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# CONCEPTUALISING PROTECTION: UNIVERSITIES AS SITES OF PROTECTION



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## Introduction<sup>1</sup>

Universities display ‘two faces’ (Bush & Salterelli, 2000) when it comes to the protection of human rights. They can foster or inhibit freedom of expression; provide ‘safe spaces’ yet be sites of violence; facilitate both the inclusion and exclusion of marginalised groups; and more broadly reflect, enhance, and ameliorate societal tensions. In their complexity and diversity, universities are likely to simultaneously play multiple, often contradictory, roles in relation to human rights. These qualities are exacerbated at a time when universities globally are experiencing pressures ranging from privatisation to enhanced government scrutiny and budget cuts, and demands from students for affordable education.

In this complex context, this Policy Brief draws on a research project that seeks to reunite universities with their third mission – after teaching and research – to address social, economic, and cultural challenges in society, through the lens of a particular concept: protection. Protection is here understood as the practices, mechanisms, or processes designed to prevent, reduce, or redress the risk of harm to individuals and groups.

We conceptualise protection along three dimensions: (1) Protection as presented in human rights standards, understood here through the prism of the relationship between duty-bearers and rights-holders. (2) A continuum of protection derived from political science and international relations (research on gender-based violence (GBV) and neoliberal governance). (3) Understandings of the particular role of universities in protection (physical protection of people, protection of values, protection of diverse forms of knowledge). This allows us to develop a multi-layered conceptualisation of universities as sites of protection that both highlights tensions and value clashes and identifies pathways that would enhance universities to champion a progressive politics of protection.

## Human rights and protection

In the field of human rights protection is framed in two main ways, with a focus on the relationship between duty-bearers (those with obligations) and rights-holders (those with entitlements). First, human rights law sets out three obligations for states and other duty-bearers: to respect, protect, and fulfil.<sup>2</sup>

- The duty to respect (non-interference) means that duty-bearers must refrain from actively violating a right and must not interfere in the enjoyment of a right.
- The duty to protect (oversight) requires the state to take action to prevent human rights violations by a third party, such as a private provider of a service.
- The duty to fulfil (delivery) requires that the state facilitates (provides an enabling environment), promotes, and provides, basic services for example, in certain circumstances.

The second human rights approach to protection focuses on the protection of vulnerable or marginalised groups. This approach can be broken down into the human rights involved, the responses or actions required, and the principles underpinning interventions. For duty-bearers such as states and arguably universities, the responsibility to protect requires protection of key human rights, for example, the right to life, the right to health and physical and mental integrity, the right to non-discrimination, and so on.

Duty-bearers are required to take action to protect these rights. Actions should include legal and administrative measures; public information and education programmes; and data collection, monitoring, and regular reporting, with protection measures (refuges, counseling, rehabilitation and support services). Legal and administrative interventions should ensure that crimes are reported, investigated, and prosecuted sensitively, safely, and justly.

1 This Policy Brief is based on the book chapter: Gready, P., Anciano, F., Papane, B., Mvelase, Z. and Mushengyezi, A., (2024). 'Universities as Sites of Protection: Insights from the Global South on Gender Based Violence', in Tibbitts, F. and Keet, A. (eds) *Emancipatory Human Rights and the University: Promoting Social Justice in Higher Education*. London: Routledge.

2 This formulation first appeared in relation to socio-economic rights, for example, CESCR, General Comment No. 12, The Right to Adequate Food, E/C.12/1999/5 12 May 1999; General Comment No. 13, The Right to Education, E/C.12/1999/10 8 December 1999; General Comment No. 14, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 11 August 2000.

Finally, Human Rights-based Approaches (HRBAs) provide concrete guidance about how responses and actions should be developed. For example, the HRBA-related PANEL principles (participation, accountability, non-discrimination, empowerment, and the law) inform the design, implementation, and evaluation of interventions (Gready, 2008, Tibbitts, 2022). In all the approaches to human rights set out above, a duty-bearer approach to providing protection dominates. More research is needed on the rights-holder/entitlement element of protection.

In relation to whether universities apply a HRBA, it is important to ask whether university policies and procedures are explicitly framed in rights terms and if so, which rights are prioritised. Second, is there a participatory approach adopted to the development, implementation, and evaluation of policies and practices?

## A continuum of protection – politics and international relations

Our second conceptual framework of protection, the continuum, mainly draws on politics and international relations literature on protection in two fields: GBV and neoliberal governance (see Figure 1).

At one end of the continuum, **protection as neoliberal governance** describes the delivery of physical protection through constellations

of governance actors where responsibility is on the one hand ‘from a distance’ and ‘for others’, for example, Northern actors supporting people or groups in/from the Global South, and on the other hand delegated to local parties. In the latter context, for at-risk individuals and those who have experienced harm, neoliberal governance emphasises strengthening their adaptability, self-reliance, and resilience vis-a-vis the risk landscape. The privatisation of essential services (campus security and student support, for example) and casual and precarious contracts further undermine a culture of accountability (Phipps, 2018).

Protection as neoliberal governance is criticised for shifting responsibility away from higher-level actors in the governance circle and placing protection burdens on those that are already vulnerable and with fewer resources (Whyte et al., 2016). It is also criticised for treating symptoms rather than causes, for example, prioritising individuals and narrow criminal justice-based responses without dealing with the structural and systemic dimensions of harm (Larner, 2000).

The next point on the continuum is **direct institutional protection and innovation**, which describes institutional spaces, setups, and policies around more direct forms of protection and lines of accountability. These arrangements may be nested within neoliberal modes of governance – but not necessarily – and are considered to form part of its protection apparatus. Protection may be based on policy



Figure 1. Continuum/spectrum of protection



and law. Protection may also be institutionalised, in spaces ranging from humanitarian camps to safe houses and spaces. Such spaces can extend beyond physical protection and include new innovations to support public advocacy, programmes of integration, and more.

Constraints are manifested in weak and piecemeal forms of protection that may reinforce aspects of the neoliberal status quo (providing it with a more human face). On the other hand, institutional spaces can secure some measure of autonomy that allows individuals and groups room to manoeuvre and innovate in their protection work. This includes the potential to critically engage with wider institutional and political dynamics, for example, by linking the protection of individuals to wider populations, and physical safety to broader agendas for change through advocacy work and campaigning.

Finally, **protection as radical politics** describes work at securing protection through autonomous, sometimes informal groups, organisations, and networks. When harms occur, these are viewed through a systemic lens – for example, the way particular harms reflect structural inequalities that are rooted in gendered power relations. Protection as radical politics often emerges and unfolds outside of governance circles, through group or collective grassroots action, with issues often framed as matters of (in)justice. Preferred strategies are to respond to formal institutional deficits and gaps in implementing protection by seeking wider transformations to the risk landscape, such as through structural change, consciousness-raising, and disruptive and contentious action.

## University-specific protection of people, values and knowledge

A final way of conceiving protection is to see it as encompassing three elements: physical protection, of individual and groups; protection of values, addressing how universities are protecting, operationalising, and redefining their values; and protection of knowledge communities, which refers to the role universities can play in supporting the decolonisation of knowledge and the protection of diverse knowledges.

**Physical protection** relates to the use of the space(s) and policies of universities as sites of physical protection. What literature there is on universities as spaces of protection usually analyses protection in relation to particular groups, such as refugees and scholars at risk. Universities have also been designated ‘sanctuaries’, in relation to particular marginalised groups (Tierney et al., 2017). Strategies to further these goals go beyond access for and protection of such groups, to include efforts to build awareness on and off campus, and approaches to integration which extend off campus, for example, building social connections for refugees (Kontowski & Leitsberger, 2018). As such, research on universities as sites of protection needs to assess the role universities can play not only in providing individual physical protection and immediate relief or redress (neoliberal and institutional protection) but also in using such protection to seek wider transformation and societal change (institutional innovation). Physical protection explicitly confronts the ‘two faces’ of universities, with campuses acting as both sites of abuse and generators of protection and innovative responses.

The **protection of values** explores how universities are redefining and operationalising their third mission and core values at a particularly challenging historical moment, at the intersection between unprecedented recent campus-based protests (Choudry & Vally, eds, 2020) and responses to such protests, including university closures and repressive securitisation of responses. Again, the broader environment affecting universities, from privatisation to

increased government scrutiny, and the ‘two faces’ of universities, are relevant.

The **protection of knowledge communities** contributes to research on epistemic injustice, that is, inequities related to who is valued as a knower and what kinds of knowledge are valued. Universities tend to privilege a narrow range of epistemologies associated with the European Enlightenment: empirical data and evidence, cognitive rationality, and the logic of cause and effect. Methods for overcoming epistemic injustice include:

- Translation, where perspectives can be enlarged through an encounter with unfamiliar ways of knowing and deepened by becoming more familiar with those alternatives (Santos, 2014).
- Mechanisms to support dialogue to generate multi-cultural conceptions of key terms, such as more systemic understandings of protection at the intersection of the ecological, political, and aesthetic (An-Na’im, 1992).
- Social learning techniques, which integrate collaborative practice and action (Illeris, 2009).

All of these approaches are fraught with problematic power dynamics and remain vague when it comes to the detail of actual practice.

## Towards a holistic conceptualisation of protection

Using the three frameworks set out above allows us to start to identify the tensions, overlaps as well as the distinct contributions of particular conceptions and elements within these frameworks. For example, neoliberal governance and direct institutional protection align with physical protection (individuals) and the human rights’ framing of the responsibility to respect and protect. On the other hand, institutional and policy responses, particularly if innovative, can align with protection of social justice values (with some extension to groups and wider society). Radical politics in the current era aligns with protection of knowledge communities (decolonising protection, societal transformation) and the responsibility to fulfil human rights. Drawing these three frameworks into an overarching, if provisional, theorisation of protection provides a template from which to analyse the role a university plays in relation to protection. Figure 2 provides a graphic presentation of this overarching theory, and the overlaps and distinctive contributions of particular approaches.

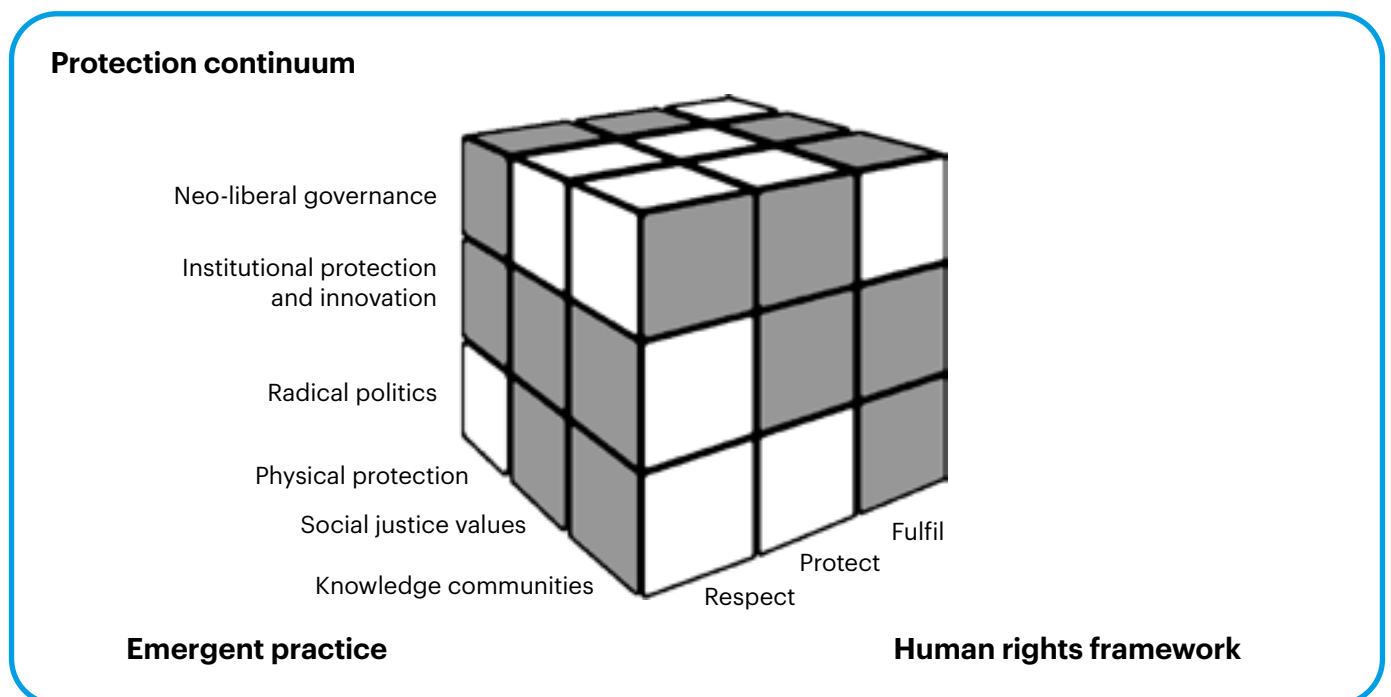


Figure 2.

As this preliminary theorisation illustrates, protection is a complex concept. A holistic theorisation retains diverse, often seemingly contradictory meanings, and for some, the concept itself may carry a negative connotation (top-down, coercive, masculinist, etc.). Applying a complex concept to complex institutions – universities – predictably leads to the conclusion that universities practice protection in many, often contradictory, ways at any given time. The fault lines that create tensions are clear:

- public versus private authority
- individual versus systemic or structural concerns
- activist versus institutional priorities
- student versus university management agendas
- narrow protection versus broader prevention as the focus, and so on.

Any effective approach to protection is likely to include all of these elements to some extent, but these fault lines help to identify the issues any protection practices must address: perceptions of where responsibility lies (e.g. dispersed, in formal institutions); the kinds of harms incurred (incidental and individual, structurally and culturally instantiated, etc.); the nature of mechanisms and practices of protection (formal, informal, antagonistic, collaborative); the approach to the risk landscape (challenge and reshape, manage the effects of); and the values underpinning protection practices (social justice, solidarity, efficiency, welfare).<sup>3</sup>

Human rights can contribute to charting a progressive route through this maze by identifying certain concerns as entitlements, framing contracts between duty-bearers (those with responsibilities) and rights-holders (those with entitlements) and by insisting on participation and accountability as core elements of protection politics.

## Conclusion

There are three main themes which emerge from this initial conceptualisation of protection.

First, framing the university as a protective space provides a lens on the wider question of the role of universities in contemporary societies at a time when both are in a considerable state of flux. Situated in a unique position between civil society and government, universities have the potential to influence not just their students, but the communities in which they are located as well as wider national and international policies. Thus, how they approach the idea of protection both conceptually and practically is of interest to all.

A related second point is that there remain a number of definitional questions in relation to protection. One such question is the relationship between protection and prevention. The more progressive approaches to protection, for example radical politics, have a strong preventive and prefigurative component. They seek not to provide protection for individuals or groups within prevailing systems but to replace these systems with alternatives where attitudes and behaviours are such that all people can feel safe on campuses and in society more broadly. A further question is what indigenous or decolonised approaches to protection might look like? Arguably, Western-based models of protection (policies and institutions, safe spaces, etc.) have been transposed onto diverse contexts.

Third, there are indications that a HRBA to protection adds value, but this too is an area requiring further research. The relationship, or tension, between student-led and university-led initiatives often resembles the relationship or tension between activism (to change policies, to secure their implementation) and institutionalisation in human rights more broadly. Initial research suggests benefits can vary from ensuring that private service providers, for example of security, are monitored and held to account, to empowering victims and survivors to make claims in rights terms and to participate in shaping policies and responses.

<sup>3</sup> The authors are grateful to Eric Huddy for his insights informing these observations.

## Recommendations

Recommendations to universities regarding protection are as follows:

- Ensure that protection responses cover legal and administrative measures; public information and education programmes; and data collection, monitoring, and regular reporting, alongside protection measures (refuges, counseling, rehabilitation and support services). Legal and administrative interventions should ensure that crimes are reported, investigated, and prosecuted sensitively, safely, and justly.
- Assess the value of framing protection measures in explicitly human rights terms, for example as services and protections to which staff and students are entitled and for which the university can be held accountable.
- Adopt a participatory approach to the development, implementation, and evaluation of policies and practices.
- Explore ways of linking individual physical protection and immediate relief or redress to wider transformation and societal change.
- Investigate multi-cultural and more localized, contextual conceptions of key terms, such as systemic understandings of protection at the intersection of the ecological, political, and aesthetic.
- Design and evaluate protection policies and services using criteria such as identifying where responsibility lies; the kinds of harms incurred (individual, structural); the nature of mechanisms and practices of protection (formal, informal, antagonistic, collaborative); the approach to the risk landscape (challenge and reshape, manage the effects of); the values underpinning protection practices (social justice, solidarity, efficiency, welfare); and different perspectives of their effectiveness (staff, student).

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