

Changing Understandings of Academic Freedom in the World at a Time of Pandemic

By Milica Popovic, Liviu Matei and Daniele Joly / 2022



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2022

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The Global Observatory on Academic Freedom An Introduction

Background, Ambitions, and Work to Date

Developments in the first two decades of the 21st century in politics and society, in economy and in higher education itself have led to a crisis of academic freedom making it necessary, and urgent, to rethink academic freedom.

The Global Observatory on Academic Freedom (GOAF) was launched in 2021, with the support of Open Society University Network (OSUN) and is hosted at Central European University (CEU). Its mandate is to conduct rigorous, novel and relevant research documenting and addressing the need of rethinking academic freedom, its codification and practice. A globally networked platform, GOAF also seeks to stimulate a debate on the understandings and exercises of academic freedom, connect the interested stakeholders and reflect upon pathways vital to its preservation and to furthering open and democratic societies. GOAF's work is predicated upon the conviction that academic freedom is a necessary condition for universities to effectively pursue their duty of producing, transmitting and disseminating knowledge as a public good, locally and globally.

Since its establishment in March 2021, the Global Observatory on Academic Freedom has undertaken the following activities:

AIMS	ACTIVITIES
Globally connect scholars with expertise and interest in reconceptualizing academic freedom	- Established the GOAF Advisory Board comprising members from all continents. The Board has held two meetings in 2021, in April and June. - Established relationships with several organizations working in the field of Academic Freedom, including Scholars at Risk, Open Society Foundations, Threatened Scholars Initiative, European University Association, and Magna Charta Universitatum.

GOAF's work is predicated upon the conviction that academic freedom is a necessary condition for universities to effectively pursue their duty of producing, transmitting and disseminating knowledge as a public good, locally and globally.

AIMS	ACTIVITIES
Create a space for debate and discussion on competing conceptualizations of, and challenges to, academic freedom in today's world	<ul style="list-style-type: none"> - In April 2021, GOAF organized an inaugural <i>Roundtable on the Crisis of Academic Freedom</i>, as part of the Central European Higher Education Cooperation (CE-HEC) Conference, introducing the work of the Global Observatory on Academic Freedom and bringing together distinguished scholars to debate the key issues that have incited us to create the Observatory. - In October 2021, GOAF organized the <i>University Wide Seminar on Epistemologies of Academic Freedom</i>, open to all OSUN members. - In October 2021, GOAF partnered with the CEU Human Rights Initiative in co-organizing a two-day event on Academic Freedom, an online panel debate on the <i>Role of Institutions in Safeguarding Academic Freedom</i>. - The GOAF First Annual Conference under the title "<i>Reimagining Academic Freedom</i>" took place on January 20–21, 2022, as an online event gathering over 100 participants in workshops and plenary sessions. The presentations by members of the Advisory Board and other scholars and practitioners at roundtables on "Conceptual Challenges of Academic Freedom – Different Global Perspectives" and "Is a Global Framework on Academic Freedom Possible?" are the basis for a number of GOAF publications. The workshops provided an opportunity for in-depth discussions of specific topics, such as: Decolonizing the Curriculum and Academic Freedom; Academic Freedom in an Online Setting; The Role of International Relations in Academic Freedom; Memory Wars and Academic Freedom; Self-censorship and Abuse of Academic Freedom; and Academic Freedom and the Physical Security of Campuses.
Publish a yearly report on global evolutions with regard to the understanding of the concept and practice of academic freedom, accompanied by case studies on positive developments as well as threats and infringements	<ul style="list-style-type: none"> - In 2021, GOAF conducted a <i>Study on the Relationship Between the Fundamental Values of Higher Education and Quality Assurance</i> finalized in February 2022. The study was funded by the Council of Europe, though a tender won by GOAF. - GOAF commissioned a report on <i>Academic Freedom in Hungary</i> by Dr Gergely Kovats, Corvinus University and Dr Zoltan Ronay, published in January 2022. - <i>Global Observatory on Academic Freedom 2021 Report "Changing Understandings of Academic Freedom in the World at a Time of Pandemic"</i> finalized in April 2022.
Develop an online repository of resources on academic freedom	<ul style="list-style-type: none"> - GOAF has established a dedicated <i>webpage</i> (linked with the Yehuda Elkana Center for Higher Education's webpage at the Central European University website, and the OSUN website) providing information on the organizational structure of GOAF, including its research fellow and the Advisory Board; on all events hosted by GOAF and all publications, including individual researchers' publications. The webpage provides a possibility to register for the GOAF mailing list which periodically sends updates on news and activities of the Observatory. - GOAF has worked closely with the CEU IT team on developing the online platform for the academic freedom resource repository which will have open access to all OSUN member institutions students and staff. The database model was set up in February 2022.

Organizational Structure

The Global Observatory on Academic Freedom started as a small and agile unit based at the Central European University in Vienna, founded and led by Liviu Matei, CEU Provost until January 2022, and staffed by a full-time research fellow, Dr Milica Popovic, who leads the research and manages all project activities. Additional managerial and professional support has been provided by Yehuda Elkana Center for Higher Education and the OSUN Secretariat at CEU. Academic support and oversight have been provided by a high-level Advisory Board, which gathers prominent scholars and policy makers in the field of academic freedom, from OSUN and other institutions, acting in their personal capacity on the Board.

The *Advisory Board* is chaired by DR DANIELE JOLY / University of Warwick/CADIS-International.

Members are:

DR SANTIAGO AMAYA / Associate Professor, Universidad de los Andes

DR KWADWO APPIGYEI-ATUA / Associate Professor, University of Ghana School of Law

SIUR BERGAN / former Head of Education Department, Council of Europe (CoE)

DR AYSE CAGLAR / Permanent Fellow, Institute for Human Sciences – Institut für Wissenschaften vom Menschen (IWM) and Professor of Social and Cultural Anthropology, University of Vienna

DR QUE ANH DANG / The Institute for Global Education, Coventry University

DR DIANA KORMOS-BUCHWALD / Professor of History, Caltech, and Director of the Einstein Papers Project

DR MARIA KRONFELDNER / Professor of Philosophy, CEU

DR HILLIGJE VAN'T LAND / Secretary General, the International Association of Universities (IAU)

DR SARI NUSSEIBEH / Professor of Philosophy, former President of Al-Quds University

DR ROBERT C. POST / Sterling Professor of Law, Yale Law School, former General Counsel of the American Association of University Professors

DR MONIKA STEINEL / Deputy Secretary General, European University Association (EUA)

DR MICHEL WIEVORKA / Professor and Director of Research, Ecole des Hautes Etudes en Sciences Sociales (EHESS), Paris

A Global Report: Understandings of Academic Freedom in the World at a Time of Pandemic. Change or Continuity? Diverging Paths?

The concept of academic freedom has a long history, intrinsically intertwined with the history of the university itself. The understanding of this concept has changed over time, at different speeds during different periods in different parts of the world. Sometimes there are no significant changes over long periods and a particular understanding of academic freedom dominates alone. Other times mark deep and accelerated evolutions, with new and even competing understandings of academic freedom. Such are, it can be stated, the present times, coinciding with the years of the Covid-19 pandemic. In fairness, the current agitated period for academic freedom started already before the pandemic, but significant new evolutions in the understanding of the concept of academic freedom and its practice have been proposed in 2020–2021. The present report, GOAF's first, focuses on these developments, providing a systematic glance into new, sometimes contested, understandings and attempts to reconceptualize academic freedom. While attempting to be systematic, the report cannot claim to be comprehensive at this time. For that, more research is needed.

Changes in the understanding of academic freedom are to be found not only in explicit attempts at scholarly *conceptualizations* and related research, but also in how academic freedom is *codified* and *regulated* within and outside academia, and how it is *practiced*. The global history of the "understandings of academic freedom" shows different paths in different regions.

The GOAF report identifies, critically analyzes, and tries to explain major recent evolutions in the understanding of academic freedom globally; whether they are expressed in legal, regulatory and policy endeavors, or in explicit intellectual attempts at new conceptualizations.

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Several key principles have guided us in preparing this report.

- Ideally, research on the understandings of academic freedom should approach academic freedom as a global universal value, while paying attention to specific contexts. As such, it should go beyond a unique set of Western intellectual references and also beyond a restrictive rationalist epistemology that sees academic freedom as exclusively related to, or even only as a feature of a particular discourse, the rational/scientific discourse in higher education and research. Instead, academic freedom should be approached as a situated universal higher education value, governance principle, human right, and social practice.
- The question of who defines and codifies academic freedom, and for whom, has historical, intellectual, cultural, legal, socio-political and geopolitical facets that require a complex analysis and continuous reflexivity in the research process itself. Our research to date, beyond the present report, furthers this approach through accompanying papers: a case study on Hungary (Kovats and Ronay 2022) and a comprehensive analysis of the relationship between Quality Assurance and Fundamental Values in the European Higher Education Area, a study commissioned by the Council of Europe (Craciun, Matei and Popovic 2021).
- Academic Freedom demands a **multilevel approach**, due to its elusive and complex nature. It requires comprehension of both threats to, and infringements on, academic freedom originating from within and outside the academic communities and institutions. Academic freedom needs to be understood as both a positive and a negative freedom – "freedom to", as much as "freedom from". GOAF has approached the topic from this

specific multiperspectivity angle, looking into data on the multitude of threats on academic freedom. GOAF research on academic freedom endeavors to promote a **perspective beyond just cases and numbers**. We note the empirical developments, which include cases of specific infringements, and we look at them through analytical lenses in an attempt to understand and further refine the conceptual elaborations and the codifications of academic freedom. We take into account regional, disciplinary, system-wide and intra-institutional aspects of academic freedom. Through wider theoretical developments within research, GOAF aspires to contribute to the development of new legal and regulatory frameworks for academic freedom and **build bridges between research and academic knowledge on the one side, advocacy and policy development on the other**. Academic freedom exists within wider societal frameworks, and threats and infringements to academic freedom emerge within both democratic and authoritarian societies. GOAF **specifically considers the relationship between academic freedom and democracy**, highlighting the urgency of the topic of the crisis of academic freedom. Our research is vigilant on the developments at a global level and identifies structural similarities to the threats on academic freedom in both authoritarian and democratic societies. This provides an opportunity to complement research on democracy and advancement of open societies, as one of the core missions of OSUN.

The Crisis of Academic Freedom and GOAF's Mandate

By LIVIU MATEI

GOAF was born in 2020–2021 out of the conviction that we are in the middle of an unprecedented crisis of academic freedom (Matei 2020b). Its mandate is simple: study developments with regard to the conceptualization and codification of academic freedom in the world in order to contribute to a better understanding of the crisis and provide support in this way to the efforts to address it.

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While the study of “epistemology of academic freedom” may sound like an esoteric subject and endeavor, not useful in the efforts to promote and protect academic freedom in the real world, it can in fact contribute a lot to the understanding of this crisis, in particular in its intellectual dimension, and also to shaping public policy, regulatory and institutional avenues for safeguarding academic freedom.

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This crisis, we claim, is not only an empirical one, consisting of political attacks, from insidious to open repression, or administrative and regulatory interference and restrictions, ranging from small and marginal all the way to extremely malignant and high in human cost. It is also an intellectual crisis. We need to admit that the starting point in our reflection about this double nature of the crisis, empiric and intellectual, was Europe. The European Higher Education Area (EHEA), comprising basically all countries of the continent in a *sui-generis* common space of dialogue and practice, was faced with unexpected, some ruthless, developments after 2015. It was also faced with a certain helplessness in addressing these developments practically and even in explaining them. We needed to acknowledge the reality of a genuine crisis of academic freedom and that this crisis includes a core intellectual dimension - namely that an important line of intellectual work has not been accomplished as part of the EHEA construction and, as a consequence, we lack a conceptual reference for academic freedom that is up to date, adapted to the current times and realities in higher education, in societies and politics (including the politics of higher education), a conceptual reference that would be shared and capable of informing effectively practical efforts to safeguard academic freedom at the national/system level, at the supra-national level (EHEA and beyond), and also at the institutional level (Matei 2020b). For a few long decades, academic freedom has been taken for granted in Europe, its dominant conceptualizations remaining underdeveloped and mis-adapted. To cite a single example, when a judge of the European Court of Justice needed to rule on a major case of infringement by national authorities in a European Union member country (Hungary), she could not rely on sufficient European or international (shared, up to date and adapted) conceptual and legal references about academic freedom it-

self, because they were not available.¹ Instead, she had to make recourse, in part, to commercial agreements and jurisprudence to protect academic freedom.

A well-intended, old strand of epistemology of academic freedom of European origin itself contributed to this situation of intellectual underdevelopment, missing or unbefitting conceptual references, with significant empirical, practical consequences for academic freedom, for university education, research and social engagement. While the study of “epistemology of academic freedom” may sound like an esoteric subject and endeavor, not useful in the efforts to promote and protect academic freedom in the real world, it can in fact contribute a lot to the understanding of this crisis, in particular in its intellectual dimension, and also to shaping public policy, regulatory and institutional avenues for safeguarding academic freedom. As is illustrated in this report, it is important how all stakeholders—members of academic communities, regulators, policy makers, etc., think about academic freedom, what references they use in their official capacities and work, how academic freedom is conceptualized, and then codified and practiced. It matters whether specific epistemological approaches make stakeholders think about academic freedom as a wasteful “liberal” privilege, a universal human right governed by binding international agreements, a legal right codified in national legislation (this is what Hungary claimed – European courts have no business to rule on academic freedom in Hungary, this is a sovereign prerogative of its national parliament and courts), as a fundamental value (not legally binding to anybody, but only morally and socially, eventually), as a governance principle guiding internal interactions and operations within the university as an autonomous institution, etc. It matters whether education and science are understood as rational discourse, thus leading to universalist conceptualizations and codifications of academic freedom that are color blind and potentially imperialist (in an intellectual way), or rather as a situated social practice, leading to the conceptualization and codification of academic freedom as a global universal watchful of contexts, thus more apt to account for aspects such as ethnicity and race in higher education,

culture and history, nature of the political regime, or power relations (including in geopolitics). The situated epistemology of academic freedom is highly consequential in the conceptualization, codification and, finally, practice of academic freedom. As an intellectual endeavor, it can help understand academic freedom, in times of calm and in even more so in times of crisis.

The analysis of the crisis, be it only in an intellectual dimension, is a complex endeavor and has been attempted elsewhere (Matei 2020a, 2020b). It involves a number of sensitive matters and questions. It is clear to us that opening them up and pursuing them unwisely may backfire. Why open up the very matter of conceptualizing and codifying academic freedom? Is it not enough to insist on the *ad litteram* application of existing codifications, reflected in international agreements, for example, rather than questioning whatever epistemology they are based on? For reasons discussed in this section and throughout the report, we believe that it is an intellectual, moral and practical imperative to address them.

Some of the main questions that have been taken into account when starting GOAF and constructing its mandate and focus are as follows: Is there a crisis of academic freedom in Europe? And of an unprecedented nature? Is this crisis global, rather than just European? Is this a crisis at all or just some more challenges, as we have seen in the recent and more distant history of higher education? If crisis it is, what are its nature and characteristics/dimensions? What is at stake and who is in the game, *de jure and de facto*?

The main ambitions of GOAF and its activities in the first year of existence are transparently presented in the current report. They are all informed by this particular mandate of the Observatory and will continue along the same lines at least for a few more years, in particular by attempting to achieve a genuine global perspective. GOAF is taking part in the efforts to address the crisis, but not only through research on the evolving conceptualization and codification of academic freedom. GOAF members are part of practical initiatives and efforts, not discussed here, in various parts of the world.

¹ Court of Justice of the European Union. 2020. “The conditions introduced by Hungary to enable foreign higher education institutions to carry out their activities in its territory are incompatible with EU law”. Press Release No. 125/20. Luxembourg, October 6, 2020, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125en.pdf>

Conceptualizing Academic Freedom at a Global Level

By MILICA POPOVIC

Academic freedom is understood and illustrated through many different outlooks, definitions in scholarly literature, and, even more so, in policy and legal documents. The concept of academic freedom, that many say we should shy away from defining, is most often taken for granted and perceived as self-understood. The practice of academic freedom is as important as it is loaded with its own difficulties and controversies, reflecting relations of power between various interest groups, institutions and states, furthering their particular economic, political or other interests through (re)defining academic freedom via all kinds of means. Yet, academic freedom remains, intellectually and practically, central to the idea of university. Without academic freedom, there is no university. We cannot shy away from studying its understandings, in particular at a time of crisis (or crises) and change.

Academic Freedom and Institutional Autonomy

A systematic and coherent presentation of the relationship between academic freedom and university autonomy is difficult. There are many diverging understandings of the two notions and the relationship between them. For some, they are completely separate entities, whether understood as values, legal constructs (rights) or governance principles. Sometimes they are defined as being one and the same. Yet at other times, one is considered to be just a dimension of the other. This is a largely unexplored area in research, and the landscape here is puzzling, owing to the very large and ramified array of perspectives. How academic freedom, university autonomy, and their relationship are understood is not without importance for practical endeavors. We have seen, for example, a new model of university autonomy emerging in Europe (Matei, Iwinska 2018), highly consequential for the continent itself and beyond, which assumed that academic freedom is a separate matter and, not an important one. This model, based on a particular understanding of the two concepts and their relationship, generated a divergent path of development and, unintentionally but significantly, to the neglect of academic freedom and its very crisis.

If we wish to simplify the duality of specific fundamental values of higher education, we could say that while autonomy applies to higher education institutions, be they public or private, academic freedom is reserved for the academic community, its individual members and specific internal constituencies, including academic staff, students and university administrators. In this understanding, the two concepts remain intrinsically linked, as without

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institutional autonomy as a “collective or institutional dimension of academic freedom” (Vrieliink et al. 2011, 139), higher education institutions cannot practice nor assure academic freedom of their staff and students. As stated in the Council of Europe Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy,² “academic freedom should guarantee the right of both institutions and individuals to be protected against undue outside interference, by public authorities or others”, and “[u]niversity staff and/or students should be free to teach, learn and research without the fear of disciplinary action, dismissal or any other form of retribution” (paras 4 and 5).

Yet, academic freedom deserves understanding as a separate concept, as it needs to be exercised beyond the institutions and beyond the academic communities as a universal right and as a fundamental value and governance principle of higher education. In our attempt to unpack the meaning of academic freedom in current times, we can focus on several questions:

- Who has academic freedom?
- How has a global understanding of academic freedom been developing, since 2020 in particular?
- What are new conceptualizations put forward by recent regulatory, measuring and monitoring endeavors?
- What are the most burning issues for academic freedom today? How can we overcome the current crisis?

Who Has Academic Freedom?

Delineating subjects who do have the right to academic freedom remains a task as urgent practically as is the related one of understanding and re-thinking what academic freedom is. Does academic freedom belong only to academic staff, or does it belong to students and independent researchers as well? What about members of the administrative staff working in higher education institutions?

The last decades of the 20th century already have witnessed a massification of student enrollment, in parallel to precarization of the status of many higher education staff members following regulatory changes, (public) funding decreases and, overall, the process of neoliberalization of universities. As much as institutional autonomy remains a prerequisite of effective and efficient work in higher education, regardless of the type of institutions involved (public or private, comprehensive or specialized, large or small, etc.), academic freedom needs to encompass all individual actors and internal constituencies involved in education, research and outreach activities in higher education, in the production of knowledge and search for truth, curation, transmission, and use of knowledge as a public good. At more granular level, the ongoing diversification of academic staff that has taken place in the last decade in many places required a renewed clarity about whom academic freedom extends to and how we tackle various challenges considering the diversity of subjects – lecturers, adjunct staff, contractual staff, independent researchers and last but certainly not least, students. These challenges occur in “regular”, peaceful settings, or in extreme situations, such as those of major economic crises, wars, authoritarian/dictatorial political outbursts and abuses, etc. In comment 6 of the American Association of University Professors’ 1940 Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments, it is stated that: “Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary and the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities”³. The 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel encompasses all higher education teaching and research personnel, defining them as: “all those persons in institutions or programmes of higher education who are engaged to teach and/or to undertake scholarship and/or to undertake research and/or to provide educational services to students or to the

² The Committee of Ministers Recommendation CM/Rec(2012)7 on the responsibility of public authorities for academic freedom and institutional autonomy, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805ca6f8>

³ AAUP (American Association of University Professors). 1940 Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments, Comment 6.

community at large⁴. Existing international instruments, conceptualizations and codifications do assert the right to academic freedom to scholars understood in the widest possible sense of the term. Yet, the reality of the working conditions of academics in the 21st century confronts us with a need for further emphasis on the importance of the economical aspect of academic freedom and continuous monitoring of the working conditions of **non-tenured academic staff and researchers, and unaffiliated scholars**, as they might be in need of additional protection mechanisms.

While academic support and administrative staff (such as librarians, recruitment officers, etc.) are covered in the UNESCO recommendation, students are left out from the scope of academic freedom. We already have a caseload, with both extreme and less extreme situations that speak for the urgency of understanding the importance of protection of **students** as well in their search for knowledge and education. The case of Ahmed Samir Santawy, a CEU MA student arrested in Cairo on February 1, 2021, who was charged with belonging to a terrorist organization and spreading false news on social media, then subsequently sentenced to a four-year prison sentence in Egypt is only one such case (Central European University n.d.). The European Students' Union (ESU) in their "Student Manifesto on the Future of Higher Education in Europe" from 2021 defines academic freedom of students as: "a fundamental value that must be enjoyed by all students" (European Students' Union 2021, 6). The Manifesto also identifies as an infringement on students' academic freedom the limitations "to choose their course of study (e.g. by limiting the number of places available or underfunding branches of learning and research due to political priorities)" (ibid.). As access to education could be for some part an issue of academic freedom, such a statement remains to a certain extent contrary to some of the decisions of the European Court of Human Rights regarding the possibility of the margin of appreciation for the states to set the criteria for admission to an educational institution, including imposing a numerus clausus.⁵

In the same Manifesto, ESU also calls upon a specific EU-wide scheme for students at risk, following some European programmes like the *Students at Risk Programme* in Norway or the *Hilde Domin Programme* in Germany. While various support schemes for scholars at risk are growing in numbers across Europe, the opportunities for students are scarcer.

Two important elements stem from this reflection that are relevant for the conceptualization and codification of academic freedom, and the need to re-think them. Firstly, non-tenured staff, despite their inclusion within most international instruments aiming to protect academic freedom, and unaffiliated scholars, however, remain more exposed to the possibility of infringements and threats on academic freedom, by virtue of their employment status. Students and administrative/academic support staff are mostly excluded from those having the right to academic freedom. Moreover, students' comprehension and definition of academic freedom does not necessarily align with academic staff's definition of academic freedom. Further reflection, negotiation, delineation, and additional precision in attempts to conceptualize academic freedom seem much needed.

How Has a Global Understanding of Academic Freedom Been Developing?

The number of existing international and European legal documents and references, some even global, defining academic freedom is low (see Beiter, Karran and Appiagyei-Atua 2016). These publications do provide, however, important insight into the understanding of academic freedom at the supra-national level. In order to understand the changes that have taken place since 2020, a brief overview of the most important instruments was perceived as necessary (see Table 1). These instruments share some key elements, shedding the light onto the existing conceptualizations of academic freedom. Nevertheless, the term used is not always academic freedom – some of the instruments

refer to "scientific" or "intellectual" freedom. Academic freedom has been mostly linked and defined in strong connection to institutional autonomy; tenure has been traditionally highlighted as an indispensable element for academic freedom; and the infringements have been largely understood as infringements by states and governments first before any other elements of society. Academic freedom has been granted to both tenured and non-tenured scholars, yet not always to students and unaffiliated scholars, nor administrative staff. Defining academic freedom as both a right and an obligation has been at the forefront, showing understanding of a need for a balanced approach in definition of academic freedom and avoiding defining it as an indiscriminate privilege of academics.

Another shared element, regardless of the fact that some of the instruments conceptualize academic freedom as a human right, and some as a fundamental value of higher education, is that these instruments are not legally binding for the states and are not necessarily accompanied by appropriate monitoring mechanisms. *The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning the Status of Teaching Personnel* (CEART) indeed meets every three years to revise submitted complaints by the national associations of academic staff; sadly we are very much aware that the reality is that infringements on academic freedom sometimes take place overnight and do not easily incite collective organized responses.

⁴ *The ILO/UNESCO Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997)* – Revised edition 2016, International Labour Office, Sectoral Policies Department, Geneva, ILO, 2016.

⁵ European Court of Human Rights. 2013. *Tarantino and Others v. Italy* – 25851/09, 29284/09 and 64090/09, Judgment 2.4.2013 [Section II].

DOCUMENT	ACADEMIC FREEDOM DEFINITION	REFERENCE
Council of Europe Parliamentary Assembly Recommendation 1762(2006) on Academic Freedom and University Autonomy	<p>4. In accordance with the Magna Charta Universitatum, the Assembly reaffirms the right to academic freedom and university autonomy which comprises the following principles:</p> <p>4.1. academic freedom in research and in training should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction;</p> <p>4.2. the institutional autonomy of universities should be a manifestation of an independent commitment to the traditional and still essential cultural and social mission of the university, in terms of intellectually beneficial policy, good governance and efficient management;</p> <p>4.3. history has proven that violations of academic freedom and university autonomy have always resulted in intellectual relapse, and onsequently in social and economic stagnation;</p> <p>4.4. high costs and losses, however, could also ensue if universities moved towards the isolation of an “ivory tower” and did not react to the changing needs of societies that they should serve and help educate and develop; universities need to be close enough to society to be able to contribute to solving fundamental problems, yet sufficiently detached to maintain a critical distance and to take a longer-term view.</p>	<p>Council of Europe. 2006. <i>Parliamentary Assembly Recommendation 1762(2006) on Academic Freedom and University Autonomy</i>. Strasbourg: Council of Europe.</p>
Council of Europe Recommendation CM/Rec (2012)7	<p>1. Scope and definitions</p> <p>4. Academic freedom and institutional autonomy are essential values of higher education, and they serve the common good of democratic societies. They are, nevertheless, not absolute, and rely on a balance which can only be provided through deliberation and consultations involving public authorities, higher education institutions, the academic community of staff and students and all other stakeholders.</p> <p>5. Academic freedom should guarantee the right of both institutions and individuals to be protected against undue outside interference, by public authorities or others. It is an essential condition for the search for truth, by both academic staff and students, and should be applied throughout Europe. University staff and/or students should be free to teach, learn and research without the fear of disciplinary action, dismissal or any other form of retribution.</p>	<p>Council of Europe. 2012. Appendix to Recommendation <i>CM/Rec(2012)7</i> of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy. Strasbourg: Council of Europe.</p>
Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics	<p>“Academic freedom” means the freedom of members of the academic community, individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing and writing.</p>	<p><i>The Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics</i>. 1990.</p>
EU Charter of Fundamental Rights	<p><i>Article 13</i> Freedom of the arts and sciences The arts and scientific research shall be free of constraint. Academic freedom shall be respected.</p>	<p><i>Charter of Fundamental Rights of the European Union</i>. 2012. OJ C 326, 26.10.2012. 391–407.</p>
Inter-American Principles on Academic Freedom and University Autonomy	<p>Principle I – Scope of protection of academic freedom Academic freedom entails the right of every individual to seek, generate, and transmit knowledge, to form part of academic communities, and to conduct independent work to carry out scholarly activities of teaching, learning, training, investigation, discovery, transformation, debate, research, dissemination of information and ideas, and access to quality education freely and without fear of reprisals. In addition, academic freedom has a collective dimension, consisting of the right of society and its members to receive the information, knowledge, and opinions produced in the context of academic activity and to obtain access to the benefits and products of research and innovation. Academic freedom is protected equally inside and outside educational institutions, as well as in any place where teaching and scientific research occur. The academic community is a space for deliberation about issues of concern to society. For this reason, academic freedom is protected in both formal and informal educational settings, and also encompasses the right to express oneself, to assemble, and to protest peacefully concerning issues being researched or discussed within the academic community in any space, including the media, as well as to demand better conditions in educational services and to participate in professional or representative academic organizations. Academic freedom encompasses the dissemination and discussion of knowledge based on individual experience or field research, or of matters related to academic life in general. This right also encompasses the freedom of workers, employees, and students in academic institutions to express themselves with respect to said institutions and the educational system, among other things. For indigenous peoples, the protection of academic freedom also includes the possibility for education within their communities or that responds to their particular needs, encompassing their history, knowledge, skills, value systems, and social, economic, and cultural aspirations, as well as the guarantee that they can receive educational opportunities in their own indigenous language or in the language most commonly spoken in the group to which they belong. Academic freedom protects the diversity of methods, topics, and sources of research in accordance with the internal practices and rules of each discipline;</p>	<p>Inter-American Commission on Human Rights. 2020. <i>Inter-American Principles on Academic Freedom and University Autonomy</i>. Academia. <i>Revista sobre enseñanza del Derecho</i> año 18, número 36, 159–174. Buenos Aires, Argentina.</p>
International Association of Universities’ Policy Statement “Academic Freedom, University Autonomy and Social Responsibility”	<p>2. The principle of Academic Freedom can be defined as the freedom for members of the academic community – that is scholars, teachers and students – to follow their scholarly activities within a framework determined by that community in respect of ethical rules and international standards, and without outside pressure.</p>	<p>International Association of Universities’ Policy Statement. 1988. <i>Academic Freedom, University Autonomy and Social Responsibility</i>. April 1988.</p>

<p>International Covenant on Civil and Political Rights (ICCPR)</p>	<p>Article 19(2) protects the right of everyone to hold opinions without interference and: the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [one's] choice. The United Nations (UN) Human Rights Committee has stated that the right includes teaching and public commentary by researchers.</p>	<p><i>International Covenant on Civil and Political Rights</i>. 1966. By General Assembly resolution 2200A (XXI). Entry into force March 23, 1976, in accordance with Article 49.</p>
<p>International Covenant on Economic, Social and Cultural Rights (ICESCR)</p>	<p>Article 15 1. The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3. The States Parties to the present Covenant under take to respect the freedom indispensable for scientific research and creative activity. 4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.</p>	<p><i>International Covenant on Economic, Social and Cultural Rights</i>. 1966. By General Assembly resolution 2200A (XXI). Entry into force January 3, 1976, in accordance with article 27.</p>
<p>Juba Declaration on Academic Freedom and University Autonomy</p>	<p>1) All academicians have the right to fulfill their teaching, research, and dissemination of information without fear, interference or repression from government or any other public authority. 2) Government should respect the rights of the academic community, particularly the freedom of thought, conscience, religion, expression, assembly and association. 3) Freedom of movement should be guaranteed to the academic community whether within or outside the country. 4) Members of academia should have the right of publication in journals or any other forms of media.</p>	<p>Juba Declaration on Academic Freedom and University Autonomy by the Council for the Development of Social Science Research (CODESRIA), February 26–27, 2007, Khartoum, Sudan</p>
<p>Kampala Declaration on Intellectual Freedom and Social Responsibility</p>	<p>CHAPTER I. FUNDAMENTAL RIGHTS AND FREEDOMS Section A: Intellectual Rights and Freedoms Article 6 - Every African intellectual has the right to pursue intellectual activity, including teaching, research and dissemination of research results, without let or hindrance subject only to universally recognized principles of scientific enquiry and ethical and professional standards. Article 7 - Teaching and researching members of staff and students of institutions of education have the right, directly and through their elected representatives, to initiate, participate in and determine academic programmes of their institutions in accordance with the highest standards of education.</p>	<p><i>The Kampala Declaration on Intellectual Freedom and Social Responsibility</i>. 1990. Adopted at a Symposium on Academic Freedom and Social Responsibility of Intellectuals held in Kampala, November 29, 1990. In: Compendium of international and regional standards against racism, racial discrimination, xenophobia and related intolerance. – E/CN.4/2004/WG.21/5. – January 13, 2004, pp. 246–251.</p>
<p>Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education</p>	<p>Definitions 1. For the purposes of this Declaration a) "Academic freedom" means the freedom of members of the academic community, individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing and writing. Academic Freedom 3. Academic freedom is an essential pre-condition for those education, research, administrative and service functions with which universities and other institutions of higher education are entrusted. All members of the academic community have the right to fulfill their functions without discrimination of any kind and without fear of interference or repression from the State or any other source. 4. States are under an obligation to respect and to ensure to all members of the academic community, those civil, political, economic, social and cultural rights recognised in the United Nations Covenants on Human Rights. Every member of the academic community shall enjoy, in particular, freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of person and liberty of movement. 5. Access to the academic community shall be equal for all members of society without any hindrance. On the basis of ability, every person has the right, without discrimination of any kind, to become part of the academic community, as a student teacher, researcher, worker or administrator. Temporary measures aimed at accelerating de facto equality for disadvantaged members of the academic community shall not be considered as discriminatory, provided that these measures are discontinued when the objectives of equality of opportunity and treatment have been achieved. All States and institutions of higher education shall guarantee a system of stable and secure employment for teachers and researchers. No member of the academic community shall be dismissed without a fair hearing before a democratically elected body of the academic community.</p>	<p>World University Service. 1988. <i>The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education</i>. Geneva: World University Service.</p>

	<ol style="list-style-type: none"> 6. All members of the academic community with research functions have the right to carry out research work without any interference, subject to the universal principles and methods of scientific enquiry. They also have the right to communicate the conclusions of their research freely to others and to publish them without censorship. 7. All members of the academic community with teaching functions have the right to teach without any interference, subject to the accepted principles, standards and methods of teaching. 8. All members of the academic community shall enjoy the freedom to maintain contact with their counterparts in any part of the world as well as the freedom to pursue the development of their educational capacities. 9. All students of higher education shall enjoy freedom of study, including the right to choose the field of study from available courses and the right to receive official recognition of the knowledge and experience acquired. Institutions of higher education should aim to satisfy the professional needs and aspirations of the students. States should provide adequate resources for students in need to pursue their studies. 10. All institutions of higher education shall guarantee the participation of students in their governing bodies, individually or collectively, to express opinions on any national and international question. 11. States should take all appropriate measures to plan, organize and implement a higher education system without fees for all secondary education graduates and other people who might prove their ability to study effectively at that level. 12. All members of the academic community have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests. The unions of all sectors of the academic communities should participate in the formulation of their respective professional standards. 13. The exercise of the rights provided above carries with it special duties and responsibilities and may be subject to certain restrictions necessary for the protection of the rights of others. Teaching and research shall be conducted in full accordance with professional standards and shall respond to contemporary problems facing society. 	
<p>Statement of Principles on Academic Freedom by the American Association of University Professors</p>	<p><i>Academic Freedom</i></p> <ol style="list-style-type: none"> 1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution. 2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment. 3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. 	<p>AAUP (American Association of University Professors). <u>1940</u>. <u>Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments.</u></p>
<p>UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment No.13: The Right to Education</p>	<p><i>Article 13: Special topics of broad application</i> Academic freedom and institutional autonomy</p> <ol style="list-style-type: none"> 38. In the light of its examination of numerous States parties' reports, the Committee has formed the view that the right to education can only be enjoyed if accompanied by the academic freedom of staff and students. Accordingly, even though the issue is not explicitly mentioned in article 13, it is appropriate and necessary for the Committee to make some observations about academic freedom. The following remarks give particular attention to institutions of higher education because, in the Committee's experience, staff and students in higher education are especially vulnerable to political and other pressures which undermine academic freedom. The Committee wishes to emphasize, however, that staff and students throughout the education sector are entitled to academic freedom and many of the following observations have general application. 39. Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds. 40. The enjoyment of academic freedom requires the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, 	<p><u>CESCR General Comment No. 13: The Right to Education</u>, Article 13, paras. 38–40, E/C.12/1999/10.</p>

	<p>management and related activities. Self-governance, however, must be consistent with systems of public accountability, especially in respect of funding provided by the State. Given the substantial public investments made in higher education, an appropriate balance has to be struck between institutional autonomy and accountability. While there is no single model, institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible.</p>	
<p>UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel</p>	<p>III. Guiding principles</p> <p>4. Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate of such institutions of higher education. In higher education institutions where original research is not required, higher-education teaching personnel should maintain and develop knowledge of their subject through scholarship and improved pedagogical skills.</p> <p>VI. Rights and freedoms of higher-education teaching personnel</p> <p>A. Individual rights and freedoms: civil rights, academic freedom, publication rights, and the international exchange of information</p> <p>26. Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights. Higher education teaching personnel should not be subject to arbitrary arrest or detention, nor to torture, nor to cruel, inhuman or degrading treatment. In cases of gross violation of their rights, higher-education teaching personnel should have the right to appeal to the relevant national, regional or international bodies such as the agencies of the United Nations, and organizations representing higher-education teaching personnel should extend full support in such cases.</p> <p>27. The maintaining of the above international standards should be upheld in the interest of higher education internationally and within the country. To do so, the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society.</p> <p>28. Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigor with regard to standards and methods of teaching. Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. Higher-education teaching personnel should play a significant role in determining the curriculum.</p> <p>29. Higher-education teaching personnel have a right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics. They should also have the right to publish and communicate the conclusions of the research of which they are authors or co-authors, as stated in paragraph 12 of this Recommendation.</p>	<p><i>The ILO/UNESCO Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997)</i> – Revised edition 2016, International Labour Office, Sectoral Policies Department, Geneva, ILO, 2016.</p>
<p>UNESCO Recommendation on Science and Scientific Researchers</p>	<p>IV. Rights and responsibilities in research</p> <p>The civic and ethical aspect of scientific research</p> <p>16. Member States should encourage conditions that can deliver high-quality science in a responsible manner in line with paragraph 4 of this Recommendation. For this purpose, Member States should establish mechanisms and take all appropriate measures aimed to ensure the fullest exercise, respect, protection and promotion of the rights and responsibilities of scientific researchers and others concerned by this Recommendation. For this purpose:</p> <p>(a) the following are the recommended responsibilities and rights of scientific researchers:</p> <p>(i) to work in a spirit of intellectual freedom to pursue, expound and defend the scientific truth as they see it, an intellectual freedom which should include protection from undue influences on their independent judgement;</p> <p>(ii) to contribute to the definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be humanely, scientifically, socially and ecologically responsible; in particular, researchers should seek to minimize impacts on living subjects of research and on the natural environment and should be aware of the need to manage resources efficiently and sustainably;</p>	<p><i>UNESCO Recommendation on Science and Scientific Researchers</i>, 2017. Records of the General Conference, 39th session, Paris, October 30 to November 14, 2017, v. 1: Resolutions. Conference: <i>UNESCO. General Conference, 39th, 2017</i> [892]. Document code: 39 C/RESOLUTIONS.</p>

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| <ul style="list-style-type: none"> (iii) to express themselves freely and openly on the ethical, human, scientific, social or ecological value of certain projects, and in those instances where the development of science and technology undermine human welfare, dignity and human rights or is "dual use", they have the right to withdraw from those projects if their conscience so dictates and the right and responsibility to express themselves freely on and to report these concerns; (iv) to contribute constructively to the fabric of science, culture and education, and the promotion of science and innovation in their own country, as well as to the achievement of national goals, the enhancement of their fellow citizens' well-being, the protection of the environment, and the furtherance of the international ideals and objectives; (v) to promote access to research results and engage in the sharing of scientific data between researchers, and to policy-makers, and to the public wherever possible, while being mindful of existing rights; (vi) to disclose both perceived and actual conflicts of interest according to a recognized code of ethics that promotes the objectives of scientific research and development; (vii) to integrate in their research and development work in an ongoing manner: disclosures to each human research subjects so as to inform their consent, controls to minimize harm to each living subject of research and to the environment, and consultations with communities where the conduct of research may affect community members; (viii) to ensure that knowledge derived from sources, including traditional, indigenous, local, and other knowledge sources, is appropriately credited, acknowledged, and compensated as well as to ensure that the resulting knowledge is transferred back to those sources. | |
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TABLE 1. ACADEMIC FREEDOM IN INTERNATIONAL INSTRUMENTS⁶

⁶ The documents listed in the table are given in alphabetical order. The list is by no means exhaustive. It wishes to represent an overview in regards to the most commonly cited international documents referring to academic freedom.

Jurisprudential (Re)conceptualizations of Academic Freedom

Even if monitoring mechanisms have not been envisaged and put in place following the above enlisted instruments, apart from the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning the Status of Teaching Personnel (CEART), academic freedom has been safeguarded through larger human rights mechanisms. It has been sometimes perceived as a part of freedom of expression, as in the case of the European Court of Human Rights which tackled academic freedom under Article 10 of the European Convention of Human Rights.⁷ The European Commission for Democracy Through Law (the Venice Commission) stated on the issue: “It seems obvious that, as a key pre-requirement for the effective enjoyment of this freedom, States should refrain from undue interference with the university teaching and the freedom of organizing teaching and research. ... Only such limitations that are prescribed by law, are in line with legitimate aims, and are – in the light of these aims – proportionate and necessary in a democratic society, as foreseen by Article 10, Article 11 ECHR and implicit in Article 2 of Protocol 1 ECHR, may be allowed”.⁸ As the global and European declarations, recommendations, principles, charters, covenants and statements paved the way for proclaiming academic freedom as a fundamental value and a human right, the jurisprudence has been finding innovative ways for safeguarding academic freedom.

When Central European University was forced to leave Hungary, following the opinion of the Venice Commis-

sion, important judiciary proceedings took place within the European Union. On October 6, 2020, the European Court of Justice (CJEU) reached a landmark verdict in case C-66/18 brought by the EU Commission against the Government of Hungary.⁹ While the CJEU concluded that the respect of GATS falls under its jurisdiction as part of the EU Law obliging member states, it has also extended its jurisdiction over the protection of academic freedom. The Court found that Hungary failed to fulfil its obligations under Article 13, Article 14(3) and Article 16 of the Charter of Fundamental Rights of the European Union (2012)¹⁰. Article 13 of the Charter protects the respect of academic freedom even if the Charter does not define academic freedom. The Court found that the rights enshrined in the Charter must be given the same meaning and scope as in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)¹¹ and jurisprudence of the European Court of Human Rights. The case law of the European Court of Human Rights, which refers to Article 10 of the ECHR (freedom of expression) in regards to academic freedom, and the content of Recommendation 1762 (2006), adopted by the Parliamentary Assembly of the Council of Europe on June 30, 2006 on “Academic Freedom and University Autonomy”, confirm that the scope of academic freedom incorporates also “an institutional and organizational dimension, a link to an organizational structure being an essential prerequisite for teaching and research activities”.¹² The decision also calls upon the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997). The decision is an important precedent providing a legal path for protection of academic freedom by the CJEU within the European Union member states. The CJEU did therefore refer to an EU legal document,

the Charter of Fundamental Rights, which mentions academic freedom. In the Charter, however, there is no definition or any kind of textual elaboration regarding what academic freedom is. By invoking commercial legal principles as well, the CJEU in fact contributed to new jurisprudence and also to a new conceptualization of academic freedom.

For further understanding conceptualization of academic freedom from a judiciary point of view in a global context, we can look into a decision in the United States bringing us a first definition of academic freedom in the country through judicial proceedings, as early as in 1957, where Justice Frankfurter underlined: “It is an atmosphere in which there prevail ‘the four essential freedoms’ of a university-to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.”¹³ It has long been understood that a democratic society requires free universities, and that, with or without a clear legislative definition, it is the role of the judiciary and the principles of rule of law to protect scholars in their endeavors. In the more recent case law in the United States, with special reflection on the entanglement between the First Amendment of the US Constitution and academic freedom, Amar and Brownstein have construed the importance of “freedom to know what you can and cannot express” (Amar and Brownstein 2017, 142), emphasizing the need for clear ex ante standards “that eliminate chilling effects for public academics if the public academy has any meaningful role to play in democracy” (Ibid.). And just like the First Amendment, in the international law, article 19 of the International Covenant on Civil and Political Rights (ICCPR) on the freedom of opinion and expression, tackles academic freedom as: “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [their] choice” (ICCPR 1966). But other human rights also play an important role in judicial proceedings relating to academic freedom, like the rights to opinion and expression, education, liberty and security of person, movement or travel, assembly, and association (Quinn and Levine 2014, 903). And regardless of the non-binding character of international

instruments, including the 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, they are not irrelevant, as Beiter, Karran and Appiagyei-Atua (2016) remind us. Even if the lack of legislative framework does not necessarily mean the lack of academic freedom, “the chances of academic freedom enjoying such protection are greatly enhanced where an adequate legislative framework is provided for” (Ibid., 612).

In 2020–2021, we witnessed the adoption of new documents and the development of new mechanisms, global and European, aiming to better the protection of academic freedom.

⁷ Council of Europe. n.d., European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11, 14 and 15 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16. Strasbourg: European Court of Human Rights, Council of Europe. https://www.echr.coe.int/documents/convention_eng.pdf

⁸ European Commission for Democracy Through Law (Venice Commission). Hungary: Opinion On Act XXV Of 4 April 2017 on the Amendment of Act CCIV Of 2011 on National Tertiary Education. Endorsed by the Venice Commission at its 111th Plenary Session. Venice, October 6–7, 2017.

⁹ Case C-66/18, *Comm'n v. Hungary*, ECLI:EU:C:2020:792, 69–71 (October 6, 2020).

¹⁰ Charter of Fundamental Rights of the European Union. 2012. OJ C 326, 26.10.2012, 391–407. http://data.europa.eu/eli/treaty/char_2012/oj/eng.

¹¹ Council of Europe. n.d., European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11, 14 and 15 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16. Strasbourg: European Court of Human Rights, Council of Europe. https://www.echr.coe.int/documents/convention_eng.pdf

¹² Council of Europe. 2006. Parliamentary Assembly Recommendation 1762(2006) on Academic Freedom and University Autonomy. Strasbourg: Council of Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17469&lang=en>

¹³ *Sweezy v. New Hampshire* 354 US 234 (1957). <https://supreme.justia.com/cases/federal/us/354/234/>

What Are the New Conceptualizations Put Forward by Recent Regulatory, Measuring and Monitoring Endeavors?

The Revised Magna Charta Universitatum

The Magna Charta Universitatum (MCU) is an influential document that was originally signed by 388 rectors and heads of universities from all over Europe and beyond on September 18, 1988, on the occasion of the 900th anniversary of the University of Bologna. It contains principles of academic freedom and institutional autonomy as guidelines for good governance of universities. In 2018, an expert group was formed to review the Magna Charta Universitatum. A revised version was indeed adopted in July 2020, signed, and presented to the public in June 2021.

The MCU, in its revised version, reiterates its original 1988 three principles: research and teaching must be intellectually and morally independent of all political influence and economic interests; the inseparableness of teaching and research; and university “as a site for free inquiry and debate, distinguished by its openness to dialogue and rejection of intolerance”. To the three principles, MCU 2020 adds “intellectual and moral autonomy” as “the hallmark of any university and a precondition for the fulfilment of its responsibility to society”, underlining the responsibility of governments and society at large to recognize, protect and defend this autonomy. The MCU 2020 further states: “As they create and disseminate knowledge, universities question dogmas and established doctrines and encourage critical thinking in all students and scholars. *Academic freedom is their lifeblood; open enquiry and dialogue their nourishment*” (italics added).

MCU has a large reach among the global university community, and the

MCU 2020 adds “intellectual and moral autonomy” as “the hallmark of any university and a precondition for the fulfilment of its responsibility to society”, underlining the responsibility of governments and society at large to recognize, protect and defend this autonomy.

Magna Charta Observatory¹⁴ with the revised MCU is setting a new course with renewed energy. The timing of the revision further strengthens the argument that, indeed, there is a need for reminding the academic communities and societies of the critical importance of academic freedom for democratic societies. There are no legal obligations following the MCU, and it is higher education institutions (not public authorities or other stakeholders) that adhere to it voluntarily. This leaves the MCU with less impact when further enforcement of academic freedom is required. MCU, in its original and revised version, does represent an important, powerful contribution to creating a global intellectual reference and “intellectual codification” for academic freedom, if not a regulatory or formal policy one.

Reimagining Academic Freedom within the European Higher Education Area

It has been stated that a surge of infringements on academic freedom has been haunting Europe in recent years, inducing a true crisis of academic freedom (Matei 2020b). Matei notes three key sources for this situation: changing political epistemologies, public policy narratives, and ideological stances in Europe (Ibid.). This crisis within the European Higher Education Area (EHEA) has both an intellectual/conceptual and an empirical facet. While the empirical facet is more salient and easier to acknowledge, there is an increasing awareness, mainly among certain policy makers, of the need for a new, clearer and stronger conceptual reference of academic freedom, as a means to overcoming the crisis. Efforts are underway to put forward such conceptualizations

and codifications, that must be up to date, shared and effective EHEA-wide (Ibid.). These efforts, which we elaborate on in the following paragraphs, are led, with surprising effectiveness, by various groups, within different institutional frameworks. They take place, for the most, outside the institutional framework of the European Union (EU) and its executive branch, the EU Commission.

The President of the European Commission has announced a Commission’s initiative for adoption of a European Media Freedom Act, stating that “Defending media freedom means defending our democracy” (European Commission 2021). Yet, no similar initiatives are aimed at academic freedom, which in Europe has traditionally been understood to be more directly linked to research, unlike the American approach linking it more to the freedom of expression.

Looking at developments in the broader EHEA, fundamental values – of which academic freedom is one – have underpinned the Bologna Process since its outset.¹⁵ The Bologna Declaration¹⁶ (1999), without directly referring to academic freedom, notes “the fundamental principles laid down in the Bologna Magna Charta Universitatum of 1988”. Later on, the Bologna Process Prague Communiqué (2001) noted students as full members of the higher education community, as well as higher education as a public good and a public responsibility. In 2004, a document on “Further Accessions to the Bologna Process. Procedures for Evaluation of Applications and Reports from Potential New Members” (EHEA 2004) identified as the principles underpinning the Bologna Process: institutional autonomy; student participation in governance and public

¹⁴ The Magna Charta Observatory is a signatories’ association, independent from political organizations or interest groups based in Bologna, Italy. The Observatory undertakes its work to ensure the integrity of intellectual and scientific work in Institutions and society, thus reinforcing trust in the relationship between universities and their communities, be they local, regional, national or global.

¹⁵ “The Bologna Process, launched with the Bologna Declaration of 1999, is a voluntary intergovernmental process in higher education based on jointly agreed principles, objectives and standards. Currently, there are 48 European states implementing the Bologna Process, which constitute the European Higher Education Area (EHEA). The EHEA, as the common European space for higher education, is considered a result of the Bologna Process. A European Research Area (ERA), which emerged at about the same time with the EHEA, developed as a major initiative under the Lisbon Agenda, EU’s overarching strategy between 2000 and 2010. ERA is defined as a ‘unified research area open to the world based on the Internal Market, in which researchers, scientific knowledge and technology circulate freely and through which the Union and its Member States strengthen their scientific and technological bases, their competitiveness and their capacity to collectively address grand challenges’ (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, December 13, 2007)” (Matei and Iwinska 2018, 346).

¹⁶ EHEA (European Higher Education Area). 1999. *The Bologna Declaration*. http://www.ehea.info/media/ehea.info/file/Ministerial_conferences-/02/8/1999_Bologna_Declaration_English_553028.pdf

responsibility for higher education (beyond mobility of students and staff and social dimension). The Yerevan Communiqué (2015) commits to “support and protect students and staff in exercising their right to academic freedom and ensure their representation as full partners in the governance of autonomous higher education institutions”. In the Paris Communiqué (2018), the Fundamental Values of higher education as presently understood by the EHEA community were determined, including:

- Institutional autonomy,
- Academic freedom and integrity,
- Participation of students and staff in higher education governance, and
- Public responsibility for and of higher education.¹⁷

The Rome Communiqué (2020) put forward, quite explicitly, a new conceptual reference for academic freedom that, de facto, endeavors to be shared EHEA-wide, up to date, adapted to current realities in the European space for higher education, and effective, in particular by paving the way to the introduction of new mechanisms for measuring academic freedom, along with university autonomy and other fundamental values of higher education. Speaking of which, it is also interesting to note that the Communiqué frames academic freedom not only, or primarily, as a human right or a fundamental right, but rather as a “fundamental value” of higher education. This is an important development in the conceptualization and codification of academic freedom in Europe.

In Rome, the EHEA ministers responsible for higher education reasserted a determination to enable: “our higher education institutions to engage with our societies to address the multiple threats to global peace, democratic values, freedom of information, health and wellbeing – not least those created or exacerbated by the pandemic. We commit to continue and step up our investment in education, to ensure that higher education institutions have appropriate funding to develop solutions for the current crisis, post crisis recovery,

and generally, the transition into green, sustainable and resilient economies and societies”. Moreover, the adherence to fundamental values was reiterated, especially in regards to their relationship to democratic societies. The Bologna Follow-up Group (BFUG) was asked to develop a framework for the enhancement of the fundamental values of the EHEA, both through soft monitoring mechanisms of “self-reflection, constructive dialogue and peer-learning across national authorities, higher education institutions and organizations” (Ibid.), but also further establishment of clear indicators.¹⁸

The key fundamental value to which special attention was given is academic freedom. In the Communiqué, academic freedom was defined as “freedom of academic staff and students to engage in research, teaching, learning and communication in and with society without interference nor fear of reprisal” (EHEA 2020a) and the revised Magna Charta Universitatum was again highlighted. Adopted Annex I elaborated a Statement on Academic Freedom, bringing a shared understanding of academic freedom for the EHEA and as a first basis for the development of monitoring indicators (EHEA 2020b). Major aspects of academic freedom, as understood by the Statement, can be identified as:

- Teaching and learning
- Research
- Production and transmission of knowledge as a public good.

All of which are necessary for a democratic society.

Academic freedom is understood, in part, as a fundamental right, grounded in the right to education, and sharing elements with freedom of thought, opinion and expression; but also limited by scientific and professional standards, respect for the rights of others, ethical conduct, and the awareness of the impact of research on humans and their environment. Institutional autonomy is considered as “constitutive for academic freedom” (Ibid.), rather than separate from it. It was highlighted that as much as academic freedom is not an

absolute value, “core tenets cannot be understood and interpreted differently in different national contexts or types of higher education institution” (Ibid.) regardless of various governance models in diverse higher education institutions, always including students and staff participation. Freedom to learn, subject to administrative procedures and societal dialogue, as well as security of employment for academic staff are considered inseparable from respect of academic freedom. The 2018 European Higher Education Area Implementation Report singled out three countries – Hungary, Russia and Turkey – for violating academic freedom and institutional autonomy (Giovannelli 2018). These are not the only cases within the EHEA. Belarus was admitted to the EHEA in 2015 with a roadmap that included commitments to these same values (EHEA 2015). Three years later the report by the chairs of the group overseeing implementation of the roadmap concluded that these were among several areas in which Belarus had made little or no progress (Petrikowski and Becina 2018).

Further developments of fundamental values in the EHEA are expected to be proposed at the next EHEA ministerial meeting in Tirana in 2024 (Council of Europe 2021). As the BFUG expert group on Fundamental Values continues its work, it is expected that a proposal for the establishment of clear monitoring mechanisms for the respect of academic freedom throughout the EHEA will be presented at that time.

On January 18, 2022, the EU published the European Strategy for Universities and the Council Recommendation on Building Bridges for Effective European Higher Education Cooperation along with the Staff Working Document (European Commission 2022a, 2022b, 2022c). The Strategy and Recommendation are strongly aligned with the current overall European priorities, and this confirms the understanding that, within the “European values” (not just the values of higher education) and the “European way” to higher education, there is respect for academic freedom and university autonomy, student and staff involvement in higher education governance, and support for diversity, inclusiveness and gender equality in higher

education and research. The European Commission has launched a consultation inviting submissions on the rule of law across its 27 Member States, having expanded its scope to include explicitly all aspects of freedom of expression, including academic freedom (Maynooth University 2021).

These developments firmly embed the understanding of academic freedom within the European Higher Education Area as a fundamental value universal for all participating countries, putting forward a clear definition of academic freedom for academic staff and students, proposed and adopted by policy makers. Monitoring mechanisms in planning are not envisaged to result in hard legal consequences, leaving the space for political negotiation in cases of infringements on academic freedom.

European Research Area and the Freedom of Scientific Research

In parallel to the EHEA developments, the European Research Area also advanced on the topic of academic freedom. In October 2020, at the Ministerial Conference on the European Research Area, the Bonn Declaration on Freedom of Scientific Research was adopted.¹⁹ The declaration outlines the freedom of scientific research as “the right to freely define research questions, choose and develop theories, gather empirical material and employ sound academic research methods, to question accepted wisdom and bring forward new ideas” and reflects on the role of governments and institutions in its protection. The freedom of scientific research is considered as a universal right and public good, applying to both publicly and privately funded research organizations, as well as higher education institutions. It encompasses a shared definition of freedom of scientific research, elaboration of the role of governments, elaboration of the roles and responsibilities of research organizations, and specific outlook on the role of freedom of scientific research in global research collaborations, called science diplomacy. In the shared definition, the Declaration recalls the closeness of the freedom of scientific research to freedom of expression, association,

¹⁷ As an interesting development following the same line of thought beyond the EHEA, by new amendments from 2020 of the New Zealand Education Act, universities should “accept a role as critic and conscience of society”. (New Zealand Education and Training Act 2020 No. 38, as of January 1, 2022, <https://www.legislation.govt.nz/act/public/2020/0038/latest/whole.html>).

¹⁸ For further research on the relationship between Fundamental Values and Quality of Higher Education, please see: Craciun, Daniela, Matei, Liviu and Popovic, Milica. 2021. *Study on the Relationship Between the Fundamental Values of Higher Education and Quality Assurance*, Council of Europe and OSUN Global Observatory on Academic Freedom.

¹⁹ European Research Area (ERA). 2020. Bonn Declaration on Freedom of Scientific Research. https://www.bmbf.de/bmbf/shareddocs/downloads/files/drpf-erf-bonner_erklaerung_en_with_signatures_maerz_2021.pdf?__blob=publicationFile&v=1

movement and the right to education, while encompassing the right to share and disseminate the research results.

The Bonn Declaration puts forward some crucial aspects opening new topics for reflection and rethinking of academic freedom: disciplinary limitations; strengthening the link between the EHEA and the ERA; the relevance of internationalization for academic freedom and the importance of trust in science in a democratic society.

The Declaration brings into the definition the limitations of the freedom by the appropriate academic disciplines' standards, yet giving the right to researchers to "challenge these standards when and if new research results begin to question their current validity". This important understanding of the scientific progress requiring academic freedom to challenge the disciplinary standards is critical to understanding all complexities of academic freedom. It also puts forward another important element, in bridging and fortifying the relationship between freedom of scientific research and academic freedom. It states the intention of closely following "the establishment of the monitoring system on academic freedom", deepening the relationship between the ERA and the EHEA. In another instance, the Declaration names academic freedom, noting the importance of a global outlook – inciting research organizations to "promote and anchor the principles of academic freedom in their international relationships". Understanding the importance of academic freedom and freedom of scientific research, the Bonn Declaration asserts that "Trust in science is a key for an inclusive, open and democratic society".

Calling upon the Bonn Declaration, in July 2021, as the main outcome of the 10th UNICA Student Conference, organized by NOVA University Lisbon together with Erasmus Student Network, European Students' Union and International Young Nature Friends, a Student Declaration 2021 "Transforming the University in the Post Covid-19 Age" was adopted. The Declaration asked for

setting up an independent European body to act as an academic watchdog of abuses, in line with the Bonn Declaration; as well as developing a minimum threshold for standards of academic freedom, including freedom from censorship or major influence from large donors. It reiterated the demand of the European Students' Union for grants and scholarships for students at risk.

A clear conclusion stems from these developments: the European Higher Education Area, together with the European Research Area, are moving forward in adopting new conceptual references for academic freedom, and new codifications, as well as regional, supra-national monitoring mechanisms. These developments aim to feed into the establishment of high-quality higher education and research in Europe, while acknowledging, implicitly if not explicitly, the need to overcome the current crisis of academic freedom. They provide clear definitions of academic freedom to be understood as universal fundamental values of the European Higher Education Area and the European Research Area; reasserting knowledge as a public good, the importance of academic freedom for internationalization efforts, and trust in science and research as a fundamental basis of democratic societies.

Europe beyond EHEA and ERA – the Council of Europe Advances on Academic Freedom

In 2017, in the Parliamentary Assembly of the Council of Europe a group of Members of Parliament deposed a motion for a resolution on academic freedom,²⁰ underlining the critical developments in Hungary, Russia, Turkey and beyond. Previously, the Council of Europe had already acted matters of academic freedom, through the Parliamentary Assembly Recommendation 1762 (2006) on academic freedom and institutional autonomy²¹ and the Committee of Ministers Recommendation CM/Rec(2012)7 on the responsibility of public authorities for academic freedom and institutional autonomy.²²

In October 2020, an MP from Hungary, Koloman Brenner, submitted a report, a draft resolution and a draft recommendation, together with an explanatory memorandum (Brenner 2020). Noting that academic freedom and institutional autonomy remain largely insufficiently defined, if not simply undefined concepts, the report highlights how this situation influences the low awareness levels of their rights among academic staff and hampers the possibility of sanctioning violations. In attempting to move towards a common definition, in the expert report by Professor Terence Karran (Karran 2019), as an independent expert, it is suggested that academic freedom is a professional freedom granted to individual academics, selected for their subject knowledge and professional competence. Karran also elaborates that despite national variations, academic freedom has two substantive and three supportive elements. The substantive elements are the freedom to teach and the freedom to research (para. 17) and the supportive elements are tenure, shared governance, and autonomy (both individual and institutional) (paras. 18–23). The report further reflects on the importance of raising awareness of academic freedom rights among staff and students (section 4); external and state funding of higher education research (section 5); censorship and self-censorship in academia (section 6); academic freedom under neoliberal trends and the marketization of education (section 7); and domestic and international protection of academic freedom and institutional autonomy (section 8). While supporting the EHEA developments in academic freedom, the report also calls upon the Council of Europe Committee of Ministers to assess the feasibility of drafting a binding instrument that could set up a proper international framework of assistance, monitoring, and assessment of the protection of academic freedom and institutional autonomy in the member States. In addition to that, the conclusions of the report identify that there is a true need for a European Convention on the protection of academic freedom and institutional autonomy.

In November 2020, the Parliamentary Assembly of the

Council of Europe adopted a Recommendation 2189- (2020) on Threats to academic freedom and autonomy of higher education institutions in Europe.²³ The Recommendation calls upon the Resolution 2352(2020), adopted at the same time, which acknowledges the threats to researchers, scholars and students as well as the commodification of higher education and commercialization of knowledge (para. 1), as perils to a quality education. The Resolution (2020), looking into the data of the Academic Freedom Index (*see below*), declares "the urgency of setting up a proper international framework of assistance, monitoring, assessment and sanctioning mechanisms to protect academic freedom and integrity across the continent" (para. 2), welcoming the adoption of a common definition by the EHEA and encouraging "the design of appropriate benchmarks that would enable systemic monitoring and assessment" (para. 4). It also regrets that "declarative statements have not yet translated into an internationally agreed definition or conceptual reference of academic freedom" (para. 4). The Resolution also believes in "a real need for a European convention on the protection of academic freedom and institutional autonomy, together with its instruments on information gathering, monitoring and assistance" (para. 5) and asks for academic freedom and autonomy to be included in university rankings exercises (para. 7). Among its membership, the Resolution specifically appeals to the governments of Azerbaijan, Hungary, the Russian Federation, and Turkey.

The subsequent Recommendation 2189(2020) reaffirms that higher education institutions "must revitalize their function as societal actors for the public good" (para. 1);²⁴ calling upon the importance of the Council of Europe Reference Framework of Competences of Democratic Culture (2018). The recommendation asks the Committee of Ministers to adhere to the definition of academic freedom as adopted within the EHEA and continue the work within the Bologna Follow-up Group in the development of an appropriate framework (para. 5). It also calls upon the Council of Europe to carry out a number of studies and policy recommendations on:

²⁰ Council of Europe. 2017. Motion for a Resolution. Threats to Academic Freedom and Autonomy of Universities in Europe. Doc. 14365, June 28, 2017. <https://pace.coe.int/en/files/23947/html>

²¹ Council of Europe. 2006. Parliamentary Assembly Recommendation 1762(2006) on Academic Freedom and University Autonomy. Strasbourg: Council of Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17469&lang=en>

²² The Committee of Ministers Recommendation CM/Rec(2012)7 on the responsibility of public authorities for academic freedom and institutional autonomy, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805ca6f8>

²³ Parliamentary Assembly of the Council of Europe. Recommendation 2189 (2020). Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28883>

²⁴ Ibid.

- the state of affairs and the awareness of scholars, researchers, university staff and students throughout Council of Europe and EHEA member States of their academic freedom;
- the effectiveness of constitutional provisions and the implementation of legislative frameworks that are meant to protect academic freedom and institutional autonomy in member States;
- an action plan on policy advice and awareness raising in order to harmonize the sometimes contrasting policies pursued by countries and individual institutions in the name of academic freedom;
- assessing the need for and feasibility of a binding instrument on academic freedom and institutional autonomy.

All these important developments within the Council of Europe also feed into and build upon the 2019 Declaration of the Global Forum on Academic Freedom, Institutional Autonomy and the Future of Democracy. The Forum took place in Strasbourg in June 2019 and was co-organized by the Council of Europe; the International Consortium for Higher Education, Civic Responsibility and Democracy; the Organization of American States; the Magna Charta Observatory; and the International Association of Universities. The Declaration²⁵ adopted, given its global outlook, brings forward important conceptualizations, notably in regards to giving high importance to the connection between academic freedom and democratic societies. The Declaration reiterates that “Academic freedom and institutional autonomy are essential to furthering the quality of learning, teaching, and research, including artistic creative practice – quality understood as observing and developing the standards of academic disciplines and also quality as the contribution of higher education to democracy, human rights, and the rule of law. Higher education must demonstrate openness, transparency, responsiveness and accountability as well as the will and ability to work with and contribute to the communities in which colleges and universities reside” (para. 2). It accepts limits on freedom of expression exclusively “based on protection of the specific rights of others (e.g., to protect

against discrimination or defamation) rather than on expediency or to advance a single political ideology” (para. 6). In paragraph 9 of the Declaration, international solidarity is clearly outlined: “An attack on the freedom of one member of the academic community or the autonomy of one institution is an attack on the fundamental values of our democracies, regardless of where it takes place” and the institutions are called upon to maintain their commitment to the Magna Charta Universitatum.

Another important element of the Council of Europe’s efforts in advancing academic freedom was the publishing of the Council of Europe Higher Education Series No. 24 edited volume on *Academic Freedom, Institutional Autonomy and the Future of Democracy* (Bergan, Gallagher and Harkavy 2020). The publication further reiterates the important links between academic freedom and institutional autonomy, as well as higher education and democracy, depicting the necessity for engaged universities and the democratic mission of higher education. Also, in July 2020, within the *Reference Framework of Competences for Democratic Culture*, the Council of Europe published the Guidance document for higher education. The Reference Framework of Competences for Democratic Culture model (2018) would not be able to be implemented through a whole-institution approach in an atmosphere without academic freedom, nor institutional autonomy.

The Council of Europe developments in the sphere of academic freedom confirm the important steps forward in both conceptualizations and operationalizations of academic freedom throughout the European continent. As the European crisis of academic freedom seems to have engendered a strong policy response from the relevant actors, the situation at the global level seems less animated. Similar regional policy level developments on academic freedom have not been identified beyond the European continent. Specific legislative developments identified in Canada and Australia are further discussed in the following sections. Nevertheless, since 2020 we have witnessed new developments in monitoring of the situation regarding academic freedom at a

global level, through new global reports and approaches.

Global Developments through Reports on Academic Freedom

Important direct and indirect contributions to clarifying the evolution of the understanding, or understandings, of academic freedom have been made in a series of reports. These reports on academic freedom, published in 2020 and 2021, have succeeded in raising awareness on the acute need for joined global efforts in furthering academic freedom, as well as the need for development of policy frameworks, and global monitoring instruments. All the reports are intensively case study oriented. The case study approach usually takes three forms:

- country case study approach;
- mapping the attacks on higher education institutions, scholars and students;
- surveying the academics’ perceptions on infringements on academic freedom.

A fourth, novel, development in reporting practices on academic freedom has been the development of the Academic Freedom Index, a first global monitoring dataset specifically looking into academic freedom.

Country Case Study Approaches

As an example of a country case study approach, China has been on the agenda in more ways than one. *Human Rights Watch* (HRW), as a global organization monitoring human rights abuses, has had academic freedom as one of the issues on their agenda. In HRW’s understanding, academic freedom is protected by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), as further elaborated in the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education in 1988.

In the last couple of years, HRW’s focus has shifted to China. In 2019, HRW published “Resisting Chinese Government Efforts to Undermine Academic Freedom Abroad. A Code of Conduct for Colleges, Universities, and Academic Institutions Worldwide”. It is a novel example of a human rights organization giving guidelines and providing policy recommendations to higher education institutions and academic community, claiming

that this model could be useful for any other government that threatens academic freedom, beyond the Chinese. The code of conduct claims the rising influence of the Chinese government on campuses and in academic institutions outside China, without going into details, and focuses on the recommendations to the higher education institutions asking them to:

- protect and promote academic freedom
- record incidents of Chinese government infringement on academic freedom
- complain and consider joint actions against Chinese government entities in response to visa denials or similar
- offer anonymous or publication under pseudonyms if research refers to China
- reject Confucius Institutes claiming they are “extensions of the Chinese government”
- monitor Chinese government-linked organizations, including the Chinese Students and Scholars Association (CSSA)
- disclose all Chinese government funding and publish lists of all projects and exchanges with Chinese government counterparts
- ensure academic freedom in exchange programs and on satellite campuses
- monitor the impact of Chinese government interference in academic freedom.

In a specific way, HRW is demanding from higher education institutions a direct confrontation with the Chinese government, which in itself could be understood as a development of further pressure exerted on higher education institutions in the name of protection of academic freedom.

Among issue-focused case study reports, combined with a one country approach, we note the publication of a special report by Freedom House (FH) in 2020 on *The Internationalization of Universities and the Repression of Academic Freedom* (Furstenberg, Prelec and Heathershaw 2020), looking into threats of authoritarian states asserting their influence across borders. The report explores international partnerships and funding; expatriate students and faculty; fieldwork; and overseas campuses. Major decreases in public funding mean UK universities have to depend on foreign students’ fees and research partnerships, much of which originates from authori-

²⁵ Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy. 2019. Declaration of the Global Forum on Academic Freedom, Institutional Autonomy and the Future of Democracy. June 21, 2019. Strasbourg: Council of Europe. <https://rm.coe.int/global-forum-declaration-global-forum-final-21-06-19-003-16809523e5>

tarian states. One example of many is the London School of Economics (LSE) which in 2011 accepted a £1.5 million donation from a charity run by Saif al-Islam Gaddafi, son of the late Libyan leader Muammar Gaddafi (Vasagar 2011). Risks are also aggravated through the share of international students' fees in universities' budgets adding to the overall atmosphere of self-censorship among institutional management, as well as academics. While students are being controlled by their governments at home, and without specific guarantees in the international mobility agreements, the FH study notes that academic freedom is at risk. It has been noted and substantiated that foreign governments and pro-governmental organizations have attempted to exercise direct influence on academic affairs (Foreign Affairs Committee 2019). Another issue raised by the survey concern unreported threats: given the overall context of precariousness and fear of academics and students, these are threats put forward by countries other than China, such as Israel, Turkey, Saudi Arabia and the Russian Federation, but also questions asked by the UK Home Office. Further pressures were identified as restrictions imposed on scholars during fieldwork and data collection. Overseas campuses represent another focus of the study, as these campuses are often based in authoritarian countries.

In the United Kingdom, within the Human Rights Consortium (HRC) of the School of Advanced Study at the University of London, the Academic Freedom and Internationalisation Working Group has developed a *Model Code of Conduct for the Protection of Academic Freedom and the Academic Community in the Context of the Internationalisation of the UK Higher Education Sector* (2022). The Code encourages the UK Higher Education institutions to "adopt common responsibilities embedding transparency and accountability that will strengthen the protection of academic freedom and the academic community from risks arising specifically from internationalisation of this sector" (Academic Freedom and Internationalisation Working Group 2022, 1). Acknowledging the challenges for a common definition of academic freedom, the Code calls upon the 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (Section VI(A)); the 1988 Education Reform Act Section 202(2)(a); and, the 2017 Higher Education and Research Act Section 2(8)(c). The Code represents a rare document advocating for the responsibility of

universities in protecting academic freedom, particularly in the context of internationalization. As such the Code invites the institutions to rely upon the data provided in the Academic Freedom Index and Scholars at Risk Academic Freedom Monitoring Project when establishing international partnerships, and encourages the institutions to engage in providing support to scholars at risk.

Freedom House has also published the annual global report on political rights and civil liberties, *Freedom in the World 2021: Democracy Under Siege*, and in data collection, under Freedom of Expression and Belief, FH also investigates the state of academic freedom without going into further details in its general report. In 2021, FH also published, within their Policy Brief Series, a study under the name "Smart" *Repression at work: Shrinking Space for Academic Freedom in Turkey* (Kalin 2021), complementing the country case studies' reports on academic freedom. The policy brief introduces the concept of "smart" repression, aiming "to place the government's attempts to silence academia and civil society, into a broad perspective" (Ibid., 2), showing "subtle repressive tactics and hidden intentions at targeting academia" (Ibid.). FH's reporting on academic freedom has been complemented by a brief essay (Cook 2020) in *Perspectives*, published in 2020, on the effects on Hong Kong's academic freedom caused by the adoption of the National Security Law, accentuating the dangers of its claims of extraterritorial jurisdiction.

The country case study approach has been overwhelmingly used by human rights organizations and has been largely focused on China and the dangers of transnational mobility flows, as well as overall internationalization higher education tendencies. As these approaches provide necessary information on the scope and volume of infringements on academic freedom in specific countries, or transnational dealings, they remain limited in terms of attempts to comprehend the epistemology of academic freedom and even more, in provision of new conceptualizations of academic freedom for the 21st century and transnational higher education.

Mapping the Attacks

Another set of reports published in the last two years are focused on mapping the attacks on higher education institutions, scholars and students. The Global Coalition

to Protect Education from Attack (GCPEA)²⁶ published *Education Under Attack 2020. A Global Study of Attacks on Schools, Universities, their Students and Staff, 2015–2019* (GCPEA 2020), compiling over 11,000 reports of attacks on education or military use of educational facilities globally and more specifically, found over 1,200 reported attacks on higher educational facilities and their students and personnel between 2015 and 2019 with over 75 percent involving armed forces, law enforcement, or paramilitary groups. Out of countries researched, the attacks took place most prominently in Ethiopia, Colombia, India, Nicaragua, Palestine, Sudan, Turkey, and Venezuela. Yet, the study does not reflect directly upon academic freedom, even if calling upon its respect is one of its recommendations. Furthermore, the focus of the study remains on the countries in conflict or with high internal political volatility.

The most prominent report with an approach to mapping attacks on higher education institutions, scholars and students is certainly the Scholars at Risk²⁷ annual report *Free to Think 2021*; annual reports have been published since 2015. The Monitoring Project aims to identify, assess and track incidents involving one or more of six defined types of conduct which may constitute violations of academic freedom and/or human rights of members of higher education communities:

- Killings/violence/disappearances
- Wrongful imprisonment/detention
- Wrongful prosecution
- Restrictions on travel or movement
- Retaliatory discharge/loss of position/expulsion from study
- Other significant events.

The report analyzes 332 attacks on higher education communities in 65 countries and territories around the world between September 1, 2020, and August 31, 2021. SAR understands academic freedom as legally grounded in international human rights standards, including freedom of opinion and expression, the right to education, and the right to the benefits of science, with elements of freedom of association, freedom of movement, and other rights.

SAR also published *Promoting Higher Education Values: A Guide for Discussion and Promoting Higher Education Values: Workshop Supplement* in 2020, aiming to promote these publications as tools for academic freedom education, accompanied by an online course *Dangerous Questions: Why Academic Freedom Matters*.

In 2020, an important mapping was also published – **mapping of support programs** in Europe for scholars at risk *Researchers at Risk: Mapping Europe's Response* (Stoeber, Gaebel and Morrisroe 2020), conducted in the framework of the Initiative to Support, Promote and Integrate Researchers at Risk in Europe (Inspireurope).²⁸ The report provides a comprehensive presentation and analysis of existing support programs,²⁹ both at the national and European level, as well as data collection on the experiences of researchers at risk, their hosts and support organizations. The report draws a clear picture of the profile of the supported researchers at risk, mostly coming from social sciences and humanities with previous mobility experiences. It also raises the question regarding the rationale behind support programs, the so-called tension between utilitarian and humanitarian arguments for supporting researchers at risk. As there is no European-wide scheme, currently three national level programs exist in Finland, France and

²⁶ GCPEA was formed in 2010 as a coalition of organizations including Human Rights Watch, Save the Children, the Council for At-Risk Academics (Cara), the Institute of International Education (IIE), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Education Above All Foundation (EAA), Plan International, the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). <https://protectingeducation.org/>

²⁷ Scholars at Risk (SAR) is an international network of institutions, associations, and individuals whose collective mission is to protect scholars and promote academic freedom.

²⁸ Inspireurope project partners include: Scholars at Risk Europe at Maynooth University (Ireland) (Project Coordinator), Alexander von Humboldt-Stiftung (Germany), European University Association, Jagiellonian University (Poland), University of Oslo (Norway), University of Gothenburg (Sweden), French national PAUSE programme, hosted by the Collège de France, Stichting voor Vluchteling-Studenten UAF (Netherlands), Aristotle University of Thessaloniki (Greece), Scholz CTC GmbH (Germany)

²⁹ Please visit <https://www.maynoothuniversity.ie/sar-europe/resources> for the full list.

Germany. Opportunities are certainly deemed insufficient in relation to the demand which is on a continuous rise. This shortage, as well as the competitiveness of the academic labor market in Europe, are identified as key obstacles. As one of the interviewees has stated in the report: "It is especially challenging to focus on your research duties, expand your academic expertise, learn a new language, apply for fellowships, search for a new job opportunity, and [take]care of your private responsibilities during this very limited time. [In this case a one-year contract.] It is not easy to be productive without feeling stable" (RQ17) (Stoerber, Gaebel and Morrisroe 2020, 40).

Mapping the infringements on academic freedom, as well as existing support programs, remains a crucial activity in safeguarding academic freedom as it helps us understand the scope of attacks on fundamental values of higher education but also can provide a basis for categorizing the type of infringements that academics face in the world today. Categorization of attacks is part of the future planning of the GOAF. This would contribute to advancing the conceptualization of academic freedom, as much as the reports that have used survey methodology in understanding the perceptions of the academic community to which the following section is dedicated.

The reports, both those stemming from country case and mapping approaches, rely upon already given definitions of academic freedom in international instruments that have been previously adopted, most notably the UNESCO Recommendation. The most striking recent development has been the recognition of the effect of internationalization of higher education on our understanding of possible mechanisms for safeguarding academic freedom, underlining the necessity of a global approach in establishing partnerships between the institutions and individual scholars. They have brought forward a clear understanding that academic freedom cannot be understood within the confines of a single country or a region but has to be taken up as a global and a universal value.

Surveying the Perceptions and Experiences of Academic Freedom

Among studies in which the analysis is primarily based on survey data, Human Rights Watch combined survey methodology with a case study approach, with a transnational outlook – China in/and Australia. In the summer of 2021, HRW followed its work on China by a study under the name *"They Don't Understand the Fear We Have"*. *How China's Long Reach of Repression Undermines Academic Freedom at Australia's Universities* (McNeill 2021). HRW's study focuses on the developments in Australia regarding the high presence of Chinese students.

Looking at overall regulatory developments in Australia, the HRW report gives an in-depth overview of the newest efforts of the Australian government in the protection of academic freedom. In November 2018, Education Minister Dan Tehan announced an inquiry into free speech on university campuses to be carried out by former High Court Chief Justice Robert French. In April 2019 French reported that there was no evidence of a systemic free speech crisis on Australian campuses, all the while supporting "a national code to strengthen the protections from disadvantage, discrimination, threats, intimidation, and humiliation" yet without a need to protect from "feeling offended or shocked or insulted by the lawful speech of another" (Hunter 2019) – a line of thought which was also followed in the UK's report on academic freedom which we will look at later. In August 2020, another review was commissioned by the Minister to evaluate if the French Model Code on university free speech was implemented. Former Deakin University Vice-Chancellor Professor Sally Walker carried out the review, concluding that only nine out of 42 of Australia's universities adopted policies in line with the French Model Code (Walker 2020). In Australia, we have seen important legislative changes: in March 2021, the Australian parliament passed a motion to amend the definition of "academic freedom", within the Higher Education Support Act 2003, replacing references to "free intellectual inquiry" in the act with the terms "freedom of speech and academic freedom"³⁰. Under the amendments, academic freedom is defined as:

- (a) the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research;
- (b) the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- (c) the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;
- (d) the freedom of academic staff to participate in professional or representative academic bodies;
- (e) the freedom of students to participate in student societies and associations;
- (f) the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.³¹

Yet, within the general context of government-led initiatives for advancement of academic freedom in Australia, HRW's report focuses on the struggles of Chinese students and pressures of the Chinese government through a conducted survey with Chinese students at Australian universities and academics from or working on China. The survey depicts fear of reprisal upon return home, self-censorship, and overall sentiment of lack of academic freedom, noting by the respondents that the atmosphere has worsened in recent years. Moving teaching online during the Covid-19 pandemic has exacerbated the crisis, in respondents' opinion, as it increased the vulnerability and exposure of both teachers and students; but also, the pandemic and deteriorating diplomatic relations between the two countries have strongly influenced the noted rise in racism against Asians in Australia. High dependence on foreign students' fees of the Australian universities is suspected to influence the lack of sufficient measures for preventing infringements on academic freedom through foreign interference, even if numerous measures are being put in place, including the new French Model Code. As a positive step, the HRW study notes a hearing that took

place in March 2021 as part of the Parliamentary Joint Committee on Intelligence and Security's inquiry into national security risks affecting the Australian higher education and research sector. The government established the University Foreign Interference Taskforce (UFIT) to develop new systems and safeguards for the country's institutions. Strikingly missing from the HRW study is a critical reflection upon two elements: targeting only one country (China) for alleged interference to the level where it requires a governmental taskforce set up, and the lack of clearly established boundaries between the governmental measures and institutional autonomy. In parallel, HRW welcomes the 2019 National Defense Authorization Act in the United States which led to the closing of over 130 Confucius Institutes at American universities, as one of the good practice example measures.

Among survey approach reports, one report has been prepared by a professional association – the International Political Science Association (IPSA) – and was published in 2021 (Kneuer 2021). Written by IPSA President Marianne Kneuer (2018–2021), it presents the results and analysis of a survey on infringements on academic freedom conducted by the IPSA Secretariat in 2020 among its collective members (regional and national political science associations) and prepared by the IPSA Committee on Academic Freedom (CAF) founded as recently as 2016. Some 44 members across the globe responded to the survey, providing an excellent participation rate. Only nine member organizations have dealt with the cases of infringement on academic freedom, yet those nine then comprised the largest number of cases (up to 60) in the last decade (Ibid., 7). Problems with holding academic positions, social media bullying of academics, and teachers being victims of censure or political violence, together with self-censorship were among the most common infringements identified. A majority of respondents stated that an international framework would be hugely helpful to their efforts in safeguarding academic freedom, which confirms the urgency of the need to advance our efforts towards that goal.

In August 2021, AcademiaSG published a report based

³⁰ The Parliament of the Commonwealth of Australia, House of Representatives, as passed by both Houses, *Higher Education Support Amendment (Freedom of Speech) Bill 2021*. https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6619_aspassed/toc_pdf/20140b01.pdf;fileType=application%20on%20pdf#search=%22legislation/bills/r6619_aspassed/0000%22

³¹ For further information about the state of academic freedom in Australia, see Lyons 2021.

on a survey of Singapore-based academics concerning the situation of academic freedom in the country (AcademiaSG 2021), which was discussed in the parliament in January 2022 when one MP addressed the issue of academic freedom to the Minister for Education. The survey was conducted from April to May 2021, providing total of 198 anonymous responses thus not aiming for generalizations but depicting the general atmosphere regarding academic freedom in Singapore. As the survey results have shown, academics in Singapore consider academic freedom as a universal value and do not experience restrictions on their freedom, with the exception of faculty working on “politically sensitive” topics. One third noted that they are aware of cases in which academics were asked to withdraw or modify research findings for non-academic reasons and 55% stated that the institutions have to obtain permissions prior to guest speakers being invited; as much as one third expressed their hesitations in discussing sensitive topics in class – mostly for concern about students’ reactions. An important finding of the report was in gender disparity, with women experiencing significantly more infringements on academic freedom, making it a more significant element, along with the citizenship status, than the tenure status or rank of the academic.

Academics’ perceptions of the situation regarding academic freedom across the world show us, through the above examples, that there is a sentiment of uncertainty and lack of efficient monitoring mechanisms, as well as policies and procedures which would help preserve academic freedom. Among numerous concerns, the lack of clear definition and legally binding international documents are considered an important obstacle in safeguarding academic freedom and a step forward in this direction should be undertaken by the global academic community and relevant stakeholders and policy makers.

Measuring Academic Freedom

The most important development in regard to measuring academic freedom has most certainly been the publication of the Academic Freedom Index (AFI) (Kinzelbach et al. 2021), the only such global wide endeavor. In March

2021, the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the Scholars at Risk Network, and the V-Dem Institute published the new edition of AFI covering 175 countries and territories over the period from 1900 to 2020. A quantitative approach to measuring academic freedom has been a novel introduction, as the existing democracy indexes and university rankings do not focus specifically on academic freedom. The AFI is composed of five expert-coded indicators capturing de facto academic freedom:

- freedom to research and teach;
- freedom of academic exchange and dissemination;
- institutional autonomy;
- campus integrity;
- freedom of academic and cultural expression.³²

AFI brings forward a claim that academic freedom can indeed be measured, through minutely developed indicators and datasets, and that from such a methodological proposal might stem a novel understanding of academic freedom. AFI introduces campus integrity as an inseparable part of the definition of academic freedom which has not previously always been included. Production and transmission of knowledge as a public good, as defined within the European Higher Education Area, encompasses freedom of academic exchange and dissemination and freedom of academic and cultural expression. The understanding of academic freedom in AFI, not only methodologically but also substantially, reiterates the link between academic freedom and democratic societies, representing an important development in the conceptualization of academic freedom.

AFI represents a global dataset based on expert assessments integrated in a Bayesian measurement model that is complemented with factual indicators such as assessment of countries’ de jure commitments at constitutional and international levels, as well as the mere existence of universities in each country. The score scale is set from 0 to 1. The lowest ranking countries are researched specifically as individual case studies in the appendix of the report (Russia, Turkey, and Azerbaijan). One of the stated aims of the index is to challenge university

rankings, bringing into the picture the fundamental values of higher education as a much-needed balance within the overly quantitative assessments of university rankings. The data is publicly available on VDem’s website.³³ V-Dem also provides an online tool that can be used to analyze any of the indicators. The report also includes recommendations to key stakeholders on how they can apply the index to protect and promote academic freedom. Aware of the shortcomings of a quantitative, expert assessment approach, regardless of serious methodological triangulations and adaptations as to avoid biases, the authors of the index have prepared in parallel a qualitative research agenda, providing case-study guidelines for in-depth assessments published in an open-access book with FAU University Press (Kinzelbach 2020). Nevertheless, AFI provides an important basis for following the developments in academic freedom and an exquisite dataset which can advance advocacy for academic freedom worldwide.

Besides the diversity of approaches to reporting on academic freedom on the side of academics themselves and non-governmental and international organizations, we have also witnessed other actors producing reports on academic freedom. Previously, we have already noted the high intensity of governmental activities in the name of protection of academic freedom in Australia, and the same was observed in the United Kingdom and Canada.

Government Mandated Reports on Academic Freedom

A number of reports on academic freedom have come from governmental initiatives. In the United Kingdom, there was “Higher Education: Free Speech and Academic Freedom” (Department for Education UK 2021), a policy paper by the Department for Education in England presented to Parliament in February 2021. The report sets the policy framework for strengthening freedom of speech and academic freedom in higher education in England by:

- appointing a Free Speech and Academic Freedom Champion to the Office for Students board;
- requiring the Office for Students to introduce a

new registration condition on free speech and academic freedom;

- strengthening existing legal duties on higher education providers to actively promote free speech;
- extending existing free speech duties to apply to students’ unions directly;
- enabling individuals to seek legal redress as a result of a breach of the duty;
- widening and enhancing academic freedom protections.
- It also proposes that higher education providers set minimum standards for free speech codes of practice and ensure that free speech and academic freedom are upheld to a high standard. Similarly to the Judge

French report in Australia, this report also underlines the need for tolerance of a variety of ideas and expressions, and as it claims “today’s orthodoxy can become tomorrow’s oppression, and powers granted today to silence ideological opponents will inevitably be turned against them in future” (Ibid., 3), calling upon a King’s College London study according to which a quarter of students saw violence as an acceptable response to some forms of speech. The Government affirms standing behind the values of “free speech and academic freedom, liberty and values of the Enlightenment”, demanding “clear consequences for any breach” and extending the duty to students’ unions. Throughout the academic community, various concerns were raised regarding this governmental initiative, from providing the possibility to all individuals to start legal actions against universities, to insufficiently clear provisions rendering possible an extensive margin of interpretation. Importantly, the issue of a potential confusion in equating free speech and academic freedom has been raised by the academic community as in some cases the two might be in tension and opposition. One such example of protest in the governmental approach has been the University College Union statement against the Bill, highlighting that the threats to academic freedom actually come from the government and university managers (UCU 2021). There is a general unease that these provisions would be used by conservative and extreme right-wing individuals and groups, in their attempts to monopolize the topic of academic freedom and free speech in the UK.

³² An in-depth description of the conceptualization of the indicators, coding decisions about the factual data, as well as content and convergent validation of the data can be found in Spannagel, Kinzelbach, and Saliba (2020).

³³ Available at: [The V-Dem Dataset](#).

In Canada, or more precisely Quebec, another governmental report was published in 2021. The Independent Scientific and Technical Commission on the Recognition of Academic Freedom in Universities chaired by Université du Québec à Chicoutimi vice-rector Alexandre Cloutier prepared a report commissioned by Minister of Higher Education Danielle McCann (Ceausu 2021). The report brings forward the ideas found in the reports in Australia and the United Kingdom about the need for debate and discussion in the academic community stating that “classrooms cannot be considered ‘safe spaces,’ i.e., an environment free from any confrontation of ideas or questioning”. The report provides several recommendations, including a need for adoption of a law on academic freedom which would define academic freedom. The protection of academic freedom is closely related to the development of critical thinking and the sustainability of democratic institutions. The Fédération nationale des enseignantes et des enseignants du Québec (FNEEQ-CSN), which represents 85% of lecturers, welcomed the recommendations, showing a different reaction from the academic community to the governmental efforts in promoting the academic freedom than the one in the UK.

Also in 2021, the Committee on Academic Freedom of the University of Ottawa, established by the administration, published its report (Bastarache et al. 2021) showing us larger movements in Canada beyond Quebec. The report acknowledged the variety of different understandings of academic freedom across academic communities and put forward the importance of preservation of the right to criticize as well as asserting that “the right to not be offended” does not exist, claiming that it all comes down to governance issues. The report notes that the University of Ottawa’s collective agreements do provide a definition of academic freedom, there remains a lack of a universally accepted definition (Ibid., 13), referring to the UNESCO Recommendation yet claiming that academic freedom – given the lack of legally binding international and national standards – remains a labor standard dealt by labor tribunals, as 85% of Canadian universities include the principle of academic freedom in their collective agreements (Ibid., 15).

These developments show the urgent need of a coordinated approach towards the development of monitoring mechanisms on academic freedom and its reg-

ulatory frameworks, which would strongly include the academic community itself. Governmental initiatives often appropriate the understanding of academic freedom for their own political agendas, excluding from the process of policy development the academic community, or most notably the “inconvenient” members of the community. They legislate academic freedom paving the way for further endangering academic freedom, instead of safeguarding it. Being a dangerous development, it also shows the urgency for international organizations and international law to step in and lead in the protection of academic freedom.

UN Report on Academic Freedom and the Freedom of Opinion and Expression

In July 2020, authored by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye, the Report on academic freedom and the freedom of opinion and expression (A/75/261) was presented to the 75th session of the UN General Assembly (Kaye 2020). For the first time in the UN history, there was a report focusing on academic freedom. Yet, it remains unclear how the United Nations will proceed in the possible establishment of monitoring mechanisms and what role the academic community would play in these procedures, as well as further policy development. As a welcome development in attempts at safeguarding academic freedom, the UN report has put forward once again the importance of understanding the internationalization processes of academic freedom, and its significance as both a right and a value.

The key approach was to understand the interconnection between the academics and academic institutions in a democratic society and to note that: “without academic freedom, societies lose one of the essential elements of democratic self-governance: the capacity for self-reflection, for knowledge generation and for a constant search for improvements of people’s lives and social conditions” (Ibid., 2).

The report also focuses on the freedom of opinion and expression aspects of academic freedom. Without aiming to provide a fully fledged definition of academic freedom, the report states that: “academic freedom should be understood to include the freedom of individuals, as members of academic communities (e.g., faculty,

students, staff, scholars, administrators and community participants) or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law” (Ibid., 6). The Report highlights that there is not one exclusive international human rights framework for academic freedom and provides several recommendations, putting on the table a possibility of the development of such a framework. Important contributions to the reporting on academic freedom are also the accompanying Summary of Expert

Consultations and written submissions received from a number of NGOs and civil society organizations (including Scholars at Risk, ICNL, Article 19 Brazil, Media Matters for Democracy, Foundations for Individual Rights in Education (FIRE), MAAT, Medical Academy and Care, Elizka Relief Foundation, Free Speech Union, LGB Alliance) as well as individual academics (Insan Haklari Okulu, Hasan Aydin et al., Matthew Hedges) and Taylor Vinters LLP and Muhammad Muzahidul Islam.

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In France, post-colonial, “race” and “intersectionality” theory are being put at threat, led by the highest state instances, hiding behind a phrase of “islamo-gauchisme” (“Islamism-leftism”); in the United States, Trump’s administration campaigned against “ideologies that portray the United States as fundamentally racist or sexist” and the campaign continues also after the Trump Administration was voted out; in the UK, Critical Race Theory is considered a “separatist ideology”.

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Global Developments in Covid-19 Times: Democratic Decline, Erosion of Academic Freedom. Vignettes of Academic Freedom Infringements around the Globe

And what are the most burning issues for academic freedom today? How can we overcome the current crisis? The involvement of power elites and regimes in science and research is, sadly, not a novelty. Yet, the context of a global pandemic has led to further limitations on the right to protest, the freedom of expression and various other rights’ curbing tendencies often justified by the state of emergency measures. As threats to democracy are on the rise, so are threats to academic freedom. The populist and illiberal authoritarian regimes do not shy away from intervening in the definition and production of knowledge, through bans and exclusion of certain academic disciplines and scientific fields.³⁴ Yet, the liberal democracies alike tend also to curb academic freedom. In an online, post-truth society, academic freedom seems to become an even more fluid concept and ever more important to protect.

Defining knowledge as a public good and the development of critical thinking as pivotal for the development of democratic societies has often been endangered over the last years.

On January 20 and 21, 2022, the first bi-annual Global Observatory on Academic Freedom conference³⁵ took place in an online

³⁴ For further information on Academic Freedom in Hungary, please see Kováts and Rónay 2022.

³⁵ Further information at: <https://elkanacenter.ceu.edu/reimagining-academic-freedom-open-society-university-network-global-observatory-academic-freedom>

format (for agenda see Annex I). Besides plenary sessions presenting our research results, and roundtables discussing conceptual challenges of academic freedom and the possibility of a global framework, nine workshops took place around nine topics we had previously identified as (some of) the key issues of academic freedom in our times. We invited prominent scholars, policy makers and students to chair the workshops and to participate in the workshops. Herewith, we are providing the workshop reports,³⁶ complemented with our research efforts. Instead of mapping the cases or flagging specific countries or specific regimes, we are raising the issues of concern that complement the findings of the report, as brief snippets, that should serve as a roadmap for future research foci of the Observatory, and beyond. Presenting the key issues and examples discussed, along with providing further questions for reflection, the workshop reports demonstrate the size of the challenge in front of us – of understanding and reconceptualizing academic freedom. Certainly not comprehensive nor accompanied by in-depth elaborations, we found the workshop reports useful for accompanying the report by shedding light onto the themes for future further research. In the hope of continuing our endeavor for many years to come, these reports will guide us through identification of the most pressing topics for academic freedom.

Workshop 1

Decolonizing the Curriculum and Academic Freedom

Chairs

ERIC FASSIN / *University Paris 8 Saint-Denis Vincennes*
DANIELE JOLY / *CADIS International/University of Warwick*

In France, post-colonial, “race” and “intersectionality” theory are being put at threat, led by the highest state instances, hiding behind a phrase of “islamo-gauchisme” (“Islamism-leftism”); in the United States, Trump’s administration campaigned against “ideologies that portray the United States as fundamentally racist or sexist” and the campaign continues also after the Trump Administration was voted out; in the UK, Critical Race Theory is considered a “separatist ideology”. While within the

academic community the demands on decolonizing the curriculum are gaining in strength, many populist and illiberal regimes are standing against them – in the name of national identity and/or anti-terrorist measures. This debate is led within academia, as much as between academia and society and is furthering cleavages among the academic community itself.

KEY ISSUES IDENTIFIED

- Lexicon and the vocabulary of attacks on academic freedom
It is important to pay attention to the lexicon and the discourse which has been introduced as part of the attacks on academic freedom. As the vocabulary is altered, wordings must be understood not as “theoretical concepts” but as “labels” or “slogans”; one needs to ask what purpose they serve and what power stakes they reflect. An example is “islamoleftism” (*islamo-gauchisme*), widely used now in France, instrumentalised by the government and in continuity with other labels that were used in earlier debates, like “*communitarisme*” which appeared simultaneously with veil-related discussions. Another prominent term in France is “Americanization” – alleged United States’ imposed standards and rules. Today, we also find the circulation of notions such as “cancel culture” (related to an earlier debate on political correctness) and “wokisme” which are widely denigrated. This offensive of a conservative character targets the categories of “decoloniality” and “race”, as in other countries parallel attacks are led against “critical race studies”. These tendencies go beyond the academic community, into social movements and towards an overall trend of anti-intellectualism.
- Anti-intellectualism
In France, the assumption that “to explain is to justify”, articulated by high-ranking politicians (i.e. ex-President Sarkozy and former Prime Minister Valls) was used to attack social sciences. Anti-intellectualism is spreading and can even be endorsed by educated people, including some academics. Such attacks are sometimes formulated in the name of academic freedom. For instance, the denunciation of cancel culture, which claims to defend freedom

³⁶ We wish to express our sincerest gratitude to the workshop rapporteurs beyond the authors of this report: Volha Biziukova, Christof Royer and Yektan Turkylmaz.

of speech represents a manifestation of right-wing conservative movements. Such movements also make use of the principle of “neutrality” which argues that all views must be heard out and represented. Little media coverage is granted to attacks on academic freedom and the activities which promote critical thinking so that the level of public awareness remains low.

- A simultaneous offensive against critical thinking
While there is the famous concept of “floating signifier” by Levi-Strauss, in our case, we can think about a floating signified. The lexicon used may involve a variety of issues (race, gender, etc.) but critical thinking is the common denominator subject to attacks. There is something remarkably similar happening in different countries which unveils a general trend. For instance, Putin has recently given a speech against “cancel culture” and put forward arguments which are comparable to those used in France in relation to issues of gender or race. There is a need to question existing practices and hierarchies and to decolonize academia itself. “Decolonization” is to be applied not only to the social world but also to conservative sectors of academia.
- Identifying the attackers
Governments tend to use legislation to restrict and attack academic freedom, in similar ways as they attack social movements or minority groups. The points of contention are often scholarly challenges of the official narrative and attacks come directly from government departments dealing with education. All the while, conservative groups tend to present themselves as victims using a specific “toolkit” to defend their position in the name of freedom of speech and academic freedom: they describe themselves as “critical thinkers” and pose as “victims” who suffer from unequal or discriminatory treatment. One must also pay attention to the differential weight of attacks on academic freedom according to the agent involved: the state, government-sponsored civil “activists”, individuals, or other groups. Attacks directly or indirectly sponsored by institutions and particularly by the

state are clearly more threatening. They may also come from within academia and often reflect deep divisions as some sectors of academia, defending their positions and interests, may in turn provide a useful prop for states’ offensives.

- Neoliberal logic
Attacks on academic freedom come hand in hand with neoliberal tendencies, as attested by the reduction of tenured positions. Attacks on academic freedom intersect with the precarious position of academics and pressures on their professional activities resulting from neoliberal regimes. Academics facing job insecurity and the pressure to comply with the requirements of “productivity” and “efficiency” are more vulnerable to such attacks and external pressure; moreover, the insecurity of employment acts as a deterrent against mobilizing to defend their rights. Nonetheless, those in tenured position are not immune to harassment and challenges.

KEY EXAMPLES IDENTIFIED

- France³⁷
Repetitive attacks on academia, framed in the language of “islamo-gauchisme”, including from the highest echelons of the government. An attempt to include in legislation a requirement that academics be committed to “the values of the Republic”. The minister of education established a special observatory on “postcolonialism” to attack research on this topic which in turn organized a conference to that end. Another example of similar infringements, where one minister followed the French example, was found in Denmark (Meret 2021).
- The United Kingdom³⁸
A representative of the government recently stated explicitly that they oppose “critical race theory”. Calls not to allow teaching on topics that would involve anti-capitalism. Financial pressure on academic institutions and academics and students. Instances when accusations of anti-Semitism are used in such attacks against academics. Use of regulatory and financial tools to restrict academic

freedom, through a new bill on higher education and free speech.

- Other similar cases include Brazil (Mendes et al. 2020) and Turkey (Gurel 2022; Tastan and Ordek 2020; Tekdemir et al. 2018; Baser, Samim and Ozturk 2017). In different forms and in different social and political contexts, there are similar systematic attacks on critical thinking and academic freedom around the globe. As it remains important to see the similarity of tendencies across different localities, one must also acknowledge the differences in intensity, scale, and brutality of attacks. Article 130 of the Constitution of Turkey (1982) provides that, while scientific research and publication is guaranteed, “this shall not include the liberty to engage in activities directed against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country”.³⁹ However, often, in attacks on Turkish academics, the perpetrators are also non-state agents but “civil society” actors (related to the Turkish state). They even target academics based in Germany. However, this does not appear widely in media reports because of the lower interest and the self-image of Germany as the land of academic freedom. At the same time, many of those targeted by such attacks are in precarious positions, without tenure and experiencing accusations of being non-profitable or non-efficient. These attacks are also followed and accompanied by bans on particular topics – such as critical race theory, gender, or others (as in Hungary or the US).

QUESTIONS TO REFLECT UPON

- What is the role and importance of critical thinking for a sustainable democracy?
- The debate on academic freedom is the expression and continuation of power struggles which cannot be won merely by rationalism. It is important to trace the connection between attacks on academic freedom and broader political tendencies and structures of power, especially in relation to increasing authoritarianism and conservatism, through the use of Gramsci’s framework on hegemony. It would be in-

teresting to think through a historical perspective, for instance, in terms of Stuart Hall’s work on Thatcherism and hegemonic projects. One can approach current developments as the establishment of a historical block, in particular, in relation to the rise of right-wing populism.

- It is also necessary to take into account historical continuities associated with attempts to restrict academic freedom.
- How can we improve language in the defense of academic freedom, making it more appealing for the wider public?
- Can public attacks on academics be interpreted as a form of their “recognition” and their social impact and relevance?
- How important is the discussion on the future of universities for academic freedom?
- How can we encourage and increase solidarity within the academic community, which would then provide conditions for mobilizations? Asking for fair and secure working conditions is an important element. In the US, you are free to think whatever you want but you do not have the freedom to preserve your job. The defense of academic freedom can be related to 1) protecting the privileged right of academics to freedom of research and speech as an important vector of democracy, 2) recognizing anti-intellectualism as the weapon of right-wing populism. Discussions on academic freedom are often dominated by European experiences, while other regions are underrepresented, for instance, India. But it is in those regions that we might find examples of more effective forms of mobilization.

Workshop 2

Academic Freedom in an Online Setting

Chair

SJUR BERGAN / *Council of Europe*

As the Covid-19 crisis has speeded up the transition to online learning and teaching, the issues of intellectual rights have arisen along with questions regarding the terms of use by private companies like Zoom. The

³⁷ An elaborate report on academic freedom in France and the UK is under preparation by the OSUN Global Observatory on Academic Freedom, expected for publication in Autumn 2022.

³⁸ See footnote 16.

³⁹ Turkey 1982 (Rev. 2011) Constitution - Constitute. Accessed April 19, 2022. https://www.constituteproject.org/constitution/Turkey_2011?lang=en

possibility of recording the lectures and the debates opened the issue of misuses of the recordings, and online environments have witnessed cases of intrusion of external participants – “Zoom bombing”. In Brazil, the government has introduced specific forms to be filled in by the students, providing an encouragement to report teachers for “unsuitable” discourses. How do we preserve academic freedom in an online setting without losing the freedom to debate freely and without fear of reprisals? To whom do our online lectures and debates belong? How can we control the circulation of content produced in online academic settings?

KEY ISSUES IDENTIFIED

- Is online a new normal?
Although digitalization of higher education and the offer of degrees and courses online already was gaining a stronghold before the Covid-19 pandemic, the pandemic has sped up the process and exacerbated the existing issues. There is a serious paradigm shift that needs to be taken into account, which severely influences teaching and learning as well as research (AAUP 2014). Issues regarding the new online environment require further research and we can state with certainty that many aspects are here to stay, rather than expecting a return to the old systems. The new online environment of higher education needs in depth reflection as to its consequences for academic freedom. It is a shared fear that the Covid-19 crisis has opened the door to further privatization of higher education, with private companies capturing more control over public resources. Some issues existed in previous times but are now magnified by the online environment. Digitalization of higher education might be widely used as a marketing tool of universities, leading them towards stronger profit-oriented policies, recruitment through digital offer and thus further segregation between higher education institutions.
- Teaching and learning in the focus
Teaching and learning seem to have taken a more serious shift with the move to the online environment. Online lectures might impose more strict requirements for scholarly precision, as the dangers of misinterpretation seem higher and the overall interaction and relationship between students and teachers has been changed. It is worth asking what the consequences of the definition of the student group

are going to be, if we suppose more open access to lectures and presentations – as for conference presentations which are being put up online. The shift poses challenges for IT infrastructures, enhancing the inequalities between higher education institutions, as well as a need for rethinking the curriculum and pedagogy. For example, lab access was seriously disrupted by the pandemic, as the transition to online lab simulations requires financial means which many universities do not have. Teaching and learning have become more dependent on the use of online tools rather than on the pedagogy of the teacher herself. This can result in the uniformity and conformity of the academic discourse. The status of pre-recorded lectures needs to be clarified; such methods raise issues about synchronous and asynchronous interaction between teachers and students. The online environment also requires us to rethink the learning experience and assessment issues. Another important issue raised is the employment of teaching staff – the online environment removes the requirement of residence for teaching staff and might lead to either further precarization of teaching contractual staff, or exclusive employment of so-called “teaching stars”.

- Taken out of context
As we have already witnessed, both conference presentations taking place and/or being put online, and lectures themselves, lead to an exposure which raises the issues of regulation of the social media dissemination, copyrights issues (as many universities claim copyright to all teaching content produced in online settings) and academic freedom. Cutting and editing techniques of online media allow for decontextualization and a possible rise of attacks on academic freedom without appropriate mechanisms in place to safeguard academics and students from such infringements. This is an issue of utmost urgency for academic freedom.
- The implications for research
The right to science also needs to follow the paradigm shift of the online setting, following the debates around copyright issues and the topic of digital access. One example that has been given is that copyright law is not fit for data mining, as it does not provide specific exceptions in such cases. The European Union has been more advanced on the issue, but in other parts of the world it remains

unclarified which will further deepen the inequalities and academic freedom on a global scale. This has already been the issue with developments in the publishing sector, where pay walls often prevents poorer higher education institutions of providing access to their scholars and students. Another important issue is fieldwork and the need to design new research methods, which might hold further implications for academic freedom.

KEY EXAMPLES IDENTIFIED

- The United Kingdom.⁴⁰ As online teaching in the UK has already been massively taking place through private companies and outsourcing education (as an example, 80% staff at the University of Liverpool is employed by a private company), it is of serious concern how such developments will further influence academic freedom. This privatization of higher education also influences research and the power over curricula, the content of teaching and learning. Recently there was a case of filming a lecture on Israel and Palestine, cutting it out of context and accusing the lecturer of antisemitism which led to lecturers self-censoring, understood as being more careful, writing a script of a lecture and leading to serious chilling effects. These recordings do not only make lecturers easier to target, but also to be surveilled by the government or any other pressure groups.

QUESTIONS TO REFLECT UPON

- What happens after the Covid-19 crisis?
- How will quality assurance and quality review change in an online environment? What will be the impact of this change on academic freedom? This also includes the changes in assessment rules and quality of assessment of students.
- Does the expansion of the online setting also open the door to the hegemony of Western epistemology worldwide?
- What is academic freedom for students in an online setting?
- There is an urgent need for further research on the topic in order to better understand the implications of the developments on academic freedom and overall on higher education.

Workshop 3

Can States Save Detained and Imprisoned Academics? The Role of International Relations in Academic Freedom

Chairs

JOLANTA BIELIAUSKAITE / *Head of the Academic Department of Social Sciences, European Humanities University*
SARI NUSSEIBEH / *Professor of Philosophy, former President of Al-Quds University*

The issue of unlawfully detained scholars and students continues to remain one of the most pressing questions for academic freedom. Egypt has been one of the countries with several disturbing incidents, from the death of an Italian student, Giulio Fegeni, a PhD student at Cambridge University, to the recent detentions of master students at CEU and Bologna University. In Iran, there are many cases continuously taking place, with recent detentions of Sciences Po scholars Prof. Roland Marchal and Prof. Fariba Adelkhah. The recent cases of unlawful arrests in Belarus, and the take over of the Taliban forces in Afghanistan, show the continuous challenges resulting from political crises that academics face. How does diplomacy here play a role in the fight for academic freedom? How strongly does the academic community receive support from the state in such cases? What is the role of the citizenship of scholars? How do the political and economic interests of states interfere with academic freedom?

KEY ISSUES IDENTIFIED

- The multitude of understandings of academic freedom
The issue of the variety of understandings of the concept of academic freedom in different societies and at different levels was underlined as an important question. This concerns also the freedom of expression and the mere concept of freedom within an institution as academic freedom also faces intra-institutional challenges. Institutions can be autonomous to a certain extent, yet the relationship between the institutional management and faculty and student body can remain lacking in freedom. The institutions can also become organisms that

⁴⁰ For more on digitalization in higher education please see Komljenovic 2022.

seek their own self-interest or interest of higher authorities, like political parties or the government. Because of this, we might be careful to keep the focus on individual academics.

- Diplomatic and legal means to restore the freedom of detained and imprisoned academics

The biggest question remains how much truly diplomatic and legal means can restore the freedom of detained and imprisoned academics, as they remain highly dependent on international solidarity and the strength of power of the states in question. There is also an important issue of the effect between the two states' relationships, the states acting as donors and help to victims and the aggressor states: as well as the impact of the international donor community on the institutional autonomy of higher education institutions. The conceptualization of academic prisoner vs political prisoner could be useful. Sanctions and hard political pressures when generalized slide into geopolitical international relations and sometimes become almost counter-productive.

- Other means to internationally support repressed academics

As solidarity movements react to academic freedom infringements, an important issue is the sensitivity of the situations in question, through the example of the connection between academic freedom and different political freedoms and political movements, as well as cultural and social norms of the country in question. In the more concrete sense, in the Uyghur issue, there is a question of how we navigate complex landscapes of international politics, funding intertwined with political agendas of different diasporas and different political movements, like the movement for the independent East Turkmenistan. How can we as scholars, without becoming politicians, experience these intertwinements? The international community and political movements can be forces of containment instead of development and evolution, as we have witnessed peculiar transformations of political movements turning into hegemonic parties, with the example of the Palestinian Authority. On the side of the international involvement, since the signing of the Oslo Agreement, there has been a "withdrawal" symptom – the international community lost interest in the issues of academic freedom under the PA in order not to upset the established balance and their partnership for

eventual peace with Israel. If the other party is not willing or ready to be influenced, there is little to do except build the pressure through media and public concern and we have a duty to stand up for our colleagues. From previous experiences, it is all very country based. As much as politicians and governments claim that these issues are high priority for them, one can never know what exactly they are doing. Released imprisoned scholars always state that they were fully in the dark regarding the actions concerning their liberation and everything happens through traditional approaches to diplomacy. We need more involvement by country specific experts, including the detained academics themselves. Many of these issues are solved through prisoners' swaps and we have to find ways to more strongly involve human rights mechanisms in academic freedom. The more the governments are questioned publicly about these issues, the more pressure on them mounts. At the same time, journalists and human rights defenders receive more attention than academics. Still, starting with statements of solidarity and petitions is an important step as the more the governments hear about a specific case, the more they might be willing to prioritize it.

- Separating academic freedom from the political activity of scholars

Understanding the intertwinements between academic freedom and political activity of scholars also raises the issue that one cannot separate an academic from a human being; academics are people and not machines who enter the classroom, with all their views and who are looked upon as role models by their students. The influence of disciplines is important as we have also cases of scholars turning towards more technical approaches, and using more technical language which can turn into self-censorship. It was agreed that academics should have a role as public intellectuals that public authorities should protect, but that academic freedom should remain limited to academics when they speak as experts in a specific field. It is unclear how these fine lines can be drawn in cases of, for example, political science. In a course on academic freedom, in Palestine, the topic was tackled from a philosophical point of view with actual case studies making it difficult to separate the academic from their political expression. It was concluded that there is no

one single solution. In the classroom one should follow respect for human dignity, leaving it up to students to make conclusions and learn from each other; most importantly not letting ideological views of teachers influence the evaluation processes. Many grey zones exist, and it might be useful to distinguish between subject specific competences and transversal competences, all the while encouraging academics to act as public intellectuals. Currently, higher education is not fully succeeding in educating intellectuals. Another important aspect is, of course, that there are certain rules of conduct that cannot be protected by academic freedom, like sexual and moral harassment.

KEY EXAMPLES IDENTIFIED

- Palestine. On a general level, Palestinian academic freedom issues represent a special case given the situation of being under occupation since 1967. There are two key periods: pre-Oslo period from 1967 to 1993 and post-Oslo from 1993 to today. Regarding the pre-Oslo period, there is an emblematic case in the West Bank, where a Muslim student, and a poet, wrote a poem while studying at Bethlehem University, a catholic institution. The student was expelled from the university for publishing this poem, and this case first raised awareness of the problem in Palestinian society regarding restrictions on freedom of expression. The case caused major debates in society. Soon afterwards, in the early 1980s, the Israeli authorities decided to contain development of HE institution through military order – putting under control the admission of students; controlling the imports of books; influencing the course offers; pressuring faculty and asking staff and students to sign petitions against the PLO. The academic communities in the West Bank and Gaza fought against these developments together. This struggle transformed into a political issue of resistance against occupation and the fight for academic freedom changed into a fight for political freedom. Unionizing was the next step in the struggle, and a union of academic staff

across all Palestinian universities in the West Bank and Gaza was formed. This moment was a moment of general awakening of the national struggle. In the post-Oslo period, the Palestinian Authority was created and perceived as an extension of the Israeli occupation. Issues regarding academic freedom, freedom of movement, harassment, deportation, imprisonment were on the rise. The PA was extending its influence into the institutions, giving space for political parties to strengthen their influence within the higher education institutions. In addition to these general issues, also mentioned as a special case was the situation of Al Quds University, which has existed under Israeli laws for over 25 years and leads a continuous struggle for the legitimacy of its degrees and status.

- Belarus.⁴¹ It has been noted that there is less willingness to talk about academic freedom among Belarussian scholars, and if the situation regarding academic freedom in Belarus had to be described briefly, the only conclusion would be that there is none. This situation has existed for over 20 years, and the exact data are provided in the Academic Freedom Index of the GPPi (Global Public Policy Institute). The data from the Belarussian Independent Bologna Committee notes 180 scholars having been subject to repression since 2020, and among them 56 from the Belarussian State University. The infringements they have endured include non prolonged contracts, being forced to resign, being fired, or leaving their positions also out of solidarity with other colleagues. Twelve rectors were fired, and it is unclear how many more were threatened by the administration. The useful data and statistics can be found here: <https://hu-repressions.honest-people.by/en#statistics>. There is still a continuous lack of data, and some colleagues and students from the European Humanities University (EHU), despite being situated in Vilnius, are still detained in Belarus. The international community imposed sanctions on three rectors of the Belarussian State University, Medical University and Brest State Technical University; but the sanctions do not

⁴¹ More on Belarus: Honest University, as per their website, aims "to bring the perpetrators to justice and help the victims" collecting any information available and up to date, having collected 703 stories. It also hosts Virtual Emergency Aid, a direct assistance channel to victims. <https://univer.honest-people.by/>

seem to be very effective, and they are negatively affecting academics who still live and work in Belarus. A number of other obstacles remain for Belarussian scholars, like the lack of Erasmus+ exchanges or other mobility programs. The question is what can be done for the scholars who live in Belarus and have their families there. Support has been provided by Scholars at Risk, and also EHU itself. EHU was founded in 1992 in Minsk, but in 2004 it was closed by the Belarussian authorities precisely for standing up for academic freedom. The Lithuanian government invited EHU to move to Vilnius and provided free premises. In 2020, thanks to donations received from different countries EHU provided additional support to expelled staff and students and in 2021 managed to support almost 100 Belarussian students, while EHU's Center for Constitutionalism and Human Rights also employs lawyers. EHU represents a university in exile supported by the international community and having multiple ministerial support in Lithuania. Czech Republic and Poland are also increasingly offering their support to Belarussian scholars, but we can still ask in which other ways we can support scholars and academics. In 2005 Belarus indicated that they might apply to the Bologna process, while they formally applied in 2012. By 2015 things had changed and the reflections within the EHEA saw the advantages of adherence outweighing the disadvantages. In August 2020, the ministers did not manage to agree on a statement, and we must consider how measures like suspension of a BFUG chairmanship or exclusion from the EHEA can truly be effective. Bergan underlined that when we are dealing with a regime that has no pretensions of being democratic, there is little that international pressure can do. Most probably only effective pressure would come from Moscow, which is highly unlikely at the moment. The only way to have leverage is in a situation of dependency; otherwise possibilities are limited.

QUESTIONS TO REFLECT UPON

- How can we further differentiate the right to free speech and academic freedom?
- Would conceptualization of academic prisoners vs political prisoners be a useful concept in the international arena when attempting to save detained

and imprisoned scholars?

- What is the role of citizenship and how does it play both from the outside, in situations of international pressure in cases of imprisoned scholars but also how does it reflect academic freedom of foreign scholars, under pressure of visas and residence permits?
- Regarding the tools, there was wide agreement on the low efficiency of general sanctions, but also on the fact that the programs of universities in exile do not always provide long-term solutions – and often again due to citizenship issues.
- What kind of possibilities of engagement are there? How can we design to help people individually? How much does political pressure achieve, where does it come from, how do diplomatic backdoor actions work, how much does media attention work?

Workshop 4

Legislating Truth – Memory Wars and Academic Freedom

Chair

MILICA POPOVIC / *Global Observatory on Academic Freedom, Central European University*

In Poland, memory laws are strongly interfering with academic freedom, with the most recent case of attacks on Holocaust scholars, like Prof. Jan Grabowski and Prof. Barbara Engleking undergoing judicial prosecution based on a suit filed by the Polish Anti-Defamation League. Archival access to state and historical sources since WWII in France has been burdened with additional administrative procedures of the state which has endangered the work on the 20th century history of France and Europe. Preserving “state security concerns”, states’ efforts for a “unique national history” even with contradictory state actions, all strongly influence academic freedom. As history teaching remains contested within state curricula, in higher education by special laws and administrative procedures, research is being endangered in various, sometimes very innovative, ways. In Russia and Belarus, the definition of what constitutes a “rehabilitation of Nazism” was expanded, together with associated penalties. In 2018, in China a law prohibited “misrepresentation, defamation, and attempts to deny the deeds and spirits of heroes and martyrs, or to praise or beautify invasions”. How do

historians and memory scholars keep their academic integrity in the face of heavy legislative threats, judiciary processes and possible imprisonments? To what extent do these frameworks influence self-censorship and impact whole disciplines?

KEY ISSUES IDENTIFIED

- Memory Studies and History, including Heritage Studies – a special target?
The use of the past has a very prominent, if not central, place in politics and in the last decades has been more widely used for right-wing and populist purposes. For scholars working in these fields, the exposure to possible infringements on academic freedom seems higher than usual. Specific dangers appear in cases where memory and history are being legislated and make scholars vulnerable for judicial proceedings, for example from descendants of people being mentioned in research. There are no straightforward ways of dealing with these issues, except for assuring that all possible ethics and institutional review board demands are in order. These developments have certainly caused a chilling effect and might seriously impact the field, especially among early career scholars. The issue has not been taken up specifically until now and it deserves further research.
- Holocaust as a central theme and teaching history.
As Holocaust remembrance takes a central place in the creation of transnational European memory framework, different countries take different approaches and some recent developments have been worrying. For the Council of Europe, it has proved to be impossible to find consensus around any other crime against humanity, like for example the genocide against Armenians or Holodomor, the famine in Ukraine. This has also repercussions on history teaching and academic freedom. The Council of Europe has recently established an Observatory on History Teaching in Europe which will work on producing series of thematic reports, focusing on how specific topics are being taught. Yet, the Observatory gathers only 17 member states, and the Western and Northern European countries are mostly absent while countries like the Russian Federation and Turkey are present. In the German context, many scholars have been canceled, like Achille Mbembe (*Deutsche Welle* 2020) or attacked widely

in public media like Michael Rothberg (Catlin 2022) causing serious chilling effects on the academic community. In parallel, new legislation has been adopted in Belarus and in the Russian Federation forbidding denial of the Holocaust; whereas in these contexts it has been questioned if it might be further used for infringing the freedom of dissent and protest. Nevertheless, extreme right-wing groups do exist in both countries so the need for such legislative moves exists as much as in Germany. It is important to take into account various contexts without establishing double rules. In other countries, on various “difficult” topics, regardless whether we talk about deeply polarized societies such as Chile or much less like Norway, the public pressure on “taking sides” has augmented in the last decades and this has consequences on scholars’ work.

- Funding
The issue of funding plays an important role in academic freedom. The Academic Freedom Index does not have a particular indicator on funding, except for the institutional autonomy one looking into the financial decision-making processes. The funding issues are often overlooked when discussing academic freedom and they have strong effects on (self)censorship practices.

KEY EXAMPLES IDENTIFIED

- China. The University of Hong Kong has removed a Tiananmen Massacre monument whilst students were on break. In a statement, the University cited safety issues as to explain the move (Al Jazeera 2021).
- Poland. Jan Grabowski and Barbara Engelking published *Night Without End: The Fate of the Jews in Selected Counties in Poland*, a series of local case studies on the behavior of Polish citizens towards Jews during the Holocaust. The Polish League against Defamation, with close ties to the Law and Justice Party (PiS), brought a lawsuit against them on behalf of the niece of a figure discussed in the book in 2019, following the hegemonic narratives of the Polish nation being victims of the Nazi regime and not participating in the Holocaust. The court in Warsaw found them guilty in the first instance in 2021 obliging them to apologize to the plaintiff “for historical inconsistencies”. Even if the second and final judgement overruled the first decision, the whole case had serious chilling effects on the scholars and has shown the

strength of legislating memory (Czuchnowski 2021; YIVO Institute for Jewish Research 2021).

- USA. As legislators from the right-wing part of the political spectrum aim to denigrate academic debates on the power structures in the world, both in historical, memorial and contemporary terms, censoring bills have increased in number across the United States. A number of states have already passed laws or established administrative requirements to restrict the teaching of American history under the pretext of preventing “divisive topics” (in Rhodes Island). The bans are mostly directed towards critical race theory (in Idaho and Florida), and the 1619 Project (collection of essays about slavery⁴²) (in Texas and Iowa). Similar legislations are being proposed in Arkansas, Missouri, Louisiana, West Virginia and New Hampshire, among other states (Whittington 2021). The most concerning events were noted at the University of Florida. The university administration requires professors to ask permission before undertaking any outside activities; it then denied such permission to three political scientists who wanted to serve as expert witnesses in a suit challenging new restrictions in Florida on voting — calling such testimony a “conflict of interest”. In South Carolina, a bill was recently introduced under the name “Cancelling Professor Tenure Act”⁴³ threatening to set a trend of further enabling infringements and attacks on academic freedom.

QUESTIONS TO REFLECT UPON

- When discussing memory and history, how do we approach international students? Do we need to pay special attention to Chinese students, an issue especially salient in the UK and Australia?
- Is legislation a proper way of dealing with history and memory?
- How do we protect scholars who seem to be highly vulnerable and might require additional protection against infringements on academic freedom?
- How can we have a much-needed discussion of universities being free from the imposed national (and transnational) historical and memory narratives?

Workshop 5

The Role and Importance of Time for Academic Freedom

Chair

ASLI VATANSEVER / *Bard College Berlin*

Tenure has been an approach which aimed to secure the position of scholars for free and independent search for truth. Besides the security of their workplace, tenure for scholars has also provided time – for meticulous research and reflection much needed for original and innovative science to be produced. How does the decrease of funding affect academic freedom? The precarity, largely influencing young researchers and students, through financial burdens, lack of secure positions, continuous imposition of short-term contracts and increasing demand of mobility, influences the security and time for academics to think. The neoliberalization of higher education has in many ways endangered academic freedom. Is there a possible exit from the tension between market forces and academic freedom, but also between institutional autonomy and academic freedom?

KEY ISSUES IDENTIFIED

- Increasingly compressed amount of time in academic work
The lack of time renders cumulative knowledge production almost impossible and endangers the quality of academic work. There should be a useful distinction between two threats to academic freedom: traditional threats by a repressive state; and new threats such as work overload caused by various roles that academics must fulfil (scholars, managers, bureaucrats). In this spirit, we should argue against “the culture of speed” within academia. In order to think, one needs to be in a particular state of mind, which presupposes a certain amount of security and time.
- Vanishing of the “traditional figure of the tenured professor”
Tenured positions are being increasingly replaced by short term faculty members and the “eternal postdoc”. Beyond a human rights-based Eurocentric conception of academic freedom that ignores the more

subtle threats against academic freedom such as job insecurity in the leading scientific countries of the Global North, it was noted that academic freedom is not just under threat outside of Europe and the US but also within these regions. The issue of career drop-out and brain-drain in the academic sector is more and more common as long-term side-effects of decreasing academic freedoms. Precarious researchers’ work-life balance (or the lack thereof), including its gendered implications, mental and physical well-being, and future prospects, constituted regular themes in the discussions.

KEY EXAMPLES IDENTIFIED

- The United Kingdom. In the UK, scholars face particularly negative examples leading towards an exploitative system. Workload, casualization, and hourly paid contracts are very common nowadays in the UK. This affects academia in a negative way.

QUESTIONS TO REFLECT UPON

- Can there be academic freedom without job security?
- What are our views on unpaid labor, social reproduction, time, competition in academia?

Workshop 6

Academic Freedom and the Diversity of Disciplines

Chair

MARIA KRONFELDNER / *Central European University*

As natural sciences often face funding pressures by companies, like the pharmaceutical industry, indirectly influencing the direction of research or diminishing funding to non-applied research, social sciences and humanities often face government pressures as being “insufficiently” relevant or lucrative for society (e.g. the case of Shinzo Abe government in Japan 2015 calling for universities to “serve areas which better meet society’s needs”; the Janez Janša government in Slovenia in 2021 calling for a suspension of university enrolment “until the government identifies the numbers of students needed for specific disciplines” etc.). As academic freedom is considered a universal value of higher education, how do infringements differ regarding different scientific disciplines? Do our definition and approach need to consider specific needs of disciplines and how should future policies take these needs into account?

KEY ISSUES IDENTIFIED

Academic freedom is about protecting knowledge production and all academic disciplines aim at that: protecting the quality of knowledge production through disciplinary methods and standards. Yet, differences exist with respect to how disciplines relate to academic freedom.

- The specificities of disciplines regarding applied contexts and public opinion
Differences occur with respect to constraints regarding academic freedom arising from applied contexts, which can be dominated by so-called “special interests” (such as industry-related interests, which are not necessarily in the interest of the public good), or be associated with political secrecy (as in military contexts) and safety issues (such as biosafety regarding experiments with viruses). Because knowledge produced in the natural sciences is so often applied, subject to secrecy and safety restrictions, it can easily seem as if natural sciences are particularly subject to respective pressures if not infringements of academic freedom. Yet, since all academic fields, including social sciences and humanities, operate in applied contexts, this can be a misleading picture. For instance, social sciences produce data that can be used and abused by governments. The information can also fall within the security or secrecy restrictions. Even in historical research, the language and the themes of research can pose a challenge or be of special interest for the government or companies, leading to direct pressure or subtle influence from outside. Another difference between disciplines relates to public opinion, which seems to be more often dragged into the debate on what should be researched and taught in the case of social sciences and humanities. These are fields that are – because of their topics – more easily politicized. In Hungary, for instance, the government has used public opinion to attack academics pursuing fields in the social sciences and humanities – such as gender studies (Kovats and Ronay 2022). It is less likely that similar interventions happen for a field in physics, biology, or chemistry.
- Types of vulnerability and the free market of ideas
It was also discussed as part of the workshop whether knowledge from social sciences and humanities is more vulnerable because of the type of knowledge at issue. J. St. Mill famously claimed that there should be a ‘free market of ideas’, in which even ideas that

⁴² “The 1619 Project.” *The New York Times*, August 14, 2019, sec. Magazine. <https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>

⁴³ LegiScan. Bill Text: South Carolina H4522 | 2021-2022 | 124th General Assembly. *Cancelling Professor Tenure Act*. <https://legiscan.com/SC/text/H4522/id/2449220>

are – as a matter of fact – clearly false should be circulated since it does good (prevents dogmatism) and no harm (since the true ideas will automatically win, at least in the long run). But this picture can be challenged, as Hannah Arendt did, with respect to specific vulnerabilities of certain kinds of truths. She claimed that historical truths are especially vulnerable to distortion and denial. If denied in the wrong moment, they can be lost forever, e.g. in case the evidence for them is lost as well, as part of the denial. If correct, then Mill's free market of ideas would work out only for non-historical truths since they can always be re-discovered at a later time. The sun will shine again, but the voice of a victim of an atrocity will not.

- The image of science

Another dimension discussed at the workshop relates to the image of science involved in debates about academic freedom. Natural sciences are most often viewed in the public as disinterested objective sciences, while in social sciences such an objective stance is taken by many to be rather impossible. As a result, natural science is often declared as “one science” at the international scale, while it might in fact be hegemonic, as participants of the workshop mentioned. Consequently, it might be that special interests (e.g. corporate interests) can be hidden more easily in the natural sciences – covered by the image of it being supposedly ‘objective’ knowledge production.

- Accusations of infringement to academic freedom from within a field

Usually, we consider infringements on academic freedom to come from the outside, but they can also come from within. The more there is deep disagreement (regarding methods and standards) within a discipline, it seems, the more likely the disagreement can lead to wrongful accusations of infringements of academic freedom and to actual infringement of that kind. Disciplinary differences with respect to that dimension were discussed as part of the workshop. It was mentioned that natural sciences seem at the same time more and less vulnerable in that respect because they have less deep disagreement. They are often more unified or might even have a single paradigm governing its methods and standards. When paradigms change, as history of sciences shows, new ideas can easily be viewed as an attack on the old perspective and might be silenced because of that. In social sciences, participants of the workshop

stressed, there is often more deep disagreement. On the one hand, there can thus be more wars about paradigms. Yet, on the other hand, social sciences can also be more tolerant to the existence of deep disagreement. This also relates to power struggles within the respective fields, e.g. regarding academic promotion or degree procedures. What students fear most are pressures from supervisors and committees that restrict them in their research and approaches. If there is a high level of paradigmaticity (not much deep disagreement) in a field, then it can easily be the case that they have few chances to discuss and conduct their research outside of the mainstream framework. But there are also challenges that relate to the opposite – a particular low level of paradigmaticity. If there are no established methods and standards, then academics who are also activists (or students) can more easily be wrongfully attacked for insufficient research performance. If there is no broadly accepted standard of what is excellent and what is not, unfair treatment can easily result. In liberal arts, for instance, where there seems no shared concept of ‘truth’ operative, as a participant of the workshop mentioned, scholars in these fields are easily wrongfully attacked based on their political attitudes or approach. And conversely, somebody making a justified judgment about research quality can then more easily be wrongfully accused of infringing somebody's academic freedom. Quality assurance and infringements of academic freedom are harder to distinguish in fields with low level of agreement on methods and standards. Finally, a specific issue regarding how the methods and standards within a field relate to academic freedom is “scientific gerrymandering,” i.e. infiltrations of fields from outside of the academic community with agents who promote agendas of interested parties, be they states or corporations, an aspect that refers back to the first aspect discussed in this report. In Hungary, for instance, the government intentionally created research groups which pretend to be part of the academic community (Kovats and Ronay 2022). These groups try to influence how the academic community develops from within. The trick works since the academic community produces its own rules. Hence, if you change the group composition, you can change the rules and the ways things are done. This is why the government tries to invade institutions and install people in powerful positions of decision making. It

might look like legitimate actions from the outside, as making use of existing mechanisms of self-governance and decision making, but it is not. This tactic is used not only by governments but also by corporations, as was the case for tobacco and oil industries with respect to the question of whether cigarette smoking causes cancer and with respect to climate change. These industries are known by now for establishing their institutes and promoting their own “researchers” to combat research they do not like. This opens the possibility of influencing the public by means of propaganda and then using it as an excuse to set measures against individuals and groups. Establishing parallel institutions and influencing the general public in combination has thus become a very powerful tool to fight the independence of academic research.

QUESTIONS TO REFLECT UPON

- Should disciplinary organizations have a role in defending academic freedom? And which role is played by professional organizations?
- Where is the line between academic freedom on the one hand and criticism and quality control on the other hand?
- How does the degree of internationalization influence the vulnerability of the discipline to infringements on academic freedom, given that internationalization also entails independence from national governments?
- How does a diversity of approaches and paradigms come into play with academic freedom; does it make them more or less vulnerable?

Workshop 7

Self-censorship and Abuse of Academic Freedom

Chair

NANDINI RAMANUJAM / *Centre for Human Rights and Legal Pluralism, Faculty of Law, McGill University*

The right to free speech and academic freedom often intersect but are not synonymous. How do we define one and the other, within and outside of the campus? Does the so-called “cancel culture” endanger academic freedom and impede further advancement of knowledge through debate and discussion? While in countries like Romania and Hungary, gender studies are being banned, in the UK, the debate has targeted feminist

scholars with opposing views on the existence of biological sex. Social media, considered important for the visibility of scholars, have been fruitful platforms for the attacks. How are these violent campaigns influencing academics' self-censorship practices? How do we identify self-censorship and abuse of academic freedom? Which are the tools to draw the lines of necessary academic debates on controversial issues without fear of reprimands?

KEY ISSUES IDENTIFIED

- Academic freedom and critical thinking in the classroom
The Humboldtian idea of freedom of teaching and studying, fostering critical thinking, seems to be under scrutiny today, especially by the rise of identity politics that seeks to redress discrimination against the representatives of certain groups. There is a conflict between individual rights to academic freedom and group rights (especially, from groups that used to be marginalized). The political context matters in understanding the infringements. There are also different experiences. For some scholars, it seems that tolerance at university has been increasing and treatment has become more respectful and attentive to others, especially among students of younger generations. In Turkey, teachers have to be aware of the topics that are discussed as they may result in evolving conflict in the classroom. Working at the American universities, students are very careful in expressing themselves, which is more understandable considering the international environment in which they find themselves. It is important to understand university as “not a safe place” but “a respectful place”. The main threat does not come from sensitivity of students. We should establish a hierarchy – the main threat comes from the state and business who have power and resources. Students do not have such means. It is possible that commercial interests in universities make them pay the highest attention to students. Using students' sensitivity by more powerful agents (state and corporations) to their ends can also take place. Students are sometimes encouraged to report on their teachers to the administration. There also should be a clear difference between the freedom of speech and academic freedom. The latter has to be supported by the quality of academic work; it is different from the diversity of opinions. The perils of radical relativism in the name of recognizing cultural specificity

and uniqueness also exist. When people call for tolerating abuses of power in Turkey and refraining from criticizing them, which is justified by the desire to recognize the specificity of Turkish culture, such an approach leads to radical relativism. Academic freedom has an obligation to challenge the mainstream.

• Self-censorship

In liberal contexts, it is predominantly the “peer-pressure” that becomes the major force behind more tacit infringements. In Europe, pressures on academic freedom are more subtle. Scholars feel that everyone is censoring themselves because of the fear of offending someone. There was a case about receiving a comment from an editor on a book that some parts should be corrected because they might be offensive to some readers. While some ideas can be offensive to some people, in the age of social media, it has become a thing of major concern. University does not guarantee you the right not to be offended, as stated in the Cloutier report in Canada. There seem to be two forms of self-censorship: when you do not say what you want to say and when you say what others want you to say. Self-censorship can be unconscious in many cases when it comes from the social and political environment. Another aspect of censorship comes from the practice of authorities to infiltrate the academic community with supporters of their ideologies and agendas who start to define how the academic community works from within.

• The impact of funding on academic freedom

Funding can be targeted, proscribed by political authorities, and researchers commit to a particular topic for this reason, even though they are more interested in other topics. The pandemic made more visible the disproportional distribution of funding. There is an attractiveness in trendy ideas. This is expressed not only in funding but also in publishing. In this situation, people have to select the “right” topic to get funding; otherwise, you can be banned for following approaches disapproved by the government. You can have all sorts of rights, but you need an environment to enable enacting these rights. There are instances of cases even in a relatively free context. In gender studies, there have been experiences of increasing hardship in conducting research in Germany. There was also a case of contract being cancelled because the research topic did not comply with the focus of the department, as the scholar was pursuing a non-mainstream (post-Marxist) per-

spective in economics. Universities sometimes try to avoid hiring (or prolonging contracts with) people involved in activism on campus. We should also take into account the increasing leverage of student pressure due to their financial role in funding universities. The relations between universities and students can become increasingly clientelist. The issues related to funding and privileging of certain topics become the most powerful factor in shaping the agenda of research. The denial of funding is justified by claims that certain research does not produce economic output and is not “efficient”, by this means, it is labelled useless and unnecessary.

• Hiring practices

There seems to be contention around hiring practices and their relationship to academic freedom, for instance concerning requirements for “diversity criteria”, especially, in project applications and hiring, and their effect on academic freedom. It may be asked whether such requirements prevent academics from running laboratories or projects in the ways that comply with their professional standards. There are two approaches here: the individual merit approach, dominant in the United States, and the public good approach. It might be fine to hire based on representation rather than merit – both are valid, but it is important to be honest about it. The interest in diversity is also motivated by making knowledge production richer, which helps to advance society. There is also a lot of repressive “soft power”. For instance, there is the wide-spread practice of outsourcing teaching to people without tenure positions and in precarious situations, which make them particularly vulnerable.

• Issue of publications, publishing policy, censorship, and academic freedom

Since 2000s, academic publishing has been in the hands of several big monopolies. Censorship operates even in medical studies. In this situation, when academics need publishing “points” to secure jobs and advance their careers, they are willing to go for self-censorship and even pay for it. There was a case of publishers denying publication of a book because they found its topic perilous (such as political participation of Muslim women in European societies). Dissemination of knowledge and barring it from transmission are extremely important topics. Academics in poorer countries are excluded from this circulation of knowledge by financial barriers

and it is the duty of academics with better access to share it with fellow researchers. Some topics require reading historical texts, which do not comply with the current views but need to be studied and taken into consideration for rigorous and comprehensive research on the topic. In such cases, the role of the teacher is very important. It is all about presentation, framework, and discourse. It has little to do with ideas. Often, attacks are built on disregarding or misinterpreting the context in which an utterance is placed.

KEY EXAMPLES IDENTIFIED

- In France and the UK, political powers have been using “proxies” in academia to promote their agendas and perspectives. In France, we have witnessed the establishment of institutions such as “an observatory on postcolonialism” which follows a rather conservative research agenda and suppresses research on post- or de-colonialism. The term of “islamophobia” and research on this topic has been effectively banned.

QUESTIONS TO REFLECT UPON

- Does the context work differently in democratic and non-democratic regimes, affecting the articulation and practices of academic freedom?
- In what ways do social media pose a challenge to academic freedom?
- How do we address the blurring line between politics and scholarship? The conflation of politics and scholarship has led to narrowing down the space for critical debate.
- What is the effect of the codes of speech and related practices on academic freedom?
- What is the role of universities in providing safe spaces for critical thinking and discussion?

Workshop 8

The Interference of the State and Mobility

Chair

DANIEL TERRIS / *Al-Quds Bard College of Arts and Sciences, Al-Quds University*

State attacks on institutional autonomy and academic freedom often go hand in hand, as we have most recently witnessed in Hungary and Turkey. At the same time, contemporary knowledge production and newly imposed requirements for scientific advancement,

including career advancement, demand global mobility of scholars and students. How do we understand academic freedom within national frameworks and how do we understand it within trans-national frameworks? A universal value which faces a diversity of definitions and conceptions, including the levels of protection and respect, changes as scholars move to another country. How does this imbalance influence their work and research? How can we make academic freedom become a universal concept? Are there tools for safeguarding academic freedom on a global scale? How is our own research different depending on the context within which we conduct the research?

KEY ISSUES IDENTIFIED

- A distinction between movements from more free environments to less free environments and movements from less free environments to more free environments. While acknowledging that these are problematic terms, participants highlighted the difficulties for scholars that are moving from freer to less free environments. One central issue for them is that they are often unaware of the risks they are exposed to in more repressive settings (both in terms of teaching and research). The move from less to more free environments might seem less difficult at first glance, but also poses difficult challenges. Specifically, these scholars are not out of reach of their home countries, and they might face difficulties when trying to return home. Moreover, participants stressed that while the sources of attacks on academic freedom are sometimes reduced to states, the experience of some institutions in less free environments shows that that we are dealing with a broader range of sources of attacks. Participants also addressed the thorny problem of how to balance academic freedom for individual scholars with the challenges faced by higher education institutions operating in unfree environments. In some instances, a short-term faculty visitor might wish to teach, for example, in a way that is consistent with global disciplinary standards, but which pushes the boundaries of tolerance in less free environments. In such a case a university's necessary defense of a mobile faculty member's exercise of academic freedom might lead to an existential threat to the university itself. Finally, moving from freer to less free environments poses difficult questions for the university itself as it has to navigate new norms

of what is deemed to be legitimate teaching and scholarship. This is connected to the question of whether it is sometimes necessary to restrict the freedom of individual scholars to protect the university itself (think of provocative research on sexuality and gender) – this requires a difficult balancing act on the part of the university leadership.

- Broad range of attacks on academic freedom
In addition to states, there is direct or indirect interference by related states, NGOs that try to interfere with universities, higher education institutions themselves (e.g., administration), and funders. It is, thus, important to understand that different sorts of pressures pull universities in different directions, which makes a certain amount of self-censorship inevitable. In addition, participants stressed that we must not overlook that higher education institutions are not only subjected to these pressures but also produce them (for example, when university members have links to non-university organizations). There is also pressure from donors and funding institutions. We can ask if it makes sense to distinguish between public and private institutions to determine how much influence external agencies and donors can exert. Not even the founder or donor should have the right to interfere with academic matters. If we are serious about academic freedom, we have to reject the idea that a funder “owns the brains” of people within the university.⁴⁴ In essence, both public and private universities must be free of external influences.
- Differences between junior and senior scholars
Should junior and senior scholars enjoy the same amount of protection? And can senior academics, due to their more secure positions, not be more assertive? Research with Russian scholars has shown that senior academics are even less willing to speak up on issues of academic freedom. The reason for this, it is surmised, has to do with higher

reputational costs for senior scholars. Some consider that it is a mistake to divide the unity of the university. The university must be – and remain – a unified organization of junior and senior academics and, importantly, students.

- The prospects for an international/global framework for academic freedom
There is an important value of international institutions in their potential to transcend narrow national frameworks. International Human Rights Law can serve as a useful starting point for discussions around academic freedom. In particular, it will be important to develop a right to mobility. We have to “use our voice” in international frameworks.

KEY EXAMPLES IDENTIFIED

- Highlighting the point that many universities depend on students from more repressive areas of the world, it is a dangerous practice to limit academic freedom when universities are pressured by countries such as China.
- A different facet to this discussion was added urging scholars to not just look to China, Russia,⁴⁵ and other countries, but also EU states. There is a major tension between the EU's freedom of movement and state practices (like, for example, in Slovenia), which seek to close their borders for outsiders. Thus, we have to ask ourselves if EU states are really as liberal as they like to think.
- (editors' addition) China controversies. A prime example of spillover effects of international and domestic politics and international relations to infringements on academic freedom is evident in the case of China and the much talked about situation in Xinjiang province. While a number of academics were banned from entering China, one of these authors is Adrian Zenz, primed for his article “Thoroughly reforming them towards a healthy heart atti-

⁴⁴ For further threats to academic freedom based on private funding, please see Ashwill 2021.

⁴⁵ In the Russian Federation, the most urgent threats to academic freedom have emanated in the legislation on Foreign Agents and the new Law on Educational Activities that came into force in 2021, adopted to stop “the uncontrollable action of anti-Russian forces in schools and universities under the guise of educational activities”. By a Presidential order in 2021, a commission chaired by the former Minister of Culture Vladimir Medinsky was appointed and made responsible for “combating attempts to falsify history and the activity of foreign organizations that harm Russia's national interests in the field of history”. These developments followed already worrying 2016 authorities' revocation of the license of the European University in Saint Petersburg (EUSP), which was subsequently renewed in 2018. In June 2021, the Russian authorities designated Bard College as an “undesirable” organization, due to alleged threatening of “the constitutional order and security of Russia”. Any individual or organization associated with Bard College can face up to four years in prison for belonging to an undesirable group. Since the introduction of the so-called law on “foreign agents” in 2019 new rules are obligatory for academics to obtain approval for any meetings with foreign colleagues. See Pardini 2021. NB: This report was prepared before the start of the aggression of the Russian Federation on the Republic of Ukraine.

tude': China's political re-education campaign in Xinjiang” (2019). A paper under the title “Xinjiang: what do we know, how and why?”, by anonymous⁴⁶ scholars who are confirmed experts in the field, opened a number of issues regarding complexity of the presented work and genocide accusations. As some scholars are banned from entering China, others fear repercussions of presenting more nuanced views in the Western states. There are also reports of specific targeting of researchers with links to China, and hostile racial climate towards Chinese scientists in the US (Lee and Xiaojie Li. n.d.).

QUESTIONS TO REFLECT UPON

- In short, the workshop highlighted the need for a clearer framework for academic freedom that might articulate some standards for institutions that host scholars and students from abroad. The workshop also highlighted that creating frameworks is not enough – that there are delicate issues around the exercise of academic freedom in a global context that both individual scholars and institutions need to take into account.

Workshop 9

Academic Freedom and the Physical Security of Campuses

Chairs

MATTEO VESPA / *European Students' Union*,

OLEKSANDR SHTOKVYCH / *Open Society University Network*

Police have historically been considered unwelcome at university campuses, as one of the safeguard principles of Institutional Autonomy. However, their presence is also one of the most common infringements we are facing on a global scale. At the same time, students and scholars require safety at their campuses, from both inside and outside possible security threats. In Greece, the government has announced a special “Protection brigade” to introduce police on campuses, claiming that criminals and violent (anarchist) activists often use campuses as safe spaces for their escape. In parallel, students question the true intentions of the government in using these security forces to prevent any future con-

tentious expressions by the students. How does academic freedom reflect in various repertoires of actions for students and scholars to express their dissent? Is the physical space of campuses protected by academic freedom and does it require state intervention? How do we solve the tension between the protection against violence and the police control of university?

KEY ISSUES IDENTIFIED

- Tensions – student and institutional point of view
The primary uncovered tension is that, on the one hand, police presence is frequently deemed undesirable on campuses but, on the other, it seems to be a necessity to safeguard the security of scholars and students. From students' perspective, different actors have adopted different definitions of academic freedom, which emphasize different aspects. For students, academic freedom must be linked to other rights – such as, for instance, the right to assembly, freedom of association, the right to protest. Academic freedom must also be complemented by other measures – such as upholding rigorous academic standards and accountability; and should be guaranteed not only for staff members but also for students. Vigorous debate needs to happen and power relations need to be acknowledged. Militarization of academic spaces is considered inherently problematic. From an institutional perspective, there is an important argument that no physical harm to university facilities should be done; frequently, institutions fear that strikes or demonstrations can cause damage to the university property and spill into the streets causing potential disruption or harm to a wider population. Moreover, institutions often stress their responsibility to students and their parents for students' safety and emphasize that partisan or protest activities often lead to clashes and violence. Finally, we should not overlook that for many institutions there are PR interests involved – tension between a university's reputation and the individual exercise of academic freedom can easily occur and institutions are often confronted with a difficult balancing act. This includes, for example, the visits of prominent personalities (esp. politicians) who are threatened by “rowdy” students.

⁴⁶ The authors have stated: “After much thought, the authors of this paper have decided to remain anonymous. They do not want to receive hate mail, letters sent to their employers, or additional risks to securing tenure.”

KEY EXAMPLES IDENTIFIED

- Greece. The country has introduced a strong presence of security guards and cameras on campuses and there is resistance against the militarization of academic space by many academics and academic senates; accompanied by an awareness in Greece that this is a foreign invasion of the academic space.
- France. The Higher Education minister proposed the dissolution of meetings by the French student union. Issues are framed as disturbances of the public order and there are tendencies to restrict teaching activities that have that purpose.
- Myanmar. The University of Rangoon/Yangon has always been at the epicenter of national and regional politics, with repeated clashes between student unions and government throughout its history. With every military takeover, the university lost its autonomy and academic freedom. The military government took full control of academic affairs, with campuses becoming carefully managed “military operations” under the name of HE. Since 2011, there has been a very cautious reopening of the HE sector; although student unions were never officially recognized, they still gained some political strength. It became clear, though, that trust between students and government would be difficult to renew. A culture of critical thinking within the classroom also proved to be difficult to build. Students were highly critical of security force presence as an infringement of academic freedom whereas the government and administration were keen to point to protection of public property and responsibility to parents. With the military takeover in 2021, troops took over the major university campuses. The majority of students and many academic staff refuse to be part of military controlled HE and the universities remain, de facto, closed.
- Afghanistan. The statistics of violence against students and academics are staggering. Even before the Taliban took over, the violence against HE institutions, academics and students, especially girls, was persistent. In this situation, strong security measures and deployments were vital to ensure safety and access of faculty, students and staff on campuses, but they too proved insufficient time and again. This has always been linked to the perceived threat of access to liberal education to the fundamentalist doctrines, and the practice of academic freedom has always been under threat from the political divides, deep-seated tribalism and ethnic distrust, and rampant corruption in the country, which had crippling effects

on the HE system as well. With the Taliban takeover, there was again a ban on co-education of male and female students on terms that makes it virtually impossible for women to continue their education. One of the Taliban’s first moves was to take over the campus of the American University in Kabul.

- Ghana. Politicization of students on campus is often instigated by the government, which is using students for its agendas. There is also increased security personnel on campuses. One of the main questions in this context has become which laws apply in this context: is it the law of the land or is it the internal regulations of the university? Many universities require students to apply for a permission from the dean to stage or participate in a protest or rally, while, under national law, no permission is required to protest.

QUESTIONS TO REFLECT UPON

- How do the concepts of physical security and academic freedom interact, relate to, or limit each other? And how can we develop more robust definitions of these concepts to bring them into a more fruitful relationship?
- Does it make sense to distinguish more carefully between academic freedom and other freedoms (like freedom of speech or opinion) – should there be more of a distinction between academic freedom and freedom of speech and expression?
- Issues around academic freedom and the presence of security forces (either governmental or private) always must remain context specific. There is no one-size-fits-all solution here. But in all cases, it is important how students and university staff members perceive the presence of security forces on campus and how they collectively negotiate and codify in university policies what kind of security presence needs to be on campus to serve specific needs and purposes, on whose mandate (reporting to what authority inside or outside the university) the security force should operate, and what a reasonable and proportionate response to security threats, real and perceived, should look like. HE is a formative experience for the students, and they need to be able to practice and hone important personal and professional skills, including debate, dissent, and political action. The cost of security concerns and measures to academic and other freedoms should not be disproportionate to make the very practice of valuable critical skills a threat to personal and public safety.

Concluding Remarks

By DANIELE JOLY

The rationale behind the creation of GOAF was underpinned by the crisis of academic freedom unfolding in the world. This report gives an account of the work accomplished during GOAF’s first year of life and of its annual conference (January 2022). It takes note of the multiplication of international instruments in the last few years. It also records what is to be found in matters of monitoring and reporting on academic freedom in international and national settings, as well as existing scholars’ support programs. It expounds the main issues and threats pertaining to academic freedom which were discussed at GOAF’s annual conference. Moreover, two important research reports were submitted: *Academic Freedom in Hungary* (Kovats and Ronay 2022) and *Fundamental Values of Higher Education and Quality Assurance* (Craciun, Matei and Popovic 2021).

The historical context which presides over the situation of academic freedom today is fraught with conflicts and wars. The world is traversed by great social unrest and a trend is spreading towards the erosion or elimination of democratic freedoms. Decades-long neoliberal policies have imposed austerity world-wide, and shrunk large sectors of public services through privatization, “structural adjustment” and the debt trap. This has resulted in the impoverishment of large portions of the world population and vastly increased the inequality gap. As a consequence, social movements contesting neo-liberalism have flourished in many regions of the world. Those were complemented by pro-democracy movements intent on challenging dictatorships and all manners of restrictions to democratic liberties. This situation has been compounded by regional wars where international actors intervened by proxy and by the emergence of Islamist threats in the shape of Al-Qaida and ISIS (Daesh). Altogether, one can observe a convergence between states’ political agenda, their economic policies, their response to social movements and their offensive against academic freedom. In many countries, this state of affairs has led to the strengthening of nationalism and national identity, much encouraged by the state. Democratic and academic freedom have both fallen victim to these developments as states tighten up their control.

International Instruments and Academic Freedom

Although numerous international resolutions, declarations and reports deal with academic freedom, it is noticeable that there is no internationally agreed definition or conceptual reference for academic freedom. More-

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Another paramount tenet of academic freedom is the ability to develop critical thinking which states, business interests or other groups may attempt to suppress as they consider it a hindrance to the smooth running of their enterprise.

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over, the very conceptualization of academic freedom is subject to relations of power involving diverse interests. On the supra-national plane, the EHEA has made progress towards the elaboration of such a conceptual reference and is likely to be the home wherein such work is conducted. Although this is much welcome in perilous times for academic freedom, it is unfortunate that this initiative remains mostly within the confines of intergovernmental, bureaucratic and political realms, as pointed out by Matei (2020b). This is one reason why **GOAF has made it a priority objective to dedicate efforts to the conceptualization of academic freedom.** As an initial contribution to this endeavor, this report made a review of relevant international instruments. In the first instance, let us herald the Bonn Declaration on Freedom of Scientific Research⁴⁷ (2020) which proclaims scientific freedom as a universal right and public good, one of GOAF's central claims. Most importantly, a general consensus is shared by international and national instruments for the safeguarding of academic freedom and institutional autonomy (some insisting on autonomy for individual academics as well as institutions). We feel that two specific items deserve particular attention as they are cornerstones of academic freedom and have currently become the targets of repeated attacks. In the first place, the question of governance may not immediately spring to mind as a significant marker. Yet, it has been shown that academic freedom is endangered when governance remains the prerogative of state and/or funders with the exclusion of academics. Indeed, GOAF, alongside several instruments, stresses the imperious need for the participation of students and staff in higher education governance (EHEA 2018; European Commission 2022a, 2022b, 2022c). Another paramount tenet of academic freedom is the ability to develop critical thinking which states, business interests or other groups may attempt to suppress as they consider it a hindrance to the smooth running of their enterprise. Furthermore, the latter do not hesitate to call upon the more conservative sectors of the academia to achieve their aim. Therefore, GOAF emphasizes that **academic freedom is first and foremost predicated upon critical thinking and free inquiry**, as stated in some of the resolutions which place center stage the questioning of dogmas and established doctrines (MCO 2020), the right to

question accepted wisdom and bring forward new ideas.⁴⁸

The development of comprehensive European and other international instruments on academic freedom will constitute a noteworthy achievement. Nevertheless, we argue that those will remain powerless if they merely hold a declaratory status and consequently are not endowed with the force of law. The notion of a compelling instrument is beginning to emerge as testified by a PACE Recommendation which includes assessing the feasibility of a binding instrument on academic freedom and institutional autonomy (PACE Doc. 15312 2021). **GOAF will extend its advocacy to support all ventures aiming to establish mandatory instruments.** Another means of pressure could be threaded through the international evaluation of universities, to which they are highly sensitive. Thus, GOAF fully endorses the call for the **inclusion of academic freedom and institutional autonomy in university ranking exercises and will deploy its advocacy to pursue this goal.** Finally, one major advancement towards the protection of academic freedom must be noted, namely the publication of the Academic Freedom Index (2021) which provides an essential tool for the measurement of academic freedom. The AFI index comprises the following criteria: freedom to research and teach, freedom of academic exchange and dissemination, campus integrity, freedom of academic and cultural expression (Kinzelbach et al. 2021). It awards a limited place however to the question of funding and **GOAF is proposing that this be remedied with the addition of a fully fledged item about funding and its operationalization to AFI criteria.**

Offensives Against Academic Freedom

There is a vast discrepancy between, on the one hand, the advancement of academic freedom in international instruments, and on the other hand, what is happening on the ground, which unfortunately testifies regress rather than progress. The GOAF report and conference have brought to light multiple forms and agents of offensive action against academic freedom. In many parts of the world, scholars are victims of ruthless attacks that Scholars at Risk itemize in the shape of

killings/violence/disappearance, wrongful incarceration, wrongful prosecution, restrictions on travel and movement, loss of position and expulsion from study (Scholars at Risk 2021). In the face of such dire sanctions, more insidious attacks on academic freedom tend to remain unnoticed. Albeit a widespread offensive against academic freedom is launched also in less brutal environments, mostly at the hand of states. In its survey among regional and national affiliates, the International Political Science Association lists out common problems such as insecurity of employment, bullying by social media, censorship and self-censorship (Kneuer 2021). Furthermore, a repertoire of strategies is adopted to challenge the legitimacy of research, teaching and academics, illustrated by the following examples. Research which challenges national narratives is portrayed as subverting higher values (the Republic, national identity, religious values, etc.): academics are thereby accused of colluding with the enemy within. Scholars are accused of pursuing partisan politics when they submit government policies or the official narrative to a critical analysis: their scientific validity is thus undermined. Disciplines, research themes, theoretical and epistemological approaches which question established thought or states' agenda are discredited, slandered, subjected to investigation or simply prohibited. The establishment of pervasive norms though the dominant discourse acts as infra laws which cast doubts on the scientific value of academics' findings. A conflation of free speech and academic freedom claims that all opinions are equally legitimate: this undermines the scientific quality and authority of academics and furthermore feeds into rampant populism. Confusion is created through the appropriation of terms and values: for instance, posing as a champion of academic freedom while indicting certain research themes and epistemologies; pleading for a collegial open stance with the aim of opening a space for racist or misogynist views; some research areas are hampered by a reversal of the concept which casts racialized minorities as racist, foisting the tyranny of minorities on victimized majorities: white conserva-

tives are hence portrayed as victims of academics' left-wing and anti-racist intolerance. Finally, the question of funding is at the root of much reduced academic freedom in multiple ways: who pays the piper calls the tune and the rising precarization of academics proves to be a good instrument of control. There have been attempts to record attacks and infringements against academic freedom and academics, as noted in this report; it is however apparent that monitoring remains sporadic at best and more often non-existent. **GOAF will support and contribute to new and/or expanded initiatives to monitor attacks against academic freedom**, such as the request by the UNICA student declaration 2021 towards the setting up of an independent European body to act as an academic watchdog of abuses (UNICA 2021). In addition, it is necessary to develop a rigorous categorization of forms and agents of the offensive against academic freedom. **GOAF will pursue such a task.**

Academic Freedom and Democracy

One dimension deserves particular attention when studying academic freedom, namely its connection with democracy. While the latter is currently an object of concern in the world, academic freedom increasingly emerges as an essential tenet of a democratic society. It suffices to cite a sample of the recent international instruments examined in this report, which make an explicit reference to the intrinsic links between academic freedom and democracy. The European Commission for Democracy Through Law explicitly posits the freedom of teaching and research within the framework of a democratic society.⁴⁹ The Bonn Declaration on Freedom of Scientific Research (2020) sees in academic freedom a key for an inclusive open and democratic society. The Council of Europe repeatedly pairs academic freedom with democracy as in the Global Forum on Academic Freedom, Institutional Autonomy and the Future of Democracy which stresses the contribution of higher education to democracy, human rights and the rule of law.⁵⁰ Finally, it is well worth repeating the UN report on Academic

⁴⁹ European Commission for Democracy Through Law (Venice Commission). *Hungary: Opinion On Act XXV Of 4 April 2017 on the Amendment of Act CCIV Of 2011 on National Tertiary Education*. Endorsed by the Venice Commission at its 111th Plenary Session. Venice, October 6–7, 2017.

⁵⁰ Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy. 2019. *Declaration of the Global Forum on Academic Freedom, Institutional Autonomy and the Future of Democracy*. June 21, 2019. Strasbourg: Council of Europe. <https://rm.coe.int/global-forum-declaration-global-forum-final-21-06-19-003-16809523e5>

⁴⁷ European Research Area (ERA). 2020. Bonn Declaration on Freedom of Scientific Research. https://www.bmbf.de/bmbf/shareddocs/downloads/files/drpf-erf-bonner-erklaerung-en-with-signatures-maerz-2021.pdf?_blob=publicationFile&v=1

⁴⁸ Ibid.

Freedom and the Freedom of Opinion and Expression which states “without academic freedom, societies lose one of the essential elements of democratic self-governance: the capacity for self-reflection, for knowledge generation and for a constant search for improvements of people’s lives and social conditions” (Kaye 2020).

Undoubtedly, academic freedom is at once a criterion and a guardian of democracy. In the first place, academic freedom constitutes a significant criterion occupying pride of place in an index of democracy. Indeed, evidence of robust academic freedom is a sure pointer to the vigor of democracy. The reverse is equally true, poor academic freedom does not bode well for the health of democratic freedom. This is testified by the simultaneous deterioration of general democratic life and academic freedom in the world, both suffering from concomitant restrictions, as witnessed in the past few years. This was largely achieved by the powers that be through the instrumentalization of alarming public and politicians’ discourse in respect of Islamist terrorism and the pandemic. Secondly, academic freedom constitutes a fundamental component of the operationalization of democracy on several grounds. It is founded on the scientific quality of results it disseminates, thus providing a counterweight to propaganda and fake news. Academics and research are a fundamental source of critical thinking,

and academic freedom secures their protection from political or other interference. It enables the production of knowledge which is a public good and equips citizens with the capacity to make informed decisions. It is an essential tool against populist anti-democratic movements which thrive on ignorance and fake news. This also means that the knowledge imparted by academics may constitute an ideational counterpower to political and business interests. Therefore, it is a pillar of democracy and a sine qua non for the functioning of a democratic society. Current restrictions to democratic freedom and to academic freedom feed one another. Securing dominant neo-liberal policies submitted to the scrutiny of research require the control of both academic and democratic liberties. It is manifest that the state is leading or supporting a culture war against alleged “enemies from within”. In the current conjuncture, attacks on academic freedom make part and parcel of a rearguard battle from the establishment against what they perceive as threats to the national narrative and imaginaries. What is at stake is the official national history whose challenging unsettles relations of power and domination so that independent knowledge embodies a menace to the status quo. GOAF stands up as an active protagonist in the defense of academic freedom and democracy.

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Authors

Dr Daniele Joly is Professor Emeritus of Sociology at the University of Warwick and Associate researcher at College d'études mondiales (MSH-Paris) and currently, Chair of the Advisory Board of OSUN Global Observatory on Academic Freedom. Formerly, Joly was European Commission Marie Curie Fellow at EHESS (CADIS) and resident researcher at IEA-Paris. Prior to that, Joly was the Director of the Centre for Research in Ethnic Relations at the University of Warwick. Her publications include *L'Émeute* (2007), *Muslims in Prison* (2005), *Blacks and Britannity* (2001), *Heaven or Hell: Asylum Policy and Refugees in Europe* (1996), *Britannia's Crescent: Making a Place for Muslims in British Society* (1995), *The PCF and the Algerian War* (1991). For the book *Muslim women and power: Political and civic engagement in West European Societies*, Daniele Joly won the PSA WJM Mackenzie Prize for Best Book in Political Sciences 2017–2018, together with K. Wadia. Her research themes include Muslims in Europe, refugees and asylum policy in Europe, ethnic relations and integration; Muslim women in Europe and Kurdistan-Iraq.

Dr Liviu Matei is Provost of Central European University and a Professor of Higher Education Policy. He taught at universities in Romania, Hungary, and the US, consulted extensively in the area of higher education policy and conducted applied policy research projects for the World Bank, UNESCO, OSCE, the Council of Europe, the European Commission, and other international organizations (intergovernmental and non-governmental), national authorities and universities from Europe and Asia. He is a member of the Board of Trustees of the American University of Central Asia and serves on the editorial boards of the *Internationalisation of Higher Education Journal* and the *European Journal of Higher Education*. He studied philosophy and psychology at Babes-Bolyai University Cluj, and Sociology of Higher Education at Bucharest University, Romania. He received his PhD from the latter. He benefited from fellowships at the Institut Supérieur de Formation Sociale et de Communication, Bruxelles, The New School for Social Research, Université Paris X Nanterre, Université de Savoie, the Salzburg Seminar and the Maison des Sciences de l'Homme. His primary areas of expertise include university governance, funding, internationalization of higher education, academic freedom and university autonomy, quality assurance.

Dr Milica Popovic is a political scientist, specialized in Memory Studies, Political Sociology and Higher Education Studies. She has obtained her PhD in Comparative Political Sociology at the Doctoral School of Sciences Po Paris, affiliated with CERI (Center for International Studies) and at the Interdisciplinary doctoral program in Balkan studies at the Faculty of Social Sciences, University of Ljubljana. After finishing BA studies in Law at the University of Belgrade in Serbia and MA studies in Political Science at the University Paris 2 Panthéon-Assas in France, Popovic focused her academic research interests in the field of Memory Studies, looking into generational transmission of memory and the influences of memory and nostalgia on the political identities. In parallel to her academic career and teaching experience at Sciences Po in Paris, Popovic has extensive independent research and policy development experience in the field of Higher Education since 2003, designing and implementing various studies for the Council of Europe, the European Commission, and many others. In the early 2000s, Popovic also worked for international organizations, including United Nations Development Programme, in the field of rule of law and judiciary reforms, gaining experience in legal and institutional analyses. The Global Observatory for Academic Freedom, which she joined after a Visiting Fellowship at the University of Vienna, perfectly brings together the whole of her academic and professional experience.

Annex I

GOAF First Bi-Annual Conference “Reimagining Academic Freedom”

Agenda (Please note that all times are in CET)

January 20, 2022

- **10.30-12.00h Presentation of the OSUN Global Observatory on Academic Freedom and the annual report with accompanying publications**

LIVIU MATEI / CEU Provost and Director Yehuda Elkana Center for Higher Education and OSUN Global Observatory on Academic Freedom

MILICA POPOVIC / Postdoctoral Fellow, OSUN Global Observatory on Academic Freedom

GERGELY KOVATS / Associate Professor and Director of the Center for International Higher Education Studies, Corvinus University of Budapest

DANIELA CRACIUN / Researcher, Center for Higher Education Policy Studies (CHEPS), University of Twente

Discussant: **DANIELE JOLY** / Professor, CADIS International/University of Warwick

- **12.00-13.30h** Lunch break

- **13.30-15.15h Workshops (1,8,3)**

- **15.15-15.30h** Coffee break

- **15.30-17.00h Roundtable: Conceptual Challenges of Academic Freedom – Different Global Perspectives**

DENISE ROCHE / Advocacy Manager, *Scholars at Risk Europe*

AYSE CAGLAR / Permanent Fellow, *Institute for Human Sciences – Institut für Wissenschaften vom Menschen (IWM)* and Professor of Social and Cultural Anthropology, University of Vienna

DIANA KORMOS-BUCHWALD / Professor of History, Caltech

SANTIAGO AMAYA / Associate Professor, Universidad de los Andes

QUE ANH DANG / The Institute for Global Education, Coventry University

Moderator: **AYSUDA KOLEMEN** / *Threatened Scholars Initiative*

January 21, 2022

- **9.00-10.45h Workshops (4,5,6)**

- **10.45-11.00h** Coffee break

- **11.00-12.45h Workshops (7,2,9)**

- **12.45-13.45h** Lunch break

- **13.45-14.25h Presentations from the workshops**

Moderator: Milica Popovic, GOAF

- **14.30-16.00h Roundtable: Is a Global Framework on Academic Freedom Possible?**

HILLIGJE VAN'T LAND / Secretary General, the International Association of Universities (IAU)

ROBERT C. POST / Sterling Professor of Law, Yale Law School

KWADWO APPIGYEI-ATUA / Associate Professor, University of Ghana School of Law

MONIKA STEINEL / Deputy Secretary General, EUA

THOMAS KEENAN / Professor, Bard College

MICHEL WIEVIORKA / EHESS

Moderator: **TERENCE KARRAN** / Professor, University of Lincoln

- **16.00-17.00h** Closing remarks by **SHALINI RANDERIA** / CEU President and Rector

