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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Academic freedom

### Report of the Special Rapporteur on the right to education, Farida Shaheed\*

#### *Summary*

The present report on academic freedom is submitted by the Special Rapporteur on the right to education, Farida Shaheed. In the report, the Special Rapporteur examines the right to academic freedom from a right to education perspective and proposes that academic freedom be considered as an autonomous human right grounded in several provisions of international law.

Academic freedom comprises the freedom of individuals to access, disseminate and produce information, to think freely and to develop, express, apply and engage with a diversity of knowledge within or related to their fields of expertise or of study, whether inside (“intramural expression”) or outside the academic community, including with the public (“extramural expression”). It is a human right, the exercise of which carries special duties to seek the truth and to impart information according to ethical and professional standards and to respond to contemporary problems and needs of all members of society.

Within the education field, the Special Rapporteur supports the entitlement to academic freedom for all researchers, educators and students, at all levels of education, taking into consideration the developing capacities and maturity of students. Academic freedom includes four interdependent pillars: the right to teach; to engage in discussions and debates with persons and groups inside (including in classrooms) and outside the academic community; to conduct research; and to disseminate opinions and results of research. The approach requires an understanding of the vital importance of free expression in teaching, a review of the concept of “neutrality” in education and a reconsideration of processes for accrediting school manuals, including the imposition and/or prohibition of specific subjects from curricula, bearing in mind the aims of education under international human rights law. Educators can foster critical thinking and provide diverse perspectives only if they themselves enjoy academic freedom, while upholding the principles of pluralism, respect for others and the pursuit of knowledge.

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\* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



The Special Rapporteur draws the attention of the Human Rights Council and all stakeholders to the set of Principles for Implementing the Right to Academic Freedom, drafted by a working group of United Nations experts, scholars and civil society actors, based on and reflecting the status of international law and practice. Endorsement and implementation of the principles would support academic freedom worldwide.

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## Contents

	<i>Page</i>
I. Introduction .....	4
II. Legal framework and recent developments .....	4
III. The meaning of academic freedom from a right to education perspective .....	9
IV. Threats to academic freedom .....	12
V. Recommendations .....	20

## I. Introduction

1. The present report of the Special Rapporteur on the right to education, Farida Shaheed, submitted pursuant to Human Rights Council resolutions 8/4 and 44/3, contains an examination of the right to academic freedom from a right to education perspective and as part of the entitlement to provide and receive quality education at all levels of education. The report builds on the previous work of other United Nations human rights mechanisms, in particular the Committee on Economic, Social and Cultural Rights,<sup>1</sup> the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression<sup>2</sup> and the Special Rapporteur in the field of cultural rights.<sup>3</sup>

2. Academic freedom is at the heart of scientific progress, which is essential in countering both local and global crises. It contributes to building knowledge as a public and common good, ensuring that knowledge is grounded in research and exchanges within and between countries rather than the result of power imbalances. Academic freedom protects the ability of individuals to question and test received knowledge, to think outside conventional ideas and received opinions and to propose new concepts, including controversial or unpopular opinions, for the benefit of societies. It is a condition for the realization of the right to education at all levels, including vocational education, allowing students to access new findings and to develop their own research skills and critical spirit, and educational personnel to provide quality education.

3. However, academic freedom has yet to be accepted within governing spheres and the wider public as being as crucial as a free press or an independent judiciary. In every region of the world, people exercising their academic freedom face harassment, retaliation, repression, imprisonment and sometimes even death. Furthermore, the commodification of education, together with the encroachment of a multitude of actors seeking to increase their influence and control public opinion, introduce deeply worrying biases in academic research and free thinking.

4. In preparation of the report, the Special Rapporteur held an expert consultation in Geneva in October 2023, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), followed by a series of online consultations to deepen understanding of specific dimensions of academic freedom. To collect views and experiences, a questionnaire was widely distributed and received more than 120 responses.<sup>4</sup> The Special Rapporteur warmly thanks all contributors.

5. The Special Rapporteur draws the attention of the Council and all stakeholders to the set of Principles for Implementing the Right to Academic Freedom, drafted by a working group of United Nations experts, scholars and civil society actors, based on and reflecting the status of international law and practice. Endorsement and implementation of the principles would support academic freedom worldwide. The principles are available in the six official languages of the United Nations.<sup>5</sup>

## II. Legal framework and recent developments

### A. Academic freedom as a human right

6. All human rights are universal. Academic freedom is a human right, not a professional freedom limited to education personnel or traditional institutions such as universities. It

<sup>1</sup> Committee on Economic, Social and Cultural Rights, general comments No. 13 (1999) and No. 25 (2020).

<sup>2</sup> [A/75/261](#).

<sup>3</sup> [A/68/296](#) and [A/HRC/20/26](#).

<sup>4</sup> All contributions are available at <https://www.ohchr.org/en/calls-for-input/2024/call-contributions-academic-freedom-and-freedom-expression-educational>.

<sup>5</sup> The principles are also available on the website of the Special Rapporteur at [annual thematic reports OHCHR/A/HRC/56/CRP.2: Principles for Implementing the Right to Academic Freedom – Working group on academic freedom|OHCHR](#).

should be enjoyed within research and teaching entities operating outside the formal education system and wherever teaching and scientific research occur,<sup>6</sup> not only in higher education. Teachers at all levels of education should enjoy the right to teach and engage with students in their classrooms in a manner that they consider appropriate to the standards and norms of their respective scholarly enterprise.

7. As stressed in the 2021 Inter-American Principles on Academic Freedom and University Autonomy, academic freedom is the right of every individual “to form part of academic communities”.<sup>7</sup> The Special Rapporteur appreciates that, for example in Québec, Canada, academic freedom is defined as the right of any person to engage freely and without doctrinal, ideological or moral constraint, such as institutional censorship, in any activity through which that person contributes to the fulfilment of the mission of an educational institution.<sup>8</sup> She also notes that Guatemala does not differentiate between teachers and students or among diverse educational levels.<sup>9</sup>

8. While academic freedom is usually well accepted in higher education it is not as broadly accepted at lower levels. As noted in the Principles for Implementing the Right to Academic Freedom, students have the right to academic freedom, while recognizing possible differences consistent with the evolving nature of their capacities. The fulfilment of those rights is strengthened by ensuring quality teacher training, pedagogy fostering critical spirit and thirst for inquiry, quality academic content and ongoing research, all of which depend on conditions that respect academic freedom and autonomy.<sup>10</sup>

## **B. Legal bases and recent development at the international level**

9. Academic freedom is “the human right to acquire, develop, transmit, apply, and engage with a diversity of knowledge and ideas through research, teaching, learning, and discourse”.<sup>11</sup> In 2020, the Special Rapporteur on freedom of opinion and expression stressed 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”.<sup>12</sup>

10. Academic freedom per se is not mentioned in international human rights treaties. However, it is legally grounded in a number of provisions, particularly those relating to the rights to education, to take part in cultural life, to enjoy the benefits of scientific progress and its applications and to the freedom indispensable for scientific research and creative activity (International Covenant on Economic, Social and Cultural Rights, arts. 13 and 15 and Convention on the Rights of the Child, arts. 28 and 29), as well as the right to freedom of opinion and expression, including the right to seek, receive and impart information and ideas of all kinds (International Covenant on Civil and Political Rights, art. 19). The rights to participation in public affairs, privacy, freedoms of association and assembly and the right to leave one’s country and to return are also relevant.

11. The Special Rapporteur notes an emerging call for the consideration of academic freedom as a self-standing human right. Notably, according to preamble of the Inter-American Principles on Academic Freedom and University Autonomy, “academic freedom is an independent and interdependent human right, which enables the exercise of a series of other rights”. The Special Rapporteur on the right to freedom of opinion and expression has recommended that human rights mechanisms address academic freedom violations as

<sup>6</sup> Inter-American Commission on Human Rights, Inter-American Principles on Academic Freedom and University Autonomy, principle I.

<sup>7</sup> Ibid.

<sup>8</sup> See submission from Fédération québécoise des professeures et professeurs d’université (in French).

<sup>9</sup> See submission from Guatemala (in Spanish).

<sup>10</sup> Principles for Implementing the Right to Academic Freedom, principle 8.

<sup>11</sup> Ibid., principle 1.

<sup>12</sup> [A/75/261](#), para. 8.

autonomous violations, not a derivation of freedom of expression.<sup>13</sup> That approach has been adopted by some States, in acknowledgement of the particular social value of protecting an academic community that is free and independent.<sup>14</sup>

12. States have demonstrated an understanding of the vitality of academic freedom. Recommendations of the United Nations Educational, Scientific and Cultural Organization (UNESCO) related to academic freedom have been adopted, in particular on Science and Scientific Researchers, including the joint UNESCO/International Labour Organization (ILO) recommendations on the Status of Higher-Education Teaching Personnel and on the Status of Teachers.<sup>15</sup> UNESCO continues to develop programmes on scientists, including on their safety. At the fifty-second session of the Council, in March 2023, more than 70 States delivered a joint statement on academic freedom, calling for enhanced international cooperation to strengthen academic freedom. The crucial importance of academic and scientific freedoms was stressed during the 2023 Social Forum, which focused on the contribution of science, technology and innovation to the promotion of human rights as requested by the Council.

13. Regional initiatives have also been numerous, particularly in the Americas, including the adoption of the Inter-American Principles on Academic Freedom and University Autonomy, and in Europe, including several resolutions of the Council of Europe<sup>16</sup> and the Charter of Fundamental Rights of the European Union, article 13 of which specifically states that “Academic freedom shall be respected”. Also of note is the launch of the Academic Freedom Monitor by the European Parliament in 2023.<sup>17</sup>

14. Monitoring bodies have demonstrated an increased interest in academic freedom issues, including, the adoption of general comments No. 13 (1999) on the right to education and No. 25 (2020) on science and economic, social and cultural rights by the Committee on Economic, Social and Cultural Rights, in response to a growing number of reports alleging violations from all parts of the world. Also relevant is a series of reports by Special Rapporteurs devoted to academic and/or scientific freedoms, or aspects of those freedoms, in particular the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on academic freedom, the reports of the Special Rapporteur in the field of cultural rights on the right to enjoy the benefits of scientific progress and its applications and on the right to participate in science,<sup>18</sup> and her report on culture, in particular on the writing and teaching of history, with a particular focus on history textbooks,<sup>19</sup> and the report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on the right to science in the context of toxic substances.<sup>20</sup> The report of the Special Rapporteur on the right to education on the role and rights of teachers is also pertinent.<sup>21</sup>

### C. Approaches at the national level

15. The lack of a uniform approach to academic freedom at the national level regarding its legal nature, concept and scope presents a challenge to implementation. The constitutional protections and domestic regulations of academic freedom worldwide show significant differences in approach, with notable gaps in protection.

16. Responses to the questionnaire indicate that many constitutions include protections for academic freedom as a fundamental right, including the principle of the autonomy of academic institutions. In some cases, however, protections relate to scientific freedom, which

<sup>13</sup> Ibid., para. 57.

<sup>14</sup> See submissions from Germany and Guatemala.

<sup>15</sup> See submission from UNESCO.

<sup>16</sup> [A/75/261](#), para. 23.

<sup>17</sup> See [https://www.europarl.europa.eu/RegData/etudes/STUD/2024/757798/EPRS\\_STU\(2024\)757798\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2024/757798/EPRS_STU(2024)757798_EN.pdf).

<sup>18</sup> [A/HRC/20/26](#) and [A/HRC/55/44](#).

<sup>19</sup> [A/68/296](#).

<sup>20</sup> [A/HRC/48/61](#).

<sup>21</sup> [A/78/364](#).

overlap with but do not cover academic freedom entirely; some academic disciplines, such as the arts and literature, are generally not considered to be sciences. Moreover, too often, national protections concern higher education, excluding the lower levels, or are restricted to the research component of academic freedom, excluding the teaching dimension.

17. In many responses, disappointment was expressed over the general lack of constitutional or legal recognition of academic freedom at the national level. For example, it is reported that of the 35 member States of the Organization of American States, only Ecuador expressly recognizes academic freedom in the constitution and only the Bahamas, Bolivia (Plurinational State of), Chile, the Dominican Republic, Ecuador and Mexico expressly recognize academic freedom in law.<sup>22</sup>

18. In other cases, constitutional and legal frameworks protecting academic freedom are not implemented or are contradicted by other provisions, such as requirements that higher education institutions express their adherence to State ideology.<sup>23</sup> Instances of the absence of constitutional protections, coupled with restrictive legislation, including the “purge” of teaching practices, in the education system or overly strict licensing systems of the private sector have also been reported.<sup>24</sup>

19. Among the obstacles to academic freedom cited in responses are a lack of a clear legal definition of academic freedom, including a lack of protective legislation, of policy guidelines on how to protect and promote academic freedom, of knowledge on the part of educators, teachers and students about academic freedom and of implementing mechanisms.

#### **D. Efforts to clarify the content and scope of academic freedom and to provide policy guidelines**

20. Civil society initiatives, including at the university level, have sought to clarify the content and scope of academic freedom for decades. While such initiatives are too numerous to be mentioned, responses to the questionnaire contained reference, in particular, to the proposed universal declaration of academic freedom submitted by the Amman Center for Human Rights Studies,<sup>25</sup> the Stockholm Charter for Academic Freedom and the Magna Charta Universitatum signed in Bologna in 1988. The Academic Freedom Index must also be cited.<sup>26</sup>

21. The Principles for Implementing the Right to Academic Freedom provide important clarity regarding the content, scope and status of academic freedom:

- Principle 1 a: Protection for academic freedom must include the freedom to access, disseminate and produce information; think; and develop, express, apply and engage with a diversity of knowledge within or related to one’s expertise or field of study, regardless of whether it takes place inside the academic community (“intramural expression”) or outside the academic community, including with the public (“extramural expression”).
- Principle 1 b: Protection must also include inquiry, expression or other activity or conduct related to the conditions, actions, or policies of academic, research, or teaching institutions, regardless of whether it takes place within or outside the academic, research, or teaching sector, including with members of the public.
- Principle 2: Academic freedom is protected by existing international human rights standards and international education principles.
- Principle 3: The protection, promotion, and enjoyment of academic freedom require the autonomy of academic, research, and teaching institutions.

<sup>22</sup> See submission from Aula Abierta.

<sup>23</sup> See submission from Scholars at Risk Network (China).

<sup>24</sup> See submission from Respect-Protect-Fulfill (Belarus).

<sup>25</sup> See <https://achrs.org/english/2019/11/04/progress-made-on-proposal-for-a-universal-declaration-of-academic-freedom/>.

<sup>26</sup> See <https://academic-freedom-index.net/>.

- Principle 4: Academic, research, and teaching staff and students have the right to engage in expression and discourse with persons and groups inside and outside the academic, research and teaching sector.
- Principle 5: Enjoyment of academic freedom requires respect for the right to information, sources of information, and the tools, materials, and methods necessary to gather, develop, interpret, and share information and ideas.
- Principle 6: Enjoyment of academic freedom requires freedoms of movement and of association.
- Principle 7: Academic freedom is essential to all levels of education, from early childhood through adult education, and all types of academic research and teaching institutions.
- Principle 8: As members of education communities, students have the right of academic freedom.
- Principle 9: The State bears prime responsibility and duty to protect, promote fulfil all human rights, including academic freedom. Everyone has a right and responsibility, individually and in association with others, to respect, promote and strive for the protection and realization of human rights and fundamental freedoms, including academic freedom, at the national and international levels.

22. The principles also provide useful considerations for assessing implementation of the right to academic freedom (appendix I) as well as practical guidance on implementing the right to academic freedom (appendix II).

23. The Special Rapporteur supports this approach, in particular the concept that all researchers, educators and students are entitled to academic freedom at all levels of education. Academic freedom includes four interdependent pillars: (a) the right to teach; (b) the right to engage in discussions and debates with persons and groups inside (including in classrooms) and outside the academic community; (c) the right to conduct research; and (d) the right to disseminate opinions and results of research both intramurally and extramurally. The Special Rapporteur supports the right of researchers, educators and students to academic freedom within or related to their fields of expertise or of study, including special duties to seek truth and impart information according to ethical and professional standards and to respond to contemporary problems and needs of all members of society.

## **E. Possible limitations and the issue of responsibilities of teachers and researchers**

24. Academic freedom is not absolute or unlimited. However, the imposition of any limitations to academic freedom must be consistent with international obligations, especially those under article 19 of the International Covenant on Civil and Political Rights (restrictions shall only be such as are provided by law and are necessary for respect of the rights or reputations of others or for the protection of national security or of public order, or of public health or morals) and article 4 of the International Covenant on Economic, Social and Cultural Rights (only such limitations as are determined by law, compatible with the nature of these rights, and solely for the purpose of promoting the general welfare in a democratic society). States and other stakeholders should apply such clauses in a complementary manner and should always choose the least restrictive measure, seeking the greatest enjoyment of human rights for all.

25. Limitations do not apply to the freedom of opinion dimension of academic freedom. Importantly, “in an academic context, certain aspects of research and pedagogy are closer to opinion than expression”, implying “that scholars should have access to the kinds of tools that protect their work product. In the digital realm, such tools include encryption or guarantees of anonymity”.<sup>27</sup>

<sup>27</sup> [A/75/261](#), paras. 16 and 17.



26. The Special Rapporteur concurs with the Committee on Economic, Social and Cultural Rights that limitations on the research process may be necessary, in particular if research affects human beings, in order to protect their dignity, integrity and informed consent when involved in such research. Nevertheless, any limitation on the content of scientific research entails a strict burden of justification by States in order to avoid infringing on freedom of research.<sup>28</sup>

27. Implementation of the Principles for Implementing the Right to Academic Freedom presents serious challenges, particularly: simultaneously ensuring freedom of expression and the fulfilment of academic responsibilities; managing conflicts between institutional autonomy and government oversight; and striking a balance between academic freedom and the regulatory obligations of educational institutions.<sup>29</sup> As stressed in one contribution, academia is a highly regulated sphere, even in the freest of societies. Scholars voluntarily subject themselves to rules designed to protect the rigour of their research, the ethics of their methods and the integrity of their findings. They are expected to hold their work accountable to the public and to fulfil a duty of care to their students. The principle of academic freedom does not free researchers or teachers from any of those professional responsibilities. Instead, academic freedom demands that scholars be freed from fear of repression by the State or other entities so that they are free to serve their social mission.<sup>30</sup>

28. The exercise of the right to freedom of expression carries with it specific duties and responsibilities, as cited in article 19 (3) of the International Covenant on Civil and Political Rights. A similar approach is required for academic freedom. Responsibility, in the scientific sphere, encompasses the duty to conduct scientific research and to apply scientific research with integrity, in the interest of humanity, in a spirit of stewardship for the environment, and with respect for human rights.<sup>31</sup> This statement can be extended, *mutatis mutandis*, to academic freedom. As noted in the principles, social responsibility, in the context of academic freedom, is the duty to exercise and enjoy academic freedom, consistent with the obligation to seek truth and impart information according to ethical and professional standards, and to respond to contemporary problems and needs of all members of society.<sup>32</sup> The Committee on Economic, Social and Cultural Rights, in its general comment No. 13 (1999), further underlines the duty to respect the academic freedom of others, to ensure fair discussions of contrary views and to treat all without discrimination on any of the prohibited grounds (para. 39).<sup>33</sup>

29. Responsibility in the exercise of academic freedom, which includes the search for truth for the benefit of all and fair discussions of contrary views, is therefore more stringent than that required in the area of freedom of expression. In education, this translates into the responsibility of teachers to respect the right to education of students, including the aims of education in accordance with international standards, and, conversely, the responsibilities of students and their families/communities to respect the freedom of expression of teachers in their teaching.

### III. The meaning of academic freedom from a right to education perspective

30. Academic freedom is an integral part of the entitlement to provide and receive quality education, which must be protected at all levels of education. As stated by the Committee on Economic, Social and Cultural Rights, the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.<sup>34</sup> This must be understood,

<sup>28</sup> Committee on Economic, Social and Cultural Rights, general comment No. 25 (2020), para. 22.

<sup>29</sup> See submission from Federação Nacional da Educação (Portugal).

<sup>30</sup> See submission of AcademiaSG, “Academic freedom in Singapore: survey report” (2021).

<sup>31</sup> American Association for the Advancement of Science, “AAAS statement on scientific freedom and responsibility”, *Science*, vol. 358, No. 6362 (2017), p. 462.

<sup>32</sup> Principles for Implementing the Right to Academic Freedom, principle 4.

<sup>33</sup> See also UNESCO, recommendation concerning the Status of Higher-Education Teaching Personnel, art. 28.

<sup>34</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), paras. 38–40.

bearing in mind the aims of education under article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, that is, to empower people to reach their fullest potential, not only as individuals but also as members of communities and societies through meaningful social, cultural, economic and political participation.

31. Education, especially but not only at higher levels, is a forum for ideas, where creative and critical thinking is developed. All educational levels are interrelated and influence each other. Hence, synergies between different levels of education are essential to ensure quality education in terms of both content and pedagogy. A primary task of teachers is to facilitate the development of students' academic skills, including by mediating difficult conversations and diverse views, which is why the right to freedom of expression includes teaching.<sup>35</sup>

32. The scope of academic freedom as an element of the right to quality education is not limited to campuses. It extends to activity in public forums. In the wider understanding of knowledge as a common good, as noted in the principles, academic, research and teaching staff, as well as students, have a right and a social responsibility to engage with the public by sharing the content of research, teaching or discourse developed within the education sector, including through academic and non-academic publications, public testimonies, print and online media, radio, television, exhibits and demonstrations.

33. Various instruments add precise elements regarding academic freedom from the perspective of the right to education. Notably, the ILO/UNESCO joint recommendation concerning the Status of Teachers stresses that: the teaching profession should enjoy academic freedom in the discharge of professional duties; teachers should, with the assistance of the educational authorities, be able to choose and adapt teaching material and methods and to help select textbooks and other educational materials, within the framework of approved programmes; teachers and their organizations should participate in the development of new courses, textbooks and teaching aids; and systems of inspection or supervision should be designed to encourage and help teachers in the performance of their professional tasks in ways that do not diminish the freedom, initiative and responsibility of teachers (paras. 61–63). In addition, in accordance with the 1997 UNESCO recommendation concerning the Status of Higher-Education Teaching Personnel, such personnel should not be forced to teach against their own best knowledge and conscience or be forced to use curricula and methods contrary to human rights standards. Further, they should play a significant role in determining the curriculum (para. 28).

34. Good practices reported to the Special Rapporteur include teachers and professors in Portugal having a degree of autonomy in selecting school manuals, books and other resources for teaching.<sup>36</sup> Positive examples were also reported from Italy<sup>37</sup> and Sweden.<sup>38</sup> Other States have restrictive policies that are at odds with the right to education and academic freedom, for example when teachers must use prescribed materials even though they contain errors. Books deemed to be “subversive” and to contain “anti-government” ideologies have been banned.<sup>39</sup> The scope of censorship extends beyond textbooks, when scientific websites are blocked, for example in the Islamic Republic of Iran.<sup>40</sup>

35. A relatively common practice for teachers to have the right to choose textbooks but exclusively from those approved by the ministry of education.<sup>41</sup> While this may be legitimate, respect for academic freedom and the right to education depends on how the process is organized, in particular: how textbooks are written, and by whom, following which criteria and guidelines; how they are accredited; the diversity and number of available textbooks for each discipline and grade; the level of participation of teachers in the process, including the selection process for their own classes; the right of teachers to introduce other materials and sources for discussion in the classroom; and the permissible space to comment on and

<sup>35</sup> Human Rights Committee, general comment No. 34 (2011), para. 11.

<sup>36</sup> See submission from Federação Nacional da Educação (Portugal).

<sup>37</sup> See submission from Federazione Lavoratori della Conoscenza.

<sup>38</sup> See submission from Association of Swedish Higher Education Institutions.

<sup>39</sup> See submission from Alliance of Concerned Teachers.

<sup>40</sup> See submission from International Community of Iranian Academics.

<sup>41</sup> See submission from Innovative Trans-border Solutions Association (Bulgaria).

challenge the inclusion of specific textbooks without fear of reprisal. A wide range of teaching materials is especially important given the plethora of digitally available disinformation and misinformation.

36. The Special Rapporteur reiterates the recommendations she made as Special Rapporteur in the field of cultural rights regarding the writing and teaching of history, which can be applied *mutatis mutandis* to other disciplines, in particular: (a) official standards should determine the goals and outcomes of teaching without prescribing the content of teaching materials; (b) guidelines for writing textbooks should be developed to enable authors to offer various interpretations, encompassing diverse standpoints; (c) a wide array of textbooks by a range of publishers should be accredited and teachers should be allowed to choose from them; (d) teachers should be able to introduce supplementary material without prior approval of the ministry; and (e) approval and accreditation procedures and the criteria for textbook selection should be clear and rely on expertise, not on particular ideological and political requirements.<sup>42</sup>

37. As stressed in the draft “universal declaration of academic rights and freedoms” proposed by the Amman Center for Human Rights Studies, “Researchers should have access to libraries that have modern collections reflecting the diverse aspects of the issue and whose holdings are not subject to censorship or other forms of intellectual interference. They must have access, without censorship or other restrictions, to international computer systems, digital programmes and databases required for research or scholarships”.<sup>43</sup>

38. Article 182 of the law on preschool and school education in Bulgaria provides a positive example: “Library and information services shall be provided through school libraries, guaranteeing that pupils have free access to information from different documentary sources in the library stock and in the worldwide net with a view to develop reading habits and information search and use competences”.<sup>44</sup>

39. The Special Rapporteur invites States and other stakeholders to review the concept of “neutrality of teaching”, often used in reference to elementary and secondary school education, against the right to academic freedom. Education must be free of propaganda and must focus on the free development and exercise of critical thinking, which is at the core of the right to learn.<sup>45</sup> While the concept of neutrality in teaching is often viewed as a guarantee against religious, political or other kinds of indoctrination, it can, conversely, become a medium of indoctrination. It can prevent the expression of a diversity of views and impede the development of a critical spirit in students.

40. In order to ensure academic freedom, various rights, principles and parameters should be taken into account: (a) the right of students to education, which implies a right to access information, in accordance with the development of their capacities and maturity; (b) the right to freedom of expression and academic freedom of teachers, who have special responsibilities that vary depending on the age and maturity of students; (c) the right of students to academic freedom, including the right to express themselves on specific subjects without fear of reprisal; (d) the respect due to cultural diversity and the need to ensure a multiperspective approach, including in subjects such as history; and (e) international standards regarding possible limitations to human rights. These elements must be understood within the wider framework of the prohibition of indoctrination and forced assimilation, as well as the overall aims of education under international human rights law. While educators should be encouraged to foster critical thinking and to provide diverse perspectives, they should do so in a manner that upholds the principles of pluralism, respect for others and the pursuit of knowledge, including a supportive environment where students are encouraged to think critically, engage with varying viewpoints and develop informed perspectives.<sup>46</sup>

41. The Special Rapporteur appreciates that in some States, including Canada, contractual language protecting academic freedom specifically prohibits the imposition of a “proscribed

<sup>42</sup> A/68/296, para. 88.

<sup>43</sup> See submission from Palestine Polytechnic University.

<sup>44</sup> See submission from Innovative Trans-border Solutions Association (Bulgaria).

<sup>45</sup> A/HRC/53/27, para. 26.

<sup>46</sup> See submission from Federação Nacional da Educação (Portugal).

doctrine” and asserts that academic freedom does not require neutrality but should enable intellectual discourse, critique and commitment. Moreover, the exercise of academic freedom in the classroom is subject only to the limits of the law, professional academic standards and official policies and procedures set by academic governance bodies. Academic freedom in teaching does not confer legal immunity against libel, hate speech or harassment or discrimination.<sup>47</sup> In Sweden, while all teachers and professors, at all levels of education, enjoy freedom of expression in their profession, persons who express themselves within that framework must follow good academic practice and base their statements on research-based evidence.<sup>48</sup>

#### IV. Threats to academic freedom

42. In 2020, the Special Rapporteur on freedom of opinion and expression highlighted some of the most serious threats to academic freedom worldwide, in particular: overly strict legal restrictions; targeted violence against students and academics; arrest, detention, ill-treatment, extrajudicial killing and trial in military courts of those exercising academic freedom; attacks against institutional autonomy; the physical presence and/or interventions of security forces on university campuses; the engagement of students as a source of threat to academics; disruptions of the Internet and telecommunications services; travel restrictions; and the exclusion of students from scholarships. Self-censorship, which is omitted above, is difficult to assess.

43. Many responses received to the questionnaire confirmed the multifaceted violations of academic freedom across the globe, including: violations resulting from the weight of social and cultural norms; use of the civil servant status of educational personnel as a tool for control and censorship; intellectual property issues; the impact of military occupation and war; restrictions on international cooperation; security measures and political tensions affecting the content and conduct of teaching and research; the disruption of student elections by paramilitary groups; indoctrination at university campuses and censorship of materials critical of the Government; introduction of pro-governmental narratives in schools, particularly in the teaching of history; assessments of the attitude of students towards State and public institutions as part of the criteria for admission; and restrictions on women’s participation in certain fields of study and discriminatory practices limiting women’s academic freedom and opportunities for scholarly engagement.<sup>49</sup> In some countries, the situation is described in the most serious terms, with civil society groups denouncing a “systematic persecution of educators”, “an unfavorable and threatening school atmosphere for educators” and the targeting of teachers as part of “hate campaigns”,<sup>50</sup> including on social media.

44. Many contributors reported actions to curtail speech relating to Israel and the State of Palestine.<sup>51</sup> On 23 November 2023, four Special Rapporteurs raised concerns about the suspension and expulsion of students from universities, the dismissal of academics, calls for their deportation, threats to dissolve student unions and associations and restrictions on campus meetings to express solidarity with the suffering civilians in Gaza and denounce the ongoing Israeli military response. In some universities, students have been blacklisted as supporters of terrorism, with accompanying threats to their prospects for future employment.<sup>52</sup> It is reported that about 120 universities in the United Kingdom have adopted the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance, which conflates criticisms of Israel with antisemitism, to silence lawful speech supportive of Palestinian human rights and the right to self-determination. University staff and students have been subjected to unreasonable investigations and disciplinary proceedings

<sup>47</sup> See submission from Canadian Association of University Teachers.

<sup>48</sup> See submission from Association of Swedish Higher Education Institutions.

<sup>49</sup> See for example, submission of AcademiaSG (Singapore), “Academic freedom in Singapore”.

<sup>50</sup> See submission of civil society on teachers’ and professors’ freedom of expression in Brazil (in Portuguese).

<sup>51</sup> See submissions from British Society for Middle Eastern Studies and Independent Jewish Voices (Canada).

<sup>52</sup> OHCHR, “Speaking out on Gaza /Israel must be allowed: UN experts”, 23 November 2023.

based on this definition and harmed by false allegations of antisemitism. Academic freedom has also been curtailed as a result of measures to prevent terrorism, particularly in relation to expressions of solidarity with the Palestinian people since 7 October 2023.<sup>53</sup> The Special Rapporteur is equally concerned at the reported increase of antisemitism in universities following the 7 October massacre and regrets that the definition used by the International Holocaust Remembrance Alliance creates confusion about such an important issue.<sup>54</sup> The right to academic freedom does not protect the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

45. Worldwide, State authorities, including local authorities, are far from the only actors impeding academic freedom. Assaults on academic freedom are also carried out by religious or political groups or figures, paramilitary and armed groups, terrorist groups, narco-traffickers, corporate entities, philanthropists and influencers, and also, occasionally, by educational institutions themselves, as well as school boards, staff and students and parents' associations. In this regard, the role of the military, sometimes operating as a State within a State, needs more scrutiny.

46. Violations of academic freedom follow patterns similar to attacks against independent media, free civil society and artistic expression: there is both direct and violent repression, as well as more subtle methods, which deserve equal attention. The aim of such actions is to control public opinion and free thinking and to restrict academic and scientific debate. Methods of control are developed through public or private funding; the privatization, commodification, digitalization, platformization and assetization of education; and the support for specific students' organizations. As noted in one contribution, academic freedom is curtailed when universities seeking State resources and/or patronage enter into compromising relationships with people in power, resulting in a curious situation whereby academic freedom is suppressed with the apparent support of the academic establishment. The net result is a system operating mostly through hidden self-censorship. While there are instances of high-performing universities with tight restrictions on academic freedom performing well on measures that matter to the global higher education industry, such as citations and internationalization, they may, in reality, be underserving the needs of their own societies for independent, critical teaching and scholarship.<sup>55</sup>

47. The present report does not reiterate the findings and recommendations of the Special Rapporteur on freedom of opinion and expression, with which the Special Rapporteur agrees. Instead, it emphasizes the most worrying issues and/or those requiring increased attention, in particular from a right to education perspective.

## A. Institutional autonomy

48. In a number of contributions the importance of institutional autonomy for ensuring academic freedom was stressed. Principle 3 (b), (e), (f) and (g) of the Principles for Implementing the Right to Academic Freedom detail many aspects of institutional autonomy. In particular, the appointment, tenure and removal of institutional education leaders, oversight boards and governing councils must respect the principle of self-governance, which is an essential component of autonomy. Rules and practices for appointment, hiring, conditions of work, admissions, promotion, tenure and retention, expulsion or dismissal of institutional leadership, administrative and academic, research and teaching staff and students must be free from political or outside interference; rules and practices for determining academic, research and teaching content, curricula and materials must be free from political or outside interference or discrimination; and staff and student unions and associations must be allowed to form and operate without ideological or other discrimination.

49. The above principles are generally well accepted in institutions of higher education. However, in many countries, different tiers of educational institutions enjoy varying degrees

<sup>53</sup> See submission from British Society for Middle Eastern Studies.

<sup>54</sup> See submission of the World Jewish Congress, enclosing the report of the European Union of Jewish Students, entitled "The rise of antisemitism in European universities as a result of the 7 October massacre", 1 February 2024.

<sup>55</sup> See submission from AcademiaSG (Singapore).

of autonomy and self-governance, for example in Bulgaria<sup>56</sup> and Colombia.<sup>57</sup> As highlighted in principle 3, academic, research and teaching institutions should enjoy institutional autonomy. Nevertheless, many violations have been reported, including in situations where heads of higher education institutions are directly appointed by heads of State,<sup>58</sup> through a wide array of other methods, described below.

50. Institutional autonomy should be considered as being instrumental to academic freedom, rather than the reverse. There are many examples of violations of the academic freedom of staff and students by their own institutions, whether public or private. Private universities can also exercise strict ideological control that violates academic freedom, including universities owned or controlled by religious institutions, corporations and sometimes political figures. The implications are particularly notable when public sector funding for higher education has been seriously cut, obliging students to choose private institutions. The Special Rapporteur notes that the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education stress that respect for academic and pedagogical freedoms must be part of minimum standards applicable to private instructional educational institutions that States must define and enforce.<sup>59</sup>

## **B. Militarization of education**

51. In some contributions, concern was expressed about the increased militarization of education systems, which occurs when the administration of ordinary schools is partially or totally transferred to the armed forces, with the consequent adoption of military discipline and the curtailment of human rights in education, undermining both academic freedom and institutional autonomy.<sup>60</sup> Establishing military offices within universities constitutes an unacceptable intrusion of militarized forces into academic spaces.<sup>61</sup>

52. The occupation of schools by armed forces has a negative impact on academic freedom. Reports indicate that occupying authorities may retaliate against teachers who refuse to work under imposed education systems and that children may be compelled to undergo indoctrination.<sup>62</sup>

## **C. Restriction of academic freedom through funding**

53. Funding for research and education may be used to restrict academic freedom, including through: increased funding related to specific outputs; targeted funding of certain subjects to the detriment of others; permanent threats of budget cuts; and undue influence by public or private funders, whether philanthropic or commercial entities.

54. Cases were reported of academic freedom at universities being suffocated through the cutting of public funds,<sup>63</sup> including the reliance of universities on public funds, which enables State control over all university affairs.<sup>64</sup> Similarly, as a result of funding increasingly being tied to parameters identified by the government, universities and research institutions may lose the autonomy to devise their own investment and planning strategies.<sup>65</sup> It was also

<sup>56</sup> See submission from Innovative Trans-border Solutions Association (Bulgaria).

<sup>57</sup> See submission from Colombia (in Spanish).

<sup>58</sup> See submission from Respect-Protect-Fulfill (Belarus).

<sup>59</sup> See <https://www.abidjanprinciples.org>, para. 55 (b).

<sup>60</sup> See submission of civil society on teachers' and professors' freedom of expression in Brazil (in Portuguese).

<sup>61</sup> See submission from International Community of Iranian Academics.

<sup>62</sup> See submission from Human Rights Watch regarding the Ukrainian occupied territories.

<sup>63</sup> See submission from Observatorio de Derechos Humanos de la Universidad de Los Andes on the situation in the Bolivarian Republic of Venezuela (in Spanish).

<sup>64</sup> See submission from Association for Freedom of Thought and Expression.

<sup>65</sup> See, for example, the submission from Italy.

reported that, in some countries, funding is regularly allocated to institutions and individuals who advance the government's ideological agenda.<sup>66</sup>

55. Issues of undue influence being exerted by corporate actors through funding have been reported in developed countries.<sup>67</sup> Notably, the Canadian Association of University Teachers has proposed specific guidelines for institutions to ensure that academic freedom and institutional autonomy are the predominant and prevailing considerations in developing, deciding upon and assessing private research collaborations.<sup>68</sup>

56. Further attention should be paid to the undue influence of philanthropists, as exemplified by a case at the law school at the University of Toronto. In 2020, the dean of the school blocked the hiring of a professional unanimously selected by a hiring committee to direct the international human rights programme following lobbying by a group whose former board member was a major donor to the university. The group warned the university of possible consequences in terms of fundraising.<sup>69</sup> Other examples include the pressure exercised by major donors and/or alumni on Harvard University, the University of Pennsylvania and the Massachusetts Institute of Technology in the United States of America, calling for the firing of their presidents or the withholding of donations as retaliation for their failure to adequately condemn Hamas' 7 October attack on Israel.<sup>70</sup>

57. Over the past decade, owing to poor or decreased State funding for higher education in countries such as Australia, Canada, the United Kingdom and the United States, universities have increasingly become financially dependent on overseas fee-paying students. This has led to situations where university managers often defer to the sensitivity of such students,<sup>71</sup> which has made universities more susceptible to the influence of foreign governments.<sup>72</sup> In Australia, guidelines to counter foreign interference at universities have been elaborated, describing foreign interference as activities "carried out by, or on behalf of a foreign actor, which are coercive, clandestine, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests". The guidelines stress that "protest activity on university campuses can be a healthy sign of a democratic society. However, if this activity was secretly being directed by a foreign State, or community members had been coerced to participate or prevented from protesting by a foreign State, then it would cross the threshold into foreign interference".<sup>73</sup>

58. Moreover, in many countries, funding tends to be channelled to scientific research for specific programmes or objectives, severely curtailing the possibility of carrying out basic and curiosity-driven research activities.<sup>74</sup> State research councils increasingly dedicate funds to designated purposes and research.<sup>75</sup> Some governments are adopting instruments, such as mandate agreements and funding mechanisms aimed at aligning university activities with government goals of meeting specific labour market needs and contributing to economic growth and innovation in identified sectors, or earmarking research funding for universities and colleges to align with political priorities, shifting research away from investigator-driven inquiries.<sup>76</sup> While it may be legitimate to ensure that publicly funded research responds to

<sup>66</sup> See submission from Scholars at Risk Network (China).

<sup>67</sup> See for example, in the United States, Joseph Menn, "Ousted propaganda scholar Joan Donovan accuses Harvard of bowing to Meta", *The Washington Post*, 4 December 2023; Joseph Menn and Naomi Mix, "Big tech funds the very people who are supposed to hold it accountable", *The Washington Post*, 6 December 2023; and submission from Canadian Association of University Teachers.

<sup>68</sup> See submission from Canadian Association of University Teachers.

<sup>69</sup> See submission from Human Rights Watch.

<sup>70</sup> Robert Reich, "Academic freedom is the loser when big donors hound US university presidents", *The Guardian*, 12 December 2023.

<sup>71</sup> Robert Mendick, "UCL bans lecturer from China course to protect its 'commercial interests'", *The Telegraph*, 8 March 2024.

<sup>72</sup> See submission from Human Rights Watch.

<sup>73</sup> See <https://www.education.gov.au/guidelines-counter-foreign-interference-australian-university-sector>.

<sup>74</sup> See submission of the Federazione Lavoratori della Conoscenza.

<sup>75</sup> See submission from Association of Swedish Higher Education Institutions.

<sup>76</sup> See submission from Canadian Association of University Teachers.

priority issues, there must be guarantees ensuring that academic freedom is also respected. Full consideration should be given to the impact of such policies on the ability of researchers to define their own areas of research, including the reduced ability of the management of higher education institutions to make their own strategic investments.

59. The commercialization of the education sector at all levels remains an important concern. Academic freedom requires an environment conducive to disinterested research. However, States continue pushing the commercialization agenda in higher education through the cutting of public funds and by increasing student fees, both of which are at odds with articles 2 and 13 of the International Covenant on Economic, Social and Cultural Rights. Furthermore, in some instances, States specify that research should be undertaken in collaboration with the private sector. The consequences of such decisions on academic freedom are multidimensional: research is increasingly commercially driven; students are viewed as paying customers, leading to diploma inflation; universities operate as corporations and their personnel are considered as “stakeholders”; increased emphasis on rankings, free-market principles and entrepreneurship; strengthening of the dominant position of predatory journals based on intellectual property regimes that are detrimental to scientific and academic research;<sup>77</sup> and the creation of conflicts of interest. An approach that reduces education to a tradable commodity is not compatible with academic freedom, according to which researchers conduct research framed only by their own ethics and good judgement and the evaluation of their peers.

#### **D. Surveillance of educational institutions, staff and students**

60. Surveillance deployed in educational institutions is usually implemented through a combination of various modalities, both physical and online, leading to a pervasive atmosphere of intimidation within educational institutions.

61. Physical surveillance may involve a police presence in schools, police visits to universities and to academics critical of the government and flying drones over campuses. The Special Rapporteur was informed of instances of police officers photographing staff and students, checking the mobile phones of staff and obliging them to unlock them to ensure that they have no prohibited online subscriptions to “extremist resources”<sup>78</sup> and obliging them to answer questionnaires upon returning from abroad,<sup>79</sup> with a lack of transparency and uncertainty on the legal basis for such practices.

62. The inviolability of educational institutions, especially in higher education, which impedes on-site surveillance and harassment, is an element of institutional autonomy and a guarantee of academic freedom. Many countries prohibit the entry of police or military personnel into educational institutions without prior authorization, except in exceptional circumstances, for example to prevent or investigate crimes or misdemeanours or in the case of natural disasters. These general rules are not applied everywhere, however. For example, reports indicate that in some countries institutional safeguards have repeatedly been breached<sup>80</sup> and that, in others, there is no restriction on the access of police or military personnel to educational institutions.<sup>81</sup> It is also reported that the police or military can freely enter school premises, unless they are private or higher education institutions, and that some States have unilaterally banned agreements to prohibit such entry.<sup>82</sup> In other countries, rules allow the police or the military to act on campuses as they would in any other place, without differentiation.<sup>83</sup> Reportedly, cases of interventions not authorized by the academic authorities on university premises for reasons of public order have increased.<sup>84</sup> The Special Rapporteur is also worried by reports that police interventions, including in schools for

<sup>77</sup> A/HRC/28/57, para. 79.

<sup>78</sup> See submission from Respect-Protect-Fulfill (Belarus).

<sup>79</sup> For example, in Thailand, see submission from Human Rights Watch.

<sup>80</sup> See, for example, submission from International Community of Iranian Academics.

<sup>81</sup> See submission from Armenia.

<sup>82</sup> For example, in the Philippines, see submission from Alliance of Concerned Teachers.

<sup>83</sup> See submission from Association of Swedish Higher Education Institutions.

<sup>84</sup> See submission from Federazione Lavoratori della Conoscenza.



younger children, have led to children and youth being strip-searched or submitted to humiliating and intimidating “public arrests” and “public trials”, as well as by announcements that more police walkthroughs of schools will be organized in some countries to prevent terrorism and turmoil, in particular in the context of the armed conflict in Gaza. Concerns are raised regarding possible racial profiling of staff and students in this respect.

63. The institutionalization of students playing the role of government informants in classrooms was reported in several countries, with some of informants remaining “students” long after they should have graduated. Student informants may report the opinions of other students on teaching plans, teaching content, methods and infrastructure, including the attitudes and quality of teachers, specifically in order to censor critics of the government.<sup>85</sup> It is also reported that students belonging to pro-Israel campus groups surveil professors and report what they deem to be antisemitic speech or materials to university authorities.<sup>86</sup> According to other reports, students from China, particularly Hong Kong, China, Xinjiang and Tibet, have also faced surveillance, intimidation and harassment while studying abroad; their families have also been harassed.<sup>87</sup>

64. Educational staff may also act as informants, as for example when “vice-rectors for security” in higher education institutions are tasked with monitoring the behaviour of students and staff, conducting ideological work and purging employees with dissident viewpoints.<sup>88</sup>

65. Agreements of cooperation between State and foreign universities have also been subject to control by security services, which have the final say as to whether agreements go forward.

66. The Special Rapporteur has also been informed of scholars and students being blacklisted, with the aim of blocking their career development or participation in events. An investigation published in *The Observer* in 2024 revealed that 15 departments of the Government of the United Kingdom have monitored the social media activity of academic experts critical of government policies, compiling “secret files” in order to block them from speaking at public events.<sup>89</sup> Elsewhere, the illegal profiling of members of teachers’ associations have also been reported.<sup>90</sup>

67. As reported by a former Special Rapporteur on the right to education, digital surveillance in educational institutions seems to be a common practice that has risen sharply since the coronavirus disease (COVID-19) pandemic.<sup>91</sup> The Special Rapporteur is concerned that by reports of schools deploying extensive digital surveillance systems that rely on the monitoring of social media, “tip tracker” apps and the scanning of the private digital content of millions of students using State-issued computers and accounts. This not only impacts students, but potentially extends to educational staff as well. Moreover, there is evidence that social media monitoring companies track the posts of everyone in areas surrounding schools. These tools, which have a direct impact on academic freedom, are employed to enforce restrictive social norms, aligning with increasingly stringent laws.<sup>92</sup> Further, reports indicate that on-site cameras have been installed in schools in many countries, sometimes, although rarely, requiring parental consent,<sup>93</sup> as well as a trend towards installing them inside classrooms, including facial recognition software. Often, the stated intention is to prevent abuses in classrooms, ensure security or assess the performance of students and staff. However, education must be built on trust and educational institutions must remain safe spaces for free expression. Images can be decontextualized to harass teachers and students for various reasons.

<sup>85</sup> See submission from Scholars at Risk Network (China).

<sup>86</sup> See submission from Independent Jewish Voices (Canada).

<sup>87</sup> See submission from Human Rights Watch.

<sup>88</sup> See, for example, in Belarus, submission from Respect-Protect-Fulfill.

<sup>89</sup> See submission from British Society for Middle Eastern Studies.

<sup>90</sup> See submission from Alliance of Concerned Teachers (the Philippines).

<sup>91</sup> [A/HRC/50/32](#), paras. 62–74.

<sup>92</sup> See submission from Privacy International.

<sup>93</sup> Submission from the Russian Federation (in Russian).

## E. Digitalization of education and academic freedom

68. The digitalization and platformization of education, including the use of artificial intelligence, present threats to the academic freedom of teachers and students. Teachers may be compelled to ensure quality through uniform content and pedagogical models across classes and schools. Digital technologies may be used to control and monitor teachers and students by prescribing what has to be taught and then monitoring the teaching in classrooms. Increasingly, educational technology platforms are being used to micromanage curricula, pedagogy and assessments, leading to curricular “discipline” of teachers, including through teacher rating. Rating teachers converts an important public service into a consumer good where the main aim becomes “consumer satisfaction”. Many private school franchises already exercise this level of control over teachers.<sup>94</sup>

69. The Special Rapporteur warns that such control, the suppression of the curricular flexibility of teachers and the uniformization of content and pedagogy affect the agency of teachers and learners and limit the ability of teachers to remain sensitive to local contexts. Moreover, it damages the quality of the teaching–learning processes.

70. For example, in the United Kingdom, a key study indicates that academic freedom, both in teaching and research, is declining as a result of the use of digital surveillance technologies by universities to monitor key aspects of how and what academic staff teach and carry out research. These tools are also used for performance management and data-gathering on students’ satisfaction, without lecturer involvement or consent.<sup>95</sup> Fears are expressed that the trajectory of digital monitoring and performance management will lead to lower academic freedom, greater institutional oversight of academic activities and greater power for students (as consumers) voices.<sup>96</sup>

71. Artificial intelligence tools, specifically generative artificial intelligence, change the way people learn, teach, read and write. On the one hand, artificial intelligence may facilitate global collaboration among researchers and educators and enhance access to information by providing tools for data analysis, literature review and knowledge discovery, thus empowering researchers and educators to explore diverse perspectives and sources. On the other hand, the current technical capacity of artificial intelligence and its ethical implications raise important questions about pluralism in academia and academic integrity. For example, the use of artificial intelligence-generated tools such as ChatGPT erases any authorship of ideas and makes the detection of plagiarism much more difficult. Algorithms used for artificial intelligence may encourage word associations that reflect societal biases, thus perpetuating stereotypes and hampering creativity and critical thinking.<sup>97</sup> Also, unless further prompted, such algorithms tend to pick up quotes of the most quoted and amplify them, minimizing the chance that minority points of view are heard.<sup>98</sup>

## F. Prohibited subjects in curricula and book bans in school libraries

72. In too many countries, academic freedom is impeded by the banning of particular subjects or the introduction of compulsory subjects, for example, to promote nationalism, justify wars and, more generally, interfere in how history is taught, in an effort to impede access to information, discourage legitimate debate and ensure indoctrination or assimilation processes. Such censorship, which is carried out by banning books in school libraries or public/private libraries, eradicating books in particular languages and purging schoolbooks, can result from the actions of parents’ associations, religious groups and other actors apart

<sup>94</sup> See submission from IT for Change.

<sup>95</sup> See submission from Terence Karran and Chavan Kissoon, University of Lincoln, United Kingdom.

<sup>96</sup> Ibid.

<sup>97</sup> Shweta Singh, “Biased AI poses a threat to academic freedom that must be confronted”, Times Higher Education, 29 September 2023.

<sup>98</sup> Koen Lemmens, “Academic freedom must always be on the agenda”, League of European Research Universities, 27 April 2023.

from the State. Educators also face threat and violence from students or student groups for addressing issues, in particular those relating to religion.<sup>99</sup>

73. In Brazil, the topics most commonly targeted for censorship reportedly relate to: gender and sexuality issues, which are often used to stir up moral panic based on fake news; racism and Afro-Brazilian, indigenous history and culture; the secular State and the human right to religious freedom; colonial exploitation; military dictatorship; the theory of evolution; vaccination; the use of pesticides; and climate change and environmental destruction.<sup>100</sup> In China, the seven topics allegedly banned in universities include: the promotion of Western constitutional democracy; universal values; civil society; neoliberalism; a free press; “historical nihilism”; and questioning reforms and the approach to socialism. In addition, the autonomy of Tibet, the status of Taiwan Province of China and the Tiananmen Square protests are reportedly off-limits.<sup>101</sup> In Egypt, discussions of sex and religion, as well as the role of universities in engaging with current sociopolitical and economic issues facing society are restricted.<sup>102</sup> In Hungary, the Government is reportedly exerting control over academia and the field of science in an effort to root out teaching or scientific research that counters the Government agenda. Examples include shutting down the Central European University, banning gender studies and stripping the Academy of Sciences of its autonomy.<sup>103</sup> In Ghana, LGBTI+ issues in the classroom have reportedly been criminalized.<sup>104</sup>

74. Another example comes from the United States, where reportedly at least seven States have enacted laws prohibiting classroom instruction on sexual orientation or gender identity and, in other instances, officials have removed books that address gender and sexuality from schools and public libraries.<sup>105</sup> In addition, over 20 States have enacted restrictions against critical race theory, the teaching of structural racism and gender inequity. Restrictions have grown to encompass Black feminism, queer theory, intersectionality and other frameworks that address structural inequality.<sup>106</sup>

## **G. Conditions of work impeding a conducive environment for academic freedom**

75. Academic freedom can be curtailed by impeding the working conditions of teachers and researchers. The erosion of tenure and the increasing number of education and research personnel employed on a part-time and fixed-term contracts, without financial security, whose fear of job loss restrains their academic freedom is concerning. In Canada, for example, it is estimated that between one third to one half of academic staff are on short-term and precarious contracts.<sup>107</sup>

76. Increasing administrative workloads are also reduce the time academics have for research and for publishing research results, even as the pressure to publish increases. Research is impeded by having to secure funds in what has been described as inefficient competition processes. In Sweden, for example, higher education institutions have become increasingly dependent on external and time-limited funds, with more than half of university research funds coming from external financiers.<sup>108</sup>

<sup>99</sup> See, for example, submission from Syndicat autonome de l’enseignement supérieur (Senegal) (in French).

<sup>100</sup> See submission of civil society contribution on teachers’ and professors’ freedom of expression in Brazil (in Portuguese).

<sup>101</sup> See submission from Scholars at Risk Network (China).

<sup>102</sup> See submission from Association for Freedom of Thought and Expression.

<sup>103</sup> Submission from Human Rights Watch. See also [A/75/261](#) and communication HUN 1/2017, available at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23081>.

<sup>104</sup> See submission from Kwadwo Appiagyei-Atua.

<sup>105</sup> See submission from Human Rights Watch.

<sup>106</sup> Ibid.

<sup>107</sup> See submission from Canadian Association of University Teachers.

<sup>108</sup> See submission from Association of Swedish Higher Education Institutions.

77. Academics are also concerned by the widespread use of new public management techniques that undermine the original rationale for universities as centres for “truth seeking” and the dissemination of research as a public good. New management techniques involve the imposition of: excessive quantification and microregulation; bureaucratic accreditations, with disproportionate performance agreements and questionable quality indicators; and ever-increasing evaluation procedures. Greater managerialism in universities is seen as part of the increasing “marketization” of higher education.<sup>109</sup>

78. In addition, reports have been received of attacks against teacher trade unions, in particular when they defend teachers’ working conditions or their right to participate in the reform of education systems.

## **H. Lack of implementation of ethical guides protecting academic freedom**

79. Many universities have adopted their own regulations and/or codes of ethics and have developed institutional policies concerning academic freedom and institutional autonomy. For instance, in its guidelines on the acceptance of donations, the University of Toronto states that it “values and will protect its integrity, autonomy, and academic freedom, and does not accept gifts when a condition of such acceptance would compromise these fundamental principles”.<sup>110</sup>

80. In some cases, laws require the adoption of such codes. For example, in the United Kingdom, the Higher Education (Free Speech) Act of 2023 required universities to publish a code of practice for freedom of speech on campus and established a new Director for Freedom of Speech and Academic Freedom to oversee the free speech functions of the Office for Students, to implement a new regulatory and complaints scheme and to investigate when universities are accused of breaching their duties under the act.<sup>111</sup>

81. Nevertheless, reports indicate that, in some cases, university codes of ethics do not include references to academic freedom.<sup>112</sup> It is vital that universities articulate robust protections for academic freedom based on international standards. Moreover, the fact that policies and guidelines are not legally binding and have not always been followed remains a challenge.

## **V. Recommendations**

### **Principles for Implementing the Right to Academic Freedom**

82. **The Special Rapporteur calls upon the Human Rights Council to fully consider the Principles for Implementing the Right to Academic Freedom, which articulate nine essential aspects to substantially guarantee protection, promotion and enjoyment of the right to academic freedom, and to encourage their implementation.**

83. **The Special Rapporteur also calls upon Member States and other relevant stakeholders, including public and private educational institutions, to fully implement the above principles.**

84. **The Special Rapporteur also recommends that States and, where relevant, other stakeholders:**

(a) **Ensure constitutional and legal recognition of academic freedom as an autonomous right at the national level, clarifying that it is applicable at all levels of education, for researchers, educators and students;**

<sup>109</sup> See submission from Terence Karran and Chavan Kissoon.

<sup>110</sup> See submission from Canadian Association of University Teachers.

<sup>111</sup> See submission from Council for the Defence of British Universities.

<sup>112</sup> See submission from Association for Freedom of Thought and Expression.

- (b) Promote knowledge of the importance and meaning of academic freedom among academic, research and teaching institutions, as well as the wider public;
- (c) Respect, protect and promote academic freedom and resort only to limitations that are in accordance with international human rights law, in particular article 4 of the International Covenant on Economic, Social and Cultural Rights and article 19 of the International Covenant on Civil and Political Rights;
- (d) Refrain both from direct repression of people exercising their academic freedom and from more subtle methods that aim to or result in restricting academic and scientific debate, in particular those that are carried out through funding, privatization, commodification, digitalization, platformization and assetization of education, as well as conflicts of interest;
- (e) Ensure that the teaching profession enjoys academic freedom in the discharge of professional duties;
- (f) Also, ensure that:
- (i) Official standards determine the goals and outcomes of teaching without prescribing the content of materials;
- (ii) Develop guidelines for writing textbooks to enable authors to offer various interpretations and include various standpoints;
- (iii) Accredite a wide array of textbooks by a range of publishers, with the participation of teachers or teachers' unions, and allow teachers to choose from them and enable teachers to introduce supplementary materials without prior approval of ministries of education;
- (iv) Clarify approval and accreditation procedures and criteria for textbook selection relying on expertise rather than on particular ideological or political requirements;
- (g) Review the concept of "neutrality of teaching" in the light of the right to academic freedom, taking into account:
- (i) Students' right to education, which implies a right to access information, in accordance with their developing capacities and their age and maturity;
- (ii) The right to freedom of expression and academic freedom of teachers who have special responsibilities that vary depending on the age and maturity of students;
- (iii) Students' right to academic freedom, including the right to express themselves on specific subjects without fear of reprisal;
- (iv) The respect due to cultural diversity and the need to ensure a multiperspective approach, including in subjects such as history;
- (v) International standards regarding possible limitations to human rights;
- (h) Respect, protect and promote institutional autonomy as instrumental to academic freedom and ensure that private academic, research and teaching institutions respect academic freedom;
- (i) Ensure adequate public funding of academic, research and teaching institutions as a way to foster academic freedom, especially through untied non-performance based funding; simultaneously ensure that systems of financing, whether public or private, not-for-profit or for-profit, safeguard academic freedom and institutional autonomy from undue influence, pressure, restrictions or retaliation by sources of financial support; in particular, "no influence" clauses should be systematically introduced into agreements between academic, research and teaching institutions and private funders or partners, as well as philanthropists, especially on research agendas and hiring practices; and corporate research contracts should be approved by the academic body of institutions and funding procedures should be fair and fully transparent;

(j) Refrain from surveillance, whether physical or online, of educational institutions, staff and students and ban facial recognition technologies from such institutions;

(k) Fully consider and address the threats that the digitalization and platformization of education, including resort to artificial intelligence, present to academic freedom of teachers and students; implement regulations governing the use of educational technology in academic settings, including private institutions, ensuring alignment with robust data protection standards, and guarantee that educational institutions create an environment that enables rather than suppresses academic freedom;

(l) Ensure that the use of artificial intelligence does not undermine the human rights of educators and students or disempower them and that they are taught about its ethical use;

(m) Address the impact of the erosion of tenure, short-term or part-time contracts, lack of financial security, new public management techniques and the increase of administrative workloads on the working conditions of research and education personnel and on their academic freedom.

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