



French Republic

**EUROPEAN
AFFAIRS
COMMITTEE**

Paris, 9 December 2021

POLITICAL OPINION

on the need to support academic freedom in Europe

- ① The Senate European Affairs Committee,
- ② Having regard to the Treaty on the Functioning of the European Union (TFEU), in particular its Articles 2, 4, 6, 165, 173 and its Title XIX,
- ③ Having regard to the Charter of Fundamental Rights of the European Union, in particular its Articles 11, 13, 14 and 15,
- ④ Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, 2000 / C 364/01, in particular its Article 10,
- ⑤ Having regard to Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing "Horizon Europe", the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No. 1290/2013 and (EU) No. 1291/2013,
- ⑥ Having regard to Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No. 1288/2013,

- ⑦ Having regard to the joint communication from the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament, the European Council and the Council of 12 March 2019 on EU-China Relations - A Strategic Outlook, JOIN(2019) 5 final,
- ⑧ Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 30 September 2020 on achieving the European education area by 2025, COM(2020) 625 final,
- ⑨ Having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 18 May 2021, entitled "The Global Approach to Research and Innovation. Europe's International Cooperation Strategy in a Changing World", COM(2021) 252 final,
- ⑩ Having regard to the Council conclusions on the Communication of the Commission "The Global Approach to Research and Innovation. Europe's International Cooperation Strategy in a Changing World", adopted on 28 September 2021 (12301/21),
- ⑪ Having regard to the draft resolution of the Council of 16 July 2021 on a Pact for Research and Innovation in Europe, COM(2021) 407 final,
- ⑫ Having regard to the Recommendations of the Council of 19 November 2021 on a Pact for Research and Innovation in Europe (12301/21),
- ⑬ Having regard to the joint communication from the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank of 1 December 2021, entitled "The Global Gateway", JOIN (2021) 30 final,
- ⑭ Having regard to the European Standards and Guidelines (ESG) for Quality Assurance in the European Higher Education

Area, approved by the ministers of higher education of the signatory states at the Yerevan Conference in 2015.

- ⑮ Having regard to the Paris Communiqué, adopted on 25 May 2018, and the Rome Communiqué, adopted on 19 November 2020, during the Ministerial Conferences of the European Higher Education Area (EHEA), as part of the Bologna process,
- ⑯ Having regard to the Bonn Declaration on Freedom of Scientific Research, adopted by the ministers responsible for research of the Member States of the Union on 20 October 2020,
- ⑰ Having regard to the judgment of the Court of Justice of the European Union, delivered on 6 October 2020, C-66/18, European Commission v Hungary,
- ⑱ Having regard to the Recommendation of the European Parliament of 29 November 2018 to the Council, the Commission and the Vice President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on the defence of academic freedom in the Union's external action (2018/2117 (INI)),
- ⑲ Having regard to the resolution of the European Parliament of 16 September 2021 on a new EU-China strategy (2021/2037 (INI)),
- ⑳ Having regard to Recommendation 1762(2006) of the Parliamentary Assembly of the Council of Europe of 30 June 2006 on academic freedom and university autonomy,
- ㉑ Having regard to the resolution of the Parliamentary Assembly of the Council of Europe n° 2189 of 20 November 2020, "Threats to academic freedom and autonomy of higher education institutions in Europe",
- ㉒ Having regard to Recommendation CM/Rec (2012)7 of the Committee of Ministers to Member States of the Council of Europe of 20 June 2012, on the responsibility of public authorities for academic freedom and institutional autonomy,
- ㉓ Having regard to Recommendation CM/Rec(2019)9 of the Committee of Ministers to Member States of the Council of Europe of 16 October 2019 on fostering a culture of ethics in the teaching profession,

- ②④ Having regard to the concept note of the European Commission of 20 February 2020, entitled “Concept note on tackling foreign interference in higher education institutions and research organisations”,
- ②⑤ Having regard to the Bologna Charter, adopted by the rectors of 388 European universities on 18 September 1988 ("Magna Charta Universitatum"), as amended,
- ②⑥ Having regard to the European Code of Conduct for Research Integrity,
- ②⑦ Having regard to Senate Information Report No. 873 (2020-2021) by Mr. André Gattolin, made on behalf of the fact-finding mission on non-European State influences in the French academic and university sectors and their impact, filed on 29 September 2021,
- ②⑧ Having regard to the report of the United Nations Special Rapporteur of 20 July 2020 on the promotion and protection of the right to freedom of thought and expression (A/75/261),
- ②⑨ Having regard to the Council of Europe report: "Academic Freedom, Institutional Autonomy and the Future of Democracy" (Council of Europe Higher Education Series No. 24) (2020),
- ③⑩ Having regard to the joint report of the Joint Research Centre of the European Commission and the European Centre of Excellence for Combating Hybrid Threats, The Landscape of Hybrid Threats: A Conceptual Model (2021),
- ③① Whereas academic freedom is the condition and foundation of excellent scientific research - which cannot be based on censorship, conformism, intellectual closure, and withdrawal – and of high-quality higher education,
- ③② Whereas academic freedom therefore concerns the entire academic community, namely teachers, researchers and students, but also higher education and research institutions,
- ③③ Whereas research and innovation play a crucial role in facing current social, societal, geopolitical and environmental challenges, and improving the well-being of citizens and competitiveness in Europe,

- ③④ Whereas the right to a free, plural education which encourages critical thinking is the precondition for the exercise of all other human rights,
- ③⑤ Whereas there is growing distrust towards science,
- ③⑥ Whereas the freedom of scientific research has as a corollary the integrity of scientific research, which implies that the latter be conducted in accordance with the principles of reliability, honesty and responsibility,
- ③⑦ Whereas academic freedom, far from being a privilege granted to a few, constitutes a fundamental democratic value, the guarantee of which benefits the whole of society, and whose violations not only harm the scientific community, but ultimately affect social and economic development and the quality of public debate,
- ③⑧ Whereas academic freedom is today sometimes threatened and called into question in many ways, in particular by pressure exerted directly or indirectly by States or other public authorities, private economic or commercial interests or social groups;
- ③⑨ Whereas, due in particular to their multifaceted nature, violations of academic freedom are only rarely documented and are rarely examined in the context of monitoring respect for human rights,
- ④⑩ Whereas the widespread use of digital tools for teaching, research, dissemination of research and, more generally, the expression of ideas and opinions, exposes students, teachers and researchers to cyber-attacks, as well as increased surveillance and harassment practices online, which could seriously affect academic freedom,
- ④① Whereas interdisciplinarity, international collaboration and cooperation, including the free movement of researchers, teachers and students, are guarantees of quality research,
- ④② Whereas the quality of European research and its degree of technological advancement make it a prime target for foreign competitors, and collaboration with non-European countries in the field of higher education and research can bring conflicts with value systems that are contrary to European values, in particular in matters of academic freedom,

- ④③ Whereas there are therefore benefits for Europe in stimulating the construction of a global research area based on the principles of openness, legality and reciprocity, while respecting the fundamental values which have made it successful as a scientific power,
- ④④ Whereas Europe's eminent place in global research gives it the legitimacy and the capacity to do so,
- ④⑤ Whereas there is a need for efficient tools to defend academic freedom within the Union,
- ④⑥ Whereas academic freedom is not mentioned in the treaties or protected at a constitutional level in all the Member States, and is not recognised as such in the European Convention on Human Rights,
- ④⑦ Whereas freedom of expression does not cover all aspects of academic freedom, in particular the right to freely define the subject of one's research,
- ④⑧ Whereas the exercise of academic freedom, as guaranteed by the Charter, does not only include individual rights, but also supposes that the autonomy of higher education and research establishments is guaranteed, as clarified by the Court of Justice of the European Union (CJEU) in its judgment of 6 October 2020 (Commission v Hungary),
- ④⑨ Believes that academic freedom must be defended at all times as a democratic value, both within the Union and beyond its borders;
- ⑤⑩ Calls therefore on the Commission to make the issue of academic freedom, research integrity and the autonomy of higher education and research establishments a priority in its action in the fields of higher education and of research;
- ⑤⑪ Notes with satisfaction that a number of initiatives have been taken in recent years, both by higher education and research actors themselves and non-governmental organisations, as well as by national, European and global government bodies, to document attacks on academic freedom and develop tools to better protect it;

- ⑤② Stresses the need to make the various initiatives taken by different stakeholders consistent, each on their own scale and in their field of competence;
- ⑤③ Calls therefore on the Union to make a concrete commitment to academic freedom, by supporting existing relevant initiatives and seizing opportunities for action within the scope of its competences;
- ⑤④ Welcomes the fact that academic freedom and the freedom of scientific research are explicitly mentioned as pillars of the new Pact for Research and Innovation in Europe, and the new EU Strategy for International Cooperation, Research and Innovation, recently approved by the Council;
- ⑤⑤ Calls for this dimension of protection and defence of academic freedom henceforth to be integrated and operationalised in each of the actions carried out by the Union, in its field of competence, in higher education and research, and that Member States are encouraged to take it fully into account in actions which fall within national competence;
- ⑤⑥ Calls for the establishment of mechanisms for documentation, evaluation, monitoring and, where appropriate, sanctions, to protect academic freedom within the Union;
- ⑤⑦ Calls on the Commission to identify incidents and infringements relating to academic freedom in Europe and to develop quantitative and qualitative surveys on the subject, in order to have a solid diagnosis of the state of threats, as well as to put in place, in conjunction with the Member States, a rapid alert system enabling threats to be reported in real time, which could also be made directly accessible to any European researcher, teacher or student, to higher education and research institutions, their representatives and civil society actors working for the defence of academic freedom;
- ⑤⑧ Calls on the Commission to draw up each year, on the basis of the information thus gathered, a report on infringements of academic freedom within the Union;
- ⑤⑨ Proposes the establishment of a commission made up of representatives of the various stakeholders, in particular the academic community, in charge of developing reliable and shared

indicators making it possible to measure the degree of academic freedom, by country and by institution, by taking advantage of existing indicators, as well as to formulate proposals and recommendations with a view to improving the protection of this freedom;

- ⑥0 Considers that these indicators should be integrated into the mid-term and final evaluations provided by the Horizon Europe and Erasmus+ regulations, as well as in the annual report published by the Commission on the rule of law in Europe, including in country reports;
- ⑥1 Calls on the Commission to support the creation of a ranking of higher education and research institutions complementary to major international rankings such as the Shanghai Jiao Tong University (ARWU) ranking, the Times Higher Education World University Rankings and the QS World University Rankings, integrating the dimensions of respect for academic freedom, scientific integrity, transparency of funding and conflicts of interest, which should concern at least the large European institutions and the main institutions of third country partners;
- ⑥2 Considers that research on academic freedom, the infringements to which it is subjected and the solutions which could be provided, should be developed and encouraged at European level;
- ⑥3 Suggests therefore the launch of a call for projects on the theme of academic freedom within the framework of Cluster 2 ("Culture, Creativity and Inclusive Society") of the second pillar of the Horizon Europe programme, in order to develop expertise;
- ⑥4 Calls on the Commission to take into account, when drawing up guidelines on respect for academic freedom, the dual institutional and individual dimension attached to the latter, as well as the diversity of the audiences concerned, including students;
- ⑥5 Suggests that these guidelines invite in particular to initiate a reflection on the advisability of supplementing the European Code of Conduct for Research Integrity, in order to better take into account recent developments in the research environment, in particular its internationalisation;

- ⑥⑥ Considers that, in particular, these guidelines should include recommendations concerning the transparency of funding for higher education and research activities, including doctoral contracts, as well as a principle of mandatory declaration of possible conflicts of interest and of reporting systematic incidents;
- ⑥⑦ Recommends the mandatory implementation of this principle of systematic declaration of conflicts of interest, third-party funding and cooperation with institutions from third countries for research projects funded by Horizon Europe program funds or other programs of the Union;
- ⑥⑧ Recommends, in order to create a genuine culture of academic freedom within the university community, the development of training and awareness modules on academic freedom and prevention against its attacks, which should be disseminated among, and recommended to, all European establishments, and integrated into the mandatory training base for Erasmus+ students and researchers, teachers and doctoral students financed by European funds;
- ⑥⑨ Calls for the development at European level, in collaboration with specialised agencies such as, for example, the European Union Agency for Cybersecurity (ENISA), of toolkits in the service of academic freedom, distributed to institutions, teachers, researchers and students and regularly updated, in order to facilitate the analysis of the risks of infringement of this freedom, to make known the means of protection and response to these risks and to provide decision-making support, both at the individual level as well as at the institutional level;
- ⑦⑩ Insists on the need to provide firm support to teachers, researchers and students boycotted, threatened or attacked, in Europe and in the world, by granting them, in particular, when necessary, diplomatic and legal assistance from the Union;
- ⑦⑪ Calls on the Union to continue and strengthen its support accordingly, in particular financial, to researchers at risk and to draw up a coordinated plan for the protection of researchers, which should in particular encourage the Member States to put protection mechanisms in place for teachers and researchers inspired by the functional protection model, including when the latter do not have the status of public officials;

- ⑦② Suggests, eventually, that the allocation of all European funds allowing the funding of research programs, including structural funds, to be made conditional on respect for academic freedom;
- ⑦③ Stresses that such a mechanism should not, however, affect teaching and research institutions, nor researchers, teachers and students, in the event that breaches of respect for academic freedom are not their fault;
- ⑦④ Calls on the Union to affirm the importance of academic freedom in all dimensions of its external action, in particular by integrating the defence and protection of this freedom in all global discussions with third countries, under fundamental freedoms;
- ⑦⑤ Calls in particular for the inclusion of a criterion of respect for academic freedom in the process of accession of new Member States to the Union;
- ⑦⑥ Recalls the existence, in the Horizon Europe research framework program, of mechanisms making it possible to exclude from the programs it finances entities in third countries or affiliated with third countries, for research actions relating to strategic assets, interests, autonomy or security of the Union;
- ⑦⑦ Calls on the Commission to include a reference to respect for the freedom of scientific research in each Association Agreement of third countries, and to include said reference in the model conventions for the participation of entities from third countries in research actions financed by a European programme;
- ⑦⑧ Considers that the guidelines for countering foreign interference targeting EU research organisations and higher education institutions, announced in Europe's new strategy for international cooperation in research and innovation, should duly take into account the issue of respect for academic freedom by partner countries and institutions, in particular by inviting European research and higher education institutions to consider the indicators of respect for academic freedom before any exchange or partnership agreement and by establishing a principle of systematic declaration and publicity by these institutions of their partnership projects with foreign entities;
- ⑦⑨ Calls for the creation of a task force within the European External Action Service (EEAS), responsible for monitoring all

forms of influence, interference and intrusion, operated, in any field whatsoever, by third countries, whether it be against the Union or its Member States;

⑧⑩ Considers that the promotion and defence of academic freedom in Europe and around the world should be one of the key themes of the French presidency of the Council of the European Union in the first half of 2022;

⑧⑪ Calls for the holding of a high-level conference bringing together all European partners and third countries interested in cooperation with the Union in the field of research and aimed at formally recognising respect for academic freedom as the basis of all international cooperation in the field of higher education and research,

⑧⑫ Calls on the Union, in consultation with all stakeholders, including the Member States and members of the academic community, to assess the possibility and advisability of consolidating the European legal framework, with a view to having more functional standards to defend academic freedom in Europe, including in its institutional dimension.