

Procedural documents relating to SAGES complaint no. 211/2022 concerning, in particular, the institutional aspect of academic freedom

European and international case law concerning the institutional aspect of academic freedom is not very extensive. As far as we know, complaint no. 211/2022 filed by SAGES with the ECSR (European Committee of Social Rights) remains to this day the only action brought at the European level that has resulted in a decision specifically addressing this institutional aspect of academic freedom.

The HUDOC database only provides access to the ECSR's decision on admissibility and its decision on the merits. The ECSR has published some of the submissions online, but not all, and with a [root link](#) that has changed several times. Furthermore, the ECSR has never published some of its exchanges with SAGES, particularly those concerning compliance with the ECSR's rules of procedure and the classification of universities as "undertakings." Consequently, it is impossible for anyone other than SAGES, including specialists in these matters, to truly understand, analyze, and comment on the ECSR's decision.

Given that European case law and its development concerning the institutional aspect of academic freedom are a matter of general interest, I have decided, on the basis of Article 10 of the European Convention on Human Rights, to make available online, via a stable link, all the submissions from SAGES and the administration relating to this case, as well as other documents from SAGES and ECSR that have never been published before. Certain attachments are not available online because they are protected by copyright.

This case involved not only the institutional aspect of academic freedom but also the respect by the ECSR for its own [rules of procedure](#), and for the [revised European Social Charter](#) which gives equal value to its English and French versions, and the interpretation of the revised European Social Charter and its [appendix](#), in particular with regard to the [Vienna Convention on the Interpretation of Treaties](#) and the previous case law of the ECSR summarized in its ["digest"](#).

List of memories and exchanges with hyperlinks in chronological order:

- 1) **Claim No. 211/2022** [on the website of ECSR](#) or [on the SAGES website](#) if the first link no longer works
- 2) **Decision on admissibility on the** [SAGES website](#) ([also available on HUDOC](#))
- 3) **First memorandum in defense on the merits of the case by the French government** [on the website of ECSR](#) or on the website of SAGES ([original](#) or [translation](#)).
- 4) **First reply from the SAGES website** ([original](#) or [translation](#)) or [the ECSR website](#)
- 5) **2nd defense of the French government's on the** [SAGES](#) ([original](#) or [translation](#)) or [ECSR website](#)
- 6) [Email from the ECSR accompanying the French government's second statement of defence](#), indicating that "this document does not require a response from [SAGES] at this stage of the proceedings" and that the ECSR will "keep [SAGES] informed of the progress of the proceedings." According to **Article 31-4** of the [ECSR Rules of Procedure of July 6, 2022, then in force](#), **"The parties shall be duly notified of any [...] decision [relating to the closure of the] written procédure"**. SAGES therefore waited this decision before being able to produce "further documents" (Rule 31-4) and request that the case be held in a public hearing (Rule 33). However, no decision to close the investigation has been notified to SAGES.
- 7) [By letter dated June 14, 2024](#), the ECSR informed SAGES of its decision on the merits dated May 15, 2024, reminding SAGES that it did not have the right to publish it before the ECSR had published it. **It was through this letter that SAGES discovered that the investigation had been closed and that the ECSR had violated its own rules of procedure to the detriment of SAGES and those it represented before the ECSR.**
- 8) SAGES sends the ECSR an email on June 30, 2024, followed by a registered letter with acknowledgment of receipt¹ ([original](#) or [translation](#)), two memoranda, one justifying the consideration by the ECSR of additional documents produced by SAGES, the other constituting a reply to the second set of pleadings in defense of the French government.
- 9) [In a letter dated July 3, 2024, the ECSR does not dispute that it violated its own rules of procedure by not notifying the decision to close the investigation, but refuses to reopen the investigation on the grounds that no text provides for it once the decision on the merits has been adopted.](#)
- 10) **Decision on the merits, with one dissenting opinion,** [on the SAGES website](#) and [on HUDOC](#)

¹ The [file relating to electronic evidence](#) has also been made available online on the SAGES website, *ad probationem*

Done in Marseille, on July 18, 2026 by Denis ROYNARD, President of SAGES