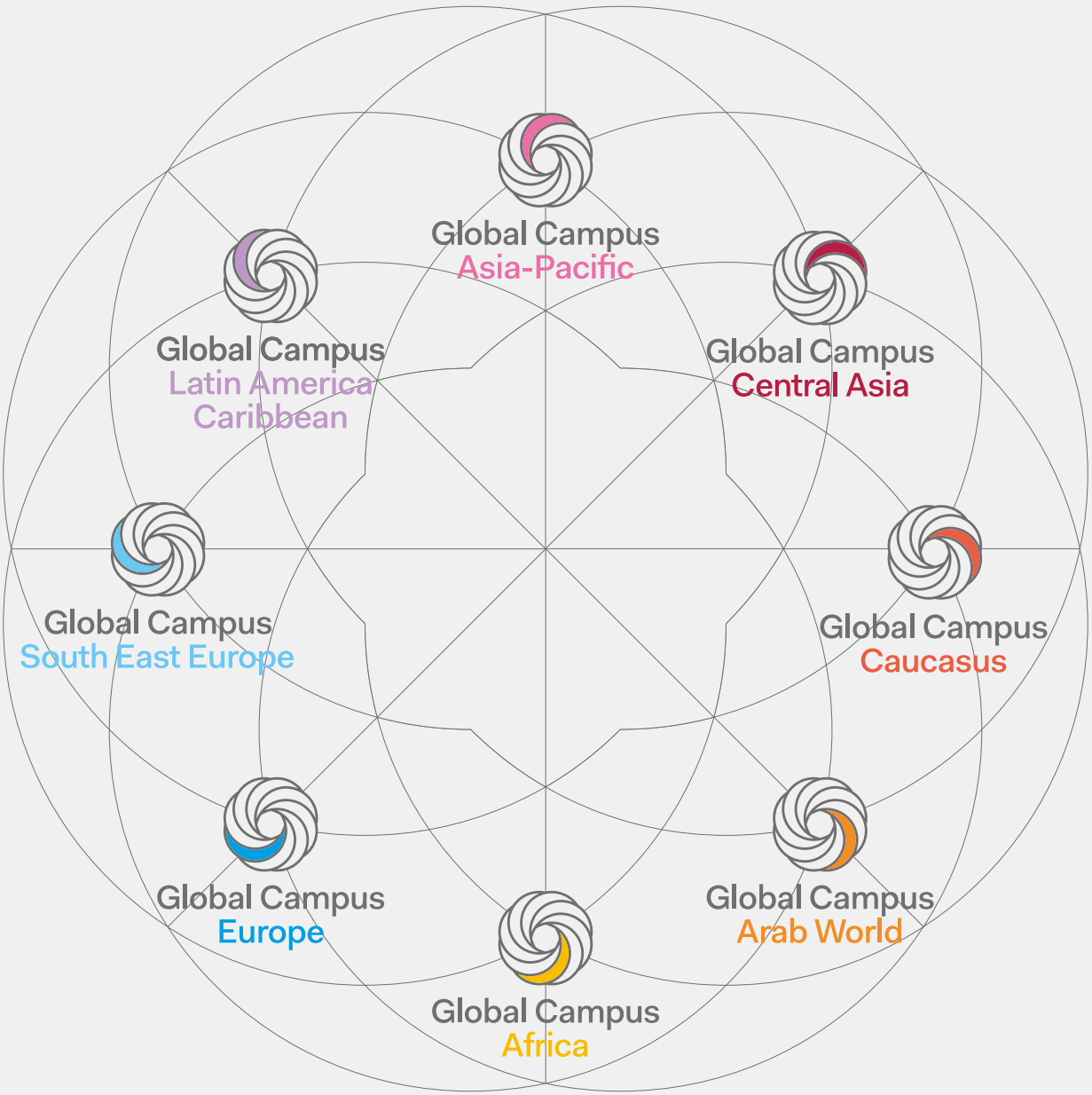
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Lakshita Kanhiya

Who fears critical knowledge? Academic freedom in Africa's most contested debates on religion, gender norms and sexuality

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Who fears critical knowledge? Academic freedom in Africa's most contested debates on religion, gender norms and sexuality

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Executive summary

The erosion of academic freedom in Africa, particularly in contested debates on religion, gender norms, and sexuality, poses significant challenges for the African human rights system. This policy brief argues that academic freedom is not merely an institutional privilege, but a legally protected dimension of the rights to education, expression, association and scientific research under international and African human rights law. Despite a dense normative framework including the African Charter on Human and Peoples' Rights, interpretive guidance of the ACHPR and scholar-led declarations, the effective enjoyment of academic freedom across the continent remains fragile and uneven. The brief identifies structural constraints undermining knowledge production, donor-driven epistemic dependency, domestic political interference, reprisals against scholars engaging regional mechanisms, weak knowledge pathways to the ACHPR and African Commission on Human and Peoples' Rights, and persistent coloniality within higher education systems. These pressures disproportionately affect scholarship on religion, gender and sexuality, narrowing the evidentiary foundations available to regional accountability bodies. As a result, protecting academic freedom is a structural prerequisite for democratic governance and the credibility of the African human rights project. The brief calls for a context-sensitive African framework on academic freedom, strengthened anti-reprisal safeguards, institutional autonomy, multilingual inclusion and gender-responsive governance. Safeguarding contested knowledge is indispensable to realising dignity, equality and justice across the continent.

1 The author thanks Dr. Chiara Altafin, Research Manager at the Global Campus of Human Rights in Venice, Prof. Kwadwo Appiagyei-Atua, Professor of International Law and Human Rights at the School of Law of the University of Ghana and Regional Director of the Africa Coalition for Academic Freedom (ACAF), and Prof. Frans Viljoen, Professor of International Human Rights Law at the University of Pretoria, South Africa, for their valuable and constructive feedback as received throughtout the drafting process or in the context of the Global Campus Policy Observatory workshop 'Protecting, promoting and enjoying academic freedom: trends, challenges and impacts from a human rights-based approach', held in Venice on 26 March 2026.

Introduction

Academic freedom is a protected component of the right to education and closely linked to freedoms of expression, association and participation in public life (Sawyerr 1996: 281). It encompasses both the individual rights of scholars and students, and the institutional autonomy of higher education institutions (Zeleza 2003: 184). Across Africa, conditions relating to academic freedom vary significantly between states and institutions. Recent Academic Freedom Index (AFI) reports indicate uneven patterns of protection and restriction across the continent, reflecting differences in political systems, governance structures and civic space (Kinzelbach et al 2025; Kinzelbach et al 2026). While comparative indices provide useful regional and global perspectives, they may not fully capture local realities and lived experiences. In some cases, global rankings can produce inconsistencies that obscure context-specific forms of restriction or resilience. These limitations underscore the importance of interpreting academic freedom within its political, historical and institutional contexts rather than relying solely on comparative metrics.

International human rights law protects academic freedom especially through the rights to education, science, freedom of expression, and freedom of association, as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), particularly Articles 8, 13 and 15 (CESCR 1999: paras 38–40, CESCR 2020: para 45), and the International Covenant on Civil and Political Rights (ICCPR), particularly Articles 19 and 22 (Kaye 2020). International standards recognise academics and students' freedom to teach, research, publish and participate in public debate and engage professional associations without fear of discrimination or repression.

Academic freedom in Africa is neither a foreign nor recent concept (Nhemachena and Mawere 2022). African scholars and institutions have long articulated its importance through home-grown normative frameworks that both predate and complement global standards (Oloka-Onyango 2024: 3). African intellectual traditions and institutions have long recognised the importance of scholarly inquiry, debate and institutional autonomy such as University of Al-Azhar, **Egypt**, and University of al-Qarawiyyin, **Morocco** (Hardaker and Sabki 2012: 106). These histories complicate narratives that present academic freedom as a recent or externally derived concept.

The African Charter on Human and Peoples' Rights (African Charter) guarantees equality and non-discrimination (Articles 2 and 3), dignity (Article 5), freedom of expression (Article 9), freedom of association (Article 10) and the right to education and participation in cultural life (Article 17). These provisions impose obligations on states to refrain from interference and to create enabling conditions for academic inquiry and institutional autonomy. In 2010, the African Commission on Human and Peoples' Rights (ACHPR) adopted the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter (Nairobi Reporting Guidelines) (ACHPR 2010). Guideline 71(j) expressly recognises, under Article 17 of the African Charter, the obligation of states to guarantee academic freedom and institutional autonomy within higher education institutions. Guideline 71(l) further situates higher education within a broader human rights and development framework, requiring universities to contribute to economic, social, cultural and human development, as well as to the promotion of freedom and human dignity. The subsequent Declaration of Principles on Freedom of Expression and Access to Information in Africa (ACHPR 2019) affirms the right to seek, receive and impart information and ideas, providing an important normative framework for intellectual and scholarly expression. Similarly, the African Union's Continental Education Strategy for Africa (CESA 2016–2025) promotes the development of a qualitative education and training system aimed at equipping the continent with human resources grounded in African core values and capable of advancing the African Union's broader vision and ambitions.

The interpretive development discussed above was judicially reinforced in *Good v Republic of Botswana* (ACHPR 2010). Regional jurisprudence on academic freedom remains limited, but decisions of the ACHPR have addressed related protections through the broader rights to freedom of expression and association under the African Charter. In *Constitutional Rights Project v Nigeria* (ACHPR 1998), *Media Rights Agenda v Nigeria* (ACHPR 2000) and *Zimbabwe Lawyers for Human Rights v Zimbabwe* (ACHPR 2009), the Commission emphasised that state interference in intellectual debate and civil society undermines democratic governance, principles that are closely linked to the protection of academic autonomy. At the continental policy level, the Statute of the Pan African University (AU 2013, revised 2016) recognises academic freedom, institutional autonomy

and accountability as foundational principles of higher education in Africa's development agenda. Parallel developments include the Kampala Declaration on Intellectual Freedom and Social Responsibility (CODESRIA 1990), the Juba Declaration on Academic Freedom and University Autonomy (CODESRIA 2007) and the Dar es Salaam Annex (CODESRIA 2025).

While the African human rights system contains a dense normative framework relevant to academic freedom, its formal recognition and practical effect should not be overstated. Historically, academic freedom has rarely been explicitly protected in African constitutional orders. With the notable exception of **Somalia** at independence, most postcolonial constitutions omitted direct reference to academic freedom, with more explicit protections only emerging during the post-Cold War constitutional reforms of the 1990s. Even where such provisions now exist, their impact has been limited, with persistent gaps between formal guarantees and lived realities within universities.

Furthermore, universities operate in contexts characterised by concentrated executive power, economic precarity, limited institutional safeguards and heightened contestation around religion, gender and sexuality (Oloka-Onyango 2024). In fact, religion has historically played a central role in shaping moral authority, governance norms and social identities across many African societies (Kaoma 2023; Tamale 2014). During the postcolonial period and processes of decolonisation, African states experienced profound political and social transformations that reconfigured relationships between individuals, communities and religious institutions (Nana 2019). In these contexts, religion has been mobilised within political discourse as a marker of identity and social legitimacy, reinforcing divisions between groups in ways comparable to the historical use of race as a political category (Nana 2019). These dynamics help explain why scholarship interrogating religious authority, challenging patriarchal or heteronormative structures, or engaging sexual and gender diversity is frequently met with administrative sanctions, political interference, public vilification or informal pressures that foster self-censorship (Sawyerr 1996: 283). The securitisation of campuses, arbitrary arrests of student demonstrators and disproportionate use of force (Sawyerr 1996: 283) further undermine institutional autonomy and violate binding obligations under the African Charter.

Critical knowledge does not unsettle power simply by being published. While activist scholars deliberately move between research, litigation, advocacy, and movement-building to translate evidence into institutional and social change, much academic work remains confined to journals and conferences, insulated from the very struggles it seeks to explain. Academic freedom cannot be defended as a right to produce knowledge alone, it must also protect and value the conditions that enable scholars to mobilise knowledge in public, challenge entrenched norms, and stand in solidarity with those whose lives are shaped by the debates they study. When academics are deterred from engaging openly with contested themes, regional accountability mechanisms are deprived of critical research, contextual expertise and independent analysis necessary for principled adjudication and standard setting.

Contemporary restrictions on academic freedom must also be understood within the enduring legacies of colonialism (Zembylas 2025). In this context, scholarship on sexuality and gender diversity is often framed as 'un-African', reflecting historically constructed contestations rather than inherent cultural truths. Academic freedom is therefore constrained not only through formal legal mechanisms, but also through culturally embedded narratives shaped by colonial restructuring.

A further, underexplored dimension of this challenge is the limited engagement of academic communities with the African regional human rights system. Although universities and scholars play a central role in normative development, teaching and research across many African institutions continue to prioritise international human rights frameworks while comparatively neglecting African mechanisms. Questions of religion, gender and sexuality frequently intersect with political authority, nationalism, religious legitimacy and moral regulation, making them especially vulnerable to censorship and political contestation.

This policy brief argues that academic freedom is essential to democratic governance and to the effectiveness of the African human rights system, particularly in relation to religion, gender and sexuality. It addresses three interrelated questions: how legal, political, administrative and social constraints shape academic engagement with contested issues; how these constraints affect the functioning and normative development of regional human rights institutions; and what reforms are needed to strengthen protections for academic freedom. Adopting a human rights-based approach, the paper proposes policy responses aimed at enhancing accountability, stronger links between academic institutions and human rights mechanisms, improved protections for academic associations and reinforced safeguards for institutional autonomy.

Problem description

The African human rights system formally recognises academic freedom, institutional autonomy and knowledge production as essential to democracy, development and human rights protection (Masingi 2006). Yet in practice, the system often relies on constrained, filtered and externally shaped forms of knowledge, particularly on contested issues such as religion, gender and sexuality (Kaoma 2023: 340). This gap between normative commitments and lived realities reflects not only episodic violations of academic freedom, but also the systematic narrowing of the channels through which rigorous, contextually grounded scholarship informs regional accountability mechanisms (Sawyerr 1996: 283). The result is a weakened epistemic foundation for the African human rights system at a time when contested debates demand sustained and critical intellectual engagement.

a. Donor dynamics and epistemic dependency

A central structural challenge to academic freedom within the African human rights system lies in the political economy of knowledge production (Ndlovu and Woldegiorgis 2024). Chronic underfunding of universities and civil society organisations (CSOs), intensified by structural adjustment policies and declining public investment in higher education, has created deep dependence on foreign donors (Sawyerr 1996: 285). Although this support, often from Western governments and foundations, remains indispensable, it can shape research priorities, methodologies, reporting cycles and the boundaries of acceptable analysis.

Research aligned with dominant global policy discourses tends to circulate more easily within regional and international spaces than scholarship grounded in local religious interpretation, indigenous moral reasoning, linguistic diversity or community realities. These dynamics risk reproducing Eurocentric epistemologies by privileging externally validated paradigms over locally rooted intellectual traditions and lived experiences (Zeleza 2003: 177). Dependence on external funding often reinforces unequal knowledge hierarchies, shaping whose knowledge is legitimised, whose voices are amplified and whose scholarship is marginalised (Appiagyei-Atua 2025). The erosion of academic freedom is therefore inseparable from the unfinished decolonial transformation of higher education on the continent (Ibonvbere 1993).

The drafting and negotiation of the AU-CEVAWG illustrates these tensions. While the Convention reflects an important normative commitment to combating gender-based violence, its development process revealed structural weaknesses, including limited public participation, insufficient integration of independent and locally grounded scholarship, and compromises shaped by political sensitivities rather than sustained interdisciplinary engagement (AU-CEVAWG 2025). During negotiations, several member states raised objections to provisions perceived to conflict with religious or cultural norms, advocating narrower protections. Similar tensions emerged in relation to the Maputo Protocol, where several states entered reservations to provisions on reproductive autonomy, inheritance and divorce, often invoking religious doctrine or cultural values (ACHPR 2025: Res 632 (LXXXII)). These dynamics demonstrate the need to address epistemic dependency as part of broader efforts to protect academic freedom within the African human rights system.

b. Institutional knowledge gaps within regional mechanisms

Compounding donor-driven distortions is the uneven presence of deep scholarly and interdisciplinary expertise within some regional accountability bodies (Ibonvbere 1993). While the ACHPR and the African Court on Human and People's Rights (A*f*CHPR) possess formal mandates to interpret and apply the African Charter, appointments to serve as commissioners, experts or quasi-judicial members do not always prioritise sustained engagement with evolving jurisprudence or complex scholarly debates on religion, gender, sexuality (Nxumalo 2023). Mechanisms may become vulnerable to simplified moral arguments, populist narratives or instrumentalised claims of 'African values'. A direct example is the withdrawal of observer status followed pronouncements by the AU Executive Council, which had urged the ACHPR to align its consideration of observer status applications with so-called 'African values' (AU 2015). As a result, in 2018 the ACHPR withdrew the observer status of the Coalition of African Lesbians, a decision widely understood as reflecting direct political pressure from member states. This tension is also reflected in jurisprudential practice. In *Senate Masupha & Others v the* Kingdom of Lesotho, while the Commission addressed issues of gender discrimination in chieftainship succession, a dissenting opinion underscored the need for a more rigorous and contextually grounded engagement

with both customary law and evolving human rights standards (ACHPR 2025). This gap is particularly consequential in religiously framed objections to women and sexual rights.

c. Retaliation against engagement with regional mechanisms

Scholars engaging with human rights mechanisms increasingly face surveillance, harassment, administrative sanctions and legal restrictions, particularly when addressing politically sensitive issues. In numerous African states including **Uganda**, **Zimbabwe**, **Ethiopia**, **Egypt** and **Nigeria** such engagement is increasingly framed as political opposition rather than legitimate participation in public affairs. Governments deploy restrictive non-governmental organisation (NGO) laws, cybersecurity statutes, public order acts, counter-terrorism frameworks and morality provisions to curtail freedoms of expression, association and assembly (Shonhiwa 2024). Academics documenting violations related to religion, gender or sexuality face surveillance, harassment, smear campaigns, arbitrary arrests, travel bans and threats to professional standing (Tamale and Oloka-Onyango 1997: 180). On campuses in countries such as **Egypt**, scholarship interrogating gender inequality and the religious foundations of personal status laws operates within a deeply constrained intellectual environment. Religion has become such a dominant cultural paradigm and ideological framework within Egyptian society and academia that 'few academic researchers attempt to challenge issues relating to gender inequalities which are enshrined in the current interpretation of religious texts' (Farah 1994). In some contexts, repression is subtle but effective: malicious transfers, denial of promotion, short-term contract renewals or disciplinary proceedings triggered by classroom content perceived as politically sensitive (McKenna et al 2025). Universities and scholars must weigh personal safety, institutional survival and funding risks against engagement with regional accountability bodies. The result is a narrowed pipeline through which independent, evidence-based scholarship can reach the ACHPR or A*f*CHPR.

d. Weak knowledge pathways to the regional level

Although regional normative standards affirming academic freedom exist, academic institutions are constrained by external pressures from governments, globalisation and societal norms, as well as university governance issues (Sawyerr 1996). This creates a practical 'knowledge bottleneck'. Contested scholarship is often suppressed domestically and therefore fails to meaningfully inform the regional mechanisms standard-setting, reporting procedures or thematic work (Mtawa, Kahangwa and Ngidos 2025). In fact, gender and sexuality debates are particularly fraught, with African universities often failing to address gender discrimination, sexual harassment and the rights of sexual and gender minorities (Oloka-Onyango 2024: 7). The rise of laws like **Uganda**'s Anti-Homosexuality Act (2023) exemplifies how state and societal intolerance can directly undermine academic freedom (Oloka-Onyango 2024: 7). The impact extends beyond formal prohibition to shape everyday academic practice in more subtle but equally restrictive ways. In contexts such as **Uganda**, Burkina Faso, Niger, **Ghana**, **Senegal** and **Nigeria**, scholars may avoid certain research topics, modify curricula or limit classroom discussion to mitigate personal and institutional risk. This produces patterns of self-censorship that are difficult to document but deeply consequential for knowledge production. The broader political and social environment creates conditions in which engagement with issues of sexual orientation and gender identity may expose academics to professional sanction, public vilification or criminal liability. The result is a narrowing of the epistemic space within which universities can operate, with direct implications for both domestic discourse and the development of regional human rights norms.

Simultaneously, systemic non-compliance with human rights-related recommendations and decisions under regional mechanisms undermine confidence in regional engagement. States frequently ignore findings, delay implementation, withhold financial contributions, fail to submit periodic reports, politicise appointments or withdraw declarations allowing individual and NGO access to the court (Chenwi 2021; Ayyoub Jamali and Faix 2023; Del Rivero and Calcáneo Sánchez 2024). This constellation of obstruction fosters a climate in which academic institutions hesitate to engage regionally. Without reliable protection or implementation guarantees, participation becomes risky and potentially futile. The African human rights system thus risks operating with progressive standards but fragile epistemic foundations.

e. Dual tyranny: domestic repression and external epistemic control

The persistence of these structural challenges reflects what may be described as a dual tyranny confronting academic freedom in Africa (Mazrui 1975). Domestic tyranny manifests through political repression, anti-intellectualism and executive dominance embedded in certain postcolonial governance traditions. Universities are frequently perceived as

sites of political risk rather than as public goods (Mazrui 1975). In **Zimbabwe**, executive control over university governance has entrenched state oversight (Mushawatu 2022), in **Uganda**, documented 'silent attacks' at Makerere University including malicious transfers and police crackdowns have eroded institutional autonomy (McKenna et al 2025) and in **Nigeria** and **Ghana**, regulatory interventions have curtailed self-governance of universities (Kyei-Nuamah 2026). As a case in point, In **Uganda**, a prominent feminist academic was detained for more than 16 months, reportedly in connection with anti-government posts shared on social media (WGAD 2017). External epistemic control operates through global knowledge hierarchies that privilege Eurocentric paradigms (Murove and Mazibuko 2009). African scholars are often positioned as consumers rather than producers of theory, compelled to align with externally validated frameworks to secure funding or publication (Mutua 2025).

While political interference, securitisation of dissent and anti-intellectualism remain real and documented concerns in many contexts, the picture is not uniform across the continent. The case of **Algeria** illustrates this complexity. Successive governments repeatedly emphasised the central role of universities and research institutions in national development, social transformation and democratic deepening (Rebai Maamri 2012). Public discourse framed higher education as a vehicle for economic modernisation, technological advancement and improved living standards. Significant financial investment was directed toward scientific research, technological development and the establishment of specialised national schools in fields such as engineering, management, journalism and political science, operating alongside traditional universities. Yet this formal recognition of the strategic value of higher education did not automatically translate into robust protection of academic autonomy. State-led expansion and investment coexisted with structural tensions between governmental priorities and institutional independence (Rebai Maamri 2012).

Within this dual tyranny, feminist theory and ethics illustrate both the transformative potential of academic freedom and the resistance it encounters. As a theory of knowledge and an intellectual practice, feminism deconstructs the epistemological foundations of patriarchy and advances the emancipation of women as both subjects and producers of knowledge (Mama 2011). Yet discourse on academic freedom and intellectual responsibility within many African universities has rarely created sustained space for feminist ethics (Mama 2011). Feminist scholars have often struggled for institutional recognition, resources and protection, particularly when their work challenges religious authority or patriarchal governance structures (Mama 2011). Their marginalisation demonstrates how domestic repression and external epistemic hierarchies intersect to constrain transformative knowledge production.

f. Cumulative impacts on democracy and regional accountability

These dynamics produce a profound crisis of academic freedom and intellectual autonomy in Africa. Self-censorship, apoliticism and migration become rational responses to insecurity. Universities struggle to maintain social legitimacy amid claims of elitism, ideological bias or detachment from ordinary citizens (Arowosegbe 2025). The African human rights system is deprived of the pluralistic, contextually grounded scholarship which needs to address contested debates on religion, gender norms and sexuality. Processes such as the drafting and negotiation of CEVAWG offer illustrative examples. While this Convention represents a laudable normative commitment to addressing gender-based violence, its development exposed significant structural and epistemic weaknesses in knowledge production. Consultations were often dominated by state actors and externally funded policy frameworks, while critical perspectives from feminist scholars and CSOs were only partially reflected in the final text. Additionally, debates around sexual and reproductive rights and harmful practices revealed instances where normative outcomes were shaped more by political compromise and sensitivity to state concerns than by sustained, contextually grounded human rights reasoning (AU-CEVAWG 2025). Without confronting these challenges, the system will continue to reproduce shallow, defensive or externally framed approaches to pressing questions. Protecting and strengthening academic freedom is not a peripheral academic concern, it is a structural prerequisite for democratic resilience, intellectual leadership and the credibility and legitimacy of the African human rights system itself (Kratou and Laakso 2022).

Rationale for action

What kind of freedom is academic freedom? Its protection particularly related to contested debates is not an abstract institutional concern. It is a structural necessity for democratic governance, evidence-based policymaking and the credibility of human rights institutions at both domestic and regional levels. Where scholars and students are free to research, teach, publish and debate without fear of sanction or reprisal, they contribute to public reasoning, institutional accountability and normative development. Where such freedoms are curtailed, the integrity of democratic systems and human rights mechanisms is fundamentally compromised. The erosion of academic freedom therefore has direct implications for the African human rights system. Regional accountability mechanisms rely on independent research, documentation and critical legal analysis to inform communications procedures, state reporting processes, thematic mandates and standard-setting activities. When domestic knowledge production is suppressed or distorted, regional mechanisms operate with weakened evidentiary foundations.

Structural inequalities within African knowledge systems continue to marginalise scholarship on gender, sexuality and religion, particularly where universities are compounded by donor dependency, austerity and neoliberal governance models that commodify higher education (Zeleza 2003: 181). Universities are increasingly evaluated through performance metrics, profitability indices and branding strategies, rather than through their contributions to democratic culture and public reasoning (Chapleo 2015). When higher education is reduced to credentialing and market responsiveness, its role as a site of critical inquiry, dissent and knowledge production for the public good is diminished. Legal safeguards remain weakly enforced, executive interference in university governance is normalised and material deprivation erodes the structural conditions necessary for intellectual independence. These failures directly weaken the African human rights system by narrowing the range, depth and plurality of scholarship informing its work.

Notwithstanding these constraints, evidence from practice demonstrates that alternative pathways are possible. Academic staff associations, scholar-led networks and interdisciplinary research communities across Africa have resisted encroachments through strategic litigation, advocacy and coalition-building with CSOs such as the Africa Coalition for Academic Freedom (ACAF). These efforts, however, remain fragmented and uneven. They are frequently constrained by political pressure, self-censorship, fragile legal frameworks and chronic underfunding. Without coordinated and systemic interventions, isolated successes cannot produce durable transformation. The African human rights system itself possesses tools that can be mobilised more effectively. Interpretive clarification of academic freedom within the framework of the African Charter, integration of scholarly expertise into thematic mandates and more robust engagement with universities and research institutions could strengthen accountability and normative coherence.

However, these measures require deliberate prioritisation and structural commitment. The cumulative evidence underscores that business-as-usual approaches are insufficient. Protecting academic freedom cannot rely solely on reactive defence in response to violations or on narrow institutional reforms within individual universities. A more comprehensive strategy is required. This includes deeper research into alternative governance models that strengthen faculty voice and participation in university decision-making, mechanisms that institutionalise collaboration between academic institutions and CSOs and legal safeguards capable of withstanding political pressure. It also requires confronting neoliberal market logics that redefine universities as brands or service providers, thereby eroding their public function.

Policy options

Any policy response aimed at strengthening academic freedom within the African human rights system must begin with a recognition of Africa's profound diverse legal, linguistic, religious, cultural and political. Treating the continent as a single epistemic or normative space risks reproducing the exclusions and silences this policy brief seeks to confront. The following scenarios are presented as a progressive continuum, moving from limited national reforms to a comprehensive and context-sensitive regional framework.

Scenario 1: Incremental national reforms: necessary but insufficient

A first option focuses on strengthening domestic legal frameworks. Constitutional protection of academic freedom across Africa remains uneven. While early post-independence constitutions rarely referred explicitly to academic freedom, later constitutional developments adopted different models of protection. Some states, including **São Tomé and Príncipe**, **Mozambique** and **Angola**, protect scientific or intellectual freedom, while others such as **Kenya**, **Ghana**, **Uganda** and **The Gambia** explicitly recognise academic freedom within broader protections of expression or thought. More recent constitutions in **Morocco**, **Tunisia** and **Libya** also include varying formulations of academic freedom. **South Africa** provides one of the continent's stronger constitutional provisions on academic freedom, though regional protections remain inconsistent overall (Kinzelbach et al 2025). Section 16(1)(d) of the Constitution of South Africa provides a firm constitutional foundation for protecting academic freedom and the freedom of scientific research. It safeguards the ability of academics and researchers to pursue knowledge, engage in critical inquiry as an essential component of the constitutional right to freedom of expression. Under this model, states would:

i. Explicitly enshrine academic freedom and institutional autonomy in national constitutions and legislation;

ii. Reduce executive influence over university appointments and curricula;

iii. Strengthen tenure protections and due process safeguards;

iv. Establish anti-reprisal mechanisms for scholars engaging with regional human rights mechanisms; and

v. Adopt gender-sensitive governance policies addressing harassment and discrimination.

Such reforms are necessary and should be actively pursued. However, constitutional recognition alone has not historically translated into effective protection in practice. Their durability remains contingent on political will and is vulnerable to reversal under populist or authoritarian pressures, particularly in contexts marked by persistent executive interference, weak enforcement mechanisms and institutional fragility, as illustrated in **Tanzania** (Mtawa, Kahangwa and Ngidos 2025). Moreover, there is a significant risk of formal compliance without substantive change, legal guarantees may improve on paper while university governance structures, funding models and everyday institutional practices remain largely unchanged. Incremental national reforms therefore constitute an essential baseline, but they are insufficient as a transformative response to the cited structural challenges across the continent.

Scenario 2: Strengthening existing regional frameworks: an incremental operational approach

A second option operates within the current architecture of the African human rights system and seeks to improve how already recognised rights and standards are interpreted, implemented and enforced. It addresses the gap between existing normative commitments and their practical application by enhancing the operational capacity of regional institutions, particularly the ACHPR and A*f*CHPR. Under this approach, academic freedom would continue to be protected indirectly through established rights under the African Charter such as freedom of expression, association and the right to education while efforts would focus on clarifying and strengthening their application in academic contexts. This could involve:

i. Interpretive clarification within existing mandates, including resolutions or statements that reaffirm the protection of academic freedom as an interdependent dimension of the African Charter.

ii. Improved state reporting procedures, requiring more detailed information on academic freedom,

institutional autonomy and protections for scholars within periodic reports.

iii. Enhanced engagement mechanisms, such as structured consultations between regional bodies and academic institutions, aimed at improving the flow of information and expertise, without restructuring knowledge pathways.

iv. Targeted anti-reprisal measures, including procedural safeguards for academics and institutions engaging with regional mechanisms, though without establishing a comprehensive or standardised accountability regime.

v. Capacity-building initiatives, enabling commissioners, judges and secretariat staff to better engage with complex issues relating to religion, gender, sexuality and academic governance.

This option offers several advantages. It is politically feasible, as it does not require treaty negotiation or the adoption of a new continental instrument. It can be implemented relatively quickly and allows for incremental improvements in protection, visibility and institutional responsiveness. It also builds directly on existing mandates, avoiding duplication and leveraging established procedures.

However, its limitations are significant. This approach does not resolve the absence of a coherent, contextually grounded African standard on academic freedom. Protections remain indirect, unevenly interpreted and vulnerable to political pressure. Without a consolidated framework, academic freedom continues to be treated as a derivative or secondary concern rather than as a clearly defined and autonomous right. Moreover, incremental improvements in procedure and engagement do not fully address deeper structural challenges, including epistemic dependency, conceptual ambiguity and the systemic marginalisation of scholarship on religion, gender and sexuality. While this scenario improves how the system functions, it does not fundamentally transform the normative and epistemic foundations upon which academic freedom in Africa rests.

Scenario 3: A context-sensitive African framework on academic freedom: a sequenced soft law approach (preferred option)

The third and preferred option addresses the absence of a unified and contextually grounded African standard on academic freedom. It entails a transformative yet strategically sequenced approach through the development of a context-sensitive African framework on academic freedom, initially grounded in soft law and progressively consolidated into a more formalised continental instrument. A soft law pathway offers the most feasible and effective means of advancing academic freedom within the current political and institutional landscape of the African human rights system.

This approach prioritises the development of an authoritative, consolidated framework through the interpretive and standard-setting mandate of the ACHPR. This could take the form of principles, guidelines or a General Comment that brings together existing AU instruments, regional jurisprudence and scholar-led declarations into a coherent and operational normative framework. Such an instrument would not merely restate existing protections, but clarify their content, address current gaps and provide practical guidance for implementation. A consolidated African framework on academic freedom should:

i. Provide a comprehensive and context-sensitive definition of academic freedom, encompassing:

- Freedom to teach, research, publish and engage in public debate;
- Recognition of the role of scholars in public debate and democratic discourse;
- Institutional autonomy and collegial self-governance;
- Protection for tenure, due process and freedom from reprisals; and
- Explicit safeguards for engagement with regional human rights mechanisms.

ii. Institutionalise anti-reprisal protections and accountability mechanisms, including:

- Clear standards prohibiting retaliation against scholars engaging with regional and international bodies;
- Monitoring and reporting procedures within regional mechanisms; and
- Rapid-response measures for cases involving intimidation, dismissal or violence.

iii. Address structural inequalities in knowledge production, by:

- Recognising and mitigating donor-driven epistemic dependency;
- Promoting locally grounded, interdisciplinary and contextually relevant research; and

- Encouraging equitable internationalisation that does not reproduce hierarchical knowledge flows.

iv. Embed gender-responsive and inclusive governance, including:

- Explicit protection for scholarship engaging religion, gender and sexuality;
- Institutional commitments to feminist and inclusive academic practices; and
- Mechanisms to address discrimination, harassment and exclusion within universities.
- Ensure multilingual and regionally adapted implementation, recognising the continent's legal, linguistic and socio-political diversity and facilitating broader participation beyond dominant languages.

v. Empower collective academic actors, including:

- Recognition of academic staff associations, student unions and scholarly networks as key stakeholders;
- Protection of freedom of association and expression within academic spaces; and
- Structured participation of academic institutions in regional human rights processes.

This approach recognises that academic freedom cannot be secured solely through formal legal codification, but requires the development of authoritative norms, institutional practices and collective actors capable of sustaining and defending it. While soft law instruments are not legally binding, they play a critical role in shaping interpretation, guiding state behaviour and informing litigation, reporting and advocacy within the African human rights system. Over time, such a framework could lay the groundwork for the progressive development of a binding continental instrument, should sufficient political consensus emerge. However, in the short to medium term, a consolidated soft law approach offers the most realistic and impactful pathway to strengthening academic freedom, enhancing the epistemic foundations of the African human rights system and ensuring that universities remain central to democratic governance and social transformation across the continent.

Policy recommendations

The following recommendations give effect to the preferred scenario of a context-sensitive African framework on academic freedom, advanced through a sequenced soft law approach. Accordingly, the recommendations are grounded in the understanding that academic freedom is not only an individual right, but a structural condition to produce knowledge essential to the legitimacy and effectiveness of the African human rights system.

To regional human rights bodies:

- Adopt interpretive guidance clarifying academic freedom obligations under the African Charter.
- Recognise academic freedom, scientific research and institutional autonomy recognised as **interdependent dimensions** of the rights to education, science, freedom of expression and freedom of association.
- Recognise reprisals against academics cooperating with regional bodies should be explicitly recognised as violations of the African Charter.
- The ACHPR should further develop a General Comment, interpretive resolution or dedicated principles **clarifying state obligations** to protect scholars and academic institutions, particularly when engaging at both national level and regional mechanisms on contested issues such as religion, gender and sexuality.
- Systematically integrate **academic freedom indicators** into state reporting procedures, concluding observations and follow-up mechanism to strengthen accountability.
- Require **states reporting** on protections for institutional autonomy, tenure security, due process and safeguards against reprisals.
- Give consideration to establishing a **dedicated working group or committee** on academic freedom and knowledge production within the regional system.

- Further develop **formal protocols** to prevent and respond to reprisals against scholars, universities and CSOs. This includes the creation of confidential reporting channels and rapid-response procedures in cases involving intimidation, arrest, dismissal or violence. Public condemnation of such reprisals should be consistently linked to broader assessments of state compliance with the African Charter.

- Strengthen **institutional expertise on contested thematics** through regular engagement with universities and research institutions.

- Institutionalise structured, inclusive and multilingual **dialogue** with universities and research institutions across North, West, East, Central and Southern Africa to strengthen the **integration of scholarly expertise** into regional human rights processes.

To national governments:

- Align state-level reforms with, and give effect to, the regional soft law framework on academic freedom.

- As a state primary responsibility, create enabling conditions for academic freedom more than a formal recognition.

- Explicitly protect academic freedom and the freedom of scientific research in constitutions or national legislation, supported by higher education laws that guarantee institutional autonomy, collegial governance, tenure security and due process.

- Curtail undue executive influence over university leadership appointments, curricula and research agendas to safeguard the independence of academic institutions and the integrity of knowledge production including research and teaching on contested issues such as religion, gender and sexuality.

- Cease using funding mechanisms, accreditation processes or security legislation to discipline critical scholarship: university councils, senates and disciplinary bodies must operate independently from political interference including where scholarship challenges dominant religious, cultural, gender or sexuality norms.

- Address material conditions, increasing public investment in higher education.

- Prioritise scholarship and intellectual productivity in remuneration systems to reduce incentives for self-censorship and brain drain, particularly in politically or socially contested fields.

- Support sustainable domestic funding models as necessary to reduce structural dependence on external donors.

To universities and academic institutions:

- Play a **proactive role** in shaping and supporting the development and implementation of regional academic freedom standards.

- Reaffirm their **public mission** as spaces of critical inquiry and democratic deliberation, with the adoption of clear **internal frameworks** that protect academic freedom, uphold institutional autonomy and provide safeguards against reprisals for scholars and students.

- Strengthen **collegial governance** through meaningful participation of academics and students in decision-making bodies.

- Make independent **grievance and appeals mechanisms** accessible to staff and students.

- Review curricula and research priorities to centre African epistemologies and lived realities, and explicitly support scholarship on religion, gender and sexuality as legitimate and essential fields of inquiry.

- Prioritise **gender-responsive governance**, addressing structural inequalities, strengthening policies against harassment and discrimination, and protecting feminist, queer and religion-critical scholarship.

- Encourage **multilingual dissemination practices** for language justice.

- Engage with marginalised communities as partners in knowledge production, strengthening public trust and social legitimacy.

To academic unions, staff associations and scholarly networks:

- As frontline defenders of **intellectual autonomy**, strengthen protections for tenure, due process and institutional governance.

- Use strategic litigation, public advocacy and media engagement to **challenge violations** of academic freedom.
- As regional and pan-African academic networks, continue to build to reduce individual vulnerability and amplify collective voice.
- As unions and associations, educate academics about their rights and available **avenues for redress** at domestic and regional levels.

To donors, development partners and international actors:

- Align donor engagement with the principles of the regional human rights framework on academic freedom, ensuring that funding practices support (rather than undermine) locally grounded knowledge production and institutional autonomy.
- As external actors, take care not to reproduce patterns of epistemic dependency by shaping research agendas or privileging externally defined priorities. Instead, funding models should prioritise **independence**, **transparency** and **contextually relevant scholarship**.
- Avoid conditionalities that encourage 'safe' or externally framed research, particularly in relation to contested issues such as religion, gender and sexuality.
- Invest in long-term, flexible support for regional academic networks and observatories that monitor violations of academic freedom.

Cross-cutting implementation principles:

- Across all levels, academic freedom must be treated as a **public good** essential to democracy, accountability and the realisation of other rights.
- Legal recognition must be accompanied by **enforcement**, **monitoring** and **institutional cultural change**.
- Implementation must reflect Africa's legal, linguistic, religious and political **diversity**, avoiding one-size-fits-all approaches.
- **Feminist, queer and religion-critical scholarship** must be protected as integral to human rights discourse.
- Universities must not be reduced to market actors governed solely by profitability metrics. Their public function as spaces of **critical knowledge production** must be preserved.

Conclusion

Africa's academic freedom crisis is not caused by the absence of norms. The continent already possesses a substantial normative framework through international law, the African Charter, ACHPR instruments and scholar-led declarations. The real problem lies deeper in governance failures, epistemic dependency, political interference, cultural contestation and the enduring afterlives of colonialism. What is at stake is not merely the protection of individual scholars, but the intellectual integrity of the African human rights system itself. A regional system that cannot protect independent knowledge production ultimately weakens its own legitimacy, credibility and capacity for accountability.

Across the continent, academic freedom remains vulnerable to state repression, donor influence, institutional fragility and shrinking civic space. These pressures are most visible in debates on religion, gender and sexuality, where scholarship is too often dismissed as politically dangerous, culturally illegitimate or 'un-African'. The result is a narrowing of the epistemic space through which rigorous, contextually grounded research can inform regional decision-making. When scholars are silenced, intimidated or structurally excluded, human rights institutions are left operating with partial, filtered or externally shaped knowledge precisely when principled and evidence-based engagement is most needed.

Protecting academic freedom therefore requires more than condemning isolated violations. It demands a systemic response that strengthens legal guarantees, institutional autonomy, regional engagement and epistemic diversity. Africa cannot build a credible and transformative human rights system while marginalising the very intellectual communities capable of interrogating power, producing knowledge and expanding democratic imagination. The development of a context-sensitive African framework on academic freedom, advanced through a gradual soft-law approach, offers a most realistic and durable path forward.

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