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Response to the Consultation on the right to enjoy benefits of scientific progress and its applications

Submitted by EIFL
November 25, 2011

Introductory Comments

We would like to thank the UN Independent Expert in the field of cultural rights for the opportunity to provide our response to the Questionnaire on the Right to Enjoy the Benefits of Scientific Progress and its Applications.

We welcome the Question 5. *What legal, administrative, policy or other measures have been adopted/are under consideration to eliminate barriers to scientific communication and collaboration, such as censorship, restrictions on access to the Internet or on free availability of scientific literature and journals?* And we would like to provide our response to it.

We do not have any objections with regard to our reply being posted on the OHCHR website.

EIFL (<http://www.eifl.net>) is an international not-for-profit organization dedicated to enabling access to knowledge for education, learning, research and sustainable community development in more than 45 transition and developing countries in Africa, Asia and Europe.

Question 5. What legal, administrative, policy or other measures have been adopted/are under consideration to eliminate barriers to scientific communication and collaboration, such as censorship, restrictions on access to the Internet or on free availability of scientific literature and journals?

We would like to focus on free availability of scientific literature and journals. There is an increasing interest from governments, funders and the research community itself in opening up the way research is carried out and communicated. And there are significant economic, social and educational benefits to making research outputs and data available without financial, legal

and technical barriers to access.

Open access movement seeks to remove price and permission barriers that prevent knowledge from being shared. Open access literature is digital, online, free of charge, and free of most copyright and licensing restrictions. Open access is compatible with copyright, peer review, revenue (and profit), print, preservation, prestige, career-advancement, indexing, and other features and supportive services associated with conventional scholarly literature. [1] Open access benefits researchers, institutions, nations and society as a whole.

By 'open access' to literature, we mean its permanent free availability on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. The only constraint on reproduction and distribution, and the only role for copyright in this domain, should be to give authors control over the integrity of their work and the right to be properly acknowledged and cited. [2]

To achieve open access to scholarly literature, there are two complementary strategies.

I. Open access Journals. Journals that use a funding model that does not charge readers or their institutions for access (subscription or access fees). Users can read, download, copy, distribute, print, search, or link to the full texts of the journal articles. These journals do no longer invoke copyright to restrict access to and use of the material they publish. Instead they use copyright and other tools to ensure permanent open access to all the articles they publish.

For the journal publishers, open access brings increased readership and, with that, increased citations, and maximum visibility and impact for a journal's contents. And it means that the best possible dissemination service is being provided for research.

The Directory of Open Access Journals (<http://www.doaj.org>) covering free, full text, quality controlled scientific and scholarly journals in all subjects and many languages currently lists 7305 open access scientific and scholarly journals.

II. Open access repositories. Open access repositories (archives/digital repositories) contain research output, not only refereed journal articles, but also theses and dissertations, unpublished reports and working papers, conference and workshop papers, books, chapters and sections, multi-media and audio-visual material, learning objects, datasets, software, patents, etc. They might be institutional or thematic. When these repositories conform to standards created by the Open Archives Initiative [3] they are interoperable, forming a global research facility. Common metadata protocol allows other web applications, such as data mining. Scholars and students deposit their research outputs in open repositories – a practice commonly called self-archiving.

Currently the Directory of Open Access Repositories (OpenDOAR: <http://www.opendoar.org>) lists 2144 open access repositories and there are 2559

open access repositories in the Registry of Open Access Repositories (ROAR: <http://roar.eprints.org>).

Open repositories publicise an institute's research strengths, providing maximum return on research investment. Open repositories increase impact and usage of institute's research, providing new contacts and research partnerships for authors. Institutions can mandate open repositories, speeding development. And open repositories provide an administrative tool for institutions.

Free and open source software is used to set up the repositories and institutions benefit from free technical support for installation and use. There are low installation and maintenance costs, repositories are quick to set up and gain benefits. And repositories provide usage statistics showing global interest and value of institutional research.

A number of studies have now been carried out on the effect of open access on citations to articles, showing the increased citation impact that open access can bring [4]. Open access repositories also provide an excellent means for researchers to boost their online presence and raise their profile.

A recent JISC report authored by Alma Swan called "Modelling scholarly communication options: costs and benefits for universities" [5] shows that a single large university could contribute around £3 million each year to the research community as a whole simply by sharing knowledge through a more open route. The study applied open access models to a representative group of universities, and reviewed the costs and benefits of each scenario. In terms of modelling, the work does two things: it identifies the costs and benefits of different scholarly communication scenarios; and it quantifies them, that is, it attaches actual values to cost elements in the processes involved and measures what economic outcomes emerge from modelling various scenarios. The outcomes of this modelling vary (eg by university) but, in all cases, open access options have the potential to save universities money.

Open Access Policies

We believe that every research funding institutions should have an open access policy, many already do, and many are thinking about it. Institutional open access policy may be voluntary (i.e. it requests that researchers make their work open access in the institutional repository) or mandatory (i.e. it requires that researchers make their work open access in the institutional repository).

The evidence [6] shows that only mandatory policies produce the level of self-archiving from researchers that fill repositories. So, although voluntary policies were initially popular, new institutional policies are now usually mandatory. Mandatory policies do bring the high level of self-archiving that provides universities and research institutions with the increased visibility and impact that open access promises.

The first university-wide mandatory policy was implemented by Professor Tom Cochrane, Deputy Vice-Chancellor at Queensland University of Technology in

Australia, in 2004. Since then, growing numbers of universities and research funders have followed suit. A list of policies developed by universities, research institutes and research funding agencies is maintained at the University of Southampton [7] and currently includes 135 Institutional Mandates, 33 Sub-Institutional Mandates, a Multi-Institutional Mandate and 51 Funder Mandates. As this is a self-registering service, supplemented by the list owners adding policies that they have discovered serendipitously, this list under-represents the actual number of policies in existence.

Universities and research institutions have roughly two options for creating a legal basis to distribute open access copies of peer-reviewed manuscripts by their faculty. First, they can seek permission from publishers, and only distribute open access copies when they succeed in obtaining it. Second, they can ask faculty to retain the right to provide open access on the university's terms (and grant the university non-exclusive permission to provide that open access), even if faculty transfer all their other rights to publishers. The second option can support open access for 100% of the faculty research output, while the first option would support much less. [8]

For those interested in introducing open access policy in their institution recommendations and model documents are available. [9] [10]

Open access provides access to the world's research output, free of financial and other restrictions – a level playing field. It incorporates local research into interoperable network of global knowledge, increases impact of local research, providing new contacts and research partnerships for authors, and removes professional isolation. Open access strengthens economies through developing a strong and independent national science base. There is growing evidence to show that countries also benefit because open access increases the impact of the research in which they invest public money and therefore there is a better return on investment [11]. Society as a whole benefits because research is more efficient and more effective, delivering better and faster outcomes for us all.

References:

- [1] Peter Suber: Open Access Overview: <http://www.earlham.edu/~peters/fos/overview.htm>
- [2] Open access definition from the Budapest Open Access Initiative:
<http://www.soros.org/openaccess/read.shtml>
- [3] The Open Archives Initiative Protocol for Metadata Harvesting:
<http://www.openarchives.org/OAI/openarchivesprotocol.html>
- [4] Swan, A. (2010) The Open Access citation advantage: Studies and results to date. Technical Report , School of Electronics & Computer Science, University of Southampton:
<http://eprints.ecs.soton.ac.uk/18516/>
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- [6] Effectiveness of university Open Access policies: <http://www.openoasis.org/images/stories/Sale%20study%20summary%20pdf.pdf>
- [7] ROARMAP (Registry of Open Access Repository Material Archiving Policies):
<http://www.eprints.org/openaccess/policysignup>
- [8] Three principles for university open access policies: <http://www.arl.org/sparc/advocacy/three-principles-for-univ.shtml>

[9] The Open Access Scholarly Information Sourcebook Institutional Policies section:
<http://bit.ly/6beVmU>; The main issues to take into account in developing an institutional open access policy: <http://bit.ly/mRlqj4> and The Optimal Open Access Policy for Institutions:
<http://bit.ly/tjmew1>

[10] The SPARC Open Access Newsletter, issue #130 and The SPARC Open Access Newsletter, issue #127, by Peter Suber: <http://www.earlham.edu/~peters/fos/newsletter/02-02-09.htm> and
<http://www.earlham.edu/~peters/fos/newsletter/11-02-08.htm>

[11] John Houghton, Centre for Strategic Economic Studies, Victoria University, Melbourne (2009): Open Access - What are the economic benefits? A comparison of the United Kingdom, Netherlands and Denmark: <http://www.knowledge-exchange.info/Default.aspx?ID=316>