

Protection and promotion  
of  
freedom and independence of research:  
why, who, how?  
Can international cooperation help?

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**KING'S**  
*College*  
**LONDON**

Liviu Matei  
King's College London  
Global Observatory on Academic Freedom

# Outline

- Why freedom of scientific research is important? What is it?
  - Frameworks of reference; conceptual references
- Actors and stakeholders. Who are the “enemies”?
- Threats, infringements, challenges.
  - *Recent developments*
  - *Participant experiences*
  - Conceptualization, codification, monitoring, implementation/practice
- Who can/must protect and promote the freedom of scientific research
- How to protect – and how to exercise freedom of research?
  - Education
  - Monitoring
  - Building, using frameworks of reference or their elements
- Role and place of international cooperation

# Why freedom of scientific research is important? What is it?

- Different definitions and different types of definitions (human right, legal right, value, governance principle).
- Why is this relevant?

# **Bonn Declaration on Freedom of Scientific Research**

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**Adopted at the Ministerial Conference on  
the European Research Area  
on 20 October 2020 in Bonn**

# Complex definitions (conceptual references)

- The freedom of scientific research is a universal right and public good. It is a core principle of the European Union and as such anchored in the Charter of Fundamental Rights of the EU. It is also protected by the United Nations' International Covenant on Economic, Social and Cultural Rights ratified by more than 170 states. It has constitutional or legal status in most EU Member States. The freedom of scientific research applies to all types of research organisations and scholarship and to all academic disciplines. Freedom of thought and intellectual creativity require also freedom and security of individuals. Freedom of scientific research stands for openness, exchange, excellence, internationalism, diversity, equality, integrity, curiosity, responsibility and and reflexivity. It is therefore a pillar of any democracy.

*Not a definition but a conceptual reference*

# Simple (straightforward ) definitions

Freedom of research refers in particular

- to the freedom to choose a research topic
- the freedom to ask questions
- the freedom to choose materials and methods to find the answers,
- and the freedom to publicly present hypotheses, results and reasoning.

*Sections 2(2) and 14(6) of the Danish University Act.*

# (What is the freedom of scientific research?)

## Who benefits from research?

- All sectors of economy, the military, etc. – society on final account
- Innovation; new knowledge
- Freedom of research/academic freedom: a precondition for the production, transmission, dissemination and use of knowledge as a public good.
- Knowledge related concepts: academic freedom, institutional autonomy, academic integrity, freedom of research/ researchers, responsibility of researches

Actors and  
stakeholders -who  
can/must protect  
and promote  
FoR?

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Researchers

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Institutional leaders/managers at all levels

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Public authority bodies and their representatives (funding bodies?)

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International organizations

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Economic, religious, political and non-governmental organizations, professional associations

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The media (*freedom of speech debate*)

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Others?



# Protection and promotion

- Protection: legal measures and regulations (codification)
- Promotion: policy and other actual actions

Examples: SAR, tribunals, university bodies, governments, professional association (e.g. AAUP, EUA) etc.

A puzzle of actors and means...How to orient ourselves:  
frameworks of reference

# Frameworks of reference for the fundamental values of higher education and research

- Frameworks of reference include (variably):
  - a conceptual reference
  - guidelines for the practice and protection of the respective value
  - elements of codification (legislative norms, regulations, codes of conduct, etc.)
  - provisions about institutions and/or institutional mechanisms that should or could be utilised to implement the respective understanding and codification of academic freedom.
- **Conceptual reference:**
  - not only a definition or a link to an existing definition
  - a sufficiently long conceptual elaboration available in a written format that serves as a common reference, go-to conceptual source (or “anchor”) for actors inside and outside the university, which they use in sync for the understanding, codification and practice of academic freedom. *E.g.* : Rome Ministerial Communiqué: Statement on Academic Freedom (2020), Bonn Declaration on freedom of Scientific research scientific reserach



# Examples: the puzzle of overlapping frameworks of reference

- Global frameworks of reference
  - UN, UNESCO
- Regional
  - EHEA, Bonn Declaration, EU Parliament, Africa?
- National
  - National constitution/legislation.
  - South Africa example: articulation of a cluster of values/knowledge concepts
  - UK 2023-2024
- Institutional (King's College London example)



# Addressing challenges (keeping in mind the frameworks of reference)

- Conceptualization:
  - Build, defend, apply frameworks of reference  
*Examples: Florida, EU Parliament, King's College London*
- Codification
  - Tension between legal and other aspects
  - *Examples: Florida, EU Parliament, King's College London*
- Monitoring
  - AFi, EHEA monitoring, accreditation, regular center and program evaluation?
- Implementation –EU, UN, other examples?

Education, international cooperation and solidarity – not just legislation

# The EHEA monitoring framework of the fundamental values of higher education

VALUES	TYPE OF MONITORING	
<b>Rights/Freedoms</b>		
<ul style="list-style-type: none"> <li>-Academic Freedom</li> <li>-Institutional Autonomy</li> <li>-Participation of students &amp; staff in governance</li> </ul>	<i>De jure</i>	
	Protection	Outlook
	Promotion	
	<i>De facto</i>	
	Infringements	
	Threats	
	Positive developments	

VALUES	TYPE OF MONITORING	
<b>Duties/Obligations</b>		
<ul style="list-style-type: none"> <li>- Academic integrity</li> <li>- Responsibility for HE</li> <li>- Responsibility of HE</li> </ul>	<i>De jure</i>	
	Protection	Outlook
	Promotion	
	<i>De facto</i>	
	Fulfilment	
	Threats	
	Positive developments	

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Education, international cooperation and solidarity – not just legislation

# Actors in contexts

- Frameworks of reference
- Which course of action to take?
- About what?
- How?
- With others or alone?
- Accountability and agency



A close-up photograph of a person's hand holding a dark blue pen, poised to write on a document. The document contains faint, illegible text, suggesting a formal or legal context. The lighting is soft, highlighting the texture of the skin and the metallic tip of the pen.

## UN system (*global frameworks of reference*)

- Universal Declaration of Human Rights; 10 December 1948 (Article 27.1)

*everyone has the right freely to participate in the cultural life of the community, and to share in scientific advancement and its benefits (norm)*

- International Covenant on Economic, Social and Cultural Rights(1966) ratified by more than 170 states (*rights/obligations, institutions*)




UNESCO, 2017:  
global, complex conceptual reference and framework  
of reference, under revision



Transforming science for greater





Fundamental values of higher education in the European Higher Education Area (2018, 2020, 2024) -49 countries; *EU Commission, associate organizations*

- Conceptual references for: academic freedom (includes freedom of research for academic staff and students), institutional autonomy, academic integrity, participation of students and staff in governance, public responsibility for and off higher education
- Concrete government-level commitments to commitments to protect and promote academic freedom
- **Monitoring mechanism for the fundamental values**



# Bonn Declaration on 'Freedom of Scientific Research' 2020

- Complex but clear **shared definition**;
- Commitments of EU governments (norms, mechanisms)

“The freedom of scientific research is a universal right and public good”

” We encourage our research organisations and their researchers to establish strong research cooperation around the world and to uphold and promote the freedom of scientific research when working with researchers from all countries including those that do not always share our values and principles.”

# EU Parliament



- Amend the Treaty of the EU?
- Legislation for academic freedom=freedom of research
- Need for legal protection, not just shared “norms” to safeguard the ERA

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# EU Commission

- Guidelines for the protection of the fundamental academic values in the EU (and beyond?)
- Similar UN guidelines





## Context factors

- Type of political regime
- Stability of not (War and Peace)

Can international cooperation help?



# Forms of infringements, threats, restrictions

- Politically-motivated fiscal restrictions
- Criminalization of professional organizations
- Laws which limit the autonomy of institutions
- Surveillance through recordings or informants, political control of budget allocations, search committees
- Restricted access to academic literature or the confiscation of research materials.
- Loss of position, political imprisonment or forced exile

(K. Kinzelbach)

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# Thank you!

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[liviu.matei@kcl.ac.uk](mailto:liviu.matei@kcl.ac.uk)