



Horizon Europe protecting academic freedom

Strengthening and
improving
the implementation
of Recital 72

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Horizon Europe protecting academic freedom

Strengthening and improving the implementation of Recital 72

Academic freedom is a fundamental principle of any university and research system or institution and essential for a healthy democracy. The concept traces back to the birth of the Humboldtian research university model in Germany in the early 1800s.

Despite international declarations and constitutional and legal protections, in recent years, the interest in academic freedom worldwide has renewed, as major challenges and threats have been observed, coming from governments, industry, and civil society.

This study complements existing efforts to monitor academic freedom, screening and assessing possible policy options to strengthen and improve the implementation of Recital 72 in Horizon Europe, by identifying opportunities and bottlenecks on this pathway and proposing applicable solutions.

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Executive summary

This document is the final deliverable of the 'Horizon Europe protecting Academic Freedom' study commissioned by the European Parliament. It presents the complete results of the study, including policy options.

Academic freedom is crucial in modern societies as it drives the advancement of knowledge and technology. It is a basic element for ensuring the progress of science and the health of democracy. Academic freedom must apply to the whole community engaged in research, learning, and teaching, and institutional autonomy shields institutions from political and economic interference ensuring the self-governance of the academic community. It is conceived as an individual freedom and a collective and institutional right and obligation. The importance of protecting academic freedom has been raised, emphasizing the need for a commonly agreed concept and definition. The lack of a shared definition of academic freedom is problematic, leading to difficult monitoring and protection.

State of play

Legal provisions to protect Academic freedom principles are in place in all countries in Europe, in the EU Charter of Fundamental Rights and in the Member States' legislation. Freedom of scientific research is an integral part of academic freedom, and they are mutually reinforcing. They represent sensors for the democratic health of the countries.

The enforcement of HEU Recital 72 has been stimulated by the 2020 Bonn Declaration and by the ERA policy agenda that has prioritized academic freedom and the subsequent need to build an action plan and provide guidelines. The Bonn Declaration focuses on the freedom of scientific research including the right to define freely research questions, to choose and develop theories, to gather empirical material and employ sound academic research methods, and to question accepted wisdom and bring forward new ideas. It also includes the right to share research results, the freedom of academic expression, and the right to associate within academic bodies. Furthermore, it identifies enabling conditions such as mobility opportunities, a gender equality culture, and the freedom to interact.

Within the European Research Area (ERA), the free circulation of researchers, knowledge, and technology should be guaranteed, and international academic collaboration is an essential asset and strategic pillar for European institutions. Nonetheless, collaboration with countries from outside of Europe may lead to a conflict of values and subsequent academic freedom infringement.

In 2022 EU Commission has issued specific guidelines for tackling foreign interference, proportionate to protect European research freedom with a balanced attitude able to enhance scientific collaborations not endangering collaboration and knowledge sharing. The approach of the European Commission up to now has been concentrated on supporting European research and higher education institutions on risk identification, management, and mitigation and raising awareness in international research collaborations.

Recent concerns

Academic freedom has been recently challenged, even threatened, in many places in Europe, as a result of a changing political climate in the past ten years and the sanitary crisis provoked by the COVID-19 pandemic. The Hungarian case of the relocation of the Central European University has been considered as a strong attack on academic freedom in Europe, sanctioned by the European Court of Justice. However, the capacity at the European level to protect academic freedom and deal with infringements has proven to be weak due to the lack of a commonly agreed concept and definition.

Sources of risk

To develop a more structural approach to protection, this study elaborates an analytical framework, identifying the main sources of threats, limitations, and violations of academic freedom. Potential sources of academic freedom limitation have been considered government and politics, for-profit organizations, and international research partners. However, intrusions into academic freedom may also come from internal sources, particularly due to the managerialization and bureaucratization of universities, and internal academic pressures.

Recently, especially in and after the pandemic period, a surge in the level of intolerance in civil society has been observed especially through attacks on social media and scholars' defamation. The emergence of new threats, related to AI, social media, etc. may also endanger academic freedom, especially as a threat to the pluralism of academia.

The data collected and analyzed in the present study confirm this framework of risks and systematically report the multidimensional feature of the definition of academic freedom, the lack of a conceptual base, and the variety of stakeholders. Specifically, the lack of a shared definition translates into the difficulty of monitoring and consequently scarcely controlling the *de facto* protection.

Potential policy options

In an independent way, the present study complements existing efforts to monitor academic freedom state of play and gives input for the Parliament's work on the interim evaluation of the HEU Programme and the second Strategic Plan for Horizon Europe (2025-2027). The proposal of a set of policy options to strengthen the protection of academic freedom assessing their feasibility and impacts have been allowed by the analysis conducted based on desk research, including a literature review and publicly available statistics, as well as the collection of primary data through a dedicated plan of interviews.

A total of 7 policy options are proposed:

- Provision of a strategy for better integration of academic freedom and its enforcement within the HEU projects
- Setup of a European platform for academic freedom
- Strengthening of the European research agenda on academic freedom
- Setup of coordinated initiatives with relevant stakeholders and connection to broader projects
- Strengthening of the binding legal definition of academic freedom
- Integration of academic freedom into institutional quality assurance procedures and criteria
- Implementation of a specific deliverable in the HEU Programme application form or, in alternative the presence of an Academic Freedom Plan as an eligibility criterion

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1. Introduction

Research enables the progress of modern societies around the world through the advancement of knowledge, scientific discoveries, and technological development. From measures to tackle climate change to the deep understanding of the human brain and social behaviour, basic and applied research shapes, and benefits society.

However, the respect for certain fundamental principles of conducting research is the basic element for assuring the advancement of science. Scholars require freedom of thought and inquiry, as well as the freedom to communicate the results of their work and educate new generations of critical thinkers (ALLEA *et al.*, 2019). Academic freedom must apply to the whole community engaged in research, learning, and teaching, and institutional autonomy shields institutions from political and economic interference ensuring the self-governance of the academic community.

Furthermore, academic freedom is a basic condition for the health of the democratic political order. Following the widespread democratization of Europe and other parts of the world during the second half of the 20th century, academic freedom has been codified as a specific freedom. Legal provisions to protect these principles are in place in all countries in Europe, in the EU Charter of Fundamental Rights and in the national legislations (Maasen *et al.*, 2023). Several European legal documents and statements focus on academic freedom, including Article 13 of the EU Charter for Fundamental Rights, the Bonn Declaration, the Rome Ministerial Communiqué, and the LERU advice paper *Academic freedom as a fundamental right*. The political and academic interest in academic freedom in Europe can be linked to both the European Higher Education Area (EHEA) and the European Research Area (ERA). Nonetheless, academic freedom is no longer granted around the world, with important consequences for scholars, students, and society, also in Europe. Currently, major breaches of academic freedom can be observed and despite the rhetoric, the *de facto* state of play of academic freedom in the EU Member States is under investigation to contribute to a better understanding of potential and real threats to academic freedom in the EU Member States and the means with which the protection of academic freedom can be strengthened (Maasen *et al.*, 2023).

Horizon Europe, the Research and innovation funding programme until 2027 has affirmed the protection of academic freedom at Recital 72:

“In order to guarantee scientific excellence, and in line with Article 13 of the EU Charter of Fundamental Rights, the respect of academic freedom should be promoted in all countries benefiting from its funds”.

However, the vagueness of this recital implies a first conceptual clarification¹.

Presenting independent research into the level of protection within the Horizon Europe (HEU) Programme, this study complements existing efforts to study academic freedom, screening and assessing possible policy actions to strengthen and improve the implementation of Recital 72, by identifying possible opportunities and bottlenecks on this pathway and proposing applicable options for overcoming the latter.

¹ See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0695>

1.1. Background

The concept of academic freedom has deep roots in the history of higher education, particularly in the European context. The German ideas of *Lehrfreiheit*, *Lernfreiheit*, and *Freiheit der Wissenschaft*², at the origin of the Humboldtian model, have shaped the modern understanding of academic freedom and have become a fundamental characteristic of academia and an essential requisite for a healthy democracy. Academic freedom is intended as a civil and political liberty, to act with no fear of interference or reprisal. It is expressed through the freedom to choose teaching and research topics, methods, and sources, the autonomy of academic staff within the standards set by the academic community, and the student's right to determine an individual path of study. It is strictly linked with the autonomy of universities to govern themselves and the professional independence of academics.

The optimal functioning of universities is based on a social contract, an arrangement built on trust between higher education, the state, and society. Throughout history, the compact has been shaped with the state serving as a guardian to protect universities' independence from political and corporate influence, supporting professional self-governance, while responsible for providing funding.

Over recent decades, higher education has experienced a major rebalancing of internal and external relations of authority, power, and responsibility in its governance. From the early 1960s on, the funding model of higher education and, consequently the underlying social contract, have changed dramatically because of the growing questioning on the unconditional public funding approach (Maasen, 2014).

The drive towards mass higher education as well as the dominant concern on the relevance and utility of the output of higher education and research for the economy and society impacted the special status of the university as a social institution. Universities have become bigger, more expensive, less elitist, politically more visible, and economically more strategic (Enders et al., 2013). As the higher education system massifies and the connection with policy goals of economic growth increases, external and governmental pressures are expected to increase (Ferlie et al., 2008).

In many OECD countries, universities have been reformed in line with public services through the increasingly popular New Public Management approach. Important consequences have been reported on the way of regulating and funding universities (Hood 1991; Pollitt and Bouckaert 2000; Olsen 2007).

More efficiency and effectiveness are expected in academic institutions by delegating some authority to universities as more autonomous but accountable organizations. This view has strengthened universities as strategic organizational actors with capacities for managerial self-regulation and internal control, and new tools of managerial control are expected to increase organizational performance. While devolving authority to universities, downsizing regulation, and procedural controls, the state introduces incentive structures to control the university, such as specific rules limiting discretion, monitoring universities' behaviour and stressing their public accountability, bonding resource allocation to strategy and performance contracts, and increasing competition between universities.

Moreover, the supranational governance component at the European level has created a more complex environment for institutions and individuals to operate in, but at the same time, it has provided them with new opportunities.

² *Lehrfreiheit* and *Lernfreiheit* respectively mean the freedom to teach and learn (the last intended as a student's right to determine an individual course of study), and freedom to research.

The global search for a new social contract has been illustrated already in the IAU (1998) declaration on Academic Freedom, University Autonomy, and Social Responsibility, which affirmed the need for “a new Social Contract which sets out mutual responsibilities, rights and obligations between University and Society so that they may meet the challenges of the new Millennium” (p.1).

Knowledge and learning are essential to address the serious threats to the future of humanity and the planet that contemporary societies are facing. Growing social and economic inequality, climate change, loss of biodiversity, ecological overshoot, democratic regressions, and disruptive technology in intelligent automation are the hallmarks of the current historical moment. The new social contract requires universities to unite around a collective endeavour and a joint global agenda to forge sustainable and peaceful futures for all, based on social, economic, and environmental justice.

International cooperation in support of research and education as common goods is a key element of this new contract. Within the ERA framework, international academic collaboration is considered an essential asset and strategic pillar for European institutions. Nonetheless, collaboration with countries from outside of Europe may lead to a conflict of values and subsequent academic freedom limitation, and strategies for tackling foreign interference are necessary.

Universities’ autonomy and academic freedom are part and parcel of this new regime (Enders et al., 2013). The IAU declaration states that “for Universities to serve a world society requires that Academic Freedom and University Autonomy form the bedrock to a new Social Contract - a contract to uphold values common to Humanity and to meet the expectations of a world where frontiers are rapidly dissolving” (p. 2).

The notion of academic freedom should be renegotiated in the new social contract with competing notions, such as the entrepreneurial university (Clark, 1998), the civic university (Goddard et al., 2016), and the stakeholder university (Bleiklie & Kogan, 2007). In response to new social conditions and demands, universities should change the distinctive nature of their academic operations. However, the consequences of these radical transformations should not ultimately neglect the basic functioning characteristics and principles for institutional robustness (Maasen, 2014).

Most recently, in 2020, the Bonn Declaration has defined the freedom of scientific research in a very broad and up-to-date way as the right to freely define research questions, to choose and develop theories, to gather empirical material, and employ sound academic research methods, and to question accepted wisdom and bring forward new ideas. It has also included the right to share research results, the freedom of academic expression, and the right to associate within academic bodies. Furthermore, it identifies enabling conditions such as mobility opportunities, a gender equality culture, and the freedom to interact.

Despite all legal provisions and policy instruments in place to protect academic freedom, recently it has been challenged, even threatened, in many places in Europe, as a result of a changing political climate in the past ten years, with the most striking case being the Hungarian one. The sanitary crisis provoked by the COVID-19 pandemic has further worsened the deterioration process observed at a global level. In 2022, 391 distinct attacks on academic freedom have been tracked by the Scholars at Risk report. As a consequence, concerns have been raised in many Member States about the capacity at the European level to protect academic freedom per se. Awareness has been raised on the need to establish a commonly agreed concept and definition and strengthen European powers in dealing with infringements.

1.2. State of play

As a venue to understand and help solve the larger problems that face humanity, higher education cannot work except in a context of democracy, both in society at large and within academia (Council

of Europe, 2020). The engaged university is an institution that achieves its broader societal role as an independent, non-partisan institution. However, this does not mean to be devoid of values or convictions. Addressing local, national, and global issues, such as sustainable development, climate change, poverty, increasing inequality, migration, and religious extremism requires higher education institutions, faculties, and students to be free and autonomous both in the short term and in a broader perspective. The sustainable solutions for transitioning to our societal challenges cannot be found except on the basis of the most advanced knowledge available, which universities, in collaboration with government, business and the community, provide. New knowledge and discoveries can be developed only if the academic community enjoys academic freedom and institutional autonomy (Council of Europe, 2020).

Our democracies cannot be democracies without them, and the quality of higher education and research is intertwined with the democratic mission, and mutually supporting. New knowledge and understanding cannot easily be developed if established dogmas cannot be questioned. Academic freedom and autonomy of higher education institutions represent universal values and cornerstones of democratic and pluralist societies in their mission to motivate young people to exercise their political rights and to provide them with competencies in the light of a coherent view of how they want society to develop (Council of Europe, 2020).

The London Communiqué of the ministerial conference of the European Higher Education Area declared in 2007, states that the purposes of higher education include “preparing students for life as active citizens in a democratic society; preparing students for their future careers and enabling their personal development; creating and maintaining a broad, advanced knowledge base; and stimulating research and innovation”.

The democratic mission of higher education is developed within institutions as well as outside, in society at large. Universities should be entitled to determine, without undue interference, their academic curricula and degrees, student admissions, research, administrative organization, financing, and staff employment. Teachers and students should be free to teach, study, and pursue knowledge and research without unreasonable interference, institutional regulations, or public pressure. The democratic mission of higher education is also developed through institutional culture: institutions should credibly teach democracy by practicing it. Democratic practice comprises student, faculty, and staff participation in the governance of the institution and its faculties and departments as well as participation in student associations.

Citizens in a decent society should enjoy political liberties, including liberties of expression and thought. They should enjoy them without threat to their livelihood. Still, the justification of those liberties is independent of, even if (as we will see) related to, the justification of distinctively academic freedom.

The mix-up between academic freedom and general political freedom was clarified already in the 1940s, particularly in the statement issued by the Association of American University Professors, which defines academic freedom as follows (AAUP, 1940):

-
1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties.
 2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.
 3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or

write as citizens, they should be free from institutional censorship or discipline.

The third point expressively identifies freedom in research and teaching as the central elements of distinctively academic freedom, protecting “extramural speech” by academics from institutional censure, especially in the form of freedom from employment repercussions (Leiter, 2018).

In the last few decades, this idea of academic freedom has been challenged by several ongoing processes within higher education (Rostan, 2010; Kogan & Teichler, 2007; Enders, 2006). First, governments have moved from more direct forms of control towards a system of steering at a distance bestowing more autonomy to higher education institutions (Neave & Van Vught, 1991; Kickert, 1995). Nonetheless, at the same time, the introduction of the performance assessment of both institutions and their professionals (i.e., academics) and the closer link between funding and performance have entailed more accountability (Geuna & Martin, 2003; Reale & Seeber, 2013). Second, there has been a deep shift in the distribution of power within higher education institutions (Ferlie *et al.*, 2008). As higher education institutions have become more autonomous corporate bodies, a new kind of more professionalized management has emerged with the role of administrative staff growing at the expense of the academic community (Slaughter & Cantwell, 2012). This new management approach is necessary to tackle an expanded and diversified student body and more complex research activities, often in collaboration with non-academic actors. Finally, universities and academics are coping with increasing demands and pressures from the economy and society to support economic development, social progress, and innovation, to provide a highly qualified labour force, and to foster graduates’ employability (Gibbons *et al.*, 1994; Etzkowitz & Leydesdorff, 1997; Nowotny *et al.*, 2001). Universities are required to prove the relevance and utility of their teaching and research for economic and societal needs (Brennan, 2007) and to be more responsive to the demands of a wider constellation of actors including not only their peers but students and their families, management, governments and public agencies, and other external stakeholders ranging from private business firms to local communities (Slaughter & Leslie, 1997; Clark, 1998; Jongbloed *et al.*, 2008; Goddard *et al.*, 2016). All these demands are channelled to institutions and academics through specific vehicles, such as financial support, evaluation of teaching and research, student satisfaction surveys, collaboration links between universities and industry (e.g. patent licensing, spin-offs, technology transfer), and territorial actors (e.g. consultancies and universities’ contributions to regional development). Therefore, academics possibly become less autonomous in setting the means and the ends of their activities (Rostan, 2010).

Higher education institutions are put under further pressure and discredited in despotic contexts. Independent educators are seen as a risk in illiberal political regimes. In particular, academic experts are discredited and delegitimated by the general public, with scarce efficacy in civic discussions. Moreover, widespread worries about prosecution or selective law enforcement discourage them from challenging government authorities (West, 2022).

This belief has been recently remarked in different international venues, where dedicated work and efforts have been put in, usually linked with concerns for human rights protection, such as, lately, the UNESCO Conference on Scientific Freedom and Responsibility in May 2023³. On the occasion of the Scholars at Risk Conference in July 2023⁴, the UN special rapporteur, Farida Shaheed, stated that:

³ See <https://webcast.unesco.org/events/2023-05-WSF/>

⁴ See "From Words to Action Implementing Academic Freedom under UN Human Rights Standards" a side event to the 53rd session of the UN Human Rights Council (UNHRC), <https://www.youtube.com/watch?v=kC29I8hMEGA>

“If we believe in democratic spaces, then that space for thinking differently – even if we don’t like that opinion – must be there in terms of education. [...] Without academic freedom societies lose not just an essential element of democratic self-governance, but the capacity for self-reflection, for knowledge generation and for a constant search for improvement of peoples’ lives and social conditions. Surely, this is exactly what the purpose of education should be”⁵.

The fundamental standards for academic freedom and institutional autonomy have been set in 1989 in the Magna Charta Universitatum. Its fundamental principles underline that:

“The university is an autonomous institution at the heart of societies differently organized because of geography and historical heritage ... To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.” (Para. 1)

“Freedom in research and training is the fundamental principle of university life, and governments and universities, each as far as in them lies, must ensure respect for this fundamental requirement. Rejecting intolerance and always open to dialogue, a university is an ideal meeting-ground for teachers capable of imparting their knowledge and well equipped to develop it by research and innovation and for students entitled, able and willing to enrich their minds with that knowledge.” (Para. 3)

The belief that to function optimally, the university requires autonomy from substantial political or corporate influence was linked to the role of the state as the university’s guardian in substantive matters, i.e. guaranteed state funding, strong professional self-governance, and protection of academic freedom (Enders *et al.*, 2013).

Likewise, these concepts are deeply rooted in the traditions of European higher education and research systems, and the Bologna Process as the creation of a European space for policy discussion and action in higher education, with all its imperfections, has been a major achievement of historic proportions.

On the coming into force of the Lisbon Treaty on 1 December 2009, the Charter of Fundamental Rights of the European Union enshrined into primary EU law a wide array of fundamental rights for EU citizens and residents, making academic freedom the 13th of all European rights “Freedom of the arts and sciences” in connection with freedom of thought, conscience, and religion (Art. 10), freedom of expression and information (Article 11) and the right to education (Article 14).

“The arts and scientific research shall be free of constraint. Academic freedom shall be respected.”

⁵ Available at <https://www.youtube.com/watch?v=kC29I8hMEGA>

This process of *Europeanisation* of higher education has enlarged the scope of academic freedom in the policy agenda for education and science, gaining increasing academic interest, as illustrated by various studies and the development of academic freedom monitors and indexes⁶.

Many European countries have strong, well elaborated, and effective legal instruments for the protection of academic freedom (Beiter *et al.*, 2016). Norway, for example, has some of the best articulated and most efficient legal provisions and mechanisms to protect academic freedom (Matei, 2020).

Two-thirds of the EU Member States' constitutions contain provisions that reflect the elements of Article 13. Academic freedom features prominently and some even refer to the autonomy of academic institutions (Beiter *et al.*, 2016; LERU, 2016). In the Italian Constitution adopted in 1947, in Article 33, the main principles that lay the foundations for the Italian education system, and in particular higher education, are set down. stating that:

“... art and science are free, and the teaching thereof shall be free”.

In defense of academic freedom, the article states:

“[all higher education institutions] have the right to establish their regulations autonomously, within the limits set by national legislation” (*ibidem*).

In the texts of the constitutions of Germany (Article 5(3)), Hungary (Article X (1)), Poland (Article 73), and Portugal (Articles 42 and 43), academic freedom equals freedom of scientific research and freedom of teaching. The constitutions of Spain (Articles 20(1c) and 27(1)), Belgium (Article 24(1)), and France explicitly guarantee the freedom of teaching, while the Charter of Fundamental Rights and Freedoms of Czechia guarantees only the freedom of scientific research (Article 15(2)). The Portuguese Constitution (Article 42(2)) affirms that the State may not influence the programs in education and culture in accordance with any philosophical, aesthetic, political, ideological, or religious directives. The Hungarian Constitution (Article 10(2)) similarly states that only scientists shall have the right to evaluate scientific research and the State shall have no right to decide on questions of scientific truth (Stachowiak-Kudła, 2021; LERU, 2016).

There is very significant variation within Europe itself, according to national differences in terms of traditions, legislation, regulations, and current political regimes. In some countries, academic freedom does not have a legal definition and in cases of dispute, courts have defined the essence of this right (Stachowiak-Kudła, 2021). Moreover, the situation of academic freedom is deeply different in Europe than in other regions of the planet.

Recently, academic freedom has been challenged and sometimes threatened in many places in Europe, as a result of a changing political climate in the past ten years, with emergent ideologies and public policy narratives (De Wit and Hanson, 2016; Matei and Iwinska, 2018). The rise of neo-nationalism has posed recent challenges to academic freedom in the EU: political parties seeking to expand their hold on people threatened by waves of immigration or on the brink of war, have tried to stop dissent in academia (Slaughter, 2019).

In Europe as an integrated common space, countries depend on each other, if academic freedom is restricted in some although not all countries, higher education activities are affected.

⁶ See, among others, Kováts and Rónay (2023).

In Hungary, for example, in 2010, the Constitution was amended, and the principle of academic freedom was replaced by the principle of government control of research and higher education. In 2019, after repeated attacks, the government authorities forced the relocation of the Central European University that operated in Budapest to Vienna, Austria⁷. The expulsion of CEU comes accompanied by wider attacks on academic freedom in Hungary, including a recent initiative by the government to withdraw accreditation from gender studies programs and to impose a tax on academic programs for migrants and refugees. Not long after the initiative on CEU, the Hungarian parliament voted to force the Hungarian Academy of Sciences to transfer its research institutes into the oversight of the Eötvös Loránd Research Network, a new agency directly run by the government (Zubaşcu, 2019). Other Hungarian universities are subject to a degree of political and administrative control from the government similar to the totalitarian regimes of the 20th century (Ziegler 2019).

The European Parliament raised concerns about the erosion of academic freedom and more generally, freedoms of expression in Hungary, in voting in September 2018 to ask member states to determine if Hungary is at risk of violating the founding values of the Union - a first step in a process that could eventually lead to sanctions against Hungary⁸ (Redden, 2018). Christian Ehler MEP said

“European governments have been shifting norms to limit academic freedom for the first time in the history of the European Union”⁹.

The European University Association, in charge of the monitoring of university autonomy issues across Europe with 13 member institutions in Hungary, said in a statement that:

"[The vote is] a warning to all EU governments to respect fundamental values, including those regarding university matters. [...] Hungary is the first EU member state to systematically interfere in university matters and repeatedly violate academic freedom”¹⁰.

The European Commission brought the Hungarian case to the European Court of Justice (ECJ). The court ruling came out during intense negotiations in Brussels over plans by the European Commission and parliament to ensure that EU funds cannot be used in countries that disdain basic principles of the rule of law, including academic freedom (Zubaşcu, 2020). Even though the court decision, ruling against Hungary, was heralded as a victory for academic freedom, in reality, the case depended heavily on arguments related to illegitimately restricting World Trade Organization (WTO) rules on trade in services, whilst the violation of academic freedom, as mentioned in the Charter of Fundamental Rights of the European Union was given lesser emphasis (Kováts and Rónay.

⁷ CEU's situation in Hungary came into question in April 2017 when the government passed a law which among other things, required foreign branch campuses to have a campus in their home country, which CEU did not have. CEU officials say they have complied with the terms of the law by establishing academic programs in New York State. But the Hungarian government has refused to sign an agreement it negotiated with New York that would ensure the university's long-term future. See: <https://www.ceu.edu/article/2018-12-03/ceu-forced-out-budapest-launch-us-degree-programs-vienna-september-2019>

⁸ See “REPORT on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded”, available at https://www.europarl.europa.eu/doceo/document/A-8-2018-0250_EN.html?redirect See also “Rule of law in Hungary: Parliament calls on the EU to act”, <https://www.europarl.europa.eu/news/en/press-room/20180906IPR12104/rule-of-law-in-hungary-parliament-calls-on-the-eu-to-act>

⁹ See <https://sciencebusiness.net/news/meps-push-include-academic-freedom-eu-treaties>

¹⁰ See https://eua.eu/news/149:eu-values-european-parliament-calls-hungarian-government-to-order.html?utm_source=social&utm_medium=Twitter&utm_name=Twitter-social-12-09-2018

2023). Despite the relatively weak legal framework and the lack of a binding definition of academic freedom, the ECJ ruling has undoubtedly raised awareness of the importance of protecting academic freedom and the need to establish a commonly agreed notion and definition¹¹.

On the other hand, the Hungarian case has proven the EU's limited powers in dealing with infringements of academic freedom, given that higher education is a competence of member states.

In this regard, also the League of European Research Universities (LERU) took its position, through the words of its secretary general, Kurt Deketelaere:

“Because of the very explicit research aspects that we can link to this notion of academic freedom, there must at least be a discussion on the possibility to include in the treaty an article, very similar perhaps to article 13 of the EU Charter of Fundamental Rights, which is clearly making the link with the research competences of the EU, and on the basis of which then, all kinds of attacks on academic freedom can be tackled”.

Institutional autonomy is supposed to be the shield protecting academics from undue outside influence. For this reason, the European University Association (EUA) that publishes an annual report on university autonomy, notes that many new initiatives that measure and seek to enhance academic freedom have been recently prioritized in Europe, even though a more structured approach is needed now¹².

To facilitate a robust and well-informed policy debate and contribute to the development of enforceable legal protection of academic freedom at the EU level, the European Parliament's STOA Panel has decided to establish an authoritative platform to monitor academic freedom in the EU as an independent status review published annually with new data. This study complements existing efforts to monitor academic freedom and gives input for the Parliament's work on the interim evaluation of the HEU Programme and the second Strategic Plan for Horizon Europe (2025-2027).

1.3. Concept, meaning and related notions

Academic freedom has been widely recognized as a fundamental attribute of any higher education and research system and institution since the early history of the European university. The development of the doctrine of academic freedom is largely derived from the Humboldtian idea of research universities, initially in the European States and the US and subsequently across the globe (Metzger, 1955).

In the European tradition, academic freedom has been associated both with the freedom to choose topics, concepts, methods, and sources in teaching and research and with the right of academic staff to contribute according to standards and rules established by the academic community itself (Rostan, 2010). This view of academic freedom has been complemented in the American tradition by a concern for civil and political freedom looking at the academics' role in a wider arena than academia (*ibid*).

¹¹ See “Academic freedom in Europe” (online event) 09-11-2021, 15:00 Panel for the Future of Science and Technology (STOA), European Parliament <https://www.europarl.europa.eu/stoa/en/events/details/academic-freedom-in-europe-online-event-/20211020WKS03865>

¹² “In order to guarantee scientific excellence, and in line with Article 13 of the Charter, the Programme should promote the respect of academic freedom in all countries benefiting from its funds. Text from Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013, OJ L 170, 12.5.2021, p. 11.

The American legal scholar William Van Alstyne (1972) noted in his seminal essay, that:

“Academic freedom [as migrated] from a close association with protection of the academic in his professional endeavors and assumed a new synonymy with the general civil liberties of academics (and especially their general political liberties)” (p. 62).

Historically, the right of the university to govern itself has always been a key issue intimately tied to the professional autonomy of academics, i.e. their role and powers in the self-governance of the university as well as their academic freedom to pursue teaching and research with no fear of intervention or punishment (Enders *et al.*, 2013).

University is meant as a distinctive social institution that deserves special status in terms of autonomy and academic freedom. This idea is based on a ‘social compact’ that evolved between higher education, the state, and society, according to which the university requires autonomy from political or corporate influence to function optimally and the state has a specific role as the guardian of the university, ensuring state funding, strong professional self-governance, and protection of academic freedom (Enders *et al.*, 2013, Olsen, 2007).

The idealism of academia about academic freedom has been captured in Merton’s norms of science. Merton (1942) argued that the norms of faculty knowledge creation were characterized by communism, universalism, disinterest, and organized scepticism. By communism (or communalism) Merton meant that ownership of scientific goods belonged to the scientific community depending on the work of past and present scientists and their collaborations. Universalism meant that science could be judged objectively, by impersonal criteria, such as competence, and not on personal or social attributes such as ethnicity, gender, and religion. Disinterested knowledge meant that scientists acted for the sake of the scientific community, not for personal interests or gains. Organized scepticism was meant as the habit of questioning everything and subjecting all the work to scrutiny and critique by peers. All these norms defend academic freedom. According to Merton, the *ethos of science* embodies the values of a free society.

Polanyi (1947) defines academic freedom as “the right to choose one’s problem for investigation, to conduct research free from any outside control, and to teach one’s subject in the light of one’s own opinions” (p. 583). Even though critical of Merton’s sociology, also Polanyi identifies an essential connection between a free society and academic freedom. The attempts by governments to control science and to “decide what should be called the truth” are concrete dangers of totalitarianism (p. 586).

Along with the democratization of Europe and other parts of the world during the second half of the 20th century, academic freedom has been codified as a specific right and more recently recognized as an essential condition for a well-functioning democracy.

In a free and democratic society, no citizens suffer employment or financial repercussions for their political speech, regardless of their employers, unless that political speech runs afoul of general legal regulations (e.g., prohibitions on sexual harassment or, as in many countries, hate speech).

In the UNESCO (1997) Recommendation Concerning the Status of Higher-Education Teaching Personnel, academic freedom has been defined 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" (para. 27).

Academic freedom is a defensive right, i.e., one that protects scientific and teaching activities against the interference of the state and other authorities, including university and faculty authorities (Enders *et al.*, 2013; Stachowiak-Kudła, 2021). Academic freedom serves to identify the truth, particularly in the context of knowledge creation, as a responsible act "in the best interests of others, the future of others and other futures" (Gibbs, 2016, 184)¹³.

However, the meaning and forms of academic freedom vary not only over time but also in different contexts, due to political, economic, socio-cultural, financial, and institutional conditions and subsequent threats to cope with. Moreover, they may change according to their manifestation at individual, group, institutional, national, and international levels.

At the European level, the concept's definition and content vary widely between national regulations, and it rarely appears in other legally binding international conventions. Despite the primacy of the European States in the establishment of higher education institutions and the development and refinement of the concept of academic freedom, academic freedom is still an undervalued and underdeveloped concept in the European context, without a shared definition, a conceptual reference, or a model. This lack hinders the monitoring of academic freedom as well as the development of policies and practices with relevant consequences and potential risks in terms of protection (Matei, 2020; Matei & Iwinska, 2018).

The empirical research of the EU study shows that this problem is combined with a general level of ignorance among academic staff (Council of Europe – Parliamentary Assembly, 2020).

While national legislation, including constitutional provisions for academic freedom, exists in most European countries, individual universities themselves have seldom institutional provisions, definitions, strategies, or policies about academic freedom (Matei, 2020). Other researchers have documented that not only policymakers and regulators but also many, if not most, individual academics have no clear understanding or representation of what academic freedom means in Europe these days (Karran & Mallinson, 2017).

The right to academic freedom has been generally ignored by academics at the individual level since most professors have scarce awareness of the concept. Also at the institutional level, most universities have an academic freedom institutional statement, but, owing to the lack of any Europe-wide guidelines, these vary considerably in length, comprehensiveness, and accuracy. At a governmental level, academic freedom is often seen as an impediment to the marketization of university functions ((Council of Europe – Parliamentary Assembly, 2020).

In the absence of consensus on the definition, the last thirty years have seen declarations on academic freedom created by a diverse array of international organizations. Several European initiatives have focused on academic freedom such as the EU Charter for Fundamental Rights, the Bonn Declaration on Freedom of Scientific Research, the Rome Communiqué, and the LERU (2016) advice paper.

The European Commission (2022) working document on foreign interferences defines academic freedom as:

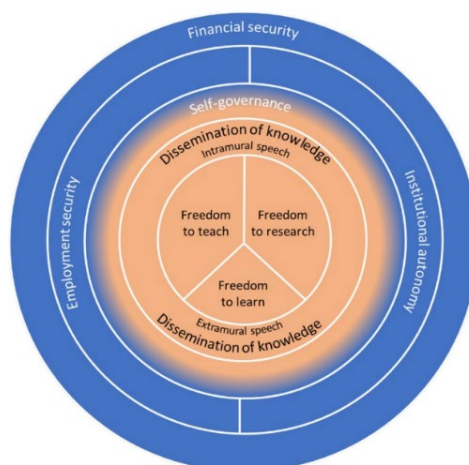
"Freedom of academic staff and students to engage in research, teaching, learning, and communication in and with society without interference nor fear of reprisal. Freedom of academic research encompasses the right to freely define research questions, choose and

¹³ See the provocative act made by Rittberger and Richardson, 2019.

develop theories, gather empirical material, and employ academic research methods, to question accepted wisdom and bring forward new ideas. It entails the right to share, disseminate, and publish the results thereof, including through training and teaching. It is the freedom of researchers to express their opinion without being disadvantaged by the institution or system in which they work or by governmental or institutional censorship.” (Glossary)

In 2023, two STOA studies have been published on this issue to clear the field. Maasen *et al.* (2023) define academic freedom as the freedom of research, freedom of teaching, and freedom of academic expression, which can be exercised optimally when several conditions are fulfilled, including institutional autonomy and self-governance. Kováts and Rónay (2023) define academic freedom as a set of rights and obligations for members of the academic profession, intending members both in a narrow sense, as qualified academics, and in a broader sense, i.e., students, support staff, and even lay researchers that should be warranted in their academic freedom. To cope with major threats that are jeopardizing academic freedom across Europe and the world nowadays, the authors build a conceptual framework, the “onion model” to identify the main components and questions and take advantage of a working definition.

Figure 1 - The Onion model of academic freedom



Source: Kováts & Ronay, 2023

Academic freedom is often linked with the freedom of expression but the two should not be confused, especially for the risk of undermining the very principles of academic freedom. Academic freedom does not free members of the academic community from conducting research and teaching following the standards of their academic disciplines that evolve with new research. The freedom of expression would rather include the right to claim the earth is flat, although this view would be not the object of research consensus (Bergan *et al.*, 2016).

In conjunction with political crises, during which fundamental rights are typically challenged, academic freedom is often featured together with institutional autonomy. These values are often seen as two sides of the same coin even though the link is not always inextricably necessary (Bergan *et al.*, 2016).

As stated by the recent decision of the Court of Justice of the European Union, the concept of academic freedom includes not only substantively autonomous research and teaching that is free from state interference but also its institutional and organizational framework. The university serves as a platform for academic discourse and a network and infrastructure for teaching staff, students, and donors (European Commission, 2022). Consequently, academic freedom cannot be isolated from other fundamental academic values like institutional autonomy, or the participation of staff and students in higher education governance.

The Strasbourg Declaration recognizes that “while academic freedom and institutional autonomy are often considered together, one does not necessarily guarantee the other. A culture that values and promotes academic freedom should be encouraged across higher education institutions regardless of their level of institutional autonomy”.

Differently from academic freedom, the notion of institutional autonomy has been much more elaborated in the European context through a specific concept and a regulatory model, in the sense of a set of freedoms for universities as institutions (Matei, 2020).

In the words of the International Association of Universities (IAU, 1998) policy statement on academic freedom, university autonomy, and social responsibility, institutional autonomy is defined as:

“The necessary degree of independence from external interference that the University requires in respect of its internal organization and governance, the internal distribution of financial resources and the generation of income from non-public sources, the recruitment of its staff, the setting of the conditions of study and, finally, the freedom to conduct teaching and research (para. 1).

The principle of Academic Freedom is defined as:

“The freedom for members of the academic community - that is scholars, teachers, and students - to follow their scholarly activities within a framework determined by that community in respect of ethical rules and international standards, and without outside pressure”.

The Council of Europe (2012) recommendation on the responsibility of public autonomy, states that:

“Institutional autonomy, in its full scope, encompasses the autonomy of teaching and research as well as financial, organizational, and staffing autonomy. Institutional autonomy should be a dynamic concept evolving in the light of good practice.” (Para. 6)

Autonomy, accountability, and academic freedom are means for coordinating the distribution of power between state, university, and academic oligarchy, guaranteeing the respective space of action. The different balance between these three factors indicates the evolution of the state-university relationships. The implementation of any higher education reform process has modified the existing balance with outcomes largely depending on how the equilibrium between the three factors will be shaped (Reale, 2008).

The Advice Paper by LERU (2016) conceives three dimensions of academic freedom: (a) an individual right to the freedoms for members of the academic community (both staff and students) as individuals, e.g. freedom of opinion and expression and freedom of association (b) a collective/institutional right of autonomy for the academy in general or subsections thereof (faculties, research units, etc.) (c) a corresponding obligation for the public authorities to respect academic freedom, to take measures to ensure effective fulfilment of this right and to protect it. These three aspects are not mutually exclusive, but on the contrary, mutually reinforce one another.

Independence and academic freedom are meant not as individual privileges, but rather as foundations for responsible universities aiming to serve their communities by contributing to the wellbeing and development of the society.

Autonomy and responsibility are inextricably linked. Regardless of whether and to what extent institutions are publicly funded, higher education institutions as well as academics play roles in and for society. Society at large rightfully has expectations towards them and expresses societal demands. Moreover, accountability means transparency in terms of working methods, replicability of experiments, methodological robustness assessment, and reporting.

The 2020 revised version of Magna Charta that, at the time of writing is signed by 960 universities from 94 countries¹⁴, resumes all these themes with a new focus on the social responsibility of higher education institutions. Universities stipulate a reliable social contract with the government and civil society, which fully respects institutional autonomy, as a crucial precondition for high-quality academic work as well as valuable service to present and future societies. The new statement begins by declaring that:

“Universities acknowledge that they have a responsibility to engage with and respond to the aspirations and challenges of the world and to the communities they serve, to benefit humanity and contribute to sustainability.

Intellectual and moral autonomy is the hallmark of any university and a precondition for the fulfilment of its responsibilities to society. That independence needs to be recognized and protected by governments and society at large and defended vigorously by institutions themselves.

To fulfil their potential, universities require a reliable social contract with civil society, one which supports pursuit of the highest possible quality of academic work, with full respect for institutional autonomy.

As they create and disseminate knowledge, universities question dogmas and established doctrines and encourage critical thinking in all students and scholars.

Academic freedom is their lifeblood; open enquiry and dialogue their nourishment. Universities embrace their duty to teach and undertake research ethically and with integrity, producing reliable, trustworthy, and accessible results.

Universities have a civic role and responsibility. [...]”

1.4. Recent concerns

The focus on fundamental values and academic freedom in Europe is necessary after during COVID-19 pandemic (e.g., Matei, 2021; Popovic *et al.*, 2022), and on potential risks in the Europeanisation of higher education process, especially in several EHEA countries that are not members of the EU (Jungblut *et al.*, 2020; Kinzelbach *et al.*, 2021).

The sanitary crisis provoked by the Covid-19 has impacted both students and higher education institutions, requiring higher education systems to cope with complex and unprecedented

¹⁴ View new signatories at <https://www.magna-charta.org/magna-charta-universitatum/signatory-universities>

challenges, requiring more flexibility and adaptability. These range from new online forms of teaching and learning, which must be quality assured, and fully recognized cross-border mobility, to guaranteeing adequate safety measures for reopening institutions, while assuring equity and equal opportunities for all, and in particular for the most vulnerable groups of students (BGUF, 2020).

At the initial stage, deliberate interference with the dissemination of data and deliberate distortion of information appear to have contributed to delayed and disorderly responses. Lately, cooperation and transparency among scientists and academics have proven to be a solid instrument against the pandemic, and in countries with great degrees of academic freedom and freedom of expression, researchers and medical experts have been key players in disseminating reliable information.

Nonetheless, tangible disinformation and information manipulation have been highlighted during the COVID-19 pandemic when there were several attempts to manipulate public discourse and discredit scientific evidence about vaccines.

Moreover, although digitalization of higher education and the offer of degrees and courses online already existed before the COVID-19 pandemic, the pandemic has magnified the process and exacerbated the existing issues, and we can state with certainty that many aspects are here to stay, rather than expecting a return to the old systems. The new online environment of higher education needs in-depth reflection as to its consequences for academic freedom. It is a shared fear that the COVID-19 crisis has opened the door to further privatization of higher education, with private companies capturing more control over public resources. Digitalization of higher education might be widely used as a marketing tool for universities, leading them towards stronger profit-oriented policies, recruitment through digital offer, and thus further segregation between higher education institutions. A higher level of tension is reported on campus, and among students, of anger, anxiety, and resentment.

The deterioration of academic freedom at a global level is proven by data emerging from the 2022 “Free to Think” report by Scholars at Risk in its Academic Freedom Monitoring Project¹⁵, which testifies that respect for academic freedom around the globe is in danger. The organization identified 391 distinct attacks on higher education in the year ending September 1, 2022, the largest number ever tracked, including violence and wrongful imprisonment, institutional takeover by state authorities and the allies, and increased restrictions on student protest.

Just to mention a few, in India, a university cancelled a webinar about gender resistance in Kashmir, while Indian authorities decided degrees from Pakistani higher education institutions will no longer be recognized in the country to discourage Pakistani students. The United States, despite being lauded as a bastion of free expression, has seen a visible decline in academic freedom since 2021. Educational matters in the USA are largely regulated by individual states, which have increasingly used their authority to interfere in academic affairs. Several Republican-led states have adopted bills that ban the teaching of concepts related to “critical race theory” in universities. Conservative groups have lobbied state legislatures in attempts to withdraw funding from subjects such as gender, minority studies, and environmental science. Some institutions have introduced self-censoring measures following abortion bans to avoid persecution by state governments. In September 2022, Idaho’s flagship university curtailed individual academic freedom by blocking staff from discussing abortion or emergency contraception on campus. Debate has swirled throughout college campuses about academic freedom especially concerning cancel culture (Garry, 2023). In Australia, Human Rights Watch has observed a rise in racism against Asians after the pandemic and with deteriorating diplomatic relations with China. High dependence on foreign students’ fees at Australian universities is suspected to influence the lack of sufficient measures for preventing infringements on academic freedom through foreign interference (Popovic *et al.*, 2022). In Hong Kong, a Beijing-imposed national security law now means undergraduate students must attend

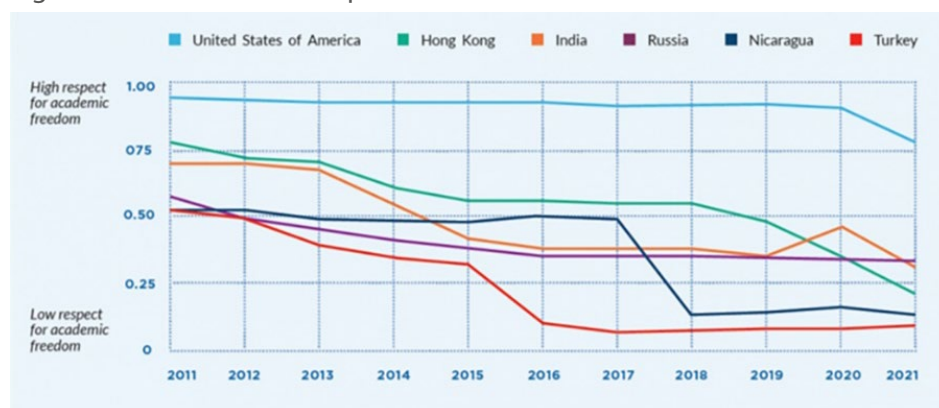
¹⁵ See <https://www.scholarsatrisk.org/resources/free-to-think-2022>

“national security” courses. Russia’s attack on Ukraine had “disastrous consequences” for academic communities in both countries since many scholars were forced to flee war and persecution, while Ukrainian academic and scientific infrastructures were badly damaged. In Afghanistan, the Taliban’s takeover denied women their rights to education and academic freedom. At the same time, the new regime dismissed academic and administrative personnel, often on ethnic grounds, and detained scholars critical of the new government. This ruling illustrates how academic freedom extends beyond what is taught on campuses and delineates one’s freedom to exist within academic spaces. History shows that higher education can be politically transformed in a short time – with implications for the entire academic environment. The Nazis changed German universities. The Soviet imprint remained strong in Russian universities after 1992 and is now being reimposed. Other cases could be mentioned – in Africa, Asia, Latin America, and elsewhere (Altbach & De Wit, 2023).

As for Europe, the severe restrictions on academic freedom in Turkey are public knowledge. The government has closed entire institutions, fired faculty and administrative staff, and sent academics and students to jail by the thousands in the wake of the coup of 2016 (Caglar 2017; O’Malley 2017; EUA 2019). The most famous case is the top-ranking and highly prestigious Boğaziçi University where the political appointment of the rector was introduced in 2021 and the three elected professors were removed from their deanships. Turkey is not a member of the EU, but it is a European country and an important member of the European Higher Education Area.

As for EU Member States, Hungary is currently the most extreme case of an EU country actively limiting academic freedom, but the situation in Poland should also be taken under vigilance since it involves a conservative government accused of leaning on academic institutions to drop courses and research that is critical of its policies (Rzhevkina, 2022). Then in Romania, there was contested legislation that would allow rectors to hold more than two mandates. Cases were reported in Germany, including at least one court case in 2019, of sympathizers and politicians of an extreme right party, Alternative für Deutschland (Alternative for Germany; AfD), attacking, threatening, and trying to intimidate German academics and students for views they expressed in, or regarding, their research and teaching and learning (Matthews, 2018).

Figure 2 – Decline in the respect for academic freedom



Source: Scholars at Risk, 2022

Data from the Academic Freedom Index (AFI)¹⁶, developed by researchers at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, the Scholars at Risk Network, and the Global Public Policy Institute (GPPi) with the help of approximately 2,000 country experts around the world, have recently shown deep deterioration (Kinzelbach et al., 2023).

In most EU Member States, the state of play of academic freedom has been stable since 2011. In the AFI 2021, 24 of the EU Member States have Status A and among the ten highest-ranked countries,

¹⁶ See <https://academic-freedom-index.net/>

eight are EU Member States. Nevertheless, there are countries exposed to decline, namely: Hungary, which is in the bottom 20 to 30%, and Poland and Greece, which are in the top 40 to 50% (*ibidem*). Furthermore, Turkey and Belarus are positioned in the bottom 10% of all countries covered, Azerbaijan is in the bottom 10 to 20%, and Kazakhstan and Russia are in the bottom 20-30 % (Kinzelbach et al., 2022 cited in Maasen et al., 2023).

The measures at the European level for the *de facto* protection of academic freedom in non-EU member EHEA countries are limited (Gornitzka et al., 2007) and consist in essence of “naming, shaming and faming” (Brøgger, 2015) and, ultimately, suspending countries from the EHEA, as in the recent cases of Russia and Belarus.

1.5. Academic freedom in the European policy context

In Europe, a supranational new layer of governance, i.e. the European level, has emerged with the development of the European research policy instrumentation and the introduction of the multi-year Framework Programmes (FP)¹⁷ in 1984. At the beginning of 2000, a new phase started with the Lisbon Agenda where Europe first proclaimed its much-cited goal of becoming the most competitive knowledge-based economy in the world. As a result, the European Research Council and the European Institute of Technology were established and DG Research became a separate DG, taking a leading role in science policymaking, and developing strong relationships with a growing number of international research actors, such as academic associations or interest-based organizations, whose establishment peaked in the 1990s (Beerens, 2008). International and European cooperation between universities has moved from a peripheral activity to a central issue with strategic importance. Several collective organisations have been constituted as political communities at the European level which have become very active in shaping and influencing European policies.

In this framework, academic freedom has been always considered central. Several European legal documents and statements focus on it, including Article 13 of the EU Charter for Fundamental Rights, the Bonn Declaration on Freedom of Scientific Research, the Rome Ministerial Communiqué Annex I, and the LERU advice paper (2016). The political and academic interest in academic freedom in Europe can be linked to both the European Higher Education Area (EHEA) and the European Research Area (ERA).

In 1999, through the Bologna Declaration, 29 countries expressed their willingness to commit to enhancing the competitiveness of European institutions, emphasizing the need to strengthen their independence and autonomy¹⁸. The development of a common architecture for European higher education systems is an unprecedented result through the implementation of a common structure of degree programs, the emergence of European models of tertiary education, the introduction of a European model of quality assurance, and new principles and tools in higher education policy and management, such as the EHEA standards and guidelines for quality assurance, the European Credit Transfer and Accumulation System (ECTS).

The European Higher Education Area (EHEA) was launched on these premises in March 2010, during the Budapest-Vienna Ministerial Conference, on the 10th anniversary of the Bologna Process. The

¹⁷ The FP in its eighth edition has been called Horizon 2020 and from 2021 onwards in its ninth edition it has been called Horizon Europe.

¹⁸ “This is of the highest importance, given that Universities' independence and autonomy ensure that higher education and research systems continuously adapt to changing needs, society's demands, and advances in scientific knowledge”. See https://www.ehea.info/media.ehea.info/file/Ministerial_conferences/02/8/1999_Bologna_Declaration_English_553028.pdf

EHEA was meant to ensure more comparable, compatible, and coherent higher education systems in Europe. The EHEA 2015 Yerevan Communiqué committed ministers to “support and protect students and staff in exercising their right to academic freedom and ensure their representation as full partners in the governance of autonomous higher education institutions”¹⁹. This was further strengthened in the 2018 Paris Communiqué where Ministers made a strong commitment to promoting and protecting fundamental values throughout the EHEA²⁰:

“Academic freedom and integrity, institutional autonomy, participation of students and staff in higher education governance, and public responsibility for and of higher education form the backbone of the EHEA. Having seen these fundamental values challenged in recent years in some of our countries, we strongly commit to promoting and protecting them in the entire EHEA through intensified political dialogue and cooperation”.

While academic freedom has been on the agenda of the ministerial EHEA meetings for some time, the Rome Ministerial Communiqué, adopted on 19 November 2020, is the first to include a specific statement on academic freedom²¹, aiming to present a common frame of reference for academic freedom for the European higher education area, and to offer a basis for the development of indicators.

The Rome Ministerial Communiqué takes a broader view, intending academic freedom as an essential element of democracy. It defines the essential dimensions of academic freedom as the freedom of the academic community to engage in research, teaching, learning, and communication in society, without fear of reprisal. Institutional autonomy is interpreted as constitutive of academic freedom. Further, academic freedom is linked to several dimensions that, at least implicitly, are seen as conditional, such as higher education governance and self-governance, secure employment conditions for academic staff, and adequate funding. In this, the Rome Communiqué presents an interpretation of academic freedom that puts three essential freedoms central. The first is the relation between academic freedom and institutional autonomy, even though it does not elaborate on what institutional autonomy is constitutive for academic freedom. The second concerns the question of whether academic freedom is a freedom of individual academics or a freedom of the academic community. The third is about the freedom of 'communication in society', not adequately clarifying the relation with the human right of the freedom of expression.

Scientific and academic freedom are set as one of the three key areas in which the European Higher Education Area cooperates with the European Research Area.

Ensuring academic freedom and fostering higher education autonomy through quality and mobility are key elements of the development of the European research area (ERA). ERA was launched in 2000 in the communication 'Towards a European research area'. Since then, the European Commission has introduced various measures aimed at shaping the common research area with a focus on strengthening joint research and innovation. A new, deeper, and broader European research area (ERA) was launched in 2020 and linked to the EU Framework Programme for Research and Innovation, Horizon Europe (2021-2027). From 2022, the basis for cooperation in the ERA is the “Pact for Research and Innovation in Europe”. In the new ERA, synergies are pursued between the ERA and the European education area (EEA), starting from the idea that education, research, and

¹⁹ See https://www.ehea.info/media.ehea.info/file/2015_Yerevan/70/7/YerevanCommuniquFinal_613707.pdf

²⁰ See

https://www.ehea.info/media.ehea.info/file/2018_Paris/77/1/EHEAParis2018_Communique_final_952771.pdf

²¹ See Annex I, https://www.ehea.info/Upload/Rome_Ministerial_Communique_Annex_I.pdf

innovation are important for realizing the two main goals of the European growth strategy up to 2030, that is, green and digital transition. In the pursued synergies between research and innovation, and education and training, the new ERA fully acknowledges the importance of academic freedom. As argued in the 2020 communication: “Without academic freedom, science cannot progress, and the ERA cannot function”²². Furthermore, the Council adopted the first ERA Policy Agenda for the years 2022-2024, Action 6 of which, outlines activities to deepen the ERA through protecting academic freedom in Europe.

The acknowledgment of the social relevance of academic freedom for the ERA has been clearly addressed in a declaration on freedom of scientific research, the Bonn Declaration. This declaration was adopted on 20 October 2020, during an ERA Ministerial Conference in Bonn, by the research ministers of the EU Member States and the European Commissioner for Innovation, Research, Culture, Education and Youth. The Bonn Declaration focuses on the freedom of scientific research presenting a lengthy definition of this freedom, which includes the right to freely define research questions, to choose and develop theories, to gather empirical material and employ sound academic research methods, and to question accepted wisdom and bring forward new ideas. It also includes the right to share research results, the freedom of academic expression, and the right to associate within academic bodies. Furthermore, it identifies enabling conditions such as mobility opportunities, a gender equality culture, and the freedom to interact. The Bonn Declaration links academic freedom with institutional autonomy and research funding stating that “we will continue to strengthen academic freedom and institutional autonomy coupled with long-term as well as reliable and stable institutional financing are necessary prerequisites for freedom of scientific research”²³. This definition is related to basic rights such as freedom of expression, freedom of association, freedom of movement, and the right to education.

Within ERA international academic collaboration is an essential asset and strategic pillar for European universities. It is, therefore, crucial to maintain and further enhance international research and innovation cooperation, whilst ensuring a robust and trusted system in which the risks of foreign interference are managed, and the benefits of collaboration are realized.

Four objectives of the ERA are at potential risk from foreign interference: a) support free circulation of researchers, knowledge, and technology; 2) encourage high-quality research and technological development; 3) promote competitiveness in research and innovation; 4) support cooperation and interdisciplinarity between all sectors in their research and technology development activities. Free circulation may enable interference and reduce the degree of reciprocity between Europe and the world. High-quality research and technologies arising from support and competitiveness are valuable assets and make Europe a primary target for interference. Collaboration with countries from outside of Europe may lead to a conflict with value systems that are not in agreement with European values. Strategies for tackling foreign interference should be proportionate so as not to endanger the scientific process which crucially relies on collaboration and knowledge sharing (European Commission, 2022).

1.6. The goal and the structure of the study

This study aims to examine in an independent way, the level of protection of academic freedom in the HEU Programme, screening and assessing whether and how the HEU Programme is protecting academic freedom *de facto*. It also pursues the goal to develop policy options to strengthen and

²² See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0628&from=EN>

²³ See https://www.bmbf.de/bmbf/shreddocs/downloads/files/drpf-efr-bonner_erklaerung_en_with_signatures_maerz_2021.pdf?blob=publicationFile&v=1#:~:text=We%20will%20continue%20to%20strengthen,an d%20institutions%2C%20adequate%20research%20careers

improve the implementation of Recital 72, by identifying possible opportunities and bottlenecks on this pathway and proposing applicable options for overcoming the latter.

Within these goals, the study targets to provide useful inputs for the Parliament's work on the interim evaluation of the HEU Programme as well as for the second Strategic Plan for Horizon Europe (EP committees ITRE, CULT, LIBE).

The Horizon Europe strategic plan 2025-2027 analysis underlines that the rights and freedoms enshrined in the treaty on European Union (Article 2) and the Charter of Fundamental Rights of the European Union have been deeply challenged in recent times, and the rule of law and the European values must be enshrined across the Member States at all times. The document highlights that the political climate of the past few years has increasingly put liberal democracies at risk. This trend has been reinforced by the COVID-19 pandemic and its subsequent waves of temporary (in most cases) restrictions on basic freedoms, by the invasion of Ukraine, and by the swarm of disinformation that both events have triggered (European Commission, 2023).

These inputs relate to a screening activity about academic freedom, starting from the clarification of the meaning of the concept and its scope and including the identification of possible experienced cases of threats and limitations by the state, companies, the public, and academia itself. Additionally, several policy options have been proposed and scanned.

The study has been composed by:

- desk review of literature and policy documents
- building up of the analytical framework
- research design, including methodologies, tools, and techniques to conduct the research
- definition of target selection criteria
- data collection process and interview administration to experts
- auditions with European Commission representatives
- data analysis

2. Methodology

Assessing the status of academic freedom is a difficult task (Kováts & Ronay, 2023). The reasons behind this difficulty are:

- academic freedom is a composite multidimensional concept
- there may be a difference between the *de jure* status as defined by law and the *de facto* status that exists in reality
- there may be differences within each country, for example as for political contexts, systems, and institutions
- academic freedom is subject to influence and violation by many different sources (state, companies, public, academia itself)
- in addition to overt and direct forms of violation of academic freedom, there are also more covert and subtle elements that are more difficult to detect (e.g., self-censorship, corruption).

The approach and methodology considered the most appropriate to achieve the best possible research results and accomplish the objectives set out have been elaborated in the light of the following considerations.

1. Formulation of the research question (and hypothesis) and placement in the analytical framework
2. Identification of the research object, operationalization of concepts, and delimitation of the dimensions of inquiry, indicators, or concepts, spatial and temporal context
3. Selection of the units of analysis, target identification, and choice of the sampling/selection techniques
4. Definition of the method path: choice of type of data to be analysed, tools for data collection, the role of the researcher
5. Data organization and analysis.

The study has been based on desk analysis and primary data collection. The literature review has represented the first stage for the definition and methodological descriptions of academic freedom, as well as of related concepts in institutional autonomy, self-governance, employment security, and funding stability.

It has departed from the definitions proposed by the two recent STOA studies, by Kováts & Ronay (2023) and Maassen *et al.* (2023). The most recent scientific debate as well as the grey literature on the issue have been reviewed. Then the main international policy documents have been analysed together with several large-scale projects to gain a deeper understanding of the aims and approaches to academic freedom protection and the measures for improvements. The regulation of the HEU Programme has been also analysed to ensure the best coherence of the study with the context in which it is focused, which is the most relevant European research funding program.

The main results of this work have been summarized and presented in the following sections.

2.1. Analytical framework

Considering the main elements emerging from this broad review, the first aim of this work has been the construction of an *analytical framework*, that is a list of issues to be used for the subsequent data collection, whose main objectives are set as:

- 1) to find agreement on the definition;
- 2) to seek for cases of limitation and *de facto* harassment experiences;

- 3) to build a risk model, by the identification of the dimensions to be monitored and strongly protected;
- 4) to identify and assess policy options to strengthen and improve the implementation of Recital 72;
- 5) to raise awareness and verify the adequacy of the existing protection means in the framework of the HEU Programme.

On this basis, the construction of the framework has firstly encompassed an exploration of the concept and meaning of academic freedom within the specific context of broad research funding programmes such as HEU. All the dimensions listed in the definition elaborated by Maassen *et al.* (2023) have been investigated, specifically freedom of teaching and learning, freedom of research, freedom of expression following one's curiosity and interest, and freedom of dissemination.

Moreover, the issue of academic freedom has been also analysed for its breadth. Academic freedom can be referred only to the faculty, and the scientific community or it can be extended to the student community and the universities' administrative staff. However, for this study, a specific focus has been put on freedom of research, due to the context of the HEU Programme.

After this general introduction to semantics, an investigation of infringements and violation cases has been conducted together with the mapping of the possible threats or pressures that may occur.

A specific classification of risk sources has been built for this study's aims, inspired by previous studies and, among others, by the work of Hoffmann & Kinzelbach (2018) and by the taxonomy provided by the European Commission (2022).

According to this model, possible limitations or violations may come in the form of manifest infringements but also indirect pressures or threats, the sources of which are analysed. They can derive from the sphere of *governments and politics*, for example in periods of austere research policies, funding programmes may oversteer and limit autonomy. Furthermore, the lack of appeal procedures, and especially in autocracies, forms of explicit censorship may be direct consequences of political control on HE systems. Generally, the politicization of universities takes place in right-wing populist and communist, authoritarian, or semi-authoritarian regimes. Particularly, nationalist type governments consider academic freedom as a source of disorder and tension and an obstacle to their political authority and cultural identity, to the role of the nation-state (Rieu, 2021). States may see universities as useful tools for building support and extending consensus. Others want to restrain oppositional views, thinking, and actions, and to control faculty, students, and administrators, or dictate what can be taught or researched (Altbach & De Wit, 2023).

Intrusions into academic freedom may come from external sources, but also from within universities, through administrative oversight or internal conflict.

Pressures may also descend from *institutional leaders and managers*, particularly due to the excessive managerialization and bureaucratization of universities, evaluation oversteering, overuse of disciplinary proceedings, and denial of funding and promotions. The traditional European model of universities emphasizes their autonomy in that the governing bodies have typically been made up exclusively or almost exclusively of members of the academic community: academic staff, students, and technical and administrative staff. Tenured academic staff tend to hold most seats on the governing bodies and students often elect more representatives than technical and administrative staff. Rectors, deans, and other academic leaders are generally elected by and from within the academic community.

This governance model is now changing thanks to the inclusion of external members and the hiring of institutional leaders from outside the institution after a competitive call rather than a nomination with a new emphasis on competencies (de Boer *et al.*, 2010). Moreover, research and teaching are required to prove their societal relevance and utility (Brennan, 2007). Together with the

prioritization of student satisfaction, all these may be a source of tension with academic freedom. Placing a high level of importance on meeting the needs and preferences of students in an educational setting, through creating a supportive and inclusive learning environment, providing resources and support services, and ensuring that students' voices are valued and heard within the academic community, is essential for fostering a positive and effective educational experience for students. Nonetheless, it intersects the principles of academic freedom, for example in the form of freedom of speech by academics and it should be carefully balanced (Goodwin, 2022).

The academic institutions' willingness and capacity to preserve autonomous governance for the sake of free inquiry and free education is essential. Nonetheless, academic freedom is not taken for granted even in autonomous institutions. A higher education institution may enjoy a considerable degree of institutional autonomy without fostering academic freedom within the institution. Pressures can also stem from *internal academic sources* and assume the form of discrimination, censorship, and self-censorship towards sensitive research issues. Particularly, self-censorship refers to the act of suppressing or withholding one's own thoughts, opinions, or expressions, particularly in response to perceived social, political, or professional pressures. This can occur when individuals fear negative consequences, such as backlash, discrimination, or ostracism, for expressing views that deviate from the dominant ideology or orthodoxy. Self-censorship can be a response to real or perceived threats to one's reputation, career, or personal safety, and may result in individuals refraining from openly sharing their beliefs or engaging in certain discussions.

Another recent threat to academic freedom described as internal is the threat coming from student activist groups, who increasingly rely on social media to exert pressure on academics.

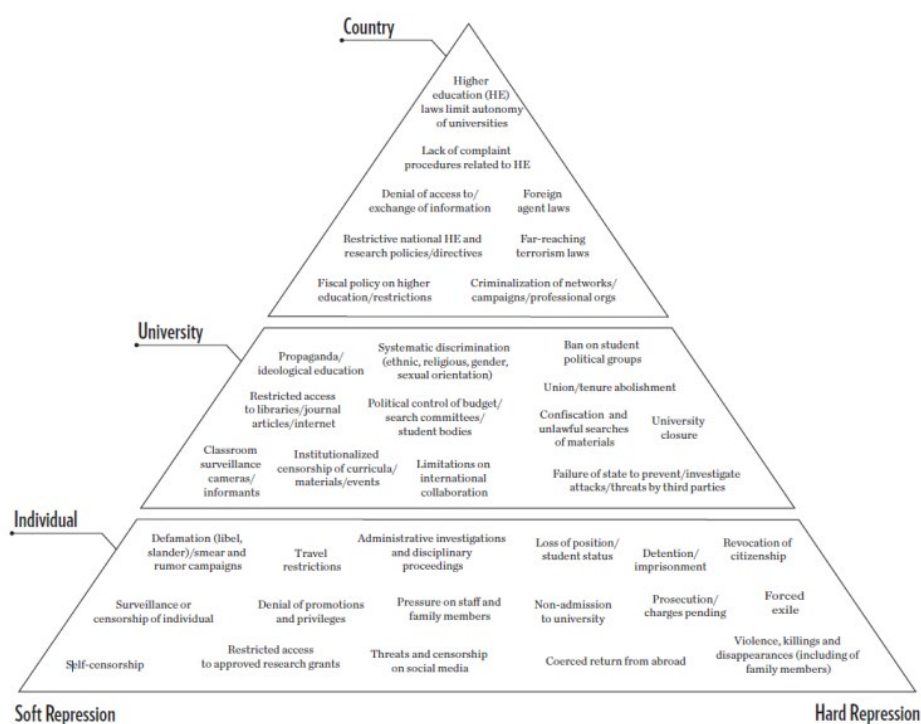
External actors and factors may also influence research agendas restricting the scientist's freedom of choice. For example, *private organizations*, through funding, for example in direct form as corruption but also in less tangible forms such as through excessive focus on applied research and profit activities (Slaughter & Leslie, 1997).

The business sector is also an important factor, which is often a key partner for higher education institutions, as proven by the role assigned to Business Europe within the EHEA. Cooperation with businesses expands funding opportunities as well as chances to develop applied research. At the same time, it raises issues of institutional governance, in particular in influencing institutional as well as individual researchers' or research teams' priorities and schedules. A strong debate has developed on the commercialization of higher education as a source to impinge on academic freedom and institutional autonomy through the funding for research or study programs, especially in medical research fields (see, among others, Slaughter and Leslie, 1997).

International partnerships are major drivers in the advancement of research and economic growth in universities in some countries. Nonetheless, universities try to bring on board their industrial system and the means are scarce to verify what happens after funding. Moreover, in recent years, a growing number of cases of interference in international partnerships of European academic institutions have been reported, especially in autocratic and illiberal governments exercising direct control over institutions and academics. This can be conceived as another potential source of risk. Local interests, academic systems, and traditions as well as laws and regulations are not always in line with European and national ones. Repression endangers scholars and/or students and induces self-censorship in democratic contexts too.

Recently, especially in and after the pandemic period, a surge in the level of intolerance in *civil society* has been observed especially through attacks on social media and scholars' defamation. Anti-scientific populism presents scientists and experts as an elite detached from the common people, as recently evident in the criticism against academics and violations of academic freedom promoted by most populist leaders.

Figure 3 - Political repression in the university sector



Source: Hoffmann & Kinzelbach, 2018

Nonetheless, the emergence of new threats, related to AI, social media, etc. that are not yet covered by the current legal framework may also endanger academic freedom and for these reasons, they have been explored. As observed by LERU (2022) issues pertaining to social media are much more present today than they were in 2010. Furthermore, AI is a threat to the pluralism of academia: if the algorithms take the quotes of the most quoted and amplify them, then minority points of view are hardly heard.

All these aspects have been explored in the framework of research projects funded by the HEU Programme together with the consideration of how the situation is improving or deteriorating over time and the measures to be taken to raise attention on the issue and increase the level of protection.

2.2. Methodology assessment

A methodological assessment procedure has been conducted to check the validity of the investigation approach and technique to cope with some methodological issues here discussed.

To be effective and impactful, the study has coped with five methodological issues:

- 1) how to keep the interviewees focused to avoid extensive academic freedom meanings and consequently ineffective results
- 2) how to cope with interviewees' national contexts due to the country's political history and context, higher education and research systems' features and existing regulations, level of government's influence over research agenda, funding schemes, etc.
- 3) how to let interviewees talk about a thorny issue as academic freedom in the short window of the interview, managing the problem of trust

- 4) how to let interviewees have the time to reflect on an issue related to a human right with philosophical, legal, and political seeds that are not commonly and daily debated and to avoid generating discomfort for a fast answer
- 5) how to put interviewees in the conditions to elaborate and propose concrete *de facto* measures for academic freedom protection.

It is important to use investigation tools able to support trust and comfort in the data collection process as well the use of a clear and sharp definition and the right account of how context matters.

In-depth or unstructured interviews are one of the main methods of data collection used in qualitative research. Classic ethnographers such as Malinowski emphasized the importance of talking to people to grasp their point of view. They reproduce a natural process of human conversation but with a specific purpose and objective. The problem of how far knowledge is constructed and negotiated in the interviewing process or is pre-existing is relevant for a sensitive issue as academic freedom and the elicitation process of digging out the subject's experiences, knowledge and opinions should be well designed through questions to avoid semantic manipulation. Also, these methods are concerned with understanding the cultural milieu and social worlds of interviewees that may affect the narrative as well as its interpretation. They also provide a mix of structure and flexibility, and they are interactive in nature. The researcher's task is to ease the interviewee's passage from the everyday, social level to a deeper level where the knowledge can be dug out. Moreover, the researcher should be confident that the subject feels comfortable and free to express views, feelings, and opinions. Content mapping, as well as content mining, are both possible in the in-depth interviews since the questions may both open the research territory and explore the details and meanings of each dimension.

All these conditions first lead to the conviction that *vis-à-vis* in-depth is the most appropriate technique for understanding the object of this study.

However, the nature of the topic itself has proven to be intrinsically sensitive and potentially leading to the interviewee's uneasiness. Additionally, reticence may come from the difficulty of dealing with a topic that is not so consolidated in the debate and refers to the individual freedom sphere, especially in countries such as European countries where some issues should be taken for granted.

The high level of interviewees' expertise in play, on one hand, increases the risk of discomfort in the situation of not disposing of an answer at the moment of the interview, while, on the other hand, reduces the need to introduce the topic and train the interviewee on it.

Taking all these considerations, the decision was to send out the interview protocol containing the list of prepared questions before the face-to-face interview. The interviewees have been asked to fill out the sheet and then discuss it with the interviewer through videoconferencing. For this reason, the protocol in most of its part has been articulated into open questions leading to textual data collection. The data treatment has entailed intensive work of ex-post classification. However, this technique has been considered to be the most appropriate to cope with all the listed methodological issues.

A first pilot exercise has been done to collect feedback on the structure and wording of the questions. This stage of the data collection process has been also functional to the clarification of the concept, the identification of the main dimensions to be explored and the policy options to be tested. The pilot interviews were administered face-to-face but remotely through videoconferencing (CAWI). After these pilot interviews, the interview protocol has been revised.

2.3. Data collection design

The second part of the study has been centred on the design of the data collection process from a first-hand source. The analytical framework presented has been used to design and build the

interview protocol. For all these reasons the first methodological choice has been related to the targets of the data collection process and the identification of the pool of potential interviewees.

2.4. Target identification

The condition for the interviewees' selection has been the possession of an eagle's eye view of what occurring within European research policy and systems today. This expertise comprises a mix of profiles of scholars and professionals with different expertise, among which European academics with the roles as:

- editors of journals and directors of research centres focused on higher education, research, and innovation policy and evaluation,
- European research network coordinators,
- advisors of European and national institutions (such as European Commission, Directorate General Research and Innovation, national higher education Ministries and authorities),
- authors of academic contributions on academic freedom and related concepts,
- professionals from European academic organizations and national European funding promotion agencies,
- policy analysts in international education organizations,
- experts of funding programmes,
- decision-makers in research policy,
- academic freedom supporters,
- Principal Investigators in research projects funded by European programmes.

Table 1 - Interviewees' selection criteria

Profiles	Examples
Scholars with specific expertise in the field of research funding and systems	European network coordinators, journal editors about higher education and research policy and evaluation, scholars interested in academic freedom, advisors of European and national authorities
Professionals involved in academic freedom and/or HEU issues	Advocates, policymakers from European and national public authorities, officers from national HEU Programme contact points, leading EU fundraising for universities, professionals from academic organizations, Principal Investigators in research projects funded by European programmes

Source: Author

The pool of interviewees has been identified in a balanced way ensuring that a wide range of opinions, approaches, interests, disciplinary backgrounds, and experiences are considered. The pool of interviewees has been composed aiming at a large disciplinary mix comprising Biology, Law, Education, Chemistry, Engineering, Engineering, Management, Education, Humanities, and Sociology. A country-based selection process at this level has proven to be difficult for the large variety of countries covered by the HEU Programme. However, people from Ireland, the UK, France, Spain, Italy, Germany, Estonia, the UK, Portugal, Belgium, and Finland have been contacted. In the future, the study may be enlarged and structured with sharper and broader data collection criteria. A rich list of 22 potential interviewees has been assembled to minimize the risk of a negative response rate. In the end, ten people participated in the CAWI interviews. The results have been summarized in section 3.1.

Table 2 - Interviewees' contact and feedback

Answers	Number
Positive answers	10
Rejections	12
<i>Total</i>	22

Source: Author

Table 3 - Final list of interviewees

Initials of the interviewee's name	Affiliation
CE	Member State's national Senator, Professor at a University, academic freedom advocate
LP	Professor at an EU Member State's University, an international expert from a European academic organization, and author of a book on the topic
NT	Professor at an EU Member State's University, an international expert from a European academic organization, and author of a book on the topic
BC	Manager at an EU Member State's University, a European funding promoter
ME	Professor at an EU Member State's University awarded with a European-funded project
VA	Professor at an EU Member State's University and advisor at a European Institution
BA	Professor at an EU Member State's University, advisor at a European Institution, and the national Higher Education Authority
HE	Professor at an EU Member State's University, advisor at the national Higher Education Authority
WR	Professor at an EU Member State's University, author of a book on the topic
FA	Manager at an EU Member State's Agency for Research Promotion and national expert of European R&I Framework Programmes

Source: Author

The perspective of the European Commission has also been analyzed in dedicated interviews. The focus has been kept on academic freedom limitation in the form of foreign interference. Two auditions have been held with two officials from the European Commission, Directorate-General for Research and Innovation. The selection of units has followed a relevancy criterion. The results have been summarized in section 3.2.

The first unit involved has been **"ERA, Spreading Excellence, and Research Careers"**²⁴. Here the interest has been focused on the contribution given by the unit to a recent publication issued in January 2022, by the European Commission, "Staff Working Document on Tackling Research and Innovation Foreign Interference". It is a set of guidelines on dealing with foreign interference targeting EU research and higher education institutions. These guidelines have been developed following a commitment made by the European Commission (2021b) *Communication on the Global Approach to Research and Innovation* to protect fundamental values by safeguarding academic freedom, integrity, and institutional autonomy, and to shield students, researchers, and innovators, and key research findings, from coercive, covert, deceptive, or corrupting foreign actors.

²⁴ ERA, Spreading Excellence and Research Careers (RTD.A.2) https://op.europa.eu/en/web/who-is-who/organization/-/organization/RTD/COM_CRF_250406

The second unit involved has been **“Horizon Europe Association”**²⁵. Here the interest has been focused on how the protection of academic freedom is ensured in HEU-associated countries, and not only in the Member States, as potential beneficiaries. Legal entities from associated countries can participate under equivalent conditions as legal entities from the EU Member States unless specific limitations or conditions are laid down in the work programme and/or call/topic text. Therefore, following the Commission’s welcoming of the Bonn Declaration, all HEU association agreements and projects promote academic freedom and freedom of scientific research, as explicitly referred to in their preamble and addressed in the regular policy dialogues and joint committee meetings. Associated Countries acknowledged the objectives of the new ERA and are key partners in delivering on its priorities. Non-compliance with the core principles embedded in the association agreement is addressed at the joint committee that can decide to terminate at any time the agreement. Turkey is for example an associated country in HEU and has a problematic track record of curtailing academic freedom.

²⁵ Horizon Europe Association (RTD.03): https://op.europa.eu/en/web/who-is-who/organization/-/organization/RTD/COM_CRF_248218

3. Results and discussion

3.1. Evidence from the interviews

The data collected in the interviews systematically report the multidimensional character of the definition of academic freedom, the lack of a conceptual basis, and the variety of stakeholders. The lack of a shared definition is considered to be problematic since it translates into the difficulty of monitoring and consequently a scarce control on the *de facto* protection.

3.1.1. Definitions and dimensions

Academic freedom is a basic principle of scholarly endeavor as “the prerequisite for any cognitive enterprise”. It is intended as the freedom of inquiry by students and faculty members, essential to the mission of the academy. When scholars attempt to teach or communicate ideas or facts that are inconvenient to external political groups, authorities, or other groups of interest, they may find themselves targeted for public vilification, job loss, imprisonment, or even death. Academic communities are sometimes targeted for repression due to their ability to shape and control the flow of information.

In this sense, various definitions have been provided by the interviewees:

“The license of free knowledge with no repercussion from people that have different individual, organizational, institutional interests.”

“The freedom to conduct research, teach, speak, and publish without interference or penalty. It extends to all manner of opinions. It encourages the exploration of new ideas and knowledge, testing or critiquing traditional and/or received wisdom or perspectives.”

“Academic freedom means ensuring that everyone has the opportunity to study starting from a rational idea and exploring all the avenues considered appropriate.”

“Academic freedom is the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure.²⁶”

“Academic freedom relates to the knowledge disruption and the critical agency of the academics, which cannot be unimpeded and unharmed by technologies of control that might reduce or corrupt the advance of knowledge”.

The principles stated in the Magna Charta Universitatum are also promoted and summarized in one interview, according to which:

“Research and teaching must be intellectually and morally independent of all political influence and economic interests. Teaching and research should be inseparable, with students engaged in the search for knowledge and greater understanding. University is a site for free inquiry and debate,

²⁶ This definition recalls the Encyclopædia Britannica’s item.

distinguished by its openness to dialogue and rejection of intolerance. Furthermore, academic freedom is to an extent distinguishable from institutional autonomy, safeguarding the rights of individual academics as opposed to the institutional power of the rector”.

Academic freedom is at the core of democracy.

“Defending academic freedom means protecting a model of coexistence based on democracy in which fundamental rights, including the right to study, are equally guaranteed.”

On the one hand, it relates to “the individual freedom of expression for members of the academic community, as also affirmed by the European Court of Human Rights²⁷”. On the other hand, it is conceived as a

“Collective and institutional right and obligation to preserve and promote the principles of academic freedom in the conduct of their internal and external affairs, while they are also protected against undue interferences²⁸”.

This collective element directly refers to institutional autonomy applied to the academy in general and its subsections (universities, faculties, research units, etc.).

This broad meaning includes both the possibility to express unpopular, controversial, not established positions, with no reprisal from those who disagree, and the opportunity to freely choose research interests and topics. Moreover, it states an obligation for public authorities to respect and protect academic freedom and to take measures to ensure the effective enjoyment of this right and to promote it.

3.1.2. Risk sources

All the interviewees agree on a general decline in academic freedom and on the need to open a reflection on the issue and strengthen the means of protection. Academic freedom is almost always threatened in authoritarian and dictatorial regimes. However, threats can occur also at the heart of democratic functioning. In Europe, public university autonomy has been respected for centuries and academic freedom has been considered as a stable condition. Nevertheless, in the last ten years, especially after the pandemic period, a decline has been registered at a global level, regardless of governmental forms. Also in European democracies, it is assuming “a less visible, more subtle form”.

“Recent cases of firing for opinions have been reported. A cultural change, for example, a new sensitivity to gender, may induce a self-censorship not to enter uncomfortable situations. [...] In some cases, sexual harassment

²⁷ The ECtHR has found a violation of academic freedom in analyzing the case of a reserve military officer of the Spanish armed forces who was also a professor of constitutional law, since he was not allowed to participate in television programs by his superiors and received disciplinary sanctions for nevertheless taking part in the events. See 8 November 2022, Ayuso Torres v. Spain, § 56: [https://www.mjusticia.gob.es/es/ArealInternacional/TribunalEuropeo/Documents/Sentencia%20Ayuso%20Torres%20c.%20Espana%20B1a%20\(versi%C3%B3n%20original%20inglesa\).pdf](https://www.mjusticia.gob.es/es/ArealInternacional/TribunalEuropeo/Documents/Sentencia%20Ayuso%20Torres%20c.%20Espana%20B1a%20(versi%C3%B3n%20original%20inglesa).pdf)

²⁸ This definition recalls the contribution provided by LERU (2010).

has been used as an instrument to silence professors with divergent positions as in the French case²⁹ [...] In this sense, the lack of support from the institutions has produced risks and damages at the individual level.”

Pressure and limitations of academic freedom are stemming from various sources.

“[Main threats for academic freedom:] Anti-intellectualism, populist government, intensification of new public management in universities; the spread of competitive accountability and academics chained to the pursuit of positional goods; a culture of hyper performativity exacerbated by the spread of audit technologies, managerialism, and surveillance regimes; the narrowing of research and research foci to policy needs/agendas and the diminution of academic agency/autonomy and self-governance.”

In the interviews, the study analytical framework reported in section 2.1 has been discussed. The most cited sources of threats are governments and civil society, especially through social media.

Reported attacks on researchers on controversial topics are increasing together with pressure on them to disseminate and be active on social media.

“Most recently, a Nobel laureate explained how intervening during the pandemic has exposed him - like all scientists who have spoken out on the vaccine and pandemic issues - to threats and personal insults through all available public channels³⁰”.

“I know the case of two ERC-winning Italian neuroscientists that in 2019 suffered threats and intimidation because their project included a phase (authorized by the relevant Italian and European bodies) of testing on macaques.”

“The toxic atmosphere percolated in social media, including disdain for science, a celebration of wilful ignorance and rise of populism; attacks on researchers working especially on contentious or dividing topics is a real cause for concern. Researchers are asked to contribute to societal debates but who wants to step forward and do that when it means getting slaughtered in social media”.

The politicization of higher education is a key theme, and more than one interviewee mentioned the recent article published by University World News (Altbach & De Wit, 2023).

In some cases, governments want to restrain oppositional views, thinking, and actions, and to control faculty, students, and administrators, or dictate what can be taught or researched (Altbach & De Wit, 2023).

²⁹ Frédéric Mion, director of Sciences Po Paris, was coaxed to resign for not having acted on the information available to him relating to the behavior of a professor, the former president of the foundation that SciencesPo oversees, who has been accused of incest, Olivier Duhamel. Accusations of sexual harassment have since erupted, and the hashtag #SciencesPorcs (SciencePigs) went viral sparking a wave of similar testimonies about sexual violence at Sciences Po, which even accuse the institution of a cover-up. See among others Wieviorka (2022).

³⁰ The story is reported in this article published by The Guardian on 25 September 2023: <https://www.theguardian.com/commentisfree/2023/sep/25/tiktok-global-crisis-world-trust-scientists-online-attack>

“Various examples are emerging of populist protests against ideas, such as against scientific inquiry, vaccinations, and libraries. In recent years there has been a rise in such behaviour, sometimes with violence. Having said this, actions that equate with "cancel culture" are equally threatening academic freedom and democracy. Tearing down statues, threatening speakers and ideas that people do not like is a threat. There are similarities to the debate around free speech, and the extent to which there are limits.”

“Embryonic stem cells, GMOs, animal experimentation, and, more recently, cultured meat are just a few examples. There is nothing rational in the obstacles imposed by law in these research areas. There are only interests of specific lobbies, dogma, or pure need for consensus.”

Nevertheless, the relationship between academic freedom and some political actions is more complex than expected as one of the interviewees notes, remarking the distinction among the different aspects involved.

“Academic freedom should not be confused with decisions by the European institutions, governments, and academic institutions to develop a research strategy or fund particular types of projects or fields. We may not like the decisions and disagree, but it is not necessarily a threat to AF. Likewise, institutional decisions about resource allocation or efficiencies, etc. which result in, for example, departments being closed are not necessarily a threat to AF. Again, we may disagree - but that is not the same. AF should not be used to oppose decisions because we don't like them.”

The interferences coming from for-profit organizations are also mentioned in many interviews, sometimes through the influence on the research agenda.

“Tensions and conflict may arise between the scientific set of rules, i.e., independence, rigor and robustness and the need to assure funding, support in the career from the study's commitment.”

“There is an increasing pressure towards technological transfer-oriented research, even though at least in Horizon Europe, there are programs explicitly funding basic research.”

Internal sources are mentioned too, the institutional leadership and administration, on the one hand, and the peer censorship, on the other hand. Institutional autonomy does not necessarily entail academic freedom, and a university, even though benefitting from a high degree of institutional autonomy, may hinder academic freedom within the institution.

Reputation is a key driver at all levels.

“Reputation in media. Pressure on institutions through rankings. Within academic departments: personal reputation among peers.”

According to one of the interviewees, early career researchers and low hierarchic ladders are more exposed to these pressures. Other factors of exposition are gender and ethnicity. The risks are related to isolation and consequently to reputation, career, and financial setbacks.

“The ability to be critical has been restricted by research fundings linked to policymakers ‘aims through the pressures on the professors’ progress in their careers and reputation.”

International academic and research cooperation may also be sources of limitation for academic freedom, especially when collaborating with autocratic and illiberal governments. National laws and regulations in partner countries are not always in line with European and national laws or regulations. In recent years, a growing number of cases of interference in international partnerships of European academic institutions have been reported and concerns are arising about breaches in knowledge security, research integrity, or external interferences in the face of scarce means of control.

“I would consider the promotion of academic freedom as an issue on the European policy agenda, placing it as a prerequisite for our democracies. [...] It would also be essential to place the issues and protection of the researchers’ freedom (physical and intellectual) in the international scientific collaborations in which the European Union participates as promoter or watcher.”

There are new threats emerging and most interviewees report elements about artificial intelligence. The lack of regulation on these issues makes the assessment challenging and implies enormous potential implications.

“Digital disruption and the advance of technologies of surveillance - such as found in tools of datafication, and generative AI are producing a new risk economy that inhibits academics/researchers from applying themselves to the pursuit of critical inquiry”.

“In some areas of research that are the subject of political debate, such as animal experimentation, the use of crop protection products, or the issue of authorizing the use of glyphosate, some particularly structured and aggressive campaigns on social media or using artificial intelligence tools may discourage research projects that would appear publicly unattractive.”

“With Chat GPT it comes a mess. There is a lack of framework and big confusion. For example, plagiarism. We do not know how to deal with it now. This could generate an erosion of scientific credibility and integrity, inevitably influencing academic freedom.”

An improvement may be in the European strategy for data, the Data Governance Act, supporting the set-up and development of common European data spaces in strategic domains, involving both private and public players, in sectors such as health, environment, energy, agriculture, mobility, finance, manufacturing, public administration, and skills. Nevertheless, the Data Governance

entered into force too recently on 23 June 2022 and should be strengthened also in its implications for academic freedom.

The relationship between academic freedom and accountability is often mentioned, especially to the extent to which it impacts financial aspects. The research interests are often influenced by a research agenda that in turn follows funding. Within the context of performance-based funding, the total freedom to choose interests and topics brings a risk of marginalization (“loneliness”, a condition “out of a team”).

“You should demonstrate impact through key performance indicators, and you need endorsement. This reduces the range of what academics may say, the consequence of which may imply that I am not a trusted professor”.

According to the interviewees, however, within the framework of broad research programmes such as the HEU Programme, the relationship between funding and freedom is far from linear and it may depend on the political context.

“I suppose in some contexts if the state was the primary source of limiting academic freedom (like in Hungary), having HEU funding would act as a safeguard/buffer of AF for universities. On the other hand, in more stable conditions with more institutional autonomy, having such large dependence on external competitive funding with small success rates and requirement of largely predetermined outcomes is problematic.”

Participation in national and international calls opens the scope in terms of research topics and becomes a warranty of freedom in itself. In the case of the HEU Programme academic freedom is expressively protected and this facilitates institutional autonomy and dissemination, especially in political contexts where these notions are not taken for granted.

“[The European initiatives give] the possibility to do research on topics and in areas that have different (and more restrictive) national legislations - implying a limitation of academic freedom. [...] I am thinking for example of projects on GMOs to which [in some countries] researchers would have coped with enormous legal difficulties of carrying out these projects, even in the absence of an express prohibition. [Similarly] projects on cultured meat, [the prohibition imposed in some contexts] while not banning research *per se*, scuttle any possibility of economic projection with preventive bans on production and marketing”.

However, a narrowing in the streams of funds in a certain domain may constitute an obstacle to the prosecution of research lines. One of the examples mentioned in the interviews is the case of the research in brain training and meditation that has been at some point considered pseudoscience with important consequences in terms of funding diversion. In fact, in a context in which the decisions on research funding are external, such as in the case of the European Commission evaluation, science communication has a role in shaping opinions and decisions on what to finance. In this perspective, the HEU Programme, despite an abstract recital for the protection of academic freedom, is reported to paradoxically become “a source of limitation for academic freedom”. Another example reported is related to “the new expansion of the research on weapons due to a

change in the research agenda for political pressures". Funding decisions may generate "pressure for mainstream and conformism".

"Indirectly Horizon Europe Clusters bi-annual work programmes and its calls very often have a predetermined topic aimed to solve specific problems. Which sometimes limits the research topics to be funded."

One of the interviewees expresses the concept in more balanced terms:

"I don't think there are violations of academic freedom *per se*; but from the perspective of both institutional autonomy and academic freedom, universities (and academics) are so dependent on funding that is so "directed"; with little room for actual blue skies research. The Horizon funding calls largely pre-state the expected results."

All the interviewees recognize the decline as a universal trend and none of them report direct cases of infringements and/or violations within the HEU Programme. Some of them rather emphasize the fact that in European calls greater protection is guaranteed, and one reports a story on this.

"On several occasions when limits to research were evident at the national level, European initiatives and calls have intervened to overcome them. For example, in 2003, when the European Union launched the 6th Research Framework Programme intending to form large research consortia and increase the competitiveness of the eurozone, the Program started with a one-year "moratorium" on research including human embryonic stem cells. Some Member States were against it and had therefore asked for time to define an EU policy. [...] The European Commission then followed up on the European Parliament's mandate to fund research including human embryonic stem cells, subject to guidelines that are still in place and adopted by all researchers who are part of research consortia funded by EU funds. [...] In other words, Europe allowed me to do research that my country was limiting".

The level of protection of academic freedom in the context of the HEU Programme is medium (3 and 4 on a 5-point scale), according to all the interviewees.

Two of them remark on the limited role of HEU, which is "just a financial instrument".

"Funders have a limited role in protecting academic freedom since there are other levels (government, performance-based models, ...)."

Therefore, means of protection are reported to be scarce and there is much room for improvement.

"We probably lack sufficient understanding of the issues and the boundaries."

“That would be institutional responsibility, but not all HEIs are properly prepared for that. Also, legal frameworks must recognize doxing (malicious targeting of e.g., researchers, journalists, etc.) as a crime.”

“Collegiality and collective critical consciousness, intellectual (re)investment, and scholarly leadership are key.”

In a nutshell, lack of awareness, leadership, and effective protection are at the core of the problem. The protection provided by Recital 72 appears to work just at a legal level, in the sense that there is a legal provision on this but no legal binding or factual measures able to make effective that provision and control its application.

For the next HEU Programme, some measures have been proposed to strengthen the protection of academic freedom. The classification of possible measures has been widely inspired by previous studies published by STOA, Maasen *et al.* (2023), and Kovàts & Ronay (2023).

3.1.3. Policy options

Within the scope of the HEU Programme, for the future, several solutions for the promotion and protection of academic freedom have been discussed and examined during the interviews, summarized in Tab. 4.

The EU Charter of Fundamental Rights considers academic freedom a fundamental right but does not describe its content of academic freedom and leaves its interpretation to individual countries. This prevents the introduction of a system of incentives and sanctions that would descend from a legal binding, ensuring *de facto* protection.

There is a general agreement on the need to raise awareness, increase information, and improve monitoring. Reporting activities on academic freedom violations should be strengthened and better focalized for the European context. The assessment of the institutional commitment on this side is also a key issue, as a spur for the development of new strategies of promotion and protection.

The strengthening of the research base on academic freedom is also of interest, especially for the development of an evidence-based policy programme. This would raise awareness of the issue and allow for a gradual improvement of the methodology and the indicators used as well as inspire EU-wide discussions. The public information about the dangers should be increased, especially regarding the potential consequences on democratic health.

The enhancement of common initiatives with the relevant stakeholders is also advocated together with the coordination of efforts within the European Research Area and the European Higher Education Area in the pursuit of a generally agreed-upon definition of academic freedom.

Institutional support is also considered crucial in this context. The inclusion of academic freedom criteria and indicators in assessment procedures may ease the construction of a shared framework and raise awareness among researchers and students.

Table 4 - The policy options to act on academic freedom within the HEU Programme

Aims	EU policy options	Measures	Key aspects
<i>Evaluation of the project/institution's commitment, resources, and expertise on academic freedom, development of new strategies of promotion and protection</i>	Implementation of a specific deliverable in the HEU Programme application form or, in alternative the presence of an Academic Freedom Plan as an eligibility criterion	Development of a plan for academic freedom protection within the project to be funded or for the whole applicant institution as a requirement for applying to the HEU Programme.	Clarification of definition, dimensions, and methodology
<i>Awareness and integration of measures to strengthen academic freedom within HEU-funded projects</i>	Provision of a strategy for better integration of academic freedom and its enforcement within the HEU projects	Inclusion among the HEU projects' evaluation criteria of the capacity to strengthen academic freedom protection	Clarification of the evaluation criterion and assessment methodology
<i>Awareness, improvement of the knowledge base on academic freedom in Europe, and introduction of disincentives for infringement</i>	Setup of a European platform for academic freedom	Development of a monitoring system for infringements and violations and definition of penalties for unrespectful institutions.	Clarification of violations, verification method for the claims, identification of sanctions, stakeholder involvement
<i>Awareness and improvement of the knowledge base on academic freedom</i>	Strengthening of the European research agenda on academic freedom	Issue of regular calls for projects on specific academic freedom research problems in the EU Member States	Clarification of definition and dimensions
<i>Coordination and joint efforts for academic freedom protection</i>	Setup of coordinated initiatives with relevant stakeholders and connection to broader projects	Organization of joint initiatives with Bologna Follow-Up Group, Magna Charta Observatory, Scholars at Risk, European Student Union, League of European Research Universities, and International Association of Universities. Coordination between EHEA and ERA and inclusion in broader projects, such as UNESCO	Agreement on definition and protection strategies, shared determination, and financial and administrative coordination
<i>Improvement of the protection de facto</i>	Strengthening of the binding legal definition of academic freedom	Possible enacting measures among which the transformation of Recital 72 into Article	Clarification of definition, objectives, and measures
<i>Promotion and protection of academic freedom at the institutional level</i>	Integration of academic freedom into institutional quality assurance procedures and criteria	Introduction of protection measures into internal quality assurance processes. Revision of the Standards and Guidelines for Quality Assurance in the European Higher Education Area	Clarification of definition, methodology, institutions' evaluation criteria, and metrics

Source: Author

The first option considers the implementation of a specific deliverable similar to the Data Management Plan (DMP) for data management. The DMP is a structured, living document that grows with the project. It serves to state how data are produced, and how they will be stored and shared.

In the regulation of the new EU Research and Innovation Framework Programme, a statement may be inserted to ask beneficiaries to establish in the application form, a plan for academic freedom. A solution may be the expansion of the Ethics Appraisal Procedure, a document concerning all activities funded in Horizon 2020 and including the Ethics Review Procedure, conducted before the start of the project, as well as the Ethics Checks and Audits.

Alternatively, if the goal is to have an institutional engagement in the protection of academic freedom, not limited to the HEU project's scope, another measure may be the introduction of an Academic Freedom Plan (AFP) as a mandatory requirement for eligibility for all institutions. To be eligible, legal entities from Member States and Associated Countries, that are public bodies, research organizations, or higher education establishments (including private research organizations and higher education establishments), must have an academic freedom plan, covering a minimum set of requirements such as a formal document published on the institution's website and signed by the governing boards, a commitment of resources and expertise to implement the plan, an informative system for data collection, monitoring, reporting based on indicators, a programme of initiatives to train and raise awareness for staff and decision-makers. Organizations wishing to participate in the new Framework Programme and/or for calls after the full enforcement should have the AFP in place, similar to what has happened to the Gender Equality Plan (GEP).

A similar process has been carried out also for Open Science. While within the Horizon 2020 framework, Open Science mostly referred to ensuring open access to a project's publications in peer-reviewed journals and, in some instances, to open data, the EU Open Science policy has enlarged its scope and ambition within the HEU framework. Today, Open Science encompasses a set of mandatory and recommended practices that follow the principle of being "as open as possible, as closed as necessary". OS is promoted by a long Recital in HEU Regulation (number 7), including a declaratory of the concept and its dimensions, the utmost relevance in the European context, the necessary provisions to enhance its deployment, the reference to other European policy documents and the relation with other principles and practices.

Taking inspiration from the model elaborated by Kovàts & Ronay (2023), the content of the AFP should address the following areas, proposing concrete protection measures: freedom to teach, freedom to research, freedom to learn, dissemination of knowledge through intramural and extramural speech, self-governance, institutional autonomy, employment, and financial security. The AFP can be also used to evaluate and rank the submitted proposals taking appropriate consideration of the academic freedom dimension in research content and organizational setup and, the quality of academic freedom practices. Recommended items may be the organizational culture, the commitment to leadership and decision-making, the good practices in recruitment and career progression, the integration into research and teaching, the solidity of practices within the partnership, and the setup of measures and procedures against infringements and violations.

In this case, the first step is again represented by the conceptual clarification and the identification of the specific dimensions to be considered. Then a transition phase is needed, as it has occurred for Open Science and GEP, to pilot the implementation of this item.

Another practice that has been experimented in the previous Framework Programme is related to the provision of a strategy for better integration of academic freedom and its enforcement within the HEU project. In the past, this measure has been used for Social Sciences and Humanities integration, taking into consideration these aspects in the project proposals evaluation process.

In the interviews, a general agreement is recorded on the need to “increase information, vigilance, monitoring, and protections”. Among the options proposed, the setup of a European platform for academic freedom has collected much consensus. Specifically, the measure discussed in the interviews is aimed at collecting evidence on cases of infringement and violations and is shaped as an instrument where academics and students from EU Member States can report on academic freedom violations, in the form of a whistleblowing database. In case of notifications, the organizations involved may receive penalties, for example in terms of eligibility for the European calls.

It is something similar to what has been already established in 2019 in the Netherlands, i.e., the Dutch SafeScience Platform³¹, where academics and students who are threatened, intimidated, or harassed because of their academic activities, expertise, or public expressions, may report violations to academic freedom and, if relevant, get help to find the support they need for dealing with the violation.

This measure has been promoted in several interviews; nevertheless, a need to understand how to operationalize this measure has been remarked as a critical point (see also Maasen *et al.*, 2023).

There is a persistent difficulty in implementation, what is a case to be notified, who oversees the investigation, and how to analyse and assess severity leading to ineligibility.

Despite the large consensus, some key methodological issues should be analysed for the implementation of this kind of monitoring system, among which is the need for guidelines, criteria, and procedures for identifying real and dangerous violations, in the absence of shared definitions and metrics. The key issues are related to the verification of the claims, the subject in charge of this process, the stakeholders to be involved (academics, students, institutional leaders, managers, politicians, and civil servants), the methodological decisions to be taken, in absence of agreed definitions and associated indicators to corroborate the infringement or the violation and the sanctions to be imposed. A similar platform requires an effective set of guidelines, criteria, and procedures for identifying violations and distinguishing them from less serious reports.

Moreover, the platform should collaborate and exchange information and data with national platforms and relevant national organizations, such as national Rectors' Conferences and staff and student unions. Finally, one of the interviewees posed a problem about the subject in charge of the platform management, whether it is the European Commission or rather an independent body. Other concerns are raised on the use of this monitoring platform and its effects on the organizations in terms of funding success.

Another option discussed in Maasen *et al.* (2023) that gathers the interviewees' attention is the issue of regular calls for projects on specific academic freedom research problems. It is considered crucial to expand the scientific knowledge base on the topic of academic freedom, on the nature and underlying factors of new threats to academic freedom, such as harassment of academics through social media, or the use of SLAPPS by private sector actors against academics or even students. It would be important to create opportunities for supporting and funding collaborative research projects at the EU level. These calls could be developed also in the annual work programmes of Erasmus+. This kind of support would most likely attract attention to the issue of academic freedom and allow for a gradual improvement of the methodology and the indicators used as well as inspire EU-wide discussions.

³¹ See <https://www.wetenschapveilig.nl/en>

In one interviewee's words, the promotion of European research agenda and then an evidence-based policy agenda is a "prerequisite for our democracies".

"From a European perspective, academic freedom should be the natural declination of fundamental freedoms and be considered an essential part of the *acquis communautaire*. It would also be essential to place the issues and guarantees of freedom (physical and intellectual) of the researcher in the international scientific collaborations in which the Union promotes/guarantees or is a participant".

More than one interviewee raises the question of awareness too.

"Stimulating awareness and monitoring is the main way to raise consciousness in academia and to report a violation."

"I think that the responsibility for reporting possible violations of freedom of study should be first and foremost that of the researcher. The possibility, then, of attention and discrediting the source or cause of the threat or violation, as the effect of reporting, I believe, can motivate the scholar to come forward and assume that responsibility himself or herself. In the most serious cases, I believe that the researcher should rely on the legal and communication advice of his/her institution, which for this purpose should set up an office (or, more simply, provide procedures and a contact person) who can take charge of what the researcher reports to share strategies and means of protection."

"It is important to work on awareness initiatives: to show academics what they can do and what they should not do."

"The public information about the dangers should be increased. Attacks on scientific inquiry and the scientific method illustrate that across society we don't fully understand the issues".

Another measure advocated in the interviews is related to the setup of common initiatives with relevant stakeholders such as the Bologna Follow-Up Group, Magna Charta Observatory, Scholars at Risk, European Student Union, League of European Research Universities, and International Association of Universities.

The consolidation of synergies between the European Research Area and the European Higher Education Area in joining efforts for academic freedom monitoring and the connection to broader projects (e.g. UNESCO) is considered a highway to strengthen academic freedom protection. Kovàts & Ronay (2023) have also assessed this policy option. Intellectual and financial resources should be joined, whilst a much greater impact can be achieved through coordinated action. Notwithstanding these advantages, harmonizing interests and views in a larger community of states (a more heterogeneous set of countries rather than the EU Member States) requires determination and financial and administrative coordination.

However, the work on a generally agreed-upon definition of academic freedom constitutes a challenge for stimulating further synergy among the main stakeholders in European higher education and research in the support for and protection of academic freedom.

The current lack of a definition is relevant for another option assessed and endorsed in the interviews, the strengthening of the binding legal definition of academic freedom, as evident also in the discussion presented in Kovàts & Ronay (2023). While the EU Charter of Fundamental Rights declares academic freedom as a fundamental right, various interpretations are in use. In these conditions, it is difficult to enforce academic freedom, as evident in the case of the Central European University relocation at the European Court of Justice. The EU Charter of Fundamental Rights does not describe the content of academic freedom and leaves its interpretation to the individual countries, as well as the Treaty on the Functioning of the European Union (TFEU) does not include any definition. A starting point could be represented by the use of the comprehensive definition contained in European policy documents such as the 2020 European Higher Education Area Rome Ministerial Communiqué and the 2020 Bonn Declaration, etc. An option may be the introduction of an enacting provision, as an Article in European Law. A system of incentives and sanctions can descend therefore from these legal bindings to ensure *de facto* protection.

Another possible option to increase synergies and universities' commitment is related to the integration of academic freedom into institutional quality assurance procedures and criteria. The internal quality assurance processes should ensure that the institutions address the protection and promotion of academic freedom. The national external quality assurance agency guidelines, as well as the Standards and Guidelines for Quality Assurance in the European Higher Education Area, should be revised and updated to cover fundamental academic freedom values. In a recent contribution, Padrò (2022) has provided instances of possible quality indicators to be used within quality assurance frameworks.

The common belief is that institutional support is crucial for the protection of academic freedom, e.g., through the introduction of an institutional plan and the consideration of the institutions' evaluation criteria, despite the risk of a compliance attitude, may become a solution for the institutionalization of academic freedom-related challenges.

All in all, inclusion in the institutional evaluation may be a lever for raising awareness among academics and students as well as to bring them together under a shared framework, more effective than those elaborated locally, in individual institutions. A role could be played by Science Diplomacy, recently mainstreamed into foreign and security policy.

A new relevance for academic freedom implies a matter of trust, as one interviewee puts it.

“a reinvestment in trust in academia and science and their facilitation as agents of critical knowledge [...] in democracies. [...] Academic freedom, for decades taken for granted, should become a priority again: a vague Recital is not enough in changing times where pandemic period, political climate and new emerging technologies may jeopardize it.”

3.2. The Perspective of the European Commission

The two auditions held with the officials from the European Commission, Directorate-General for Research and Innovation have been useful in bringing in the present study the perspective of the European Commission, focused on freedom of research as a key element and prerequisite for academic freedom.

The first unit included in the interviews was “ERA, Spreading Excellence, and Research Careers” actively involved in the recent publication issued by EC *Staff Working Document on Tackling Research and Innovation Foreign Interference*. The second unit involved has been “Horizon Europe Association”, focused on how the protection of academic freedom is ensured in HEU-associated

countries as potential beneficiaries in the framework of general compliance with the core principles embedded in the association agreement.

The enforcement of the HEU recital 72 has been stimulated by the 2020 Bonn Declaration and, in light of all this, the European Commission's approach has been specifically aimed at *tackling research and innovation foreign interference*.

Ensuring fundamental academic values is one of the key commitments of the Bologna Process. International partnerships in research and education can be informal, such as dialogues and small-scale cooperation between individual scholars, and formal, i.e., based on a formal agreement. Both types of partnership are major drivers in the advancement of research and innovation, and as a result, of economic growth, in addition to contributing to diversity in the classroom and to the quality of education. A partnership is theoretically a relationship based on mutually beneficial collaboration and all parties involved should be equally committed to the relationship and act responsibly and ethically. In practice, this is not always the case. Parties shape the relationship based on their own interests, academic traditions, and their national academic systems. Local laws and regulations are not always in line with European and national laws or regulations. In recent years, a growing number of cases of interference in international partnerships of European academic institutions have been reported and concerns about potential risks of partnerships have become more pronounced. Institutions and the authorities overseeing and funding them may seek to exploit the collaboration, leading to a breach of knowledge security or research integrity.

Staff Working Document on Tackling Research and Innovation Foreign Interference constitutes a set of guidelines on dealing with foreign interference targeting EU research organizations and higher education institutions. These guidelines aim to protect fundamental values by safeguarding academic freedom, integrity, and institutional autonomy, and to shield students, researchers and innovators, and key research findings, from coercive, covert, deceptive, or corrupting foreign actors. The guidelines are needed to identify countries and partner institutions where academic freedom is at risk, to conduct a vulnerability assessment in terms of external pressures and integrity in the institution, and to strengthen commitment to academic freedom and integrity at institutional and individual levels. The goals are the development of a policy approach to prosecute the cooperation with partners in repressive settings, even safeguarding the freedom of scientific research in Europe.

Universities in some countries, especially in Associated countries, are often very poor and always try to build partnerships and get access to the calls, bringing on board their industrial system. However, the means to verify what happens after funding are scarce. As for academic freedom, when an infringement occurs, it is "a cold case, there is no smoking gun". The lack of a shared definition, metrics, and monitoring system makes the identification difficult.

Autocratic and illiberal governments exercise direct control over international academic and research cooperation, and institutions that are beholden to repressive governments put principles of human rights, the rule of law, and democracy under pressure. Repression endangers scholars and/or students and induces self-censorship in democratic contexts, risking compromising academic administration too.

For this reason, in the ERA policy agenda (European Commission, 2021a) one of the twenty points is about academic freedom (6. *Deepening the ERA through protecting academic freedom*) with the following declaratory:

"Principles of human rights, rule of law, and democracy come under pressure, be it because autocratic and illiberal governments exercise direct control over international academic and research cooperation, or because higher education institutions and research performing organizations that are beholden to repressive governments mediate that control. Repression

of free academia beyond borders endangers scholars and/ or students and induces self-censorship. It can also compromise academic administration. Risks encountered in this context crystallize as threats to the principles of academic freedom and integrity.”

“This action aims to roll out an action plan on academic freedom and provide guidelines on tackling R&I foreign interference. The guidelines are designed to support R&I institutions in their endeavour to protect their fundamental values by safeguarding academic freedom, integrity, and institutional autonomy”.

This priority defines three outcomes: the development of a policy approach, based on the Bonn declaration on freedom of scientific research, the implementation of the recommendations of the guidelines on foreign interference, and the publication of a first European monitoring report on the freedom of scientific research. Findings will contribute to evidence-based policymaking to address the identified issues.

The basic concept is that academics and researchers should be able to work and students to study free from undue constraints or interference, and this is a precondition for academic excellence. Nonetheless, it is necessary to recognize the interdependence among countries, each of which with a different set of values and principles. This is the genesis of the use of the notion of *foreign interference*, intended by the EC document in the following terms:

“Foreign interference occurs when activities are carried out by, or on behalf of, a foreign state-level actor, which are coercive, covert, deceptive, or corrupting and are contrary to the sovereignty, values, and interests of the European Union (EU). EU Higher Education Institutions (HEIs) and Research Performing Organizations (RPOs) can benefit from a comprehensive strategy for tackling foreign interference that covers key areas of attention grouped into the following four categories: values, governance, partnerships, and cybersecurity.”

Academic cooperation with institutions or individuals from countries where academic freedom is under pressure always requires risk analysis and the development of a mitigation strategy. The first step for the identification of risk is the consultation of the global Academic Freedom Index (AFi)³²; then it is required a more detailed assessment of the research, educational and institutional environment in the country and at the specific partner institution (considering also sub-national differences not captured by the AFi score); subsequently, the analysis of the external actors’ motives for undermining academic freedom and monitoring of their capacities for restricting researchers and institutions.

The vulnerability assessment is necessary to understand external pressures on academic freedom and integrity in institutions. At this aim, it is necessary to undertake institution and/or project-specific vulnerability assessments, firstly by checking if existing cooperation with external actors has created any dependencies (financial or other) and controlling that all partnership agreements adequately protect academic freedom and do not include clauses that place undue limitations on

³² The global Academic Freedom Index (AFi) makes country-level data available on (1) the freedom to research and teach; (2) freedom of academic exchange and dissemination; (3) institutional autonomy; (4) campus integrity; and (5) freedom of academic and cultural expression. The aggregate index combines all five indicators into a score between 0 and 1, with zero being the bottom of the scale. According to the European Commission’s approach, an AFi status group C or lower, i.e., AFi scores < 0.6, is at risk.

research, teaching, and public speaking. In this sense, it is important to trace how external pressures may impact research, teaching, publication, and outreach activities. Therefore, it is necessary to implement a monitoring system of external appointments and honorary degrees awarded to researchers and regular reporting of such engagements to minimize risks of co-optation and instrumentalization. The training on human rights-related challenges to everyone who interacts with institutions and academics where academic freedom and universal values are at risk is necessary together with the map of the threats within the institutions.

In addition to risk management and mitigation, European universities and research institutions are well advised to adopt a preventive approach by fostering an environment where the commitment to integrity and academic freedom is cherished and practiced as a matter of course. The promotion of these values strengthens institutional and individual resilience against any attempts to undermine them, addressing specific vulnerabilities once they are identified. This requires academic institutions to integrate academic freedom into the core curriculum of any academic education programme, building up sound foundational knowledge on these values – and related rights – across the academic profession. Public awareness should be raised on the importance of academic freedom and integrity, among students, and academic and administrative staff.

Another measure is the explicit incorporation of academic freedom in the context of transnational collaborative interactions, notably through written clauses in cooperation agreements, and relevant administrative procedures, or the signing of a democracy pledge, rejecting funding from authoritarian countries. Other actions are related to the support to scholars who work on research topics that external actors seek to suppress (e.g., through visa bans, or boycott of courses, criteria of performance appraisal, and contract extension decisions) as well as the launch of visiting scholars and student mobility programs from countries where academic freedom is threatened and the protection of persecuted scholars or students. These forms of protection can be enforced also through the provision of legal assistance in the case of smear campaigns and defamation lawsuits.

Finally, cooperation with partners in repressive settings should be sustained. First, it means no stigmatization of students, academic colleagues, and institutions in non-liberal institutional environments, and continued openness to exchange and collaboration. Then it is crucial to understand how repressive settings can affect academic freedom, by offering general training as well as guidance for project-specific risk assessments. Other measures are related to the reviewing of standard ethics procedures to ensure that risky research in repressive settings will not automatically be rejected but rather adjusted to mitigate the risks; the provision of tailored guidance and technical support on data and digital security to help manage surveillance risks in repressive settings, contributing to ensuring that the researchers remain safe while conducting research. It is also needed to set up an emergency procedure to deal with cases of harassment, detention, or disappearance. Good practice exchanges are useful means for mutual learning as well as the commitment to transparency and screening mechanisms tailored to address collaboration with repressive settings.

A robust system of governance is necessary for academic institutions to operate effectively with this set of values. For example, financial donations or co-funding of institutes may be accompanied by pressure to limit discourse and hence academic freedom on issues that are not consistent with the views of the donor. Pressures to publish and attract research grants can lead to researchers simply following the money and be driven by institutional pressures to increase overall publication performance to boost university rankings. The governance should be a combination of top-down and bottom-up actions. On one hand, the institution has the overall oversight and responsibility for the academic freedom protection, on the other hand, the people in the institutions, empowered by a clear leadership, should be aware of the issues to identify potential threats. For these reasons, the European Commission's approach suggests structures at universities and research organizations to counter foreign interference such as the establishment of a foreign interference committee for risk

identification, management, and mitigation, the publication of a code of conduct for foreign interference, a sound procedure to protect whistleblowers, the control on conflicts of interest.

The risk minimization also works through the development of a sustainable partnership. The EC's approach includes the setting up of a risk management and monitoring system including actions on both parties. On one side, the identification and protection of the institution's 'crown jewels' is needed, i.e., areas of high-level research and expertise in which the institution stands out and which are of strategic importance and potentially of special commercial or technological interest to other parties. All collaborations in these areas should be monitored and carefully managed. On the other side, the understanding of the potential technological, security, and economic interest of third countries is needed together with the development of a sound knowledge of the partner organization, its place in the national research system of its country, the transparent delineation of responsibilities including financial commitments, IPR, data management and Open Science, the sharing of lessons learned and updated blacklists, reputation systems, and databases. Finally, a cybersecurity strategy is also elaborated and proposed to scan the risks posed by foreign interference.

The approach described in the EC's document recommends that a balance is needed between maintaining vigilance and reducing risks versus ensuring effective and timely response and recovery capabilities. Monitoring collaborations from governments may be in itself an infringement of the freedom to collaborate and constitute an interference. It is therefore important a balanced attitude in the stakeholder involvement and control of the perverse side effects. It is important to stress that institutions should not create a culture of fear towards collaboration with foreign researchers or organizations but rather a culture of awareness and collective responsibility. Responses should be proportionate to the risks, scope, and character of the collaboration.

4. Conclusive remarks

The present study has complemented existing efforts to monitor academic freedom to provide input for the Parliament's work on the interim evaluation of the HEU Programme and the second Strategic Plan for Horizon Europe (2025-2027).

For that purpose, this study has worked on an analytical framework of the sources of risks and threats, limitations, and violations of academic freedom. In the interviews, the politicization of universities is considered a risk, generally turning into a threat in right-wing populist and communist, authoritarian, or semi-authoritarian regimes. States may see universities as useful tools for building support and extending consensus, while academic freedom may be limited as a source of disorder and an obstacle to political authority and national identity. Examples are protests, sometimes violent, against vaccinations. Also, the "cancel culture" and consequent silencing of controversial issues are equally threatening academic freedom and democracy as attempts to limit free speech, often in the interests of lobbies. According to the interviewees, all these processes have deep potential impacts in limiting the prosecution of specific types of research, as in the recent case in Italy of the governmental crusade on cultured meat.

The influence of government and politics on freedom is multifaceted. The steering of research agendas through funding is a key issue. Within the context of performance-based funding, academics are less inclined to freely pursue their interests and topics. Nevertheless, institutional decisions on funding allocation which result, for example, in the closing of departments, are not a threat to academic freedom *per se*.

The interferences coming from for-profit organizations are also relevant, especially impacting on research agenda. The influence may occur in direct form, e.g., through corruption, but also in more subtle terms such as through focus on technology transfer and profit activities.

Internal academic pressures may also have implications for academic freedom and the open exchange of ideas, as they may lead to a lack of diversity in perspectives and hinder the free expression of dissenting or minority viewpoints within academic settings. Managerialization and bureaucratization of universities are also considered as risk factors, through evaluation oversteering, student satisfaction prioritization, disciplinary proceedings overuse, and denial of funding and promotions. For example, the need to demonstrate impact through key performance indicators is crucial for trust and endorsement and may impact what academics say or do not say.

New threats are emerging, related to artificial intelligence, social media, etc. as a potential danger to academic freedom and pluralism. A need for expanding the scientific knowledge base is essential to tackle these new fronts. The lack of regulation in these fields makes the assessment challenging and implies enormous potential implications. The misuse of artificial intelligence may erode scientific credibility and integrity, inevitably influencing academic freedom. Aggressive social media campaigns, especially on contentious or dividing topics, are a real cause for concern since they may discourage research projects that would appear publicly unattractive.

In the context of broad research funding programmes, such as the Framework Programs, the key issue is how the programme may direct research lines. The researcher who matches mainstream and predetermined topics may reduce his/her risk of marginalization and expand career and funding opportunities. An example is the research on brain training and meditation that has been considered pseudoscience with important consequences in terms of funding diversion. Another example is the recent expansion of the research on weapons for geopolitical pressures. Science communication has also a role in shaping opinions and decisions on what to finance.

Nonetheless, the broad scope of the HEU Programme allows academics to carry on studies on topics that in some national contexts may face more restrictive regulations, particularly in the field of biotechnology.

Moreover, in Member States where academic freedom is at risk, participation in HEU funding could act as a safeguard device for universities and academics.

The official declaration of academic freedom protection in Recital 72 of the HEU Programme supports institutional autonomy and free dissemination, especially in political contexts where these notions are not taken for granted.

However, as emerging from the Horizon Europe strategic plan 2025-2027 analysis, academic freedom has been challenged in recent times, because of the political climate, the COVID-19 pandemic and the subsequent restrictions on basic freedoms, the geo-political changes, and the disinformation waves (European Commission, 2023).

For the future of the HEU Programme, stronger means of protection are needed, and some measures have been discussed in this study with their pros and cons.

The enforcement of HEU Recital 72 from the perspective of the European Commission has been stimulated by the 2020 Bonn Declaration. The ERA policy agenda has prioritized academic freedom and the subsequent need to build an action plan and provide guidelines. However, the European Commission has put the focus on autocratic and illiberal governments' control over international academic and research cooperation. The assumption is that repression of free academia beyond European borders endangers scholars and students, inducing self-censorship, and threatening the principles of academic freedom and integrity (European Commission, 2021a).

For this reason, the actions have been concentrated on tackling research and innovation foreign interference, by supporting R&I institutions in the protection of their fundamental values by safeguarding academic freedom, integrity, and institutional autonomy (European Commission, 2022).

The lack of a commonly agreed concept and definition is still problematic, leading to difficult monitoring. Yet, much remains in identifying how to keep this balance between systemic concerns for control, and individual institutional autonomy and freedom. Each policy option should be assessed for its impacts and perverse side effects. Research is needed to unpack how the structural changes that have characterized universities in the last decades are absorbed by individuals, institutions, and systems and how they can affect the state of play of academic freedom in the European context.

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Academic freedom is a fundamental principle of any university and research system or institution and essential for a healthy democracy. The concept traces back to the birth of the Humboldtian research university model in Germany in the early 1800s.

Despite international declarations and constitutional and legal protections, in recent years, the interest in academic freedom worldwide has renewed, as major challenges and threats have been observed, coming from governments, industry, and civil society.

This study complements existing efforts to monitor academic freedom, screening and assessing possible policy options to strengthen and improve the implementation of Recital 72 in Horizon Europe, by identifying opportunities and bottlenecks on this pathway and proposing applicable solutions.

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