criteria, application procedures, requirements, timeframes and schedules, for the purpose of eliminating obstacles which might preclude otherwise qualified at-risk academics or students from being able to obtain access to programme opportunities, placements or other resources; promote the existing projects financed by the EU, such as the 'Academic Refuge', which strive to raise greater awareness of the importance of academic freedom in the higher education sector and the consequences for society at large when this freedom is repressed;

(q) ensure that the EU's macro-financial assistance programmes for third countries and the policies of European financial institutions do not undermine academic freedom by supporting policies that reduce the allocation of national income to the education sector;

(r) create new initiatives within existing and future programmes – possibly as synergies developed and funded by the Union through its non-education and research budgets – such as the Instrument for Pre-Accession (IPA III), Horizon 2020, Erasmus+ and the Marie Skłodowska-Curie Actions, for new EU-funded programme actions to support the placement of at-risk academics, student researchers and full degree students with international protection status in European higher education and research institutions;

(s) support ongoing normative efforts at regional and international level, including through the adoption of an international declaration on academic freedom and the autonomy of higher education institutions; encourages the EU and its Member States to take initiative on academic freedom at the UN Human Rights Council;

(t) ensure continued, high-level support to the European Inter-University Centre and the Global Campus on Human Rights and Democracy, as a flagship of the EU's support to human rights education worldwide;



2. Instructs its President to forward this recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	21.11.2018
<b>Result of final vote</b>	+: 56 -: 5 0: 1
<b>Members present for the final vote</b>	Michèle Alliot-Marie, Nikos Androulakis, Petras Auštrevičius, Bas Belder, Victor Boştinaru, Elmar Brok, Klaus Buchner, James Carver, Lorenzo Cesa, Georgios Epitideios, Eugen Freund, Michael Gahler, Iveta Grigule-Pēterse, Sandra Kalniete, Tunne Kelam, Wajid Khan, Stelios Kouloglou, Andrey Kovatchev, Eduard Kukan, Arne Lietz, Barbara Lochbihler, Sabine Lösing, Andrejs Mamikins, David McAllister, Francisco José Millán Mon, Javier Nart, Pier Antonio Panzeri, Demetris Papadakis, Ioan Mircea Paşcu, Alojz Peterle, Tonino Picula, Kati Piri, Julia Pitera, Cristian Dan Preda, Jozo Radoš, Michel Reimon, Sofia Sakorafa, Jean-Luc Schaffhauser, Anders Sellström, Alyn Smith, Jordi Solé, Dobromir Sośnierz, Jaromír Štětina, Dubravka Šuica, Charles Tannock, László Tőkés, Miguel Urbán Crespo, Ivo Vajgl
<b>Substitutes present for the final vote</b>	Doru-Claudian Frunzulică, Ana Gomes, Takis Hadjigeorgiou, Marek Jurek, Patricia Lalonde, Antonio López-Istúriz White, David Martin, José Ignacio Salafranca Sánchez-Neyra, Marietje Schaake, Eleni Theoharous, Bodil Valero, Mirja Vehkaperä, Željana Zovko

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

56	+
ALDE	Petras Auštrevičius, Iveta Grigule-Pēterse, Patricia Lalonde, Javier Nart, Jozo Radoš, Marietje Schaake, Ivo Vajgl, Mirja Vehkaperä
ECR	Bas Belder, Charles Tannock, Eleni Theocharous, Anders Primdahl Vistisen
GUE/NGL	Takis Hadjigeorgiou, Sabine Lösing, Sofia Sakorafa, Miguel Urbán Crespo
PPE	Michèle Alliot-Marie, Elmar Brok, Lorenzo Cesa, Michael Gahler, Sandra Kalniete, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, Antonio López-Istúriz White, David McAllister, Francisco José Millán Mon, Alojz Peterle, Julia Pitera, Cristian Dan Preda, José Ignacio Salasfranca Sánchez-Neyra, Anders Sellström, Jaromír Štětina, Dubravka Šuica, Željana Zovko
S&D	Nikos Androulakis, Victor Boştinaru, Eugen Freund, Doru-Claudian Frunzuliță, Ana Gomes, Wajid Khan, Arne Lietz, Andrejs Mamikins, David Martin, Pier Antonio Panzeri, Demetris Papadakis, Gilles Pargneaux, Ioan Mircea Pașcu, Tonino Picula, Kati Piri
VERTS/ALE	Klaus Buchner, Barbara Lochbihler, Michel Reimon, Alyn Smith, Jordi Solé, Bodil Valero

5	-
ECR	Marek Jurek
ENF	Jean-Luc Schaffhauser
NI	James Carver, Georgios Epitideios, Dobromir Sośnierz

1	0
PPE	László Tőkés

Key to symbols:

+ : in favour

- : against

0 : abstention