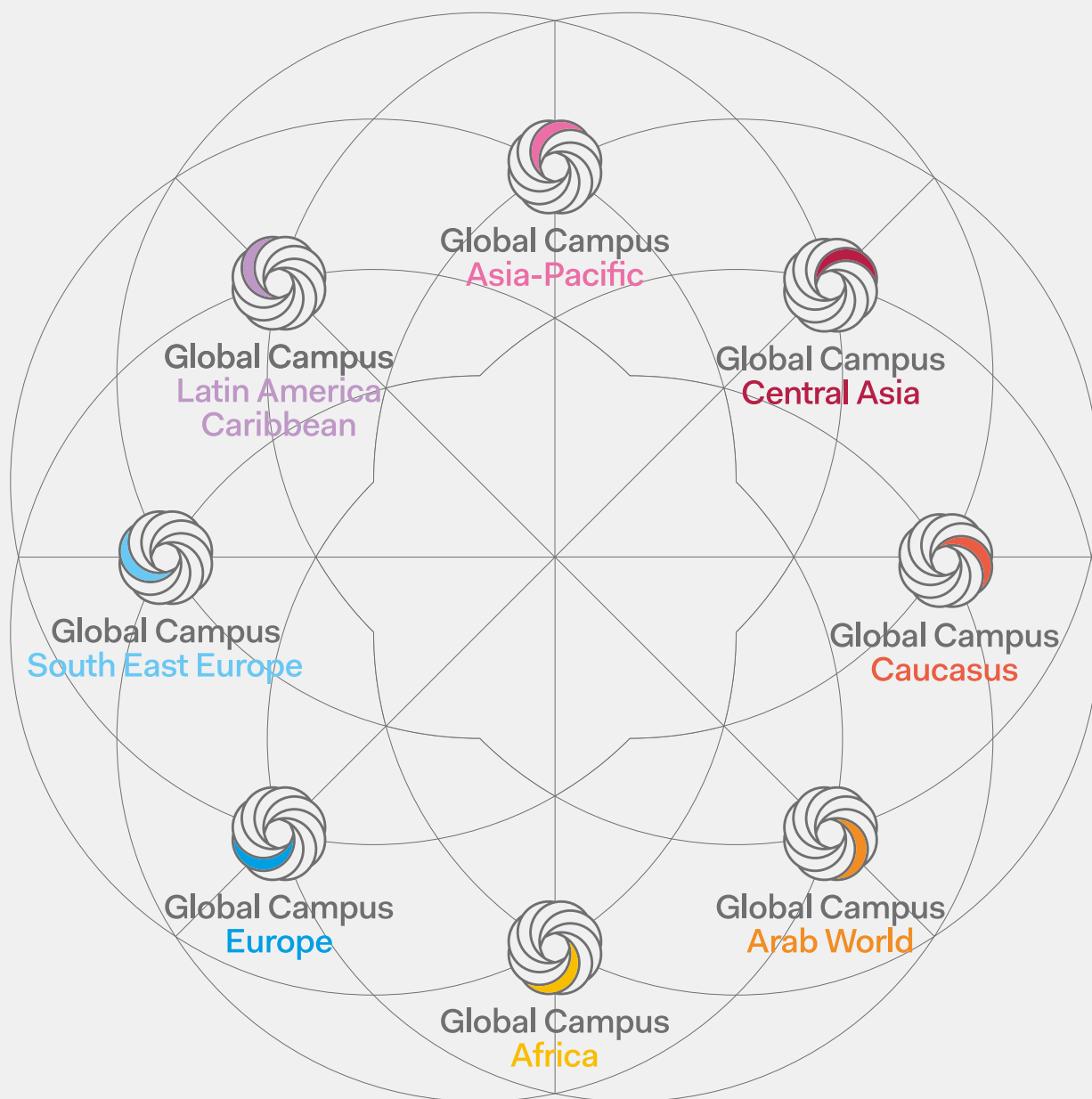

Chiara Altafin

Advancing and upholding a human rights-based approach to academic freedom: reflections on research findings in eight regions





Global Campus of Human Rights

This policy brief is part of the **7th edition of the Global Campus Policy Observatory**, which revolves around the research project on 'Protecting, promoting and enjoying academic freedom: trends, challenges and impacts from a human rights-based approach', which was conceptualized and led by GC Research Manager Dr. Chiara Altafin and involves a team of eight policy analysts selected among alumni* of GC regional programmes, namely Meline Avagyan (CES - GC Caucasus), Anida Gjurgjiali (ERMA - GC South East Europe), Lakshita Kanhiya (HRDA - GC Africa), Luis Fernando Herrera Martínez (LATMA - GC Latin America and the Caribbean), Mostafa Masjedi Arani (ArMA - GC Arab World), Minh Nguyen (APMA - GC Asia Pacific), Dr. Nikolaos Sousos (EMA - GC Europe), and Akylai Tenizbaeva (MAHRS - GC Central Asia). Research outputs include workshop presentations, policy briefs, advocacy plans, and webinars held in cooperation with the GC E-Learning Department.

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Advancing and upholding a human rights-based approach to academic freedom: reflections on research findings in eight regions

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Executive summary

This policy brief builds on the research findings of qualitative and quantitative analyses undertaken, with a multidisciplinary approach along with the application of a human rights-based approach (HRBA) as common denominator, in eight regions (ie, Africa, Asia-Pacific, Central Asia, South Caucasus, Europe, Southeast Europe, Latin America, and Middle East and North Africa), in relation to key issues and case studies selected to investigate trends, challenges and impact in the promotion and protection of academic freedom as a fundamental human right. It provides an overview of selected issues, traditional and new threats, emerging trends in terms of responsibilities and protection mechanisms, impact on other human rights and the functioning and normative development of human rights institutions, and policy recommendations. These research findings shed light on a rights-based understanding of different scenarios and methodologies used to curtail academic freedom depending on various contexts in the world. On this basis, the policy brief elaborates further what a HRBA to academic freedom entails. It contributes to call for a stronger acknowledgement of the rights-based dimension of academic freedom, at all levels, to ensure its effective promotion, protection and realisation. It argues that under this approach academic freedom also serves as an enabling right for broader democratic participation and progress and an essential public good that generates benefits for the society. The aim is to provide thoughtful consideration and insight for stakeholders such as states, policymakers, higher education institutions and civil society, supporting that a HRBA is explicitly placed at the heart of the ongoing debate about academic freedom.

Introduction

Academic freedom has been progressively addressed as a **multifaceted human right at the international level**. Although not included in the text of any international treaties as a standalone right, academic freedom has been **legally grounded in various interdependent provisions of international human rights law**, primarily those enshrining the right to education (CESCR 1999: paras 38–40 and 42; Shaheed 2024: paras 30–41), freedoms of opinion and expression (HRC 2011: para 9; Kaye 2020: paras 15–20) and the right to science (CESCR 2020: paras 13, 22 and 46), and it has been intrinsically linked to the effective enjoyment of other rights and freedoms. In this vein, especially the International Covenant on Civil and Political Rights (ICCPR 1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966) can be relied on to promote and protect multiple aspects of the right to academic freedom.

Nonetheless, key **non-binding standard-setting instruments** of the UNESCO General Conference contribute to address the scope of academic freedom, especially the Recommendation concerning the Status of Higher-Education Teaching Personnel (RecSHETP) (UNESCO 1997), the Recommendation on Science and Scientific Researchers (UNESCO 2017: Preamble), the Recommendation on Open Science (UNESCO 2021) and the Recommendation on the Ethics of Artificial Intelligence (UNESCO 2021). Notably, RecSHETP unveils a **certain international consensus** on the meaning of academic freedom and related responsibilities as well as on its link with academic self-government. Precisely, it defines academic freedom as ‘the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies’ (UNESCO RecSHETP 1997: para 27). In the Preamble it also affirms that ‘the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom’ and that ‘open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research’. RecSHETP core points regard **institutional autonomy** (para 17), which is defined as ‘that degree of self-governance necessary for effective decision making by institutions of higher

education regarding their academic work, standards, management and related activities’, and which is set within both the state (‘consistent with systems of public accountability, especially in respect of funding provided by the state’) and national contexts (‘the nature of institutional autonomy may differ according to the type of establishment involved’); **individual rights and freedoms** (para 27); **self-governance and collegiality** (paras 31–32); and **tenure** (para 46).

Significantly, academic freedom is seen as a *sine qua non* for the proper functioning of modern universities, also enabling them to serve the **common good of societies** through seeking and disseminating knowledge and understanding as well as through advancing independent, critical thinking and expression in academic staff and students (Vrieliink et al 2023: 14). Academic freedom is also acknowledged as an essential element in the building of **free and democratic societies** (eg, UNESCO 1997: para 27; Kaye 2020: para 20; Maassen et al 2025), as crucial as free press or independent judiciary, also exploring the **democratic justification** of it and related premises (eg, education of ‘a democratic citizens’, verification of truth claims and stronger accountability structures) (Ceran 2025: 305–307) or the relationship with the **rule of law** and their ‘mutually reinforcing’ protection (Ceran 2025: 309–310; Ceran 2026). Overall, academic freedom is deemed of paramount importance not only for learning, teaching, research, creativity and innovation, but also for democratic processes, pluralism, social and cultural understanding and cohesion, and economic prosperity, for sustainable, rights-respecting societies (Quinn and Levine 2014: 901–902, including footnote 16; SAR Europe 2025).

Regional legal and policy frameworks have shaped to various degrees the protection of academic freedom from a human rights perspective within intergovernmental organisations such as the Organisation of American States (OAS), the African Union (AU) and the Council of Europe (CoE), as well as a supranational organisation like the European Union (EU):

- **The American Declaration of the Rights and Duties of Man** refers to the right of every person ‘to ... participate in the benefits that result from intellectual progress, especially scientific discoveries’ (ADRD 1948: Article XIII). Under the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (**Protocol**

of San Salvador 1988) states parties ‘undertake to respect the freedom indispensable for scientific research and creative activity’ (Article 14).

Nonetheless, the **Inter-American Principles on Academic Freedom and University Autonomy Rights** are the first regional instrument to recognise academic freedom as ‘an independent and interdependent human right, which enables the exercise of a series of other rights’ (IACHR 2021: Preamble) and that it has individual, institutional and collective dimensions related to the production, teaching, dissemination and public accessibility of knowledge. Established by the Inter-American Commission on Human Rights (IACHR) to promote standards under Article 106 of the OAS Charter and Article 41(b) of the American Convention on Human Rights (ACHR) and Article 18(b) of its Statute, these soft law norms fill a ‘normative vacuum’ by compiling international standards and offering OAS member states an authoritative roadmap to integrate them into national systems either as constitutional or legal reforms and university regulations (Gomez-Gamboa and Villalobos-Fotalvo 2023: 70–74; Salvioli and Urbina 2024: 57), besides providing the IACHR with a critical opportunity to develop regional indicators with a monitoring and accountability mechanism.

- The **African Charter on Human and Peoples’ Rights** (AU 1981) does not explicitly guarantee academic freedom, but the African Commission on Human and Peoples’ Rights (ACHPR) recognised the need for states to refrain from suppressing academic expression as encompassed by Article 9 on freedom of expression (*Kenneth Good v Republic of Botswana*: paras 199–200). Other rights enshrined in provisions such as Articles 2, 3, 5, 10 and 17 are relevant as well. In the **Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter** (ACHPR 2010), Guideline 71(j) defines as one obligation under Article 17 that state parties ‘ensure academic freedom and institutional autonomy in all institutions of higher learning’, referring to Article 2(g) of the 1997 South African Development Community, Protocol on Education and Training and the 1997 UNESCO RecSHETP. Guideline 71(l) also affirms state parties’ obligation to ensure that higher education institutions contributed to ‘economic, social, cultural and human development’ and ‘the promotion and protection of freedom and dignity’. The AU political commitment to ‘academic freedom, autonomy and accountability’ as well as its link to development

is reaffirmed in Articles 2(1)(a), 3(b) and 4 of the **Statute of the Pan African University** (AU Assembly 2013 and revised 2016).

- The European Court of Human Rights (ECtHR) case law has subsumed academic freedom under the freedom of expression protected by Article 10 of the **European Convention on Human Rights** (ECHR 1950), which allows limitations ‘prescribed by law’ and ‘necessary in a democratic society’, ‘in the interests of national security, territorial integrity or public safety’, to prevent ‘disorder or crime’ or ‘the disclosure of information received in confidence’, protect ‘health or morals’ or ‘the reputation or rights of others’ or maintain ‘the authority and impartiality of the judiciary’. As outlined by the ECtHR, ‘academic freedom ... should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction’ (*Kula v Turkey*, para 38; see also *Sorguç v Turkey*, para 35; *Lombardi Vallauri v Italy*, para 43). The Court also stressed the role of university autonomy in safeguarding expression (*Kharlamov v Russia*, *Erdoğan and Others v Turkey*) but has not yet considered to what extent the ECHR safeguards institutional autonomy and whether that be under Article 10 or another provision (De Vries 2026). Nonetheless, the Venice Commission’s **Updated Rule of Law Checklist** (2025) stresses the importance of independent academic institutions as part of the civic space that can hold public powers accountable (para 78) and of safeguarding academic freedom (52–54); this development may be seen as elevating academic freedom in the European legal space to a human right with ‘Rule of Law connotations’ (Ceran 2026). In the political sphere, academic freedom and institutional autonomy were advocated in post-socialist member states as part of their democratic transition (Börzel and Spannagel 2025: 89–90). Subsequent CoE policy instruments include the Committee of Ministers’ Recommendation on the responsibility of public authorities for academic freedom and institutional autonomy (CM/Rec(2012)7) and Recommendation on fostering a culture of ethics in the teaching profession (Recommendation CM/Rec(2019)9); the Parliamentary Assembly’s Recommendation 1762(2006) on academic freedom and university autonomy, Recommendation 2189(2020) on threats to academic freedom and autonomy of higher education institutions in Europe and Resolution 2352(2020) on the threats to academic

freedom and autonomy of higher education institutions in Europe; and the 2019 Declaration adopted at the Global Forum on Academic Freedom, Institutional Autonomy and the Future of Democracy. The CoE ‘Academic Freedom in Action’ project then stressed the relevance of safeguarding higher education’s democratic mission, also exploring strategies to address the human rights dimension of academic freedom and the legal system role in protecting it. A move from recognition to action may occur with the possible development of an updated set of recommendations or a legally binding convention on academic freedom.

- In the context of the Bologna Process as an intergovernmental framework established by European states and designed to make higher education standards and qualifications comparable and compatible across borders (Bologna Declaration 1999), the **European Higher Education Area (EHEA)** was launched (Budapest-Vienna Declaration 2010) and developed with three membership categories and a definition of ‘six fundamental academic values’ comprising academic freedom, academic integrity, institutional autonomy, staff and student participation in higher education governance, public responsibility for higher education and public responsibility of higher education. Since 2021 a **Working Group on Fundamental Values** has developed a monitoring and implementation framework. Significantly, the Rome Ministerial Communiqué of the European higher education ministers defined academic freedom as ‘freedom of academic staff and students to engage in research, teaching, learning and communication in and with society without interference nor fear of reprisal’ (EHEA 2020). In the Tirana Ministerial Communiqué (2024) they committed to upholding and adequately monitoring all the cited values.

- The **Charter of Fundamental Rights of the European Union (CFR)** provides in Article 13 that ‘the arts and scientific research shall be free of constraint’ and that ‘academic freedom shall be respected’, with the accompanying Explanations indicating that ‘this right is deduced primarily from the right to freedom of thought and expression’ and that ‘it is to be exercised having regard to Article 1 and may be subject to the limitations authorised by Article 10 of the European Convention on Human Rights’ (CFR 2007: 17). An infringement case (CJEU 2020¹) led to clarify that Article 13 CFR goes beyond freedom of expression and that its second sentence is justiciable (Kosta and Piqani 2022), but it also led to claim that ‘on its own, Article 13 does not give enough legal protection to academic freedom’ (Deketelaere 2022). One reason is that Article 13 has not been extensively explored and its scope remains unclear, including about the distinction between academic and scientific freedom, the related positive obligations, the applicability and interaction between this and other fundamental rights under Articles 11 and 14 CFR or the extent to which the campus context is determinative in this regard (Ceran 2025; Kosta 2025). Another reason is that the Charter applies to EU institutions and bodies but only applies to member states when these are implementing EU law under Article 51 CFR. Considering the limits of EU’s competences (ie, a shared competence in relation to research under Article 4(3) TFEU and a supporting competence in relation to education under Article 6 TFEU, with related harmonisation prohibited under Article 165(4) TFEU) and that education is primarily a member state responsibility, **EU political initiatives** have emerged where academic freedom intersects with freedom of scientific research,² research funding, cross-border mobility and recognition of qualifications or other matters

¹ In the so called Lex CEU case concerning amendments to the Hungarian higher education law that *de facto* targeted the Central European University, *European Commission v Hungary Judgment* C-66/18 (2020), the Court of Justice read Article 13 CFR as protecting both individual and institutional dimensions of academic freedom (paras 226-227); while it found a separate breach of Article 13 CFR, this could only occur because of the applicability of GATS and internal market law, which triggered the Charter application via Article 51(1). For the Court, Hungary’s legislation interfered with EU’s commitment under GATS and Article 49 TFEU regarding the freedom of establishment.

² On the **distinction between these two terms** in the EU context, four points are noteworthy: (1) in *Commission v Hungary* (C-66/18), the CJEU held that academic freedom, as enshrined in the second sentence of Article 13 CFR, includes the ‘freedom to conduct research’ (precisely, para 225 reads: ‘*From that specific perspective, academic freedom in research and in teaching should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and to distribute knowledge and truth without restriction, although it should be made clear that that freedom is not restricted to academic or scientific research, but that it also extends to academics’ freedom to express freely their views and opinions*’ (ECtHR, 27 May 2014, *Mustafa Erdoğan and Others v Turkey*, CE:ECHR:2014:0527JUD000034604, § 40’); (2) in the 2020 **Bonn Declaration** on Freedom of Scientific Research, academic freedom and institutional autonomy, together with reliable and stable institutional financing, were highlighted as necessary prerequisites for the freedom of scientific research; (3) in the 2020 **Rome Ministerial Communiqué** of the EHEA, the Ministers responsible for Higher Education expressed their commitment to strengthening cooperation with the European Research Area and called on the Bologna Follow Up Group to focus in this collaboration, *inter alia*, on safeguarding academic and scientific freedom, without an explicit elaboration of this distinction in the Communiqué or Annex I containing a Statement on Academic Freedom; (4) in the 2024 **EP Resolution** with recommendations to the Commission on the promotion of the freedom of scientific research in the EU, this freedom is interpreted as ‘an essential element of democracy’ and one of the constituent parts of academic freedom. For scholarly diverse views on the two terms, see EPRS 2025: 3.

within the scope of EU law. In the context of the **European Research Area (ERA)**,³ the European Commission's ERA Action 6 sought to safeguard freedom of scientific research and protect 'research and innovation' (R&I) from domestic and foreign threats, with initiatives such as: Horizon Europe Policy Support Facility – Mutual Learning Exercise on tackling foreign interference in 2023–2024; European digital one-stop-shop platform on tackling foreign interference; efforts towards a comprehensive EU monitoring mechanism for freedom of scientific research; and a study providing an evidence base for a legislative proposal to promote and protect freedom of scientific research, namely an ERA Act⁴ which would treat R&I as a 'fifth freedom' within the European single market to boost cross-border scientific progress (European Commission 2025b). Moreover, the report on a proposal for establishing '**Guiding Principles on fundamental academic values**' (European Commission 2026a), which originates in the European Strategy for Universities and is part of the EU's contribution to and development of the broader EHEA, highlights the need to consider the six fundamental academic values of EHEA for EU-specific initiatives and guidelines to (1) concretely relate academic values to the context and current situation in EU member states, (2) connect academic values to EU legislation and (3) support consistent implementation across the EU; the principles are outlined with measures and action points across the academic community and institutions, quality assurance agencies, national public authorities and the EU. Furthermore, the protection of academic freedom has been gradually integrated into the work of the European External Action Service under the EU Action Plan on Democracy and Human Rights 2020-2027 (EEAS 2025).

Significant **initiatives from higher education institutions** have contributed to address academic freedom beyond the state level. For example:

- The **Statement of Principles on Academic Freedom and Tenure** (1940), preceded by a related Declaration (1915), with a Statement on Extramural Utterances (1964) and additional Interpretative Comments (1970), were issued by the American Association of University Professors (AAUP) and the American Association of Colleges and Universities.
- The **Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education** (WUS 1988) was drafted by more than 50 professional organisations with the goal to launch a process of codifying academic freedom at the international level. It defined academic freedom as a human right, also tiding it to science in resolving societal issues and promoting democracy (Börzel and Spannagel 2025: 85–86).
- 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) to the Kampala Declaration were issued by the Council for the Development of Social Science Research in Africa. Related gaps have been also highlighted in relation to the extent to which they recognise the rights of students in general, female academics and students in particular, the university itself, minority groups, the LGBTQ community and students with special needs (Appiagyei-Atua 2026). These documents, especially the Annex, put emphasis on the responsibilities of academics but do not clearly define the rights holders and duty bearers, which could complicate the monitoring process (Mboyonga 2025).
- The **Amman Declaration on Academic Freedom and the Independence of Higher Education and Scientific Research Institutions in Arab Universities** (2004) came out of a conference organised by the Amman Center for Human

³ Launched in 2000 and enshrined as an EU objective in Article 179 TFEU. Relevant **policy documents** include: Parliament Recommendation on the defence of academic freedom in the EU's external action (2018: para 1 (b)); Bonn Declaration on Freedom of Scientific Research (2020); Commission Communication on a new ERA for research and innovation (2020); Council Conclusions on the European Universities Initiative (2021); Council Pact for research and innovation in Europe (2021); Parliament Resolution on a new ERA for Research and Innovation (2021); Commission Communication on a European Strategy for Universities (2022); Parliament Resolution on promotion of the freedom of scientific research in the EU (2024); Commission Communication on the implementation of the European Research Agenda (2024); Council Recommendation on enhancing research security (2024) (stressing that any security measures must promote and defend academic freedom and institutional autonomy); Council Recommendation on the ERA Policy Agenda 2025-2027 (2025); Commission Communication on a Competitiveness Compass for the EU (EC 2025); Council Recommendation on a EU Framework for Science Diplomacy (2026) which grounds the Union's science diplomacy in 'academic freedom and freedom of scientific research' as core principles and values.

⁴ The legislative proposal builds on **existing initiatives** such as the Council Pact for Research & Innovation (2021), the ERA Policy Agendas 2022-2024 and 2025-2027, the Parliament Resolution on promotion of the freedom of scientific research in the EU (2024), the 'Choose Europe for Science' initiative and relevant legislation including related directives, and would aim to overcome structural barriers to fully achieve ERA goals.

Rights Studies (ACHRS). It called for ‘the need to abolish political tutelage from the academic community, and the commitment of public authorities to respect the independence of the scientific community with its three components: professors, students, and administrators’. Academic freedom was declared to include ‘the right to express an opinion, freedom of conscience, [and] the right to publish and exchange information and knowledge’, but also ‘the right of the academic community to self-govern, and to affirm the right of members of the Arab academic body to move across Arab countries, and to communicate with the academic community on the global level’. A second conference discussed possible mechanisms and tools to raise academic freedom standards and develop universities’ partnership with society through conferences and roundtables on a local, regional and international level (Akker 2008). Different concerns regarded the appointment process of university staff, including the rector, curriculum control and assessment, with a consensus for a more sophisticated approach to defending academic freedom in Arab universities. ACHRS held subsequent conferences and seminars to form a draft of the Universal Declaration of Academic Freedom to be shared with UNESCO.

- The **advice paper on academic freedom as a fundamental right** was adopted by LERU – the League of European Research Universities (Vrieliink, Lemmens and Parmentier 2010) and updated with the emergence of new challenges (Vrieliink et al 2023).
- The **European University Association principles and guidelines** (2025) on how individual academics and university communities can protect and promote academic freedom, complemented EUA’s existing work and contributions, also including the idea of ‘creating a culture of academic freedom’ (EUA 2025: 7) and recommending institutions to create policies and toolboxes which ‘should engage the university as a community, from the leadership level to the student body’, also with external stakeholders’ possible engagement and students’ role as individuals entitled to academic freedom.

- The **Statement on Academic Freedom** by the International Political Science Association (IPSA 2026), based on its previous version of 2016, reflects the evolving challenges and institutional development of the past decade, also after its 2025 Guidelines on Academic Freedom Protection Procedures.

Overall, the conceptualisation, legal position and substance of academic freedom as a multifaceted human right seem to be barely crystallised across world regions. A certain diversity of **regional understandings and approaches** to academic freedom has emerged, including attempts to develop new frameworks of reference and new conceptual references for academic freedom at various levels (eg, in Europe see Matei and D’Aquila 2024), or acknowledgements of how the concept has remained ‘poorly understood’ and ‘insufficiently discussed’ with also limited mechanisms to defend it (eg, in Southeast Asian see SEACAF 2026).

However, **threats to academic freedom at all levels of education** have increasingly arisen globally from situations such as geopolitical tensions, armed conflicts, authoritarianism, populist regimes, heightened polarisation based on religion, political divides, misinformation, democratic backsliding, influence of the private sector and commercialisation of academia or other non-state pressures and foreign interference. Over the past decade academic freedom has been deteriorating and remains under attack across regions, political systems and ideologies, in both non-stable and stable countries, democracies and dictatorships alike, with **broad patterns of violations**. For example, restrictions on independent scholarship can arise from *outside* institutions of higher education (through state laws and external regulatory bodies) and also from *internal* cultural processes (eg, of self-censorship) within the academy which limit viewpoint diversity in higher education (Norris 2025). The CoE Academic Freedom Insights series (2025a) addressed the most pressing challenges to academic freedom in Europe and beyond. The European Parliament’s Academic Freedom Monitor mapped structural and legal trends in EU member states and confirmed a continued erosion (EPRS 2024; 2025; 2026). Data from Scholars at Risk’s Academic Freedom Monitoring Project (SAR 2026) and the annual Free to Think reporting series (SAR 2025), as well as the Academic Freedom Index (AFI) (Kinzelbach

et al 2026), document violations⁵ and global trends⁶ and highlight the **need for systemic responses, support and cooperative efforts** at international, regional, national and institutional levels.

Notably, innovative approaches in the form of **regional coalitions for academic freedom** have arisen, with the Scholars at Risk (SAR) network fostering their development as a means of supporting regionally tailored initiatives to protect the right to academic freedom while strengthening cross-regional collaboration. The Coalition for Academic Freedom in the Americas (CAFA), launched in 2021, the Africa Coalition for Academic Freedom (ACAF) and the Southeast Asia Coalition for Academic Freedom (SEACAF), launched in 2024, have each led to a growing membership of supporters, advancing advocacy, research and the monitoring of related violations, and contributing to implement relevant normative frameworks (SAR n.d.). For example, in June 2026 SEACAF along with academic institutions, unions and civil society groups, soft-launched the **Southeast Asia Regional Principle on Academic Freedom**, seeking to create a shared regional standard for protecting the related rights of academics, students, researchers and educational institutions, and calling governments, universities and regional bodies such as the Association of Southeast Asian Nations (ASEAN) to formally endorse and integrate the principle into concrete policies. The document was developed through inclusive consultations and draws from international human rights standards while addressing contemporary challenges specific to Southeast Asia such as direct state interference, surveillance, criminalisation, restrictions imposed through national security policies, institutional pressure, self-censorship driven by fear and precarious employment conditions (North Luzon Monitor 2026).

In relation to the ongoing multi-front, global crisis to navigate, both international human rights law – including its values of dignity, freedom, equality, fairness, welfare and wellbeing – and the wide-ranging human rights movement continue to be challenged and become even more relevant. Based on these premises, it is worth delving into the **rights-based dimension of academic freedom** as well as stimulating reflection and eliciting further discussion about the **impact** that the changing nature of attacks⁷ has on **several rights at stake** and on **related benefits that society is deprived of**, in order to ensure effective safeguards.

Focusing on the higher education level, the chosen perspective of analysis raises broad research questions, also taking into account what renown scholars emphasise as the main dimensions and scope of academic freedom as a fundamental right (Vrieliink et al 2023: 3, 14 and 27–28):

- i. **wide-ranging individual rights to expressive freedoms** (eg, to study, teach, research, publish and disseminate knowledge) for members of the academic community, both staff and students;
- ii. **collective or institutional right of autonomy** for the academy and subsections thereof (universities, departments, faculties, research units, etc), which entails that they as a whole have the right and related obligation to uphold and promote academic freedom principles in internal and external affairs, while being protected against unjustified (eg, political, societal, economic, institutional) interferences;
- iii. **a three-tiered obligation upon the state and related public authorities to respect, protect and fulfil academic freedom**, which implies that they must *refrain* from arbitrary interferences, interferences in associational freedoms of universities and academics, and undue

⁵ For example, as highlighted by Frank Geary, Director of SAR Europe, during a GC webinar in July 2026, **violations** include killings, violence, disappearances, wrongful imprisonment and prosecution, travel restrictions, loss of positions, incidents including occupation or closing of higher education campuses, destructions of higher education facilities, systemic or prolonged harassment or threats and systemic limits on access to higher education.

⁶ For example, as highlighted by Frank Geary, Director of SAR Europe, during a GC webinar in July 2026, **key trends** include: firstly, in authoritarian contexts, violence, coercion and administrative threats to higher education persist and are used to impose official narratives and enforce ideological conformity and consolidate power at the expense of fundamental rights and freedoms; second, threats are increasingly appearing in long and stable democracies, where pressures apply through funding cuts, bounds of certain topics, and the targeting of individual academics, scientists and students for what they teach, research or say; thirdly, political leaders themselves are more frequently directing attacks at the higher education sector, seeking to weaken its capacity to foster independent thought and to hold power to account.

⁷ For example, as highlighted by Frank Geary, Director of SAR Europe, during a GC webinar in July 2026, firstly, repression no longer arrives always in the form of arrests or violence but increasingly operates through laws, policies and administrative decisions and actions which are quietly reshaping what can be taught, studied and said. Secondly, there are growing political interferences in the core functions of universities, from admissions and hiring to research agendas and funding, undermining institutional autonomy. Thirdly, student-led protests and faculty support for them are increasingly met with restrictions, disciplinary measures or violent responses, signalling a growing intolerance on campus-based dissent and collective action. More generally, there is a tightening space for freedom of expression and new limits on speech, protests and academic debate.

restrictions; *actively safeguard* both individual and institutional aspects of academic freedom from third-party (especially private individuals and entities) threats, attacks or censorship; and *ensure* an effective enjoyment of this right and its promotion, thus actively generating and upholding the conditions for its optimal realisation in all its dimensions.

In particular, **key research questions** concern several stakeholders and include:

- What does it entail to frame academic freedom as a fundamental right rather than a ‘fundamental academic value’, a ‘professional right’ or an ‘institutional norm’?
- How is academic freedom as a fundamental right intrinsically linked to other human rights? And what does this connection imply in terms of protection and realisation of human rights?
- How do national policymakers and legislators respect, protect and fulfil academic freedom in line with state obligations under international human rights law? Are states meaningfully monitored in this regard? Do state related failures amount to violations of academic freedom in connection to other human rights at stake?
- How do universities uphold and promote the rights-based dimension of academic freedom within and beyond academia, especially in contexts of political interference, repression, censorship or social polarisation?
- How can universities adapt to and navigate ongoing challenges to academic freedom while maintaining core values of integrity and intellectual openness? How do aspects such as resilience, ethical leadership and institutional innovation play a role in times of geopolitical tension, public repression or misinformation?
- Are members of the academic community (both staff and students) fully aware of the rights-based dimension of academic freedom? How can the intrinsic link to other human rights help them to effectively enjoy academic freedom?
- What collective efforts, at different levels, can contribute to safeguard the rights-based dimension of academic freedom for academic staff and students as well as for the academy in general and subsections thereof? Can positive approaches, networks and strategies for addressing traditional and new threats to academic freedom be systematically shared? How external collaborations should be chosen?
- How can regional organisations contribute to promote and protect the rights-based dimension of academic freedom?
- How can regional human rights monitoring mechanisms contribute to elaborate on the rights-based dimension of academic freedom?
- How can civil society communities advocate concrete policy actions to promote and protect the rights-based dimension of academic freedom?
- Considering academic freedom as an enabling right for broader democratic participation and progress and an essential public good for society, what are the responsibilities of academia and subsections thereof (eg, universities) as civic actors and agents of societal change (eg, academic citizenship) in different geopolitical contexts? As engines of social and economic development, how should universities guarantee places for critical research, innovation, dialogue and debate? As bulwarks of democracy, how should universities generate data and ideas essential to informed public discourse while training students to be critical, engaged members of society? How should academic research, knowledge and advocacy influence democratic institutions and public policy?

By adopting a **human rights-based approach** (HRBA) to explore these questions, it is possible to rely on a conceptual and proven framework that allows to integrate the **standards** and **principles** on which the international human rights normative system is based into the consideration of (existing or new) laws, policies and practices on the issue of academic freedom. In particular, a HRBA can facilitate meaningful understanding and respect of a number of key principles.

This policy brief builds on the research findings of qualitative and quantitative research undertaken, with a multidisciplinary approach along with the application of a HRBA as common denominator, in eight regions (ie, Africa, Asia-Pacific, Central Asia, South Caucasus, Europe, Southeast Europe, Latin America, and Middle East and North Africa), in relation to issues and case studies selected to investigate trends, challenges and impact in the promotion and protection of **academic freedom as a fundamental human right** (GC News 2026a; GC

News 2026b). It provides an overview of the selected issues, traditional and new threats, emerging trends in terms of responsibilities and protection mechanisms, impact on other human rights and the functioning and normative development of human rights institutions, and policy recommendations. These research findings shed light on a rights-based understanding of scenarios and methodologies used to curtail academic freedom depending on the contexts in various parts of the world. On this

basis, the policy brief elaborates further what a HRBA to academic freedom entails. It contributes to call for a stronger acknowledgement of the rights-based dimension of academic freedom at all levels, to ensure its effective promotion, protection and realisation. It also argues that under this approach academic freedom also serves as an **enabling right** for broader democratic participation and progress and an **essential public good** that generates unique benefits for the society.

Problem description

The current debate on academic freedom seems to move towards both **universal and context-sensitive understandings of academic freedom**.

Regarding the first aspect, there has been a considerable **doctrinal progress in the human rights community to advance academic freedom**, including in the landmark Principles for Implementing the Right to Academic Freedom (WGAF 2024) drafted by an international working group drawing on expertise from UN experts, scholars and civil society actors. Basic pillars of this progress were established by international and regional human rights bodies. In particular, an ongoing redefinition of academic freedom as an independent and interdependent right has emerged from **some interpretative work by UN treaty bodies and special rapporteurs**, who have grounded it primarily in the *right to education* under ICESCR Article 13 (CESCR 1999: paras 38–40 and 42; Shaheed 2024: paras 30–41), the *right to science* under ICESCR Article 15 (CESCR 2020: paras 13, 22 and 46) and the *freedoms of expression and opinion* under ICCPR Article 19 (HRC 2011: para 9; Kaye 2020: paras 15–20). The most authoritative elaborations have come from the UN Committee on Economic, social and Cultural Rights (CESCR) in 1999 and 2020. Nonetheless, scholars noted that placing academic freedom within the context of these rights entails that substantively its inherent purpose remains unclear and practically it is subject to state admissible limitations that those rights carry, with stricter limitations and thus better benefits only in case of framing academic freedom under the right to science (Roberts Lyer, Saliba and Spannagel 2023: 10–11 and 14).

It is worth stressing UN independent experts' **key contributions to the ongoing elaboration of academic freedom as a self-standing right**. While acknowledging the difficulties of determining a sole definition, the Special Rapporteur on the Right to Freedom

of Opinion and Expression understood academic freedom to include 'the freedom of individuals, as members of academic communities 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'; and he also described a collective, 'institutional' aspect of academic freedom, which involves 'autonomy and self-governance, themselves rooted in human rights standards', to guarantee the rights of individuals (Kaye 2020: paras 8–10). He recommended further that human rights mechanisms address academic freedom violations as autonomous violations, not only as a derivation of other rights such as freedom of expression (Kaye 2020: para 57). Four years later, while considering that academic freedom is not named as a standalone right in the 1966 Covenants and is legally grounded in various provisions of international human rights law, the Special Rapporteur on the Right to Education recommended that academic freedom be legally recognised 'as an autonomous human right at the national level' (Shaheed 2024: paras 10, 11 and 84). Importantly, within the education field 'four interdependent pillars' of academic freedom have been identified, namely '(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' (Shaheed 2024: para 23). Shaheed's approach has been also deemed to require an understanding of the essential importance of 'free expression in teaching', a review 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.

Moreover, UN Human Rights Council's resolutions 59/9 (UNHRC 2025: 4) and 53/7 (UNHRC 2023a) and a joint declaration on behalf of a group of 74 countries (UNHRC 2023b) reinforced the ongoing doctrinal effort. Emblematically, Resolution 59/9 acknowledged that 'the academic freedom of staff and students as a key dimension of the right to education must be respected, protected and fulfilled'; in this regard, it highlighted that 'states, academic institutions, teachers and staff have the responsibility to promote an inclusive, safe and enabling environment for academic, evidence-based enquiry, debate and discussion', and therefore expressed 'deep concern at the increasing restrictions on academic freedom' (UNHRC 2025: 4). Moreover, it stressed that 'academic freedom, at all levels of education, inside and outside the academic community, is at the heart of scientific progress and contributes to building knowledge as a public and common good' (UNHRC 2025: 4). It additionally emphasised that 'individuals, as members of academic communities or in their own pursuits, should be free to conduct activities involving the discovery and transmission of knowledge and ideas, and to do so with the full protection of human rights law'; and it also stressed further 'the role of higher education as an essential part of the right to education' (UNHRC 2025: 4). Significantly, the same intergovernmental body welcomed the report on the right to academic freedom by the Special Rapporteur on the right to education and took note with appreciation of the 2024 Principles for Implementing the Right to Academic Freedom (UNHRC 2025: para 18).

Earlier in this context, scholars (Quinn and Levine 2014: 904–906; Beiter, Karran and Appiagyei-Atua 2016: 261–263) argued not only that **violations of academic freedom** always implicate the right to freedom of opinion and expression and the right to education,⁸ but also that they frequently manifest as violations of other rights, which should play a role in protecting particular aspects of the right to academic freedom, with an overview of **relevant provisions and examples**:

- **ICESCR Article 13** on the right to education (eg, restricting the publication of an academic article);
- **ICESCR Article 15(1)(b)** on the right '[t]o enjoy the benefits of scientific progress and its applications'
- **ICESCR Article 15(1)(c)** on the right '[t]o benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which [one] is the author' (eg, not protecting researchers' entitlement to claim ownership of and dispose over their scholarly writings (copyright) or inventions (patents));
- **ICESCR Article 15(2)** on states' obligations to take steps 'necessary for the conservation, the development and the diffusion of science and culture';
- **ICESCR Article 15(3)** on states' obligations 'to respect the freedom indispensable for scientific research and creative activity';
- **Article 15(4)** on states' obligations to 'recognise the benefits to be derived from the encouragement and development of 'international contacts and cooperation in the scientific and cultural fields' (eg, international contacts and co-operation in the field of science are meaningful in an atmosphere of freedom of enquiry only);
- **ICCPR Article 19** on the right to freedom of opinion and expression (to be read in conjunction with **ICCPR Article 20** which 'limits' this right in that it prohibits 'any propaganda for war' and 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence');
- **ICCPR Articles 2(1) and 26** and **ICESCR Article 2(2)** on the right to equality and non-discrimination of any kind 'as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' (eg, also if the opinion is 'academic' in nature);
- **ICCPR Article 6** on the right to life (eg, execution of academics by brutal regimes);
- **ICCPR Article 7** on the prohibition of torture or cruel, inhuman or degrading treatment or

(eg, not ensuring an environment of free enquiry in all settings where research takes place, making possible such progress in the first place);

⁸ Notably, Quinn and Levine (2014: 898) argued that 'including academic freedom claims in such cases has the benefit of providing an additional basis for relief while strengthening the claim for relief on a manifested violation by providing evidence of motive and intent. Including academic freedom claims also has the independent value of addressing the wider harms to the claimant victim and society that result from attacks on intellectual expression and are not reached by relief on the manifested violation alone, including harms to a claimant victim's creative, intellectual or expressive work, and widespread chilling effects on creativity, teaching, publication and the free exchange of ideas in society.'

punishment (eg, if an academic is subject to this in relation to certain academic views or actions);

- **ICCPR Article 9** on the right to liberty and security of the person (eg, if an academic is arbitrarily arrested and detained, and falsely prosecuted, in retaliation for certain academic content or conduct);
- **ICCPR Article 12** on the right to liberty of movement (eg, restrictions on travel to international conferences based on the academic content to be presented) and **ICCPR Article 13** on the right of aliens not to be arbitrarily expelled from a state (eg, restrictions upon members of the academic community to travel abroad, to return home and to move freely within a state for the purposes of study, teaching and research);
- **ICCPR Article 14** on the right to a fair and public hearing by a competent, independent and impartial tribunal established by law in civil and criminal cases (eg, in situations relating to rights and duties in the sphere of academic freedom);
- **ICCPR Article 17** on the prohibition of arbitrary or unlawful interference with privacy or correspondence (eg, inspecting or censoring an academic's communication), and unlawful attacks on honour or reputation (eg, untrue allegations about an academic in retaliation for certain academic views or actions);
- **ICCPR Article 18** on the right to freedom of thought, conscience and religion (eg, breaches of academics' right to object to teaching or carrying out research on the ground that doing so would be contrary to their conscience, religion or beliefs);
- **ICCPR Article 21** on the right of peaceful assembly (eg, restrictions on the organising of conferences based on academic content; restrictions upon academics organising a conference in which opinions critical of a government's policies in one area or another are expressed);
- **ICCPR Article 22** on the right to freedom of association (eg, restrictions upon members of the academic community to form and join trade unions attending to their interests, including those related to academic freedom);
- **ICCPR Article 25(c)** on the right of citizens to have access to public service in their country on general terms of equality (eg, blocking academics' access to or retention in a public university position on the basis on their political opinions, research

findings or ideology, in view of the fact that in many countries state-run or public universities are legally considered part of the public service).

For some of these scholars (Quinn and Levine 2014: 903–905; Rajagopal 2003: 27–28), the right to freedom of opinion and expression and the right to education represent the two essential pillars of the right to academic freedom. For Appiagyei-Atua (2014), the right to freedom of opinion and expression represents the fundamental premise of the right to academic freedom. Yet for Beiter (2011; 2013), the right to education represents a 'complete locus for the right to academic freedom ... within the UN Covenants' and 'Article 13 ICESCR ... constitutes the provision which concurrently assembles all aspects of academic freedom under "a single roof" and whose normative context provides the proper framework for interpretation'. Nonetheless, for De Baets (2012; 2014; 2015), all the various provisions mentioned should play a role in the protection of academic freedom, which is 'the result of a complex interplay of human rights' and which has 'many aspects which are not education-related'.

Other scholars (Vrielink et al 2023: 14–28) extensively elaborated how academic freedom has 'individual aspects' inextricably combined with its 'institutional aspects' as well as 'issues of state obligations', with the individual right referring to 'a system of complementary rights and obligations entitled to teachers and students, mainly as free enquirers', and comprising at least **five interrelated aspects**: the freedom to study (including freedom of and right to education, and the right to freely develop one's own opinion), the freedom to teach, the freedom of research (including research autonomy, right to information and protection of research data and sources), the freedom of publication (including freedom to dispose of one's research, freedom of expression and speech) and the right to undertake professional activities outside of academic employment.

Another scholar (Vandenhoele 2026: 11–19) has proposed a working definition of academic freedom as an individual right of members of the academic community and containing **five elements** — freedom of education, including both teaching by staff and study by students; freedom of research; academic freedom of expression; self-governance; and tenure. He has presented some of the guidance found in scholarly and judicial interpretation and application of the last three elements, explaining that limitations to or restrictions of academic freedom are possible as long as they meet the requirements of legality, legitimacy and proportionality. Importantly,

Vandenhoele argues that institutional neutrality is not an option since universities, as emerging human rights actors, have to assume human rights responsibility towards own students and staff as well as ‘distant strangers’. In exploring how to reconcile institutional human rights responsibility (in, eg, procurement, investment and partnerships with business and other universities worldwide) with the academic freedom of own students and staff, he emphasises the importance of ensuring collective democratic governance of universities in developing and applying their position on human rights issues; the compatibility of institutional human rights responsibility and positioning with freedom of research, proposing to limit institutional human rights assessments to institutional research partnerships (ie, where the university has made legal commitments), not to individual research collaborations; and the permissibility of certain limitations to academic freedom of expression that institutional human rights positioning may impose, foregrounding protest on campus as one of the most contentious elements of academic freedom of expression (Vandenhoele 2026: 20–27).

Looking at the second aspect of the current debate, namely **context-sensitive understandings of academic freedom**, regional frameworks are deemed critical for localising protection commitments and adapting them to regional experiences, cultural and historical circumstances, and human rights mechanisms, but the latter have **only partially explored** the legal protection of the rights-based dimension of academic freedom. For example, the OAS and IACHR would need to build up the (institutional, legal and public policy) conditions necessary for an effective implementation of the 2021 Principles throughout the region, with a specialised monitoring approach against academic freedom violations and sophisticated threats; in this vein, a thematic hearing before the IACHR has been requested to commemorate their fifth anniversary and promote a regional phase aimed at their actual enforcement (HRREC 2026). As another example, the EU would need to clarify and develop a human rights-centred framework under CFR Article 13 which coherently treats academic freedom as a Charter right ‘rather than a by-product of research-security policy’ under sectoral regulation (Roberts Lyer 2025); in this vein, a possible ERA Act would need to complement and lift the existing ecosystem of protection rather than replace or contradict it, enabling compliance with it and its implementation, with stronger monitoring mechanisms and stronger tools for intervention and protection (especially of at risk researchers).

We must also take into account the scholarly identification of at least four, at times overlapping, **notions of the purpose of universities**, as reflected in relevant literature and regional instruments: (1) ‘the search for truth and expansion of human knowledge’, (2) ‘the fostering of democratic societies and education of critical minds’, (3) ‘engines of societal problem solving’ and (4) ‘responders to the demands of the national economy and labour market’ (Roberts Lyer, Saliba and Spannagel 2023: 14–18). Significantly, they notice that these notions are reflected in the national difference of **university governance models**, namely state-centred, self-governing and market-oriented models, which inevitably lead to **diverse views of the substance and scope of institutional autonomy** (from and for *what*), both in theory and in practice; nonetheless, the right to academic freedom can be realised only through robust self-governance. Emblematically, protection of academic freedom has been urged against the threat of ‘instrumentalising the university’ towards building the economy (Beaud 2020: 617). The missing consensus over the purpose of a university can seriously shape a different admissibility of state interferences with higher education institutions on the basis of market forces. Illustrations of **regional understandings of institutional autonomy** are contained in declarations of non-governmental higher education communities or organisations (eg, EUA 2023; CODESRIA 1990; CODESRIA 2007: para 5f; AAUP 1940; UNESCO-IESALC 2018b on CRES final Declaration) or policy instruments of intergovernmental organisations (eg, CoE CM/Rec (2012)7: paras 4, 6, 7, 8; AU Revised Statute of the Pan African University 2016: Articles 2(1)(a) and 4; ACHPR Nairobi Reporting Guidelines 2010: Guideline 71(j); IACHR 2021: Principles II, VI and XIII).

The development and implementation of regional frameworks in this last regard can benefit from past and new **international efforts to clarify the understanding of institutional autonomy**. Besides core contributions provided by UNESCO (RecSHETP 1997: especially paras 17–21 and 22(k)) and some attempts by UN treaty bodies or special rapporteurs (eg, CESCR 1999: para 40; Kaye 2020: paras 9–14; Shaheed 2024: paras 48–50), new international contributions stem from the Principles for Implementing the Right to Academic Freedom (WGAF 2024). Precisely, Principle 3 does comprehensively address **key parameters concerning the ‘autonomy of academic, research, and teaching institutions’**, including: (a) the ‘security and integrity of education institutions and persons’; (b) the ‘principle of self-governance’ as an essential component of autonomy, with particular attention to their leadership or staff or students sanctioned or threatened based on

the content of research, teaching and discourse, but also attention to fairness and transparency in systems for assessments of the quality of academic work; (c) safeguarding systems of financing, whether public or private; (d) consistent systems of public accountability for funds or other privileges entrusted to education institutions; (e) merit-based, free (from any interference or discrimination), consistent rules and practices for appointment as well as systems of tenure or other functional equivalents; (f) free (from any interference or discrimination) rules and practices for determining academic, research and teaching content, curricula and material; (g) the allowance of staff and student unions and associations, without any discrimination, interference, surveillance or intimidation; and (h) the prohibited use of autonomy by education institutions 'as a pretext to limit the exercise of academic freedom' of staff and students.

In such a complex context, it has become more and more important to explore **how multiple stakeholders can reconcile international human rights standards connected to academic freedom with distinct regional trajectories, histories, socio-economic realities and postcolonial contexts**. In this vein, it is critical to monitor *regional bodies*' desirable efforts to develop coherent parameters of academic freedom as a multifaceted human right. It is equally critical to monitor whether and how *national* laws, policies and practices on academic freedom comply with international human rights standards and education principles. These explorations particularly require taking into account the ultimate impact the legal safeguarding of academic freedom has on other human rights at stake and the societal benefits driven from their fulfilment.

Recent analyses of **key issues** addressed with **case studies in eight regions** of the world (GC News 2026a; GC News 2026b), although limited in scope, show the current complexities surrounding the protection and promotion of academic freedom in higher education from a human rights perspective, some similarities of the challenges faced by academic staff, students, the academy in general and subsections thereof, particularly universities, across different countries and regions, with implications for the realisation of other rights as well as the foundations of a free society and social progress.

- A key issue explored in relation to **Africa** concerns the erosion of academic freedom in contested debates on religion, gender norms and sexuality, and its implications for the African human rights system (Kanhiya 2026). Considering academic freedom as a legally protected dimension of the rights to education, freedom of expression,

freedom of association and scientific research, three interrelated questions are addressed: 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. Kanhiya identifies structural constraints undermining knowledge production, donor-driven epistemic dependency, domestic political interference, reprisals against scholars engaging regional mechanisms, weak knowledge pathways to the Banjul Charter and related ACHPR, and persistent coloniality within higher education systems. These pressures are seen as disproportionately affecting scholarship on religion, gender and sexuality, narrowing the evidentiary foundations available to regional accountability bodies.

Kanhiya *inter alia* highlights that upholding academic freedom is a structural prerequisite for democratic governance and the credibility of the African human rights project. She 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. Besides advocating for incremental national reforms and an enhanced operational capacity of the ACHPR and African Court on Human and Peoples' Rights (AfCHPR), she proposes to develop a 'context-sensitive African framework on academic freedom', initially grounded in soft law and progressively consolidated into a binding continental instrument, through the ACHPR interpretive and standard-setting mandate (in the form of principles, guidelines or a general comment combining AU instruments, regional jurisprudence and scholar-led declarations into a coherent and operational normative framework) to clarify their content, address current gaps and provide practical guidance for implementation. This should provide a comprehensive and context-sensitive definition of academic freedom, institutionalise anti-reprisal safeguards and accountability mechanisms, address structural inequalities in knowledge production, embed gender-responsive and inclusive governance, ensure multilingual and regionally adapted implementation and empower collective academic actors.

- A key issue explored in relation to **Southeast Asia** concerns censorship policies from Communist countries which affect academic freedom and

freedom of thought, conscience and religion (Nguyen 2026). Vietnam has been examined as case study, highlighting how the country's one-party state maintains extensive control over public discourse, academic sphere and inquiry. It heavily censors university-related publications, especially related to sensitive religious issues. At the same time, online publications, diaspora distribution and independent publishers have sought to challenge state censorship, prompting a heavy crackdown from the government.

Nguyen *inter alia* addresses how censorship at the intersection of academic freedom and freedom of thought, conscience and religion is not merely a series of isolated violations, but a systemic pattern rooted in the state's political architecture. In particular, in 'the politics of state-led vernacularisation processes' the government normalises the idea that universities, academics and religious leaders need to be self-censored, also maintaining the absolute authority to censor or ban any forms of research, books and even religious teachings. Nguyen calls for a shift toward a human rights-based governance framework for academic and religious regulation, grounded in international legal obligations and the nine principles articulated by the UN Working Group on Academic Freedom (WGAF 2024).

- Other key issues examined in **Central Asia** regard structural constraints on academic freedom in Kazakhstan, Kyrgyzstan and Uzbekistan, despite higher education reforms and stated ambitions to build knowledge-based economies (Tenizbaeva 2026). In particular, universities operate with limited institutional autonomy, inconsistently applied legal protections, vague regulations and informal mechanisms of control fostering self-censorship among scholars. Politically sensitive fields are subject to monitoring, exclusion from curricula or indirect pressure through funding, publishing and personnel decisions. High-profile cases of academic repression illustrate how routine scholarly activity can be reframed as a security or loyalty issue, creating a chilling effect beyond individual incidents. Tenizbaeva emphasises the safeguarding of academic freedom as a legal obligation grounded in international human rights law and a practical prerequisite for innovation, effective governance and sustainable development, also considering that tightly controlled academic systems undermine policy capacity and international credibility.

Tenizbaeva *inter alia* finds that incremental changes have produced limited openings (eg,

granting select universities a bit more autonomy, encouraging international partnerships or slightly relaxing censorship on less sensitive topics) but remain fragile, reversible and unevenly implemented, also with the absence of accountability for violations. Undertaking a rights-based approach to academic freedom and considering international elaborations in the field, her policy recommendations to governments, universities, civil society and international partners aim at ensuring protection in law and practice, strengthening institutional autonomy, limiting security-sector involvement to clear thresholds, upholding academic expression and ensuring public accountability. They can reconcile the demand for independent knowledge production with stability concerns in the region, enabling universities to contribute meaningfully to societal development and resilience.

- Key issues explored in relation to **Europe** concern the growing challenges affecting academic freedom across the EU member states – including political pressures on university governance, structural inequalities within research systems and emerging digital and reputational threats targeting researchers – which have implications for the effective realisation of the right to science under international human rights law (Sousos 2026). To illustrate how relevant dynamics operate in practice, selective case studies are used as examples of broader patterns observed across the region: Hungary shows structural political interference and erosion of institutional autonomy through governance reforms affecting universities and independent research; Poland exemplifies ideological and disciplinary pressures in politically sensitive fields, with impact on critical scholarship and research communication; Greece illustrates structural constraints linked to chronic underfunding, centralised governance and precarity within academic institutions; and France demonstrates how securitisation narratives and political discourse can generate pressures on scholars working on migration, religion and social cohesion.

Sousos *inter alia* adopts an action-oriented perspective seeking to translate human rights standards and corresponding public responsibilities into operational guidance for public authorities (including EU institutions and member states), higher-education institutions and research funders, towards a systemic response to safeguard independent scientific inquiry. In advocating for strengthened institutional autonomy and governance at the national level, he

highlights related limits in addressing structural inequalities, digital threats and cross-border coordination gaps affecting the right to science; and therefore he calls for a ‘comprehensive human rights-based EU strategy’ with policy recommendations to develop a coherent framework on academic freedom within the ERA, strengthening it as a foundation for democratic governance, scientific cooperation, independent inquiry, inclusive participation in research and trustworthy knowledge production.

- Key issues explored in relation to **Southeast Europe** concern a spectrum of challenges that constrain in practice academic freedom in higher education, taking into account the historical legacies of armed conflicts, ethnic divisions and political centralisation which have shaped university governance, research priorities and public discourse (Gjurgjiali 2026). Albania, Bosnia and Herzegovina, Kosovo and Serbia have been examined as case studies, assessing gaps between formal legal guarantees and practical implementation. In particular, Gjurgjiali emphasises that in Serbia, political interference in university appointments, funding and research agendas undermines institutional independence; Bosnia and Herzegovina’s higher-education system reflects structural and ethnic fragmentation, which limits both governance capacity and curricular autonomy; Kosovo’s institutions struggle with structural politicisation and low transparency in management; while in Albania legislative modernisation and efforts for European Union-alignment coexist with continued influence of the executive power over university governance.

Gjurgjiali *inter alia* argues that reform is both urgent and feasible, referring to three models that offer actionable pathways. The need to develop a rights-based dimension of academic freedom in the region is emphasised particularly in relation to freedom of expression, the right to education and the right to science as well as democratic participation, for stronger safeguards of academic staff and students’ entitlements. Key recommendations call for governments to entrench merit-based autonomy and depoliticise accreditation; universities to adopt ‘Academic Freedom Charters’ and establish independent ombudsperson offices; civil society to monitor interference and strengthen coalitions between student unions, academic associations and human rights organisations; and regional actors to leverage conditionality.

- Key issues explored in relation to the **South Caucasus** concern the root causes of states’ failures to ensure academic freedom, and the impact of restrictions and pressures on professors and students’ related rights, highlighting possible solutions (Avagyan 2026). Armenia, Georgia and Azerbaijan are considered as case studies. While they somewhat recognise it as part of their primary and secondary laws, there is a gap between laws and practice. For example, Armenia and Georgia face challenges related to political influence over university governance, accreditation and funding, leading to self-censorship. In Azerbaijan, there is systemic repression, strong political control and academic expression challenged with imprisonment. Overall, academic institutions, academic staff and students experience weak institutional autonomy, lack of independent oversight mechanisms and absence of effective remedies for violations.

Avagyan *inter alia* recommends different stakeholders to align national frameworks with international human rights standards, establish independent monitoring and protection bodies, strengthen institutional autonomy and collegial governance, introduce a tenure system and invest in awareness-raising and capacity-building at universities. She adds that academic freedom should also become a clear benchmark in cooperation agreements and regional funding opportunities, linking these to academic freedom safeguards, with external evaluation and early-warning mechanisms.

- Key issues explored in relation to **Latin America** concern the rising threats to higher education posed by regional democratic backsliding and escalating attacks against scholars, students and universities (Herrera Martínez 2026). The urgency of the situation is illustrated by case studies spanning severe authoritarianism to actions taken by elected anti-pluralist leaders. Examples include the systemic elimination of academic freedom in Nicaragua and the financial strangulation policies in Venezuela, which represent consolidated authoritarian regimes, alongside budgetary cuts and political interference in backsliding democracies as implemented by the Milei administration in Argentina and the Bolsonaro administration in Brazil.

Herrera Martínez *inter alia* emphasises that, despite the milestone adoption of the Inter-American Principles on Academic Freedom and University Autonomy, a significant implementation gap persists. Therefore, the

IACHR is urged to systematically incorporating academic freedom as a distinct area of concern within its primary tools (eg, annual reports, country visits, thematic hearings, special rapporteurships) for monitoring and promotion, addressing related issues, although with risks of inconsistency, variable depth and politicised prioritisation. He then urges the IACHR to prepare a thematic report – grounded in the new Principles and substantiated with case studies – to establish a unified set of regional standards, a systematic methodology for monitoring hybrid threats and a coherent baseline to hold member states accountable.

- A different key issue explored in relation to the **Middle East and North Africa** region concerns how the promotion and protection of academic freedom can be threatened, from a rights-based perspective, through the use of urban and architectural design in university contexts (Masjedi Arani 2026). In particular, the possible restrictive role of university architecture is addressed in relation to academic staff and students' right to freedom of peaceful assembly and their academic freedom through its exercise. Middle Eastern countries do not score well on academic freedom and Al-Azhar University in the city of Cairo, Egypt, is considered as a case study. This shows how the change of the university campus in the 1960s and further changes after the Arab Spring have limited the access to university public spaces, its inclusiveness and the scope of actions such as walking on campus, ultimately creating tools of repression that have made the exercise by academic staff and students of their

right to assembly and protest in connection to their academic freedom impossible. Different scenarios (ie, University of California; Federal University of Santa Catarina; American University in Cairo; and Middle East Technical University) are also highlighted as pursuing positive practices that facilitate students' right to peaceful assembly and protest, which can in turn promote and protect their academic freedom.

Masjedi Arani's policy recommendations *inter alia* call for governments to align urban plans, legal protections and higher education reforms with state obligations under international human rights law; universities to facilitate a positive role of their architecture as a provider of spaces influencing academic staff and students' choices to bring together and confront ideas; academic staff and students to appreciate that space can be used and can also be produced for peaceful assembly, also using protest tactics; the UN treaty bodies and special rapporteurs to explicitly consider the restriction of the right to freedom of peaceful assembly and protest through architecture in academic environments from the perspective of possible violations of both this right and the right to academic freedom which the first contributes to promote and protect; architects and urban planners to appreciate that their science and art may unintentionally serve to restrict these rights in higher education environments; businesses to fulfil their duty to respect human rights and not allow their service to lead to human rights violations; and the media and NGOs to increase their sensitivity on this topic and take action to raise awareness.

Rationale for action

The cited key issues with case studies illustrate the urgency of a straightforward application of a **HRBA to academic freedom in higher education**, which can represent a powerful means to set up equitable, inclusive, enabling and transparent (with disaggregated data) higher education environments that can serve society. This approach entails five **key principles** being brought to bear on this context, namely **participation, accountability, non-discrimination, empowerment and legality of rights** (PANEL principles). These provide clear concepts and useful parameters to inform multilevel efforts to crystallise the conceptualisation, legal status and substance of academic freedom as a self-standing, fundamental human right and to inform

integrated laws and policies in this respect.

Nonetheless, it is worth articulating these five principles by taking into account the aforementioned aspects and scope of **academic freedom as an enforceable multifaceted right in higher education**, namely: (i) *individual rights to expressive freedoms* for academic staff and students; (ii) *collective right of institutional autonomy* for the academy and subsections thereof with their related obligation to uphold and promote academic freedom principles in their internal and external affairs, while being protected against unjustified interferences; (iii) *a three-tiered obligation* upon states to respect, protect and fulfil academic

freedom, which implies to *refrain* from interfering with or inhibiting the enjoyment of it, *safeguard* members of the academic community as well as higher education institutions from violations by third-parties (particularly private individuals and entities), and *ensure* this multifaceted right with the adoption of appropriate legislative, administrative, budgetary, promotional and other measures towards the full realisation of academic freedom in all its dimensions.

In practice, the PANEL principles in the context of academic freedom thus involve:

Participation:

- **accessible, active and meaningful participation of individual right-holders** (ie, academics, students, researchers, etc) in higher-education lawmaking, institutional policy design and the governance of their academic institutions, shaping related decision-making about the direction of scientific and educational inquiry and environment which affect their rights to expressive freedoms (eg, to study, teach, research, publish and disseminate knowledge), also with **transparency and access to information** in understandable form and language. For example, their participation should be required for changes to curricula, subject accreditation or structural reorganisations, without unilateral impositions by states or higher-education corporate boards.
- **accessible, active and meaningful participation of collective rights-holders** (ie, universities, departments, faculties, research units, etc) for their **institutional autonomy** in internal and external affairs upholding and promoting academic freedom principles, across **core areas** such as ‘organisational autonomy’ (regarding the choice of leadership and internal governing structures), ‘academic autonomy’ (regarding the decision about course content, degree structures and content, and student admissions), ‘financial autonomy’ (regarding the allocation of internal budgets and the securing of alternative funding) and ‘staffing autonomy’ (regarding the ability to independently hire, promote and manage faculty).

Accountability:

- access to effective and meaningful **accountability processes**, with **effective monitoring** of compliance with international human rights standards, thus how individual or collective rights-holders (ie, academics, students and

researchers; universities, departments, faculties, research units, etc) are being affected in relation to academic freedom, as well as **effective remedies** in case of violations by duty-bearers, thus with appropriate laws, policies, institutions, administrative procedures and mechanisms of **redress** to secure the rights affected.

- In particular, state authorities as well as higher education governing boards, executive leadership and institutional administrators must be **transparent** and **answerable** for their actions in upholding academic freedom, by establishing **independent oversight bodies** to monitor threats and infringements, handling complaints fairly and providing effective grievance procedures and remedy to protect academic actors from (eg, political, societal, economic, institutional) interferences, censorship and physical or economic retaliation. Importantly, **remedies** must be known, available, with prompt, thorough and impartial investigation, and able of ending enduring harm. For example, unlawful interferences should be legally punished under rules that protect rights-holders from disciplinary actions and reputational or legal campaigns aimed at chilling their public engagement on matters of academic interest. In this vein, states should adopt adequate anti- strategic lawsuits against public participation (SLAPP) and legal threat protection mechanisms that recognise the position of academics and researchers (eg, see Recommendation CM/REC(2024)2; Directive (EU) 2024/1069), but also universities should provide legal defence funds against legal intimidation, with support structures that encourage systematic reporting of cases of legal intimidation in cooperation with civil society networks such as SAR and anti-SLAPP coalitions.

Non-discrimination:

- **prohibition, prevention and elimination of all forms of discrimination** in the realisation of individual aspects of academic freedom, for members of the academic community, protecting their rights to expressive freedoms (eg, to study, teach, research, publish and disseminate knowledge) without bias, prejudice or other barriers based on background, ideology or ‘protected characteristics’ (eg, gender, sexual orientation, disability, religion or belief, socio-economic status or national origin), prioritising individuals or groups facing **systemic barriers or marginalisation**, addressing **intersectionality**, safeguarding **highly sensitive or politicised**

subjects and collecting **disaggregated data** for monitoring and evaluation purposes.

- **prohibition, prevention and elimination of all forms of discrimination** in the realisation of institutional aspects of academic freedom, protecting the academy and subsections thereof (eg, universities, departments, faculties, research units, etc) in maintaining **autonomous, fair and transparent systems** without discriminatory external or internal pressures across structural axes (eg, hiring, tenure and promotion; resource allocation and programme funding; curriculum and teaching autonomy; admissions and student evaluation). For example, protections should expand beyond tenured professors to include precarious researchers, early-career academics and students.

Empowerment:

- **entitlement of members of the academic community to claim and exercise their individual rights to expressive freedoms** (eg, to study, teach, research, publish and disseminate knowledge), with active support in their ability to understand these and take full part in designing/developing related laws, policies and practices which affect them. For example, rights-holders (eg, academics, students and researchers) should be empowered to critical inquiry, policy critique and evidence-based advocacy, for societal change and progress, tackling controversial topics.
- **entitlement of the academy and subsections thereof** (ie, universities, departments, faculties, research units, etc) **to claim and exercise their collective right to self-governance**, with active support in their ability to understand and navigate institutional autonomy and take full part in designing/developing related laws, policies and practices which affect them.

Legality:

- **recognition**, particularly in national legal orders and institutional frameworks, of academic freedom as an **enforceable individual entitlement** (in its dimensions of individual rights to expressive freedoms for members of the academic community) grounded in and aligned with international human rights law, and also **legal consistency** with human rights principles, thus with approaches grounded in the rights set forth in international and national laws, identifying the relevant standards that need to be met.
- **recognition**, particularly in national legal orders and institutional frameworks, of academic freedom as an **enforceable collective entitlement** (in its dimension of collective or institutional right of autonomy and self-governance for the academy and subsections thereof) grounded in and aligned with international human rights law, and also **legal consistency** with human rights principles, thus with approaches grounded in the rights set forth in international and national laws, identifying the relevant standards that need to be met.

Taking a HRBA here particularly involves considering whether the **objectives, processes and outcomes** of both state and institutional rules and policies advance the realisation of academic freedom as a human right, strengthening the duty-bearers' capabilities to meet related legal obligations and the rights-holders' capabilities to know, claim and enjoy their entitlements.

Advancing and upholding a HRBA to individual and collective aspects of academic freedom in higher education – with a view to integrate international human rights standards and education principles into the **development of adequate (regional and national) frameworks** in laws, policy, governance arrangements and monitoring and evaluation mechanisms about academic freedom – enables the protection of both individual and collective rights-holders against internal and external threats, does not lead to violations of any of the indivisible and interdependent human rights at stake and is aligned with the UN-endorsed Principles for Implementing the Right to Academic Freedom which provide operational guidance to monitor violations and hold duty-bearers accountable on the ground.

Conclusion

It is emphasised that a HRBA to academic freedom in higher education empowers rights-holders as members of the academic community (both staff and students) as well as the academia and subsections thereof (universities, departments, faculties, research units, etc) to understand and claim the rights-based dimension of academic freedom. It boosts both the **ability to challenge** any (especially legislative, political, institutional or economic) attempts which may put it and other human rights at risk and the **ability to beneficially exercise** academic freedom and advance the realisation of other human rights at stake.

As academic freedom continues to be threatened and attacked, to have public authorities, policymakers, the academy and its members, and society as a whole engaged in discussions to design, develop and implement **comprehensive and coherent legal and policy frameworks** that advance and uphold academic freedom along with other human rights at stake while harnessing the societal benefits of their effective realisation in higher education is crucial. In particular, functioning as an **enabling right**, academic freedom provides the foundational conditions necessary to enjoy and sustain other rights, protecting societies' capacity to generate, challenge and apply evidence-based knowledge for the public good and serving as a prerequisite for democratic participation and progress.

The previously articulated PANEL principles in the context of academic freedom in higher education should play a coherent role in the design, implementation and evaluation of **legal and public policy interventions**, particularly by checking **interconnected questions** such as:

- whether the intervention fosters accessible, active and meaningful participation of rights holders (eg, academic staff, students and researchers) in higher-education lawmaking, institutional policy design and the governance of academic institutions to identify priorities and engage all stakeholders for sustainable and inclusive formulations (especially for those living in most vulnerable situations, such as marginalised, minority and dissident academics), and also contributing to strengthen duty-bearers' transparency;
- whether the intervention contributes to reinforce duty-bearers' accountability processes (eg, state authorities, higher education governing boards, executive leadership and institutional administrators), with transparent mechanisms and indicators to measure how rights-holders are (externally or internally) *affected* in relation to academic freedom and what *remedies* are available to secure redress in case of abuses;
- whether the intervention responds to the core interests, primary needs and critical *capacity gaps* of the rights-holders concerned (eg, students' low awareness, lack of redress channels and economic vulnerability; teachers' employment precarity, self-censorship and lack of legal literacy; researchers' funding dependencies, digital insecurity or insufficient training in cybersecurity and isolation or lack of robust solidarity networks; and academic institutions' commercialisation risks, weak internal policies and political interferences) and duty-bearers, in particular including *indicators to address 'multiple divides'* in the realisation of academic freedom as a human right as well as how these amplify and reproduce structural, socio-economic, geographic and institutional inequalities that dictate who can safely produce knowledge and how that knowledge is valued;
- whether the measures envisaged to mitigate risks are in line with the equality and non-discrimination principle, whilst also adopting an intersectional approach to data (eg, considering gender, ethnicity, language, disability, economic status, global North-South dynamics and other factors which may affect academic staff and students' experiences of academic freedom and lead to widen inequalities) for better promoting the values of inclusion and equity;
- whether indicators are disaggregated by gender, age, disability and any other category if relevant and possible in the higher education sector, with related data collected for monitoring and evaluation purposes;
- whether the intervention supports rights-holders' empowerment to have a voice in relation to academic freedom, ensuring that they understand, claim and enjoy it along with the other human rights at stake;
- whether the intervention supports the upholding of academic freedom and other relevant human rights as legally enforceable entitlements in higher education contexts, and also guides desirable efforts towards a clear conceptualisation of academic freedom as a multifaceted right;
- whether indicators are included to measure progress in applying all PANEL principles and towards objectives related to the rights-based dimension of academic freedom.

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