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# State of play of academic freedom in the EU Member States

## Overview of de facto trends and developments

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## Overview of de facto trends and developments

Ever since the early history of European Universities, academic freedom has been acknowledged to be a fundamental feature of any higher education research system or institution. The emergence of the research university model in Germany in the early 1800s, highlighting the basic concepts of *Lehrfreiheit* and *Lernfreiheit*, contributed strongly to the central position of academic freedom in present-day higher education systems. Following the widespread democratisation of Europe and other parts of the world during the second half of the 20th century, academic freedom became no longer simply an abstract concept; in many countries it was codified as a specific freedom. More recently, academic freedom has been recognised as a basic condition for a healthy democracy and an essential feature of any democratic political order.

Currently, major breaches of and threats to academic freedom can be observed across Europe and the world. Presenting independent research into the de facto state of play of academic freedom in the EU Member States, this study has been designed to contribute to a better understanding of potential and real threats to academic freedom in the EU Member States, and ways in which the protection of academic freedom can be strengthened.

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# Executive summary

1. Academic freedom is essential to the mission of higher education and research, as well as to the principles of academia, in Europe and elsewhere. This understanding is founded on an acknowledgement that the adequate functioning of academic systems is dependent on the extent to which academics have the freedom to pursue their own research and teaching agendas without fear of repression, job loss, or imprisonment.

2. Despite the broad recognition of academic freedom as a basic value and principle in academia, worries have emerged about the de facto erosion of academic freedom in the higher education and research systems of the European Union Member States. These worries are expressed in intensifying public debates about academic freedom and the increasing number of perceived and real violations of academic freedom.

3. There are several factors underlying the de facto erosion of academic freedom in the EU Member States. These include: the transformation of society, including the growing socio-economic importance of knowledge and its link to innovation; changes in political systems with the growing influence of new political parties and movements; and the emergence and growing use of social media. In addition, the emphasis in governmental reforms of higher education and research has been on structural features such as the governance, funding and organisation of higher education and research; thereby largely neglecting basic values and principles, including academic freedom.

4. The growing interest in the state of play of academic freedom can be illustrated by the introduction of various academic freedom indexes and monitors; the growth in the number of academic studies on academic freedom; the acknowledgement of academic freedom as a central policy issue by the European Commission and the European Parliament; the emphasis on the importance of academic freedom for the further development of the European higher education area (EHEA) and the European research area (ERA); and the launch of global academic freedom statements, for example, by UNESCO, the Magna Charta Observatory, and the World University Service (Lima Declaration).

5. An important challenge in efforts to enhance the de jure and de facto support for and protection of academic freedom in the European Union Member States is the lack of a generally agreed upon definition. In this, two relevant distinctions can be made between narrow and broad interpretations of academic freedom. The first concerns the question as to who the holders of academic freedom are. A narrow interpretation sees academic freedom as applying only to members of the academic profession, while a broader interpretation applies it also to students and administrative staff members. The second distinction concerns the essential elements of academic freedom. A narrow interpretation identifies the freedom of the academic profession to teach and research, in which the right to disseminate results and the academic freedom of expression are either included or specifically mentioned. In broader interpretations other dimensions are also incorporated, such as self-governance and the right of students to learn. Related to this is the question of whether academic freedom is an individual right, or combines an individual right with institutional autonomy. A final issue is how academic freedom relates to the scientific freedom of research.

6. Both narrow and broad definitions recognise that academic freedom does not exist in a vacuum, but within a specific institutional setting, the university, or more generally

the higher education institution. In some interpretations, research institutes are also included. This connection between academic freedom and its institutional setting is crucial, since the institutional setting has the responsibility for creating and guarding the conditions under which academic freedom can be exercised as best possible. This responsibility cannot validly lie outside academia, since there is no other space in society where academic freedom can be exercised and guarded in an effective and meaningful way.

7. The existing academic freedom indexes and monitors, and the academic literature, suggest that there are legitimate worries about the state of play of academic freedom in the EU Member States. Nonetheless, because of a lack of agreement on an academic freedom definition, and consequently, the lack of generally agreed upon indicators for assessing the state of play of academic freedom, there is currently no clear basis upon which to identify where and how the de jure and de facto protection of academic freedom in the EU Member States can and should be strengthened.

8. This study seeks to contribute to a better understanding of the de facto developments of academic freedom in the EU Member States by presenting an overview of public debates about academic freedom in the EU Member States. For that purpose, this study does not use one general definition of academic freedom, but instead identifies three basic dimensions of academic freedom, that is, the freedom to research, the freedom to teach and learn, and academic freedom of expression. The study also identifies four conditions for academic freedom: institutional autonomy, self-governance, academic labour conditions, and the financial conditions of academics.

9. Using these conditions and dimensions, the study examines the state of play of academic freedom in each EU Member State and presents an overview of the extent to which these dimensions and conditions have been addressed over the past 5 years in public debates, as covered by the media or addressed in academic publications.

10. The study finds that in every EU Member State, public debates on one or more of the academic freedom dimensions and/or conditions can be observed. The main overall threats to academic freedom identified in this study concern:

11. political interference in determining which academic fields and areas are scientific and which not;

    a. governmental interference threatening institutional autonomy;

    b. institutional leadership and management threats to academic freedom;

    c. growing civil society threats to academic freedom;

    d. growing private sector threats to academic freedom;

    e. threats to conditions for academic freedom.

12. At the same time, this study offers an insight into variations between the EU Member States regarding both the academic freedom dimensions addressed in the public debates and the extent to which the debates concern publicly expressed worries about, specific threats to or structural violations of academic freedom. The variations between EU Member States identified include the extent to which the worries about, threats to or violations of academic freedom are connected to: the government, parliament, specific politicians or political parties; to the institutional leadership and management; or to other actors. Overall, in one EU Member State, Hungary, structural de facto violations of academic freedom are taking place. In the other EU Member States, various types of threats to academic freedom are addressed in public debates;

however, the debates suggest that so far these are incidents, as opposed to structural violations of the state of play of academic freedom.

13. Nonetheless, taken together, these incidents confirm that the state of play of academic freedom in the EU Member States is eroding. To prevent these incidents from developing into more structural infringements of academic freedom, the study presents a set of **policy options** for the European Parliament STOA Panel. These policy options are tailored to the specific de facto academic freedom situation in the EU Member States, which – with the exception of Hungary – can be interpreted as slowly eroding as opposed to rapidly deteriorating.

    a. Contributing to the development of a generally agreed upon definition of academic freedom in the EU: to this end the European Parliament STOA Panel could organise stakeholder meetings and other activities with the aim of reaching an agreement on the basic dimensions of and conditions for academic freedom, and the indicators necessary for monitoring their state of play and development.

    b. Producing one or more annual European Parliament STOA Panel academic freedom monitoring reports: these could address the state of play of academic freedom in one or more of the EU Member States, or discuss the development of a specific academic freedom dimension or condition in all EU Member States.

    c. Creating a clearing house function as part of the EP STOA Panel Academic Freedom Monitor: this clearing house would present an updated overview of where specific data or studies on academic freedom in the EU Member States can be found.

    d. Setting up a European platform for academic freedom, where academics and students from EU Member States can report on academic freedom violation.

    e. Organising a regular call for research projects on specific academic freedom research problems in the EU Member States: these would preferably be funded through existing EU programmes, such as Horizon Europe or Erasmus+.

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# 1. Introduction

This study has examined recent developments in the debates on the state of play of academic freedom in the EU Member States. Academic freedom has become an important issue on the European policy agenda for education and science, and is gaining increasing academic interest, as illustrated by various studies and the development of academic freedom monitors and indexes.[1] In order to facilitate a robust and well-informed policy debate, and contribute to the development of enforceable legal protection of academic freedom at EU level, the European Parliament's STOA Panel has decided to establish an authoritative platform to monitor academic freedom in the EU. This implies that, with the close involvement of academic stakeholders, the European Parliament STOA Panel intends to develop the Academic Freedom Monitor, an independent status review published annually with new data. This study complements existing efforts to monitor academic freedom and provides insights into recent developments in the de facto state of play of academic freedom in the EU Member States, in order to contribute to the development of a comprehensive methodology for the EP STOA Academic Freedom Monitor.

While academic freedom is widely acknowledged to be a fundamental right, its precise meaning can vary in different contexts, often depending on the specific challenges that it faces. These challenges can have varying political, economic, socio-cultural, financial and institutional dimensions. They can take different forms over time, and across geographic and cultural contexts. Additionally, they may manifest differently at individual, group, institutional and (inter)national levels.

Several European legal documents and statements focus on academic freedom, 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 'Academic freedom as a fundamental right'. However, the scope for EU action in response to the challenges to academic freedom is not always clear. Nonetheless, based on these initiatives, this study defines academic freedom as the freedom of research, freedom of teaching, and freedom of academic expression, which can be exercised optimally when a number of conditions are fulfilled, including institutional autonomy and self-governance.

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).

While academic freedom has been on the agenda of the ministerial EHEA meetings for some time, the Rome Ministerial Communiqué, adopted 19 November 2020, is the first to include a statement on academic freedom (EHEA Rome, 2020). The statement aims 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 focus on fundamental values and academic freedom in the EHEA is necessary, because academic freedom in the EHEA is argued to be in a crisis (see, e.g. Matei, 2021; Popovic et al., 2022). This crisis is first and foremost visible in the negative de jure and de facto situation of academic freedom in several EHEA countries that are not members of the EU (Jungblut et al., 2020; Kinzelbach et al., 2021). For example, in the Academic Freedom index (AFi) 2021, Turkey and recently suspended Belarus are positioned in the bottom 10 % of all countries covered, Azerbaijan is in the bottom 10 to 20 %, and Kazakhstan and recently suspended Russia are in the bottom 20-30 % (Kinzelbach et al., 2022).[2] In addition, the state of play of academic freedom is also

[1] For an overview and critical assessment of existing methods and processes to measure and evaluate academic freedom, see Spannagel (2020), and the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled 'How academic freedom is monitored – Overview of methods and procedures'.

[2] The Academic Freedom Index is 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

deteriorating in a number of EU Member States, namely: Hungary, which is in the bottom 20 to 30 %, and Poland and Greece, which are in the top 40 to 50 %. At the same time, among the ten highest ranked countries in the AFi 2021, eight are EU Member States (Kinzelbach et al., 2022). The remaining 16 EU Member States are all among the top 10 to 30 %, meaning that 24 of the EU Member States have Status A in the AFi 2021. As shown in the AFi 2021, in most EU Member States, the state of play of academic freedom has been stable since 2011. It is therefore important to be careful in the interpretation of the state of play of academic freedom in the EU Member States, in order to avoid conflating the academic freedom developments in the EU with the academic freedom crisis in the EHEA. Furthermore, while the development of enforceable protection at EU level for academic freedom in the EU Member States is highly important and feasible, the measures at the European level for the de facto protection of academic freedom in non-EU member EHEA countries are limited and consist in essence of 'naming, shaming and faming' (Gornitzka, 2005; Gornitzka et al., 2007; Brøgger, 2015) and, ultimately, suspending countries from the EHEA.

The concept of a European research area (ERA) was launched in 2000 in the communication 'Towards a European research area' (European Commission, 2000). 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 (European Commission, 2002; 2005; 2009). A new, deeper and broader European research area (ERA) was launched in 2020 (European Commission, 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' (European Commission, 2022). In the new ERA, synergies are pursued between the ERA and the European education area (EEA), starting from the idea that education, research and innovation are important for realising 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' (European Commission, 2020, p. 15). This acknowledgement of the importance of academic freedom for the ERA was clearly addressed in a declaration on freedom of scientific research, the Bonn Declaration. This declaration was adopted 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 has been welcomed by many sectoral organisations, such as Science Europe.

How has academic freedom been defined in the Rome Communiqué and Bonn Declaration?

To begin with, the Bonn Declaration focuses on the freedom of scientific research. It presents 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. In addition, it includes the right to share research results, the freedom of academic expression, and the right to associate in academic bodies. Furthermore, it includes conditions such as opportunities for mobility, a culture of gender equality and the freedom to interact. This definition emphasises scientific research and indicates that it is related to basic rights such as freedom of expression, freedom of association, the freedom of movement and the right to education. While the definition covers many dimensions of relevance for studying academic freedom, its relationship to academic freedom is not elaborated upon other than in the argument that, 'academic freedom and institutional autonomy coupled with long-term as well as reliable and stable institutional financing are necessary prerequisites for

approximately 2,000 country experts around the world (see e.g. the Academic Freedom 2021 report: https://gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFi-2020_upd.pdf)

freedom of scientific research' (Bonn Declaration, 2020, p. 2).[3] In interpreting academic freedom as a condition for the freedom of scientific research, the Bonn Declaration equates academic freedom with institutional autonomy and research funding.

The Rome Ministerial Communiqué takes a broader view, and 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 for academic freedom. In addition, academic freedom is also seen as an essential element of democracy. Further, academic freedom is linked to a number of dimensions which, at least implicitly, are seen as conditional. Some examples of this conditionality are higher education governance (including the principle of self-governance), secure employment conditions for academic staff, and adequate (public) funding. In this, the Rome Communiqué presents an interpretation of academic freedom that puts three essential freedoms central and identifies a number of conditions under which these freedoms can be exercised. This interpretation is relevant and constructive, and it provides valuable input into the approach to academic freedom to be used in this study and the development of the EP STOA Academic Freedom Monitor. In this, there are three issues that require further clarification. The first is the relation between academic freedom and institutional autonomy. The Rome Communiqué Statement does not elaborate what it means that 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', the meaning of which is not further explained. Elsewhere in the statement, academic freedom is equated with freedom of expression, which would imply that 'communication in society' is a different freedom than the human right of the freedom of expression.

We approach these issues in three ways. First, in this study, institutional autonomy is interpreted not so much as a basic value constitutive for academic freedom, but as one of the conditions that have to be in place for academic freedom to be exercised in the best possible way. Second, in this study, we interpret academic freedom as an individual freedom, that is, the freedom of individual academic staff members and students. Third, in this study, we interpret the freedom of academic expression as a central dimension of academic freedom. However, this does not concern freedom of expression in general, since that is a basic human right that belongs to every citizen.[4] Instead, we will use the interpretation that freedom of academic expression is a right of the members of the academic profession and students, and relates to their area of academic expertise or study (see: Kummerling, 2022; Beaud 2022).

Taking these introductory considerations and the underlying call for this study from the EP's STOA Panel into account, this study is designed to contribute to a better understanding of how developments of academic freedom are *de facto* perceived and discussed in the EU Member States. Therefore, this study aims to present an overview of public debates about threats to and violations of academic freedom in the EU Member States. This means that this study is not a comprehensive, in-depth analysis of the *de facto* situation of academic freedom in the EU. Instead, it should be regarded as a pilot study, aimed at presenting an overview of publicly expressed worries and debates about the state of play of academic freedom in the 27 EU Member States. In this, this study focuses on selected dimensions of academic freedom, in order to explore how academic freedom is interpreted and discussed in the academic community and society at large, instead of using one basic, overarching definition of academic freedom. As is shown in the AFi scores (Kinzelbach et al., 2022), there are no major infringements on or violations of academic freedom in the EU Member States, with the exception of Hungary. Still, throughout the EU, worries about threats to academic

[3] For the full text of the Bonn Declaration, see: https://www.bmbf.de/bmbf/shareddocs/downloads/files/_drp-efr-bonner_erklaerung_en_with-signatures_maerz_2021.pdf?__blob=publicationFile&v=1

[4] See, for example, Article 11 of the Charter of Fundamental Rights of the European Union.

freedom have emerged in academic, political and public debates. This study will provide a brief overview of the nature of these worries for each EU member state, and the ways in which these are addressed in the relevant political and institutional contexts. Based on the individual country reports, a number of trends have been identified, as well as various policy options for the EP to address the current de facto situation of academic freedom in the EU effectively and appropriately.

## 1.1. Academic freedom in the European Union Member States: Historical reflections

Academic freedom has traditionally been interpreted as a freedom granted to individuals who are a member of the academic profession (UNESCO, 1997, 2017; AAUP, 2015a, 2015b). More recently, academic freedom is also interpreted by some as applying to higher education students and administrative staff (EHEA, 2020; Vrielink et al., 2010). In both the narrow and broad interpretation, academic freedom does not exist in a vacuum, but within a specific institutional setting, that is, the university, or more generally, the higher education institution.[5] The connection between the individual academic freedom and the institutional setting of the university[6] is crucial, since the institutional setting has to be responsible for creating and guarding the conditions for the individual academic freedom to be exercised (Beaud, 2022, p. 213). This responsibility cannot validly lie outside the university. This implies that the idea of the university is meaningless without academic freedom (Jaspers and Rossman, 1961), while there is no other space in society outside the university where academic freedom can be exercised in a meaningful way. In this, as argued by Habermas (1987, p. 9), Jaspers and Rossman recall the classical idea of the (German) research university held by Humboldt and philosophers, such as Schleiermacher.

The emergence of the research university model in Germany in the early 1800s, highlighting the concepts of *Lehrfreiheit* and *Lernfreiheit*[7], has strongly contributed to the central position of academic freedom in academia. As argued by Beaud (2022, p. 208), "academic freedom is an invention of the Modernity, as it presupposes freedom of thought and thus the rejection of any truth dogmatically imposed by the authorities as guardians of learning. In other words, academic freedom is based principally on the freedom to search for truth, independently of all existing dogma, and it necessarily implies freedom of research." Academic freedom is generally acknowledged to be essential for achieving high quality education and research, because it enhances the capacity of scholars and students to acquire, generate and apply knowledge in ways that are essential for their societies. As argued by the French philosopher Paul Ricoeur (1969, p. 13), from this perspective, academic freedom can be defined positively as the responsibility of academic staff and students with respect to knowledge.

Following the widespread democratisation of Europe and other parts of the world during the second half of the 20th century, academic freedom has developed from being a relatively abstract norm to becoming, in many societies, a legally acknowledged and protected freedom. This development is related to the recognition of academic freedom as a key condition for well-functioning open and democratic societies that adhere to the rule of law. This codification of

[5] A broader interpretation could also include any non-higher education institutional setting where scientific research is conducted.

[6] In the remainder of the report the term 'university' refers to all types of higher education institutions, unless indicated otherwise. In this it is acknowledged that there are differences within the higher education and research sectors in the EU Member States when it comes to the *de facto* academic freedom understandings and debates. For example, research universities are in general more focused on the freedom of scientific research than professional higher education institutions.

[7] *Lehrfreiheit* and *Lernfreihet* are in combination often translated as 'academic freedom'. Taken separately, *Lehrfreihet* can be translated as 'the freedom to teach (as one wants)', while *Lernfreiheit* refers to 'a student's right to determine an individual course of study.'

academic freedom took place at a time when higher education was still a relatively small and self-standing sector. Consequently, higher education was a rather marginal policy area, which made it possible for public authorities to allow it to function and operate on the basis of the principle of self-governance. In this situation, the formal *de jure* protection of academic freedom contributed to it being taken for granted as part of the social contract (or pact) between higher education and society (Gornitzka et al. 2007). At the same time, while in most countries around the world academic freedom was legally protected[8], it remained a concept that lacked a globally agreed upon definition. In addition, the exercise of academic freedom in practice was complex, and the potential and real threats and violations to the *de facto* exercise of academic freedom were in general poorly understood.

The potential for tensions between the *de jure* protection and *de facto* situation of academic freedom has existed in various countries since as early as the 19th century. However, it can be argued that in the first decades after 1945, academic freedom did not attract a lot of attention in Europe, being in general well-protected legally and therefore taken for granted in the then member countries of the European Economic Community (EEC), and being regarded with relatively little interest in Western Europe for the lack of *de facto* academic freedom in the then communist states in Central and Eastern Europe (CEE). That has changed, especially as a consequence of the massification of higher education, the collapse of the Communist regimes in CEE and many CEE countries joining the EU, and the growing political and economic incorporation of the notion of the knowledge society. Since the 1980s, these developments contributed to higher education and research becoming politically more important, but at the same time less special (Deiaco, et al. 2008, p. 2; Chou et al., 2017). 'More important' implies that higher education and research became more central policy areas for many European governments. 'Less special' means that higher education and research lost their rather unique, relatively protected policy status and were treated more and more like other public sectors. Consequently, the traditional policy interaction between a national responsible sector Ministry and representatives from the higher education institutions was gradually replaced by multi-level policy arenas with multiple actors developing policy agendas aimed at enhancing higher education and research's political and socio-economic relevance and usefulness (Chou et al., 2017). As a result, the political and socio-economic expectations and demands towards higher education and research became more explicit and prominent, and the political interpretation of higher education and research's role in society became more instrumental (Olsen, 2007).

The academic reforms introduced in EU Member States in the 1980s and 1990s reflected the growing integration of higher education and research with other policy areas, and the political focus on the need to enhance the responsiveness of higher education and research to meet societies' needs. These reforms focused especially on the governance, organisation, and funding of higher education institutions, and less on basic values and principles central to the mission of higher education, such as academic freedom. Furthermore, there were few serious discussions of how a commitment to purely external political goals and expectations with respect to higher education and research can be squared with academic values and principles, as incorporated in academic freedom (Olsen & Maassen, 2007, p. 9).

Even though there were national variations among EU Member States in reform instrumentalisation and implementation, the reform ideas nonetheless aimed at realising comparable changes. In the implementation of these ideas, enhancing institutional autonomy was an important policy intention (Maassen et al., 2017; Capano & Jarvis, 2020; Capano & Pritoni, 2020). In the reform agendas, institutional autonomy was dominantly interpreted from the perspective of the effective distribution of responsibilities between public authorities and higher education. The universities

[8] See §15 of the International Covenant on Economic Social and Cultural Rights (ICESCR), obliging signatory state parties to "respect the freedom indispensable for scientific research," ratified by 171 UN Member States.

and colleges should have more institutional autonomy *and* be more accountable. This required new institutional governance structures based on strategic priorities and the executive management of human resources, infrastructures, investments, and administrative procedures. In this, institutional autonomy became decoupled from academic freedom. Instead of presenting visions on how basic values and principles could be integrated into more effective governance and organisational structures, quality assessment of education and research, and new funding arrangements; institutional autonomy was linked to executive leadership and management, accountability, strategic organisational actorhood (Krücken & Meier, 2006), universities becoming more complete organisations (Seeber et al., 2015), and growing competition for funding, students, staff and reputation (Jongbloed & Vossensteyn, 2016; Musselin, 2018).

The impacts of the academic reforms have gradually brought a number of worries to the fore about the position of values and principles, including academic freedom in the reformed academic systems and institutions. The reforms' emphasis on the performance and responsiveness of higher education institutions, the professionalisation of university leadership and management, and the institutions' contributions to economic competitiveness and innovation, have inspired various activities and debates in academia and the wider society. These include public statements, open letters from the academic community to public authorities, and a growing number of academic projects, studies and publications addressing *de facto* threats to academic freedom in EU Member States, as interpreted and experienced by institutional leaders, as well as academics and students and their representative bodies.[9] In addition, the European Commission, public authorities in the EU Member States and universities have become increasingly interested since the early 2000s in research integrity as a key to uphold academic freedom.[10] These statements, letters, policy briefs and the like, are addressing multiple factors that are underlying possible threats to academic freedom, which are argued to be much more complex than in the past.

There is global acknowledgement of academic freedom's fundamental importance. In the context of the EU, this is clearly visible in Article 13 of the EU Charter of Fundamental Rights, which addresses the freedom of the arts and sciences, and identifies academic freedom as a fundamental right when it states that, "[t]he arts and scientific research shall be free of constraint. Academic freedom shall be respected".[11] The Charter does not contain a definition of academic freedom. Furthermore, the European Parliament has also recognised the importance of Academic Freedom for the European Union (EU) as illustrated by its recommendation of 29 November, 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the defence of academic freedom in the EU's external action.[12] The importance of academic freedom is also clearly expressed in the aforementioned Bonn Declaration and Rome Ministerial Communiqué, and various other statements and declarations,[13] for example, by the European Council[14], UNESCO[15], the Magna Charta Observatory[16], and the World

[9] For examples of these statements, letters and academic publications, see the country reports presented in Chapter 3 of this report.

[10] See: https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739201/EPRS_BRI(2022)739201_EN.pdf

[11] See: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN. The challenges with respect to using the Charter and its article 13 in protecting academic freedom at the EU level became evident in the high-profile case brought to the European Court of Justice by the European Commission against Hungary. For more details of this case, see the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel.

[12] See: https://www.europarl.europa.eu/doceo/document/TA-8-2018-0483_EN.html

[13] For a more comprehensive overview, see Popovic et al. (2022), pp. 16-26.

[14] See: https://pace.coe.int/en/files/17469

[15] See: https://en.unesco.org/news/protecting-academic-freedom-relevant-ever

[16] See: https://www.magna-charta.org/resources/files/the-magna-charta/english

University Service (Lima Declaration).[17] These statements and declarations suggest that there is broad agreement that academic freedom incorporates the freedom of all members of the academic community working or studying at an institution of higher education or research organisation – individually or collectively, in the pursuit, development and transmission of knowledge, through research, teaching, study, writing, etc.

In 2021 and 2022 the European Commission published several policy documents, including the European strategy for universities that are relevant for understanding the importance attached to academic freedom in the European Union, amongst other things, in the further development and protection of a European way of life.[18] Furthermore, these documents introduce initiatives aimed at enhancing the protection of academic freedom. These include the intention to integrate academic freedom into the new Erasmus Charter for Higher Education and the new Erasmus Student Charter. In addition, the Commission plans to set up in 2023 a European Higher Education Sector Observatory, which is expected, amongst other things, to develop the European Higher Education Sector Scoreboard. This scoreboard should play an important role in the monitoring of academic freedom in Europe.

## 1.2. Interpretations of academic freedom

According to Andreescu (2009) and Van Alstyne (1975), academic freedom is a deontological, moral, and legal concept expressing the conviction that the freedom of inquiry by academics is essential to the mission of higher education and research, as well as the principles of academia. In addition, it is emphasised that scholars should have freedom to teach or communicate ideas or facts (including those that are inconvenient to external political, economic, cultural, or religious groups or to public authorities) without fear of repression, job loss, or imprisonment. The traditional core of academic freedom covers the freedom that scholars acting in an academic capacity - as teachers and/or researchers expressing strictly scholarly viewpoints require to conduct their scholarly work with undue external interference. In essence, Beaud (2022, pp. 216-217) comes to the same interpretation, arguing that academic freedom is, "made up of a triptych: freedom of research, freedom of teaching, and freedom of expression".

More recently the interpretation of academic freedom has been extended to include other values and conditions required to safeguard academic freedom, such as scholars and students' expressions on matters outside their academic expertise or area of study, the labour conditions of academic staff, the financial freedom required to follow your scholarly curiosity, and the appropriate democratic institutional governance structures and practices that allow for effective self-governance of academic and institutional affairs (see, e.g., Beiter et al. 2016). In addition, for example in the Rome Ministerial Communiqué, the interpretation of academic freedom has become closely linked to institutional autonomy. The latter referred traditionally to the required room to manoeuvre of higher education institutions and research organisations for effectively governing their research and education affairs without unnecessary interference of government and other external actors.

In the extended interpretations of academic freedom, institutional autonomy is most generally regarded as constitutive for academic freedom (EHEA Rome, 2020: 2). However, in some interpretations, institutional autonomy is seen as an institutional and organisational dimension integrated with individual academic freedom (Beiter et al., 2016), instead of being a feature of public administration, that is, the formal division of governance responsibilities between public authorities and higher education institutions. For example, the following interpretation from the Court of

[17] See:
https://www.wusgermany.de/sites/wusgermany.de/files/userfiles/WUS-Internationales/wus-lima-englisch.pdf

[18] European Commission (2022): on a European strategy for universities. COM/2022/16 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2022:16:FIN

Justice of the European Union, states that, "*academic freedom did not only have an individual dimension in so far as it is associated with freedom of expression and, specifically in the field of research, the freedoms of communication, of research and of dissemination of results thus obtained, but also an institutional and organisational dimension reflected in the autonomy of those institutions*".[19]

The range of interpretations of academic freedom make it clear that it is important, difficult as it may be, to make a distinction between the essence of academic freedom, and the conditions necessary for guarding or guaranteeing academic freedom. In this study, we therefore follow Beaud's interpretation of academic freedom as a triptych (Beaud, 2022), and identify as the core dimensions of academic freedom: the freedom to research, the freedom to teach (and learn) and the freedom of academic expression. We identify institutional autonomy, the level and nature of self-governance or co-determination of academic staff and students, labour conditions of the academic staff, and the level of financial autonomy of the academic staff as possible guarantees of academic freedom. These dimensions will be presented in greater detail in chapter 2.

At the same time, academic freedom is not an absolute freedom, implying that there are legitimate limitations for academic freedom. An example concerns the principle that no government can be expected to publicly fund all research activities that the academic staff of universities, colleges and research institutes would like to undertake. In more general terms, the purpose and nature of these legitimate limitations can be identified as follows.[20] When it comes to the *purpose* of limitations, we can identify first limitations justified internally, that is, they are justified by the academic activity's own purpose and own basic norms, including research integrity. Second there are limitations justified externally, that is, they are justified by the idea that research and teaching have interfaces with other legitimate activities, and individual academics are part of a larger community (society as a whole and university, college or research institute). Regarding the *nature* of these limitations, a distinction can be made between those limitations expressed in some form of direct regulations, and limitations that materialise in the framework conditions for the academic activity in question, for example, in the form of access to important resources. In a somewhat simplified manner, it can be stated that direct regulations place restrictions on what is allowed (or indicate what is mandated), while framework conditions will to a greater or lesser extent narrow the actual range of possibilities an academic has for his/her work.

Any codified freedom, such as academic freedom, always comes with responsibilities and obligations (see, e.g. Andreescu, 2009; Beaud, 2022, p. 113). Academic freedom should in principle be guided and guarded by the basic characteristics and customs of the University as an institution (Olsen, 2007), and the rules, regulations, and traditions of individual higher education institutions and research institutes. The foundational argument for emphasising that the responsibility for guarding academic freedom should rest with the academic community itself is that this provides the best guarantee for the principles of academic freedom to be respected by all stakeholders. In addition, the academic community can be expected to adhere more directly and effectively to the responsibilities and obligations that accompany academic freedom such as respecting research integrity, than to any external body or actor.

Academic freedom is a highly important principle and value to the EU member countries because universities, colleges and other academic organisations, such as research institutes, are key institutions in our societies, both from the perspective of the importance of scientific knowledge for our societies' socio-economic, technological, and cultural development, and because of the

[19] Court of Justice of the European Union's Judgment in Case C-66/18 Commission v Hungary.

[20] See, for example, page 20 of the report by the National Expert Committee set up by the Norwegian Ministry of Education and Research: "Akademisk frihet. Individuelle rettigheter og institusjonelle styringsbehov" (Academic Freedom. Individual rights and institutional governance needs); October 2006, https://www.regjeringen.no/contentassets/29b88a39d4c84eb4aaf889c314b808bf/no/pdfs/nou200620060019000ddpdfs.pdf

importance of academia as a key institution for maintaining and enhancing the democratic principles and institutions underlying our societies.

The first perspective takes as a starting point that academic freedom enhances the capacity of scholars and students to acquire, generate and apply knowledge in ways that enhance and protect societies' capacity for self-reflection and economic, social, technological and cultural innovation. This implies that academic institutions can be expected to fulfil their mission when academics and students are not forced to support an external economic agenda, political ideology, or religious doctrine, but rather are free to use their talents to advance scientific knowledge and understanding.

The second perspective relates to the democratic foundation of the EU and its Member States. This concerns the importance of independent knowledge for understanding and addressing the trends and forces that challenge and potentially weaken the democratic foundations of the EU and its Member States. This perspective couples academic freedom with academic responsibilities in the sense of the responsibilities, obligations and duties that academic institutions, their academic staff and students have for the quality, relevance and integrity of their academic activities. This can be illustrated by academia's responsibilities with respect to the handling of societal challenges and crises, such as climate change, growing inequality, or global pandemics. Overall, academia has the responsibility to use its higher education and research capacities to contribute, for example, to the adequate handling of challenges and crises, and in that way to the maintenance and enhancement of the democratic principles and institutions that form the political order of our societies. This perspective is acknowledged in the academic and political discussions on academic freedom, even though most indexes and studies on academic freedom do not address academic responsibilities.[21]

## 1.3. De jure and de facto academic freedom

Since the early 2000s, important studies have been undertaken to measure the *de jure* protection of academic freedom (and institutional autonomy) in the laws of the EU Member States, including the United Kingdom (Beiter et al., 2016). However, this work did not include the *de facto* situation of academic freedom.

Public authorities and higher education institutions have traditionally committed themselves to protecting academic freedom legally, leading to a situation in which many countries around the world have *de jure* protections in place, with respect to academic freedom. These protections can be included in the national constitution or be part of specific higher education sector legislation. Additionally, many higher education institutions have provisions protecting the academic freedom of the members of their academic community in their internal rules and regulations or by-laws.

It is more challenging to get a valid understanding of the *de facto* situation with respect to academic freedom. Studies analysing the situation with respect to *de facto* academic freedom argue that *de jure* provisions do not guarantee that academic freedom is respected and protected in practice. This concern can be exemplified by making a comparative analysis of the dataset on constitutional guarantees of academic freedom by the Comparative Constitutions Project (CCP) and the AFi scores, which reveals that, "*close to one-third of the countries with the worst recent performances on academic freedom have constitutional protections for academic freedom in place*" (Spannagel, 2020, p. 215).

[21] For example, the 2020 expert report to the European Council entitled "Threats to academic freedom and autonomy of universities in Europe" does not incorporate academic responsibility as a dimension of importance for assessing and understanding possible threats to academic freedom and institutional autonomy (https://assembly.coe.int/LifeRay/CULT/Pdf/DocsAndDecs/2019/AS-CULT-INF-2019-06-EN.pdf)for assessing and understanding possible threats to academic freedom and institutional autonomy (https://assembly.coe.int/LifeRay/CULT/Pdf/DocsAndDecs/2019/AS-CULT-INF-2019-06-EN.pdf)

The development of the Academic Freedom index (AFi) and other recent initiatives to map, monitor or measure academic freedom developments are an indication of the growing interest, academically as well as politically, in academic freedom. The aforementioned initiatives have a global focus in their work on monitoring academic freedom developments. The main reason for this is that established democracies are worried about the large number of recent violations to academic freedom in a growing number of countries with backsliding democracies or authoritarian regimes. As argued in the introduction, when focusing on EU Member States as we do in the study presented in this report, it is important to emphasise the nature and impact of higher education reforms as an important factor in understanding the current interest in academic freedom. As indicated above, it is relevant that 24 of the EU member states are, according to the AFi 2021 (Kinzelbach et al., 2022), among the best performing countries in the world at guarding academic freedom. In two EU Member States, Greece and Poland, the situation with respect to academic freedom has slightly deteriorated, meaning that they are positioned just outside the group of countries that have the status A. According to the AFi, Hungary is the only EU Member State where structural infringements of academic freedom are taking place. Consequently, for mapping the debates on the *de facto* academic freedom in the EU Member States, a different methodological approach has to be used than in the global indexes, such as AFi or studies on the growing number of serious violations of academic freedom. This will be discussed in greater detail in the next chapter.

# 2. Methodology and data

## 2.1. Aims

Taking the aforementioned considerations and perspectives as a starting point, this study is designed to produce an overview of public debates of the state of play of academic freedom in each of the EU's 27 Member States. Based on these national overviews, general trends in these debates are identified and are used to present several policy options for the European Parliament.

The first part of the study consists of a review of the academic literature and policy documents with the aim to identify the academic freedom dimensions to examine in this study. In addition, various indexes and monitors for measuring academic freedom and institutional autonomy are reviewed. While these indexes and monitors are either global, for example, the AFi, or do not cover all EU Member States, for example, the EUA Autonomy Scorecard, they offer a highly relevant, quantitative frame of reference for the qualitative examinations conducted in this study.

The aim of this study is to contribute to the development of a robust EP STOA Academic Freedom Monitor. Therefore, the second part of this study focuses on the public debates about academic freedom in the EU Member States. This focus will provide valuable insights into the areas and issues with respect to which it is necessary to assess the effectiveness of the current protection of academic freedom in the EU. The overarching goal is to identify where a strengthening of the protection is needed, and how this might be achieved. In addition, this study is expected to contribute to relevant and well-founded discussions on the state of play of academic freedom in the EU and its Member States.

Next, we will first present the structure of the study, followed by a brief discussion of the data types and sources on academic freedom used in this study. Finally, the academic freedom dimensions addressed in this study will be introduced.

## 2.2. Structure

The study was approached as a work of political science scholarship, with the primary methods consisting of a literature review and media study, and contributions from academic experts from EU Member States.

The study was organised in two phases. Phase I consisted of the review of academic and political understandings of academic freedom, and recent discussions, challenges, controversies and, where relevant, infringements on and violations of academic freedom in each of the EU Member States. The review covers the last five years and includes academic publications, and national university/higher education newspapers, magazines and journals, and international university newspaper (including University World News, and Times Higher Education). The review addresses the following issues:

1.1 The understanding of the state of play of basic dimensions of academic freedom in each of the EU Member States.

2.1 The main public discussions about worries and threats to academic freedom in each of the EU Member States. Including, where relevant, infringements and violations of academic freedom in each of the Member States.

3.1 The ways in which each EU member state has recently handled the discussions about and threats to academic freedom, including infringements and violations of academic freedom. Here, of interest are, for example, the establishment of national expert committees; introduction of new policies or recent changes in the

legal provisions with respect to academic freedom; and the development of national academic freedom databases and/or monitors.

Phase II consisted of an involvement of national academic experts from EU Member States. Each involved national expert was invited to provide feedback and comments on the draft country report for his/her country/ies of expertise. The experts were selected on the basis of their contribution to the academic literature on higher education, including academic freedom. The research team integrated the feedback provided by the experts into national reports for each of the EU Member States. However, any errors or misinterpretations in the country reports remain the responsibility of the research team.

## 2.3. Data types and sources

For the study of academic freedom, various data types and sources can be used. Spannagel (2020) has distinguished five main data types available for the examination of academic freedom: (1) expert assessments, (2) opinions and lived experiences, (3) events data, (4) institutional self-assessments, and (5) de jure assessments. In her overview of these five data types, Spannagel (2020) presents a general description for each, after which she discusses the advantages and disadvantages, the data sources and examples, and the recommended uses of the five data types. Spannagel's review provides a highly relevant overview for any researcher on academic freedom, both when it comes to the strengths and limitations of data types, and the pitfalls researchers might face in collecting their own data.

The data we collected in the second part of the study can be regarded as events data. However, we did not collect data by using reports on actual academic freedom events, but by examining public media and academic literature reporting on debates on academic freedom. Therefore, the country reports included in chapter 3 of this report present in essence the public debates that we identified in our data sources.

The key advantage of using events data in our study is their illustrative character, since it is rather easy to comprehend how the information on the public debates are obtained and what they represent. A second benefit is event data's unique timeliness, as debates on academic freedom are usually reported almost in real time and can therefore indicate the emergence of specific worries on the development of academic freedom in practice. Furthermore, compiling events data is relatively easy and cost efficient (Spannagel, 2020, p. 197). The latter advantage is of great relevance to this study, given its time and budget conditions.

Using events data has a number of limitations, which are discussed in detail by Spannagel (2020, pp. 197-203). We are aware of these limitations, which apply in general to studies that use existing events data. This study is conducted in the EU Member States, nearly all of which are among the most well-performing countries on academic freedom in the world. Consequently, there are no nationally sourced data on infringements of academic freedom available. However, as discussed in Chapter 1, there are indications that also in the EU Member States, there are worries about the developments of academic freedom, and doubts about the extent to which the EU and national legal protections for academic freedom are sufficient for handling current threats to academic freedom appropriately and adequately. Collecting events data allows this study to contribute to an understanding of the public discussions on the state of play of academic freedom in the EU Member States. In that way, this study provides an initial understanding of possible threats to academic freedom in the EU Member States, the way they are perceived and discussed nationally, and the ways in which the legislative protection can be strengthened.

## 2.4. Academic freedom dimensions

While academic freedom is generally acknowledged as a basic value and principle in higher education, there is currently no globally agreed upon definition of academic freedom. Since this study recognises that the discussions on the state of play of academic freedom are context-bound, it does not use a strict definition of academic freedom. Instead, it has identified key dimensions (derived from the academic literature and political reports) that allow for an examination and discussion of the current state of play of academic freedom in the EU Member States. In this, it is assumed that while there is no crisis with respect to academic freedom in the EU, there are developments in each member state that have led to worries about and/or threats to one or more academic freedom dimensions. Each country report provides an overview of current debates on academic freedom in the EU Member States, thereby showing which of the identified academic freedom dimensions are regarded to be under possible threat from the perspective of the academic community.

In identifying the academic freedom dimensions to be addressed in this study, we started with a careful interpretation of two key European interpretations of academic freedom, that is, the Bonn Declaration on Freedom of Scientific Research and the Rome Ministerial Communiqué of the European Higher Education Area (see Chapter 1).

Building especially on the Rome Communiqué, in this study the following dimensions of academic freedom are identified and addressed:

Central dimensions ('triptych'):

1 Freedom to research

This dimension concerns the freedom of individual academic staff to develop and follow his/her own research agenda without any undue political, administrative, religious, economic, social, cultural, or academic infringements. The freedom referred to here is not absolute, but has to be exercised within the generally accepted framework conditions for academic freedom.

1.1 Freedom to teach, and freedom to study.

This dimension concerns the freedom of individual academic staff to develop and follow her/his own teaching agendas and aspirations, and the freedom of students to develop and follow their own study preferences without any undue political, administrative, religious, economic, social, cultural, or academic infringements. The freedom referred to here is not absolute, but has to be exercised within the generally accepted framework conditions for academic freedom.

2.1 Freedom of academic expression

This dimension concerns the freedom of academic staff and students to express themselves on the basis of their academic area of expertise or field of study within their institution and the wider academic community on academic and/or governance matters, without any undue internal or external pressures or risks of being punished. In addition, it concerns the freedom of academic staff to publish, disseminate and exchange research findings through academic journals and other outlets without any internal or external infringements, violations, threats or pressures.

Conditions for academic freedom

3.1 Institutional autonomy

This dimension concerns the room to manoeuvre that higher education institutions have to manager their own internal academic and administrative affairs without undue external interference. The interference referred to here can be political/legal, religious, economic, social, or cultural, and affect the procedural and/or substantive autonomy of higher education institutions.

4.1 Self-governance

This dimension concerns the right of academic staff and students to be involved in the institutional governance and decision-making with respect to academic affairs. Self-governance is also referred to as the right of academic staff and students to co-determine academic affairs.

5.1 Labour conditions

This dimension concerns the extent to which the labour conditions of academic staff provide the conditions under which all members of the academic community can exercise their academic freedom without fear of losing their job (tenured staff), of their contract not being renewed, or of access to a tenured position being jeopardised (non-tenured staff).

6.1 Financial conditions

This dimension concerns the extent to which external funding conditions for teaching or research have an impact on the freedom of the academic staff to develop and follow their own teaching and research agendas, and the freedom of students to develop and follow their own study preferences, that goes beyond what are regarded as valid and legitimate framework conditions.

# 3. Individual country reports

## 3.1. Introduction

In this chapter, 27 individual country reports covering all EU Member States are presented. Each country report is structured similarly. First, each report presents an overview of the country's scores in selected academic freedom and institutional autonomy indexes and studies. This is followed by an overview of the public debates on academic freedom that are identified in this study. Next, a table is presented, which summarises the findings for each of the core dimensions and conditions. Finally, there is a list of references.

The following considerations are relevant for the adequate interpretation of the country reports. First, the country reports are not comprehensive. They provide an overview of a number of issues, cases, topics and discussions with respect to academic freedom that have attracted public attention in the country in question. Second, while national experts have been consulted, the authors of the report are responsible for any mistakes or misinterpretations in the country reports. Third, in order to achieve a fuller and more comprehensive understanding of the state of play of academic freedom, a structured monitoring is needed, based on a generally agreed definition of academic freedom and indicators derived from that definition. This study intends to contribute to the development of such a monitor.

## 3.2. Quantitative country scores

This study consists of a qualitative review of public debates on academic freedom in the EU Member States. Obviously, such a review cannot provide a full overview of the state of play of academic freedom in the EU Member States, nor can it express, for example, worries about academic freedom in quantitative scores. Therefore, each country report will start with a presentation of country specific data that was obtained as quantitative scores from comparative datasets that rely on expert surveys. In addition, this presentation will contain data from a comparative study on academic freedom and institutional autonomy in the EU Member States, and data from the EUA Autonomy Scorecard, for those EU Member States included in the scorecard.[22] Overall, these expert-coded datasets are assumed to present a relevant starting point for each country report because they allow each country to compare scores from different datasets, and to compare themselves with other EU Member States (Spannagel, 2020, pp. 176-177).[23] In addition, we assume that the inclusion of quantitative scores from comparative datasets in the country reports will provide a relevant frame of reference for the interpretation of the findings of the qualitative reviews for each EU Member State. Furthermore, we expect that the qualitative findings will also contribute to a discussion on the interpretation of the existing data on the EU Member States, and to the development of an adequate methodology for the EP STOA Panel Academic Freedom Monitor.

Before presenting the country reports, a brief description of the basic features and indicators used in each dataset will be given.[24]

To start with, the AFi is a global index, developed by researchers at FAU Erlangen-Nuremberg, the Varieties of Democracy Institute (V-Dem) at the University of Gothenburg, and the Global Public

[22] In Annexes 1, 2, and 3 of this study the aggregated scores for the EU Member States in the AFi, the EUA Autonomy Scorecard, and the study by Beiter et al. (2016) are presented.

[23] For a detailed discussion of the advantages and disadvantages of the methodologies used in various indexes, monitors and studies on academic freedom, see Spannagel (2020).

[24] For a detailed discussion of these datasets and their methodologies, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled: "How academic freedom is monitored? Overview of methods and procedures".

Policy Institute (GPPi). It was first published in 2020 as part of the V-Dem dataset.[25] The AFi value or score for each country for a given year is determined on the basis of expert assessments. The AFi has a country score that ranges between 0-1. In all cases, the higher the score, the stronger the state of play of academic freedom. For the 2021 AFi, more than 2,000 country experts were involved and they assessed the respective country's situation for each year according to the following five indicators (Spannagel & Kinzelbach, 2022): freedom to research and teach; freedom of academic exchange and dissemination, institutional autonomy, campus integrity, and the freedom of academic and cultural expression. [26]

One of the main strengths of the AFi is that it provides comparable data for each country over time and on a global scale. At the same time, the AFi has several challenges when it comes to its relevance for monitoring academic freedom in the EU. One important challenge is the AFi's focus on global comparisons, which poses a problem for monitoring academic freedom in the EU Member States. Since 24 of the EU Member States are in the highest category of the AFi with quite high scores, the index is not able to validly capture differences between EU member countries, nor to show emerging worries about the state of play of academic freedom within EU member countries.

The next country score presented in the country reports is derived from Freedom House, which, since its founding in 1941, has monitored the state of freedom and democracy in around the world.[27] One of the key publications of Freedom House is the annual *Freedom in the World* report. The 2022 version of the report evaluates the state of freedom in 195 countries and 15 territories during 2021, and it was produced this year by a team of 128 in-house and external analysts, and around 50 expert advisers from the academic, think tank, and human rights communities. Each country and territory is assigned between 0 and 4 points on a series of 25 indicators, for an aggregate score of up to 100. The indicators are grouped into the categories of political rights (0–40) and civil liberties (0–60), whose totals are weighted equally to determine whether the country or territory has an overall status of Free, Partly Free, or Not Free.[28]

In the civil liberties sub-category titled 'Freedom of expression and belief', academic freedom is one of the indicators. The analysts and experts involved determined the academic freedom score for each country and territory involved by five sub-questions and one main question: "Is there academic freedom, and is the educational system free from extensive political indoctrination?" An interesting feature of the Freedom House score on academic freedom is that is covers the education system as a whole. This is visible in the academic freedom scores of some of the EU Member States, which were affected by apparent violations of academic freedom in the school system, as detailed in Freedom House's explanation of the score included in each country report.

A strength of the Freedom House academic freedom score is that it is part of a larger dataset, which allows for a comparison of the state of play of academic freedom with other political rights and civil liberties. At the same time, the Freedom House score has a number of challenges, including a lack of a definition of and explicit indicators for academic freedom. In addition, there is a lack of transparency with respect to the way in which the analysts and experts have determined the academic freedom score.

The Freedom House score is followed by scores from the study by Beiter et al. (2016). This study is part of the valuable work done by Terrence Karran and his colleagues on academic freedom in Europe and elsewhere. The 2016 study is a *de jure* comparison of academic freedom in the EU

[25] https://www.v-dem.net/

[26] See also: Kinzelbach, Katrin - Saliba, Ilyas - Spannagel, Janika - Quinn, Robert (2020): Free Universities. Putting the Academic Freedom Index Into Action. GPPi and Scholars at Risk Network

[27] See: https://freedomhouse.org/about-us

[28] For complete information on the methodology, see: https://freedomhouse.org/report/freedom-world/research-methodology

Member States, based on the legal situation in 2014. The study examines five dimensions, derived from the 1997 UNESCO Recommendation on teaching personnel:

- the protection of academic freedom for teaching and research in higher education legislation (1 indicator)
- the legal provision of institutional autonomy (10 indicators)
- the legal provision of self-governance (11 indicators)
- the legal protection of academic tenure (5 indicators)
- adherence to international agreements and constitutional protection of academic freedom (10 indicators)

The examination was conducted by experts who analysed laws and regulatory documents, and assessed a country's performance on a given indicator based on the coding guidelines. Based on these indicator scores, the authors produced an academic freedom ranking, in which each dimension is weighted 20%. The scores for each dimension are on a scale of 0-20, where 0 means that there is no reference to academic freedom in the regulations, 5-10 means that the concept appears but without sufficient detail, and 15-20 means that there is a more detailed interpretation. In the country reports for this study, the country scores for the protection of academic freedom and the legal provision of institutional autonomy are included.

Overall, the analysis of the *de jure* protection of academic freedom is a relevant part of the study of academic freedom, and the study by Beiter et al. is one of the few academic studies on the de jure protection of academic freedom that covers all EU Member States. At the same time, the study has several challenges. In addition to the fact that in many countries the *de jure* and *de facto* situation differ significantly, the study was conducted in 2014, and has not been updated since. In addition, it is not fully clear how the authors interpret the relationship between the legal provision of academic freedom and the legal provision of the selected conditions.

Finally, the scores for the EU Member States included in the EUA Autonomy Scorecard are presented in the relevant country reports. The EUA autonomy scorecard scores do not concern academic freedom, but institutional autonomy. The Autonomy Scorecard examines the formal relationship between universities and the public authorities through 38 indicators, measuring the perceived room to manoeuvre that universities have for making decisions in four areas:

1) Organisational autonomy: organisational structure and internal governance, selection of senior management.
2) Financial Autonomy: funding and asset management.
3) Staffing autonomy: freedom in HR policy, such as remuneration, hiring, dismissal of senior academics and administrators.
4) Academic Autonomy: autonomy regarding academic affairs such as programme and research profile, quality assurance, student admission.

The EUA published three autonomy scorecard reports, in 2009, 2011 and 2017.[29] The 2017 report gives an overview of the situation of institutional autonomy in 19 EU Member States, plus an overview of the two Belgian communities and three German *Länder*. In addition, Iceland, Norway, Serbia, Switzerland and the United Kingdom (England) are included. The report does not cover Bulgaria, Cyprus, the Czech Republic, Greece, Malta, and Romania.

[29] https://www.university-autonomy.eu/

The scorecard data for each country is provided by structured questionnaires, completed by the Rectors' Conferences or similar representative organisations of higher education institutions, which address each of the four areas on the basis of a number of sub-questions. Responses are refined through follow-up interviews, where necessary.[30] By aggregating and weighting the scores for the responses, the results are summarised in four tables, each reflecting the degree of freedom of higher education institutions in the participating systems on one dimension. There is no combined or overall ranking, because in the scorecard methodology there is no relationship between the four dimensions.[31] However, in this study, the scores for the four dimensions have been combined, not for the sake of ranking the involved EU Member States, but to show the comparative position of the involved countries if one assumes that the four dimensions can be weighed equally (see Annex 1).

A strength of the EUA Autonomy Scorecard is that it provides comparable data on institutional autonomy which can be used for various purposes, for example, follow up studies on one or more of the autonomy dimensions in one or more of the countries involved. In addition, the validity of the scorecard is enhanced by its focus on the legal situation, the use of a structured questionnaire, follow-up interviews, validation rounds and cross-checking of data, which ensure that data for each country are coded fairly identically.
A limitation of the scorecard is that there is no data for all higher education systems in the EU Member States. In addition, the scorecard is not produced regularly, for example, annually or biennually, with the latest scorecard, released in 2017, using data from 2016. Further, even though the scorecard tries to also take the *de facto* situation of institutional autonomy into account, the results produced in this are not very transparent. In addition, the scorecard does not address the perceived and used interpretation of institutional autonomy by the academic staff and students, which can be referred to as the living autonomy (Maassen et al., 2017).

Next, the 27 country reports will be presented.

[30] For a description of the methodology, see:
https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%20ii%20-%20the%20scorecard.pdf

[31] https://www.university-autonomy.eu/about/

# 3.3. Austria

## 3.3.1. Introduction

This country report on academic freedom in Austria is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.3.2. Country scores for Austria on academic freedom and institutional autonomy

In this section, the country scores for Austria in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, the Beiter et al. study (2016), and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this chapter.[32]

### Academic freedom scores

- Country score Austria in Academic Freedom index (AFi):
    - 2011: 0.98
    - 2020: 0.97
    - 2021: 0.94 (Rank 9 among EU Member States)

The AFi score for Austria is stable, and among the highest scores of all EU Member States.

- Country score Austria on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is generally upheld, and the educational system is free from extensive political indoctrination.

In July 2021, numerous amendments were made to the Universities Act, which regulates the administration of Austria's public universities. University governing bodies have criticised the legislation, citing concerns that the amendments will jeopardise the autonomy of public universities." (https://freedomhouse.org/country/austria/freedom-world/2022)

- Country score for Austria in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 63,5 C (average for EU Member States: 52.79 D)

The scores for Austria on the two global academic freedom indexes suggest that Austria is a country with a positive *de jure* and *de facto* state of play of academic freedom. In the AFi the Austrian score is very stable, positioning the country firmly among the top 10% of all countries in the world in the AFi. The scores in the EU oriented study by Beiter et al. (2016) are in line with this and suggest that the legal protection of academic freedom in Austria is among the strongest in the EU (ranked 6th).

[32] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

### Institutional autonomy scores

- Country scores EUA Autonomy Scorecard: Austria cluster score: 9 / autonomy scores: 70.5%.
- Country score Austria in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 60 (12), with average for EU Member States 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Austria is overall at a medium level in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Austria is scoring medium high for organisational, staffing and academic autonomy, with medium low for financial autonomy. On the other hand, in the study by Beiter et al. (2016) Austria is ranked at the fifth place of all EU Member States, suggesting a comparatively strong state of the legal protection of institutional autonomy in Austria (see Annex 3).

## 3.3.3. Academic Freedom: Findings for Austria

### Academic freedom: Legal and institutional provisions

In Austria, academic freedom is enshrined in Art. 17 of the Constitution: *„Wissenschaft und ihre Lehre ist frei*" ("*Science and its teaching is free*"). The Universities Act of 2002 is the main HE legislative document which defines the principles and responsibilities of universities, including provisions for aspects of academic freedom. Freedom of science, teaching, scientific and artistic creativity, and the freedom to learn are identified as important principles in guiding universities in the fulfilment of their tasks and ensuring good scientific practice and academic integrity (Universities Act, 2022, p. § 2). Further protections for the freedom to teach and learn, and the freedom of research are found in articles 59 and 105, respectively.

In general, Austrian higher education institutions vary in the promotion and explication of academic freedom on their websites and in strategic documents. While strategic documents and digital presentations give an overall impression of support for freedom of science, teaching, and academic pluralism, some universities' references to academic freedom are rather general. For instance, the universities of Vienna and Graz focus their mission statements and strategic priorities on interdisciplinary and internationally recognised research. The University of Graz does identify freedom of research and teaching as an important aspect of its policy, but does little to elaborate this principle further in its strategic development plan. A similar situation can be found at the University of Salzburg which lacks explicit references to academic freedom among its guiding principles, which includes art, digitalisation, development and sustainability, and health (Paris Lodron Salzburg University, 2021).

A more explicit and straightforward is presented by the University of Innsbruck, which identifies academic freedom as the foundation for its actions and links it with a commitment to critical and ethical self-evaluation of research (2017). Its strategic development plan 2022-2027 further emphasises the importance of independent research and teaching coupled with "participation, cooperation, trust and transparency in a democratic self-image" (University of Innsbruck, 2017, p. 12). In addition, the Vienna University of Economics and Business (2016) and the Johannes Kepler University (2018) both identify academic and scientific freedom coupled with academic responsibility as important values in research and teaching activities.

### Academic freedom: Central dimensions

While there have been nor serious infringements or violations of the central dimensions of academic freedom in Austria, there have been publicly expressed worries about possible threats to the freedom to teach and learn and the freedom to research. The Covid-19 pandemic brought about a number of challenges that affected universities. The second Covid Higher Education Act, for example, raised the question of only allowing vaccinated students on campus and the implications

of denying some students the right to study (Anders, 2021). Virologists offering expert advice on regulations during the pandemic report receiving hateful messages online (von Laer, 2022). The question of academic freedom has also been raised specifically in relation to a controversial lecture series held at the University of Vienna where both proponents and critics of Austrian corona measures were represented (Kleine Zeitung, 2021).

Additional cases of threats to the academic freedom of expression include the disruption and attempt to cancel a lecture by feminist Alice Schwarzer by students citing anti-Muslim racism "under the guise of feminism" (Kittner, 2019), and the cancellation of invited speaker Walaa Alqisiya following disapproval of her anti-Israel stance in relation to the Palestine conflict (Liu, 2022).

Another example concerns the disturbance in 2019 by students of a lecture by associate professor Lothar Höbelt at the University of Vienna. The students unfolded a banner stating "Kein Raum für Nazis and der Uni", protesting against his right-extremist political position and his planned contribution to a so-called *Herbstakademie* (Autumn Academy), linked to the Austrian political party *Freiheitliche Partei Österreichs* (FPÖ). The action was supported by the Student Union ('ÖH') at the University of Vienna, which has demanded that the University should fire professor Höbelt. At the same time, the FPÖ demanded from the university leadership that it condemns the student action and takes action against the involved students. The student organisation of the FPÖ, went so far as publicly claiming that it sees a "wave of intolerance and intellectual arson" spilling over from Germany to Austria. The University leadership in a reaction argued that racism, sexism and discrimination of any kind have no place at the University of Vienna, while at the same time emphasising that, "Freedom of expression is a high value for academic discourse" (Der Standard 2019). This case shows the complexities with respect to the central dimensions of academic freedom, and the fact that in a democratic society such as Austria there can be different legitimate opinions on how to balance freedom of academic expression with the requirements to uphold basic democratic values.

## Academic freedom: Conditions

### Institutional autonomy

In 2021, the Austrian government introduced comprehensive amendments to the higher education legislation, which had major implications for university operation and funding. A number of concerns have been subsequently been raised about university autonomy, the growing governance focus on quantity over quality of university graduates, and a number of regulations changing operational practices. Some of the most discussed aspects of the amendments are:

- The reduction of the minimum amount of coursework required by new students for their first four semesters to 16 ECTS.
- Changes to the procedures behind the election of the university rectors.
- A simplification of the regulations of chain-contracts in higher education (Baranyi & Sill, 2021).

The reduction of required ECTS in order for students to retain their study position is aimed at accommodating to the living situations of Austrian students. However, it has been criticised for promoting a quantitative approach to student performance metrics rather than a qualitative and holistic approach to performance and learning outcomes in relation to programme structure. Associate professor of German studies Günther Stocker argued that while the change might lead to a higher graduation rate, it fails to consider student's acquisition of critical thinking skills associated with academic work (Stocker, 2020).

### Self-governance

The amendment also changes the way in which rectors can be reappointed by university governance bodies. While the academic senate, which is democratically elected, has major influence

on the initial election of rector, the reappointment requires a two-third majority of the university council. The point of contention relates to half of the university council being externally appointed by the government, potentially weakening academic self-governance and standing of internal interests.

### Academic labour conditions

The issue of chain contracting of temporary staff at universities is a complex one, and the changes introduced in the amendments are characterised as a simplified 'quick-fix approach' that in practice makes matters worse. Previous regulations allowed academic staff to be hired for up to an accumulated total of eight years, in practice allowing for temporary employment breaks. The amendment changes this to an eight-year timeframe within which contracts may be started and renewed without provisions in place for employment breaks. While the government aims to reduce the uncertainties for temporary scientists, critics argue that the change is "tantamount to a ban on working at the respective institution" once the eight years have expired (Baranyi & Sill, 2021) and that professorship is not attainable within that timeframe (Nagiller, 2021).
The overall discourse presents a general dissatisfaction of government regulation of a number of aspects of higher education governance that involve academic evaluation of teaching and research activities.

## 3.3.4. Conclusion

The Austrian case shows clear signs of a country with strong, stable provisions for the promotion and protection of academic freedom, combined with signs of a slow *de facto* erosion of academic freedom. The latter include the various recent cases of intra-academic attacks on the freedom of academic expression and the disagreement on the interpretation of the underlying threats to academic freedom, and the legal changes affecting the conditions under which academic freedom are to be exercised. These include changes in the institutional autonomy with respect to the reappointment of rectors and study administration procedures, in self-governance practices, and in academic labour conditions. Each of these cases and changes in itself does not represent a major threat to academic freedom. However, taken together it can be argued that they require attention of the main stakeholders involved in order to prevent a further erosion.

## 3.3.5. Academic Freedom dimensions (summary)

In table 1, a summary is presented of the main findings of the state of play in Austria of the identified key dimensions of academic freedom.

Table 1: Summary of academic freedom findings: Austria

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach and freedom to study*** | No infringements or violations identified. |
| ***3. Freedom of academic expression*** | No infringements or violations identified, but a growing concern for an increasingly controversial and politicised debate climate, which has resulted in digital attacks on academics giving expert opinions.<br>Worries about several cases on successful and unsuccessful attempts at disrupting and cancelling academic lecturers and speakers on sensitive and politicised topics. |

| | |
|---|---|
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Proposed amendments to higher education legislation force changes to the structure of study programmes, and procedures for the reappointment of rectors, and the hiring practices of institutions. |
| ***5. Self-governance*** | Worries about the composition and mandate of the university council |
| ***6. Academic labour conditions*** | Worries about the negative impact of proposed amendments to the higher education law for the labour conditions of temporary staff. |
| ***7. Financial conditions*** | Financial conditions of academics have not featured in public debates on academic freedom. |

## 3.3.6. References


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## 3.4. Belgium

### 3.4.1. Introduction

This country report on academic freedom in Belgium is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

### 3.4.2. Country scores for Belgium on academic freedom and institutional autonomy

In this section, the country scores for Belgium in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, the Beiter et al. study (2016), and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study.[33]

#### Academic freedom scores

14. Country score Belgium in Academic Freedom index (AFi):
15. 2011: 0.97
16. 2020: 0.97
17. 2021: 0.96 (Rank 8 among EU Member States)

The AFi score for Belgium is stable and among the highest scores of all EU Member States.

18. Country score Belgium on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

[33] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

Explanation: "The government does not restrict academic freedom. Schools are free from political indoctrination, and there are no significant impediments to scholarly research or discussion" (https://freedomhouse.org/country/belgium/freedom-world/2022)

19. Country score for Belgium in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 49,25 E (average for EU Member states: 52.79 D). This country score is the average of the scores for the two main Communities of Belgium:
20. Flanders score: 51.5 D
21. French Community of Belgium (Wallonia): 47 E

The scores for Belgium on the two global academic freedom indexes suggest that Belgium is a country with a very positive *de jure* and *de facto* state of play of academic freedom. On the other hand, the scores in the EU oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom in Belgium is overall slightly below the average for the EU Member States.

### Institutional autonomy scores

- Country scores EUA Autonomy Scorecard: not available for the country as a whole

  Instead the EUA Autonomy Scorecard includes the two main Communities of Belgium:

  - Flanders cluster score: 10 / autonomy scores: 64.25%
  - French Community of Belgium cluster score: 11 / autonomy scores: 54.5%

22. Country score Belgium in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 42,5 (8,5), with average for EU Member States 46.29 (9.26). This country score is the average of the scores for the two main Communities of Belgium:
    - Flanders score: 52,5 (10,5)
    - French Community of Belgium (Wallonia) score: 32,5 (6,5)

The EUA autonomy scorecard scores suggest that the level of institutional autonomy in the two main Communities of Belgium is at a medium level in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Flanders scores medium high for organisational, financial, and staffing autonomy, and low for academic autonomy, while the French Community of Belgium scores high for organisational autonomy, medium low for financial and staffing autonomy, and low for academic autonomy. This is in line with the study by Beiter et al. (2016) which is indicating that Belgium is positioned slightly below the EU average. The scores in the latter study suggest a more significant difference between the two Communities in the legal protection of institutional autonomy than the EUA autonomy scorecard scores.

The information on the *de facto* academic freedom and institutional autonomy state of play in Belgium presented in this chapter confirms the strong position of academic freedom in the country. This is, for example, visible in the ways in which many Belgian higher education institutions have created institutional academic freedom manifestos and have established institutional measures to guard academic freedom. Still, also in Belgium there are specific academic freedom issues that have drawn political and media attention, such as freedom of speech for academics, and the criticism on scientists during the Covid-19 pandemic.

## 3.4.3. Academic Freedom: Findings for Belgium

### Academic freedom: Background reflections

Compared to other EU Member States, the nature and complexity of the governance, organisation and funding of Belgian universities put the country in a special position within the EU. First, one has to take into account the federal organisation of the country in three communities, which were given in 1989 authority over education. This brought about a separation between Flemish, French and German education systems, implying that the central Belgian authority has barely any competences in the area of higher education. Therefore, for understanding the state of play of academic freedom in Belgium, the decentralisation of the country is a crucial aspect that should be taken into account, as has been done in the Beiter et al (2016) study and the EUA Autonomy Scorecard, but not in the scores for Belgium in the two global indexes presented in 3.4.2. When it comes to the differences between the communities, especially between the Flemish and French communities, it is important to highlight the economic situation in the communities. This has an impact, for example, on the public funding level of the universities, and the extent to which the universities have to rely on external, mainly private funding sources.

Second, it has to be taken into account that there is not one network of universities, but instead there are separate university networks representing the main pillars of the country, that is, the network of historical catholic universities, the network of what are referred to as free universities, and the network of state universities. The state of play of academic freedom can be expected to be different in scope and nature in the various pillars, and there may also be specific types of specialisation of the universities, to cope with the needs of the regions.

In this report we do not address in detail the ways in which these geographical and ideological structures and differences affect academic freedom at the level of individual universities, but, as indicated, for fully understanding the state of play of academic freedom in Belgium, they have to be taken into account in a more detailed and in-depth way than is possible in this study.

### Academic freedom: Central dimensions

#### Freedom to research, and freedom to teach and learn

There are no reports of infringements or violations to the freedom of academic staff to research and teach, and the freedom of students to study in Belgium. The governments of the two main Belgian Communities regard academic freedom to be in a good state, but worth monitoring in light of recent challenges highlighted in public debate. While few specific measures are mentioned when discussing the topic of academic freedom, parliamentary debates and institutional statements highlight it as a value worth protecting now and in the future.

Legally, the Belgian constitution provides protection for academic freedom. While not providing a definition or specific protections for academic, a judgment by the constitutional court of Belgium argues that academic freedom stems from freedom of expression guaranteed by the constitution and the European Convention on Human Rights and the freedom of teaching (Stachowiak-Kudła, 2021, p. 1033). Furthermore, the judgment points out that the teaching and implied research freedoms necessarily protect individual academics from not only governmental intervention, but also intervention by faculty or university authorities (p. 1035).

Overall, academic freedom enjoys wide recognition among Belgian universities and colleges, with many institutions providing direct promotions and protections for academic freedom, or linking the institution to individual aspects of it. Ghent University operates, for example, under the credo "dare to think" in support of free and independent research and studies, while also stressing a constant "dialogue with society" and the avoidance of scientific orthodoxy (2022; 2018). KU Leuven has made academic freedom a key part of its strategic agenda at the beginning of the academic year 2020/21. This acknowledgement started with a speech by rector Luc Sels highlighting a state of complacency

regarding various aspects of academic freedom despite its broad recognition (Katholieke Universiteit Leuven, 2021). Additional examples from Flemish universities include the University of Antwerp linking the processes of the university to "research, teaching and service to society" carried out "in a spirit of academic freedom and responsibility" (University of Antwerp, 2013), and the University of Hasselt endorsing the principles of the Magna Charta Universitatum promoting academic freedom and institutional autonomy (Hasselt University, n.d.).

The French universities bare many similarities in their statements and recognition of the crucial importance of various aspects of academic freedom. UC Louvain refers to constitutional protections of academic freedom in Belgium (Université catholique de Louvain, 2022), Université Libre de Bruxelles' statutes include the principles of free inquiry and internal democracy with their 2030 strategic plan further emphasising the importance of academic freedom and institutional autonomy (Université Libré de Bruxelles, 2020), and Liège Université couples freedom and responsibility as fundamental academic values (Liège Université, 2018).

The Flemish Interuniversity Council (*Vlaamse Interuniversitaire Raad*, VLIR) included a chapter on academic freedom in its annual report for 2019 in response to infringements on academic freedom by the Hungarian government. The council committed itself to giving academic freedom "permanent attention", arguing that "universities can only assume their unique responsibility as engines of well-being and prosperity in our society if they can operate in full moral and intellectual independence from any political of economic power" (Vlaamse Interuniversitaire Raad, 2019, p. 18). More recently, the Council published a vision statement on "knowledge security and undesirable foreign interference" in relation to international collaboration (Vlaamse Interuniversitaire Raad, 2022). Knowledge security concerns the unwanted transfer of sensitive knowledge as a result of hidden influence by foreign states on education and research. This is identified as a threat to academic freedom and other values underlying scientific inquiry held within academia. The statement emphasises the Council's member institutions' commitment to academic freedom as an important foundation for international collaboration (p. 8).

### Academic freedom of expression

As mentioned above, Rector Luc Sels of KU Leuven gave a presentation on the theme of academic freedom and freedom of expression (or speech) to mark the commencement of the academic year 2020/21. The presentation pointed to broad recognition, guarding and protection of academic freedom in the Belgian context, but nevertheless listed four reasons for continued vigilance:

1. Complacency regarding academic freedom internationally leaving international colleagues behind.
2. Knowledge security and knowledge export in an increasingly challenging geopolitical environment, particularly with dual-use scientific knowledge.
3. An increasing proportion of research funds earmarked for targeted research potentially leading to less curiosity-driven research.
4. The erosion of educational freedoms securing institutional autonomy and the right of establishment when applied to higher education (Katholieke Universiteit Leuven, 2021).

The rector's presentation linked the academic freedom to research and teach to the academic freedom of expression and highlighted the importance of the latter in what is described as an increasingly polarised university climate. While academic freedom puts forth requirements for statements being founded on scientific quality and accuracy, cancel culture and the woke movement risks giving primacy to ideology and politics according to the KU rector. The presentation recognised the importance of the topics raised by the 'woke movement', such as racism and

inequality, but stressed that the conversations must be balanced with academic freedom as to not exclude those who hold opposing opinions.

The presentation drew attention to the issue of balancing socially and politically driven issues with the role of higher education in producing and disseminating scientific knowledge. The Belgian parliament had on a few occasions brought up the terms "cancel culture" and "woke" in relation to academic research (Vlaams Parlement, 2021a) and free speech (2021b). Members of parliament have reacted differently to the phenomenon, with the parliamentary discussions indicating that the situation is "not too bad" and a desire to "keep the finger on the pulse" (2021c). Other examples include one minister saying she is "proud to be woke" emphasising the importance of drawing attention to issues of discrimination and racism (Schauvliege, 2022). Another minister taking to social media criticising the usage of "woke" as a way to evaluate statements and those who "beat others with the woke-stick" citing concerns for polarisation of debate and free speech (Lyons, 2021). At the same time, right wing political parties in Belgium refer regularly to the lack of political diversity among Belgian academics, which is especially in the humanities and social sciences seen as a problem (see, e.g., Veto 2019).

The role of academic experts when addressing societal challenges was regularly debated during the Covid-19 pandemic. The Coordination Unit for Threat Analysis (CUTA) linked the pandemic to an increase in right-wing extremism, a polarisation of the public debate, and an increase of threats made against policy makers, journalists, and scientific researchers, including virologists (OCAD, 2021). Similarly to the situation in other EU Member States, virologists have received threats and political flak warranting police protection and caution when participating in public debates (De Standaard, 2021). In relation to the processes linked to the development of strategies for handling the crisis, a debate surfaced concerning the balance of responsibilities between politicians and scientific experts, and among the experts themselves. The governmental advisory groups Celeval and GEES, responsible for limiting the spread of the Covid-19 viruses and the restart of public life post-pandemic, respectively, played a key role in handling the pandemic. The relationship between the advisory groups and government officials became strained when epidemiologically oriented advice clashed with public opinion or political strategy, leading to a relegation of the role of GEES and Celeval. Virologists involved in the advisory groups criticised the government for giving primacy to political concerns over scientifically grounded demands aimed at limiting the effects of the pandemic (Fockedey & Poortmans, 2020).

With regard to the issue of harassment and intimidation of scientists, the VLIR are surveying academic staff at the Flemish universities in order to improve institutional policies (Survey Academic freedom and intimidation of scientists Information sheet, 2022)

### Academic freedom: Conditions

#### Institutional autonomy

In 1988, the responsibility for educational policy was transferred from the federal Belgian government to the Communities. The Flemish government actively pursued a policy of enhanced institutional autonomy since then, but has not been able to avoid a growing rule density, with the danger of micro-management interference, that has limited the actual room to manoeuvre of the higher education institutions in Flanders (see, e.g. Janssens & de Groof 2008). The government of the French Community did not go as far as the Flemish government in enhancing the formal autonomy of the higher education institutions, and has maintained a more direct control over central governance areas.

#### Self-governance

Developments in the governance structures of Belgian universities are a reflection of the recent history in which Belgium changed from a unitary to a federal state. Even though there are differences between the two main communities, overall the higher education legislation grants the

universities some autonomy in determining their internal governance structures. While the principle of academic self-governance is somewhat weakened in these developments still each university's governance structure is in essence allowing for academic co-determination. This implies in practice that both representatives of staff and students are involved in university governance, together with representatives from the socio-economic and cultural sectors of society (Gornitzka et al. 2017, pp. 284-285).

#### Academic labour conditions

In general, labour conditions at Belgian universities are good and have not led to public debates on possible threats to academic freedom, e.g. of temporary staff members. An example of positive developments with respect to labour conditions can be found at Ghent University, which has introduced an alternative, more qualitative way of evaluating and rewarding its academic staff. All tenured academic staff determine themselves which role they want to play at the university, implying that they can determine themselves whether they want to be more research, education or outreach oriented. These preferences also determine which criteria will be used in the evaluation of their performance. Ghent University claims that the new approach has a positive impact on academic freedom. This new approach has received a lot of attention, also outside Belgium (NOW 2019). This relates to the growing frustration in academia about the executive nature of university leadership and governance, which is argued by the rector of Ghent University, Rik van de Walle, to have a very negative impact on academic freedom (NOW 2019).

#### Financial conditions

As highlighted in the presentation by the KU Leuven rector (KU Leuven 2021) there is a growing worry in Belgian universities about an increasing part of public research funds earmarked for strategic, targeted research leading to a decrease in the level of public funding invested in open, curiosity-driven research. This is related to the view inside academia that the higher education policies and funding priorities of the various Belgian governments are strongly prioritising the economic contributions of Belgian higher education and research over other traditional roles, such as the contribution to the democratic development of society.

### 3.4.4. Conclusion

The state of play of academic freedom in Belgium is characterised by, on the outset, good conditions and recognition of academic freedom as a basic value, with an internal struggle on how to balance various aspects of academic freedom with other, often valid, priorities, and with academic responsibilities. In parliamentary discussions, academic freedom has been tied to unhealthy debate climates in the form of "woke movements" and "cancel culture", and the role and responsibilities of academics when tackling societal issues. The first issue is presented as a challenge of balancing open, curiosity-driven science with addressing pressing social and political issues in research, sometimes to the point of using political and social arguments to silence scientifically valid statements, thereby shutting down debate. The second is presented as a possible infringement on academic freedom caused, on the one hand, by threats made to academics partaking in political and social debates, and on the other, by primacy being given to political convenience by politicians when dealing with societal challenges.

### 3.4.5. Academic Freedom dimensions (summary)

In table 2, a summary is presented of the main findings of the state of play in Belgium of the identified key dimensions of academic freedom.

Table 2: Summary of academic freedom findings: Belgium

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach and freedom to study*** | No infringements or violations identified, but worries about the freedom to research and teach & learn in certain academic fields. This is caused by the potential of political interference in some academic areas that are regarded as 'non-scientific' by some political actors. |
| ***3. Freedom of academic expression*** | Worries about an increasingly polarised university climate with ideology and politics increasingly affecting academic debates in some areas.<br>Worries about impact of polarisation in society on academic freedom as visible in impact of Covid-19 pandemic.<br>Worries about the possible consequences of the increasingly polarised political debate on the possibilities and willingness of academics to address potentially controversial and sensitive topics in their research and teaching activities. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Higher level of institutional autonomy in Flanders than in the French Community. In both communities, large number of government regulations affecting institutional autonomy in practice. |
| ***5. Self-governance*** | Academic self-governance still relatively strong as a principle in university governance, but some worries about the growing external influence in university governance. |
| ***6. Academic labour conditions*** | Academic labour conditions relatively positive in Belgian universities. |
| ***7. Financial conditions*** | Worries about the shift from open to strategic research funding |

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## 3.5. Bulgaria

### 3.5.1. Introduction

This country report on academic freedom in Bulgaria is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

### 3.5.2. Country scores for Bulgaria on academic freedom and institutional autonomy

In this section, the country scores for Bulgaria in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States are presented.[34] Bulgaria is not included in the EUA Autonomy Scorecard.

#### Academic freedom scores

*23.* Country score Bulgaria in Academic Freedom index (Afi):

24. 2011: 0.92

25. 2020: 0.86

26. 2021: 0.86 (Rank 23 among EU Member States)

The AFi score for Bulgaria is relatively positive, but still among the lowest scores of all EU Member States. Nonetheless, Bulgaria has Status A in the AFi.

27. Country score Bulgaria on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

[34] For a brief introduction of these data sets, and their indicators and methodologies, see section 3.2 of this study. For a detailed discussion, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

Explanation: "Academic freedom is generally upheld in practice. In April 2021 a professor was fired for criticising a pre-election university visit by the prime minister Borisov as politically motivated on social media; he was reinstated following public outcry. (https://freedomhouse.org/country/bulgaria/freedom-world/2022).

28. Country score for Bulgaria in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 65.5 C (average for EU Member States: 52.79 D).

The scores on the two global academic freedom indexes suggest that Bulgaria is a country with a relatively positive *de jure* and *de facto* state of play of academic freedom. The AFi suggests though that Bulgaria has the lowest score of all EU Member States. On the other hand, the scores in the EU oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom is amongst the strongest of all EU Member States (rank 4, see Annex 3).

#### Institutional autonomy score

29. Country scores EUA Autonomy Scorecard: Bulgaria not included in the EUA scorecard.

30. Country score Bulgaria in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 45 (9), with average for EU Member States 46.29 (9.26).

The study by Beiter et al. (2016) suggests that the legal protection of institutional autonomy in Bulgaria is slightly below the average for all EU Member States.

### 3.5.3. Academic Freedom: Findings for Bulgaria

#### Legal and institutional foundation for the guarding of academic freedom

The Higher Education Act in Bulgaria includes a chapter, which addresses various aspects of academic freedom (Higher Education Act, 2022). The chapter describes academic autonomy as covering "academic self-governance and inviolability of the territory of the higher education institution" (Art. 19), and an academic freedom "expressed in freedom of teaching, freedom of conducting scientific research, freedom of creative expressions" as well as the freedom to select and form national and international partnerships (Art. 20). The chapter gives further protections to democratic academic governance against state intervention (Art. 22), the composition and representativeness of the general assembly of each HEI (Art. 27), and democratic elections of the general assembly and the rector (Art. 24, 32).

While the legal framework elaborates in detail the formal governance relationship between the government and higher education institutions, and the provisions for academic freedom, the institutions themselves do not communicate this as clearly in their missions. The University of National and World Economy (UNWE) has as part of its mission "to keep fervently its academic autonomy and institutional integrity having them as a basis to maintain the highest standards of intellectual development, academic freedom and social responsibility" (University of National and World Economy, Vision and Mission, 2020) and is one of the few examples explicitly addressing academic freedom. Another example is the New Bulgarian University's mission "to be an autonomous liberal education institution" (New Bulgarian University, 2022). The mission statements of other large universities, such as Sofia University, University of Veliko Turnovo, and Technical University Sofia, do not mention academic freedom and focus mainly on public servitude and scientific excellence (Sofia University, The Mission and the Vision, 2015; University of Veliko Tarnovo, 2016; Technical University Sofia, 2022). However, the code of ethics of Sofia University (Sofia University, 2016), Technical University of Sofia (Technical University of Sofia, 2012), and the University of National and Worlds Economy (University of National and World Economy, 2016) all mention academic freedom as part of ethical research and professional conduct.

## Academic freedom: Central dimensions

### Academic freedom of expression

In 2020, a professor at Sofia University (Mirchev) was accused of presenting racist, xenophobic, and anti-Semitic content during a lecture. The Student Society for Equality at the institution published an open letter calling for the termination of the professor's contract and review of institutional policy citing examples of hate speech found on publically available YouTube uploads of his lectures (Student Society for Equality at SU, 2020). The discussion of his conduct and subsequent termination has since been linked to what kind of freedom of expression academic freedom validates in Bulgarian higher education. Shortly after, and irrespective of the verdict of the accusations, Sofia University adopted a declaration reiterating that academic freedom should not violate other people's dignity, that the university should not be used as platform for stigmatising individuals or groups. In addition, such stigmatising expressions were regarded as scientifically untenable, and discriminatory statements undermine democracy and the values of the university (Sofia University, 2020). The Bulgarian Helsinki Committee for Human Rights described the lectures as "a particularly severe form of hate speech". The Committee linked the controversy to academic freedom as a fundamental right and the challenge and minutiae of balancing it against hate speech (Bulgarian Helsinki Committee, 2020). The committee elaborated on the delicate relationship between free speech in a democratic society, academic freedom, and the threat of hate speech to opposing opinions of targeted individuals or groups. Some students and politicians have come out in defence of Mirchev, arguing that his firing would set a dangerous precedent for "future purges" in academic circles, inciting fears of consequences for expressing opinions leading to self-censorship. In this debate the process was equated to a "politically correct inquisition" and describing the request for contract termination as totalitarian (Fileva, 2020).

In another case, in 2021, a lecturer from the UNWE, Martin Osikovsky, published a comment criticising the pre-election visit to the university of the then prime minister Boyko Borisov. Osikovsky characterised the visit as an affront to university autonomy citing the government's negative impact on the university's image and finances and the anti-university attitudes of prime minister Borisov (Osikovsky, Facebook, 2021). The criticisms were related to the mismanagement of regional development funds from the EU leading to the UNWE being threatened with seizure of its accounts due to unpaid sums to a construction company contracted by the University to construct a new building (Paunovski, 2021). Osikovsky initially resigned from a number of managerial positions in protest against the visit, and was later dismissed on disciplinary grounds for, "damage to the prestige of the educational institution". This led to severe criticisms of the institutional leadership by academic staff and students in a signed letter (Дневник, 2021a), with an additional letter to the rector from a number of professors (Дневник, 2021b). The dismissal was described as unfounded and a violation of freedom of expression, and has been linked to the broader issue to the deterioration of freedom of speech (Дневник, 2021a) and the academic independence of institutions (Osikovsky, 2021).

The two cases linked to the freedom of expression of two academic staff members have not resulted in extensive debates about possible threats to freedom of expression for academics in Bulgarian higher education institutions. The case of Mirchev led to the adoption of a declaration by Sofia University and highlighted some of the challenges of setting the boundaries of academic freedom. Osikovsky was reinstated a week after his initial dismissal pending the presentation of evidence of Borisov's intent of pre-election campaigning by Osikovski (Stoyanov, 2021).

### Academic freedom: conditions

The Bulgarian government has in recent years introduced measures aimed at increasing the quality of higher education and research. These include the introduction in 2018 of a set of scientometric requirements for the accreditation of a number of academic staff positions (Academic Development Act, 2022). The requirements come in the form of numeric indicators indicating the minimum

number of publications, patents, citations, and scientific, creative, or athletic achievements required for the respective positions of Doctor, Doctor of Science, Chief Assistant, Reader, and Professor (Implementation of the Development of Academic Staff Act, 2019, p. 22). Another proposed measure concerns the 2022 plans for a merger of a number of technical universities in order to address issues of fragmentation, low status and ranking both nationally and in a wider EU context, and low enrolment numbers (Georgieva, 2022a). These measures can be considered as part of a broad higher education reform, a reform that has been the topic of much discussion due to tensions arising from the possible impact on institutional autonomy and academic freedom.

The Council of Rectors has, for example, criticised the government plans to allocate BGN 20 million to subsidise an increase in minimum wage for university teachers, provided new and current academic staff re-accredit themselves according to the new scientometric requirements (Georgieva, 2022b). The head of the Council of Rectors has pointed out that the increase in salaries could bankrupt certain universities and that the new funding package would be insufficient to cover the increase in institutional expenditures to be expected. The concern was that compliance with the measures tied to the funding would lead to the forced merging of universities that are not able to re-accredit existing staff in order to secure funds in an already underfunded system (Georgieva, 2022b). The head of the Council of Rectors has characterised this as a "loophole" to bypass institutional autonomy in order to push through political solutions (Traikov, 2022a).

There are also questions as to how the government would be able to enforce a standardised national accreditation system without violating the legal foundations for institutional autonomy, particularly as currently the assessment and certification of academic staff is being determined by HEIs (Georgieva, 2022c). The processes of re-accreditation of academic staff and assessment of HEIs pending potential mergers and downgrades in status both involve a similar kind of state intervention. While the academic community has been critical of the process, it does recognise the issues addressed by the reforms. A common request is a desire for more time for elaborate discussions involving the general assemblies and student councils of the institutions in order to enact a reform that can benefit the large variety of institutions by increasing funding as well as quality without infringing upon institutional autonomy or academic freedom.

The reform processes have been postponed, and the conditions tied to the BGN 20 million funding package were removed due to legal contradictions with the constitution and the Higher Education Act (Gerogieva, 2022d). The discussions between the Council of Rectors and the Minister of Education are still ongoing, and the Council appears cooperative in implementing suggested changes as long as institutional autonomy is kept intact (Georgieva, 2022).

### 3.5.4. Conclusion

The cases of academic staff dismissals related to academic freedom of expression never developed into broader debates about academic freedom going beyond the timeframe of the events, but are indicative of the still rather weakly institutionalised practices of academic freedom in Bulgarian higher education.

The measures proposed by the government for strengthened the quality of higher education and research were viewed by the academic community as too hastened, exclusionary, and inadequate to achieve its purported goals. The proposals put forth by the responsible minister would necessarily involve temporary or permanent amendments to existing law related to institutional autonomy and academic freedom on various fronts pertaining to self-assessment, self-governance, and freedom of research. In this, the council of Rectors plays an important role in acting as the voice of the academic community, in this case stating the importance of the need to guard academic freedom and institutional autonomy effectively.

## 3.5.5. Academic Freedom dimensions (summary)

In table 3, a summary is presented of the main findings of the state of play in Bulgaria of the identified key dimensions of academic freedom.

Table 3: Summary of academic freedom findings: Bulgaria

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified, but worries about the freedom to research and teach in some academic areas. In addition, worries about the possible consequences of the growing efforts by the government to control the performance of higher education, and the low level of trust between politics and the academic community on academic freedom. |
| ***3. Freedom of academic expression*** | Worries about a polarised university climate with ideology and politics affecting academic debates in some areas. Worries about impact of efforts to strengthen political control over higher education on freedom of expression as exemplified by some specific cases. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Worries about the efforts of the government to interfere in basic responsibilities of the higher education institutions, e.g. in the area of personnel policies. |
| ***5. Self-governance*** | Worries about the impact of government reforms on academic self-governance |
| ***6. Academic labour conditions*** | Worries about the impact of government reforms aimed at enhancing the quality of education and research on academic labour conditions. |
| ***7. Financial conditions*** | Worries about the relatively low overall level of public funding for research and higher education. |

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## 3.6. Croatia

### 3.6.1. Introduction

This country report on academic freedom in Croatia is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

### 3.6.2. Country scores for Croatia on academic freedom and institutional autonomy

In this section, the country scores for Croatia in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets were briefly introduced in section 3.2 of this chapter.[35]

#### Academic freedom scores

31. Country score Croatia in Academic Freedom index (AFi):
32. 2011: 0.90
33. 2020: 0.88
34. 2021: 0.87 (Rank 22 among EU Member States)

The AFi score for Croatia is positive, but among the lowest scores of all EU Member States. Nonetheless, Croatia has Status A in the AFi.

[35] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

35. Country score Croatia on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 3/4.

Explanation: "While there are generally no overt restrictions on speech in classrooms, critics continue to allege inappropriate political interference at all levels of education." (https://freedomhouse.org/country/croatia/freedom-world/2022).

36. Country score for Croatia in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 69 C (average for EU Member States: 52.79 D).

The scores for Croatia in the two global academic freedom indexes suggest that while Croatia is a country with a relatively positive *de jure* and *de facto* state of play of academic freedom, there will very likely be worries in the academic community about the current developments of academic freedom. At the same time, the scores in the EU oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom in Croatia is among the strongest in the EU.

#### Institutional autonomy scores

37. Country scores EUA Autonomy Scorecard: Croatia cluster score: 12 / autonomy scores: 52.25%.

38. Country score Croatia in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 65 (13), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores for Croatia suggest that the overall level of institutional autonomy in Croatia is amongst the lowest in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Croatia is the lowest scoring country for staffing autonomy, while scoring medium high for organisational autonomy, and medium low for financial and academic autonomy. On the other hand, in the study by Beiter et al. (2016) Croatia is ranked at the third place of all EU Member States, suggesting a comparatively strong state of the legal protection of institutional autonomy in Croatia.

Given that most of the scores are based on expert opinions and interpretations, the lack of consistency in the scores could indicate that there is a lack of consensus among the experts on the state of play of academic freedom and institutional autonomy in the country.

### 3.6.3. Academic Freedom: Findings for Croatia

#### Academic freedom: Legal and institutional provisions

The Croatian constitution's Article 67 makes provisions for academic freedom, university autonomy and self-governance (The Constitution of the Republic of Croatia, 2014), which are elaborated into basic principles, such as the autonomy to determine internal self-organisation, establish study programmes, manage finances, and engage in international cooperation (see: Act on Scientific Activity and Higher Education (2013, p. Article 4 (5)) and Article 4 in the new Law on Higher Education)

The way in which these principles were addressed in recent debates surrounding the proposed new Act on Higher Education and Science suggests that there were some worries in the academic community in Croatia that the upholding of these basic principles is threatened by the reform. A large portion of the debates have been concerned with the resulting balance between self-governance and institutional autonomy in operational matters, and government oversight and control, and institutional accountability. While the need for a higher education reform is generally acknowledged, the specific issues addressed in debates and public statements suggest that the proposed reform of the higher education Act is in the eyes of some stakeholders focusing especially

on enhancing political control, making university governance more executive and less democratic and requiring more strict accountability practices. At the same time, there seems to be a lack of agreement in the debates on the problem analysis with respect to higher education governance in the country. Numerous stakeholders have pointed to the need for stricter accountability practices for public universities as a result of the various cases of misuse by universities of the principles of self-governance and autonomy.

Academic freedom receives some recognition among the universities' mission statements, statutes, and code of ethics. One example is the statute of the University of Zagreb, which identifies academic freedom as "freedom of scientific and artistic research and creation, teaching, cooperation and association of each member" of the academic community (University of Zagreb, The Statute of the University of Zagreb, 2005, pp. Art. 6 (1), (3)). The University of Zadar goes further in elaborating on institutional autonomy and academic self-government understood as covering study regulations and enrolment, election of rector and academic staff, research and teaching activities, and financial autonomy (University of Zadar, 2015).

The Croatian case clearly shows the complexity of the situation in a number of the new EU Member States in CEE. In the democratisation of the political order of these countries the reform of higher education and science was in most cases not prioritised. Only in recent years, amongst other things, as a consequence of the national universities struggling to be successful in the competition for EU funding and for international students, have most CEE countries introduced HE governance reforms. HE and science reforms have also been demanded in the framework of the EU Covid-19 recovery plan (NextGenerationEU). Finding an effective balance between the need for modernising and reforming HE governance, and protecting and strengthening traditional values, such as academic freedom, is a challenge for most governments and the various groups making up the academic community.

### Academic freedom: Various interpretations of the proposed new Higher Education and Science Act

As indicated, the Minister of Science and Education has pushed for a change in the higher education and science legislation in Croatia. The background for the proposed new Act relates to numerous issues that have been identified and discussed publicly, including financial mismanagement, widespread academic misconduct, and corrupt practices among the universities. Some examples include:

39. A celebrated professor being forced into retirement following her criticism of the leadership of the University of Zagreb at a session with the Parliamentary Committee for Education (Kršul, 2021),
40. The spending of HRK 700,000 by the Student Union of the University of Zagreb on luxury items (Kršul, 2021),
41. A high number of study programmes enrolling none or very few students while paying the salaries of a disproportionately high number of teachers (Kršul, 2022) and,
42. Various politicians being accused of plagiarism (Matijanić, 2021). One of them was criticised for misusing his position as Minister of Science and Education, in the sense that while himself being accused of plagiarism, he proposed a law that would take a more lenient approach towards people found guilty of plagiarism (Milekic, 2021).

The reform of the Higher Education and Science Act aims to increase transparency and accountability on part of the universities to create a stronger basis for oversight, particularly in matter of public spending. Some of the proposed changes include the introduction of a university council at each institution comprised of academic and external representatives, programme

contracts between institutions and the government as the basis for public funding, and changes in how rectors and deans are elected and suspended (Kršul, 2022).

The changes are set to come after 20 years since the introduction of the current Act. The need for reform is recognised by both politicians as well as the academic community, with an active and ongoing debate concerning the balance between institutional autonomy and accountability in spending of public funds (Kovačević, Fuchsov zakon na prvom je čitanju u Saboru: Ovo su 4 stvari koje o tome trebate znati [The Fuchs law is on its first reading in Parliament: These are 4 things you need to know about it], 2022).

All public universities have contributed to the debate and expressed some concerns for autonomy, the University of Zagreb has been particularly frank in its criticisms, rejecting the draft proposal and refusing to communicate with the ministry (Kovačević, 2022). While the University of Zagreb has attracted a great deal of attention in discussions, both from the media and the minister himself (Kršul, 2022), other stakeholders have supported the need for reform. Some organisations, including staff unions, have praised the reform proposal for introducing programme contracts as a transparent and fair way of financing, abolishing a "double election" system, which combines unstandardised scientific titles with academic job positions, introducing better definitions of institutional autonomy, and stricter, more immediate, accreditation criteria (Kovačević, 2022).

However, it has also been argued that the reform proposal did not outline the process and terms of negotiation of the programme contracts, and the penalties for not signing a contract with the government are deemed very high, posing a risk to labour rights and the salaries of academic staff. Members of parliament have expressed concerns for the composition of the university council leading it to become susceptible to political influence (Kovačević, 2022). They also called for greater specification of funding arrangements through the programme contracts, all the way down to the level of individual study programmes. The proposal does not introduce a national body overseeing ethics in scientific research, which was criticised by parliament. The latter has been brought up by individual academics, with both politicians and academics recognising the need for oversight on ethics in academia due to plagiarism, nepotism, and interest networks being prevalent in Croatia (Kovačević, 2022).

The student bodies in Croatia have also expressed worries about the possible impact of the proposal reform of the Higher Education Act on the position of students in university governance. In a statement published March 2022 jointly by the Croatian Students' Council (CSC) and the European Students' Union (ESU), it is argued that the proposed reform will disallow students to participate in higher education governance. This is seen as a major breach with on the one hand the Croatian recovery and resilience plan 2021 – 2026, the National Development Strategy 2030, and the current Law regulating student rights, and on the other hand overall EU and EHEA policies and principles. According to the Statement, the proposed reform will remove student-voting rights at the university senate and faculty level; and exclude students from the main governance body the university councils. As argued in the Statement, "Current HE developments in Croatia are concerning, students' voices must be heard and academic freedom followed by democratic values must be upheld in order to provide quality Higher Education systems as well as to allow room for enhancements." (Croatian Students' Council 2022).

### The new Higher Education and Science Act

The new Law on Higher Education and Science was adopted 12 October 2022. A number of the more controversial proposals from the draft Law have been amended or removed from the adopted Law, such as the proposals for weakening the positions of students in university governance. For example, the new Law stipulates that students should make up 10% of the Faculty Council and Senate, they have the right of suspensive veto, and the only matter where they do not participate in voting is the process of electing teachers and associates to positions. Nonetheless, it is still too early to present a definite interpretation of the (expected) impact of the new Act on academic freedom.

### 3.6.4. Conclusion

The Higher Education and Science Act in force until recently in Croatia was regarded to be outdated as recognised by most participants in discussions of the proposal to reform the Act. It has been argued, for example, that the public trust in universities is low due to several scandals. Consequently, greater external supervision on the management of universities was welcomed as long as it would not introduce instruments of political control (Martinović, 2022).

At the same time, university leadership, academics and student unions have criticised certain parts of the proposed reform of the Act. The criticism concerns, for example, the feared enhanced political control over higher education institutions' internal affairs, the strong performance orientation in the new funding arrangements, and the discontinuation of the formal role of students in university governance. Given the 'moderate' nature of the new Act adopted October 2022, it seems that the dialogue between the minister and ministry, parliament and the academic community, has resulted in a new Act that might be acceptable to most if not all parties involved. At the same time, the ultimate impact of the new Act on academic freedom and institutional autonomy in practice, and an the extent to which the Act will contribute to actually reforming the major weaknesses of the governance practices of Croatian higher education and science remains to be seen.

### 3.6.5. Academic Freedom dimensions (summary)

In table 4, a summary is presented of the main findings of the state of play in Croatia of the identified key dimensions of academic freedom.

Table 4: Summary of academic freedom findings: Croatia

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach and freedom to study*** | Worries that the proposed reform of the national Law on Higher Education and Science would have a negative impact on the freedom of the academic staff of universities to develop and follow their own research and teaching agendas. Whether this will be the case with the version of the Law adopted by Parliament remains to be seen. |
| ***3. Academic freedom of expression*** | Worries about the possible impact of strengthened political intervention in the internal affairs of higher education institutions on the freedom of academics and students to express themselves within their institution and the wider academic community on academic and governance matters. Worries about the possible impact of strengthened political control over the higher education system and institutions on the freedom of academics and students to express themselves, within their area of academic expertise, within and outside their institutions on political, social and cultural matters |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | The legislative proposal to reform the national Law on Higher Education and Science was argued to strengthen government control over the internal affairs of the higher education institutions resulting in a significant decrease of the level of institutional autonomy as promoted by the constitution. However, the version of the Law that was adopted by Parliament (Oct. 2022) had removed or adapted most of those proposed changes that were deemed as threatening to institutional autonomy by the academic community. |

| | |
|---|---|
| ***5. Self-governance*** | The version of the Law that was adopted by Parliament (Oct 2022) includes a number of provisions to uphold or enhance self-governance, both for staff and students. The implementation of the Law will in due time show whether these intentions will be realised. |
| ***6. Academic labour conditions*** | Worries about the relative vulnerability of academic labour conditions, and the apparent lack of sufficient protection of tenured and temporary staff who are critical of their institutional leadership. |
| ***7. Financial conditions*** | There are publicly expressed worries about the already low level of basic public funding for higher education and research, and the announcement of a further reduction of the basic funding level in the proposed new Law. The public funding level of higher education and science in the country is argued to have a negative effect on academic freedom and cause brain drain. |

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# 3.7. Cyprus

## 3.7.1. Introduction

This country report on academic freedom in Cyprus is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.7.2. Country scores for Cyprus on academic freedom and institutional autonomy

In this section, the country scores for Cyprus in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States[36] are presented. Cyprus is not included in the EUA Autonomy Scorecard.

What these scores mean and to what extent they reflect the actual developments in Cypriot higher education is an open question. The remainder of the chapter will therefore present an overview of the current discussions with respect to academic freedom in Cyprus.

### Academic freedom scores

43. Country score Cyprus in Academic Freedom index (AFi):
44. 2011: 0.95
45. 2020: 0.96
46. 2021: 0.93 (Rank 15 among the EU Member States)

The AFi score for Cyprus is stable and represents a medium-level position among all EU Member States. It suggests that Cyprus is a country without infringements or violations of academic freedom.

47. Country score Cyprus on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 3/4.

[36] For a brief introduction of these data sets, and their indicators and methodologies, see section 3.2 of this study. For a detailed discussion, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2022 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures assessing academic freedom".

Explanation: "Academic freedom is respected in Cyprus."[37] (https://freedomhouse.org/country/cyprus/freedom-world/2022).

48. Country score for Cyprus in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 53 D (average for EU Member States: 52.79 D)

The scores of Cyprus in the global AFi suggests that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. At the same time, the global Freedom House score, and the scores in the EU-oriented Beiter et al. study suggest that the legal protection of academic freedom in Cyprus is slightly above the EU average.

#### Institutional autonomy score

49. Country scores EUA Autonomy Scorecard: Cyprus not included in the EUA scorecard

50. Country score Cyprus in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 40 (8), with average for EU Member States: 46.29 (9.26).

The protection of institutional autonomy in the HE legislation of Cyprus is suggested by Beiter et al. (2016) to be slightly weaker than in most other EU Member States.

### 3.7.3. Academic Freedom: Findings for Cyprus

#### Academic freedom: Legislative and institutional foundation

According to the study by Beiter et al (2016, p. 304), Cyprus belongs to the group of countries among the EU Member States that merely refer to the principle of academic freedom in their higher education legislation. This general reference to academic freedom can also be observed in the universities' mission statements. The University of Cyprus, for example, being the first public university of the country (established in 1989), refers only indirectly to academic freedom in its institutional mission, and strategic plan 2021-2025 (University of Cyprus, 2022). The strategic plan mentions, for example, freedom as one of the university's values without elaborating what the value of freedom stands for. In addition, threats to academic freedom are not mentioned in the threats part of the SWOT analysis underlying the plan. The University of Nicosia, a private university and the country's largest, does present an explicit academic freedom statement on its website. Interestingly, the statement contains some restrictions to academic freedom, e.g. faculty members of the University are entitled to full freedom in research and in the publication of the results, however, sponsored research or research for financial return will be based upon an understanding with the authorities of the institution. In addition, faculty members are entitled to freedom in the classroom to discuss their subjects, but should not introduce controversial material which has no relation to the subject (University of Nicosia, 2022). Both universities emphasise in their mission statements their ambition to contribute to the development of Cyprus, but they do not link this ambition to academic freedom. In addition, the universities do not mention their role in strengthening democratic principles and institutions.

A consequence of this partial compliance to academic freedom in the national HE legislation and the institutional missions, strategies and regulations appears to be that the academic community in Cyprus lacks a clear and consistent legal and institutional frame of reference with respect to academic freedom.

[37] The Freedom House score refers to the education system as a whole. The score for Cyprus of 3 points (of a maximum of 4) for academic freedom despite the assessment that "Academic freedom is respected in Cyprus", is a consequence of what is judged to be political indoctration at the state schools (see: https://freedomhouse.org/country/cyprus/freedom-world/2022).

### Academic freedom: Central dimensions

Overall. the freedom of academic staff to follow their own teaching and research agenda is respected in Cyprus. In this, it has been stated that since its establishment in 1989 the University of Cyprus has emerged as an important public institution for promoting and guarding academic freedom. The university's most important achievement is claimed to be the "freedom of expression and the plurality of ideas that prevails within its ranks" (Panayiotides, 2021). From that perspective it is important that the academic freedom practices as developed at the University of Cyprus and the other public and private HE institutions in the country are respected in society, despite the absence of appropriate legislation to protect academic freedom.

### Academic freedom: Conditions

#### Institutional autonomy and self-governance

Worries have been raised about the criticisms of religious leaders and politicians on university leadership and governance bodies (Panayiotides, 2021) in matters that are generally considered throughout the European Union to fall under the university governance responsibility. With respect to institutional autonomy the national higher education legislation allows the government to interfere in a number of areas in ways that potentially restrict institutional autonomy of public universities and colleges. This concerns for example the internal organisational structure of HE institutions, including the establishment of faculties, and the public funding mechanism of higher education, which operates through negations based on institutional budget estimates, instead of a lump sum grant. Also involvement of academic staff and students in institutional governance is affected by this.

#### Academic labour conditions

The University of Cyprus has in some occasions been unduely criticised by public authorities and politicians for using its institutional autonomy in personnel and financial matters. For example, in a meeting in 2021 of the parliamentary House ethics committee the University was heavily criticised for violating a constitutional article by allowing a professor who was recently elected as an MEP to continue in his position at the University, albeit without university remuneration and academic obligations, during his time in the EP. While the University's Senate had concluded this this case did not represent a violation of the constitution or a conflict of interest, the House ethics committee and State Audit agency disagreed and accused the university of having no respect for the country's constitution or laws (Panayiotides, 2021). This case can be regarded as an illustration of the need to strengthen institutional autonomy in Cyprus, and enhance the room to manoeuvre for the (public) universities and colleges in their internal affairs.

#### Financial conditions

There is some level of concern about the relatively low level of public R&D funding in the country (European Commission, 2022). In addition, there is a growing pressure from the political system on public higher education institutions to become more market-oriented and business-like. In this it looks like part of the political system would like to enhance the competition between public and private higher education institutions. This has, amongst other things, come to the fore in the parliamentary debates about the introduction of English language undergraduate study programmes at state universities (Theodoulou, 2022).

## 3.7.4. Conclusion

The higher education system of Cyprus is relatively young, as illustrated by the establishment in 1989 of the public University of Cyprus and the establishment of the private University of Nicosia in 1980. Therefore, the development of the *de jure* and *de facto* state of play of academic freedom and institutional autonomy in Cyprus is very much linked to the development of these two universities

in Cyprus. While overall the academic freedom and institutional autonomy are well respected, recent developments and debates reflect the relative vulnerability of both in the practice of the Cyprian higher education system. This has to do with the relative general references to academic freedom and the relatively weak protection of institutional autonomy in the HE legislation. The latter implies that the public universities in the country are more exposed to external interventions, especially from politics and religious leaders, than universities in most other HE systems in the EU. Recent pressures from the political system on the public universities to become more market-oriented might have a negative effect on academic freedom in the current legislative situation, in the sense that it might make Cyprian universities potentially more vulnerable than acceptable for the impact of external forces. For example, the Memorandum of Understanding agreement for cooperation in higher education and scientific research between Cyprus and China (signed May 2022) could lead to politically preferred types of partnerships between Cyprian universities and Chinese partner institutions (Ktisti, 2022), which potentially could have a negative impact on academic freedom at the Cyprian institutions.

Taking these considerations into account, in the Cyprian case there are many convincing arguments to indicating that an adaptation of the HE legislation is needed that would strengthen the guarding of academic freedom and enhance the institutional autonomy of especially the public universities.

### 3.7.5. Academic Freedom dimensions (summary)

In table 5, a summary is presented of the main findings of the state of play in Cyprus of the identified key dimensions of academic freedom.

Table 5: Summary of academic freedom findings: Cyprus

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research 2. Freedom to teach and freedom to study*** | No infringements or violations identified. |
| ***3. Freedom of expression*** | No infringements or violations identified, even though some worries are expressed about political or religious criticisms on university governance decisions |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | While institutional autonomy is in general respected in Cyprus, in several areas the HE legislation limits institutional autonomy (of the public HE institutions) and allows the government to interfere in the internal affairs of the universities. This concerns, for example, the internal organisation of the institutions and the earmarked nature of the public funding mechanism. |
| ***5. Self-governance*** | The principle of self-governance is in general respected at the (public) universities. Nonetheless, there are some worries about the impact of political and religious interference with the universities on self-governance. |
| ***6. Academic labour conditions*** | Worries about political interference unduely reducing the institutional autonomy for determining the labour conditions of academic staff. |
| ***7. Financial conditions*** | Worries about the relatively low level of public R&D funding, and the political pressures on the public universities and colleges to become more competitive, market oriented and run like businesses. |

## 3.7.6. References

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# 3.8. Czech Republic

## 3.8.1. Introduction

This country report on academic freedom in Croatia is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.8.2. Country scores for the Czech Republic on academic freedom and institutional autonomy

In this section, the country scores for the Czech Republic in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, are presented.[38] The Czech Republic is not included in the EUA Autonomy Scorecard.

### Academic freedom scores

51. Country score the Czech Republic in Academic Freedom index (AFi):

52. 2011: 0.95

53. 2020: 0.94

54. 2021: 0.94 (Rank 13 among EU Member States)

The AFi score for the Czech Republic is stable and among the medium-high level scores of all EU Member States. It suggests that the Czech Republic is a country without infringements or violations of academic freedom.

55. Country score Czech Republic on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4.

Explanation: "Academic freedom is respected. Ceremonial presidential approval is required for academic positions." (https://freedomhouse.org/country/czech-republic/freedom-world/2022).

56. Country score for Czech Republic in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 51,5 D (average for EU Member States: 52.79 D).

The scores of the Czech Republic in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. At the same time, the scores in the EU oriented study by Beiter et al. suggest that the legal protection of academic freedom in the Czech Republic is slightly below the average for the EU Member States.

### Institutional autonomy score

57. Country scores EUA Autonomy Scorecard: Czech Republic not included in the EUA scorecard.

[38] For a brief introduction of these data sets, and their indicators and methodologies, see section 3.2 of this study. For a detailed discussion, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

58. Country score Czech Republic in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 40 (8), with average for EU Member States 46.29 (9.26).

The Beiter et al. study (2016) suggests that the protection of institutional autonomy in the HE legislation of the Czech Republic is slightly weaker than the average score for the EU Member States.

### 3.8.3. Academic Freedom: Findings for Czech Republic

#### Academic freedom: Legislative and institutional foundations

The Czech Republic has legal protections for various aspects of academic freedom (The Higher Education Act, 2017). Section 4 of the Higher Education Act provides legal guarantees for academic freedom in research, teaching, learning, and choice of study. Section 6 covers some of the conditions for academic freedom, such as institutional autonomy in the areas of internal organisation, decisions concerning enrolment and study programmes, various employment concerns, and financial management. Academic freedom is also addressed in governance documents of the country's HEIs. The promotion and protection of academic freedom, self-governance, autonomy, and freedom of research and teaching are included in the constitution of Charles University (Charles University, 2016), the statutes of Masaryk University (Masaryk University, 2022), and the mission statement of Palacký University Olomouc (Palacký University Olomouc, 2021). This indicates a broad awareness of multiple aspects of academic freedom among universities. Interestingly, some documents further specify that institutions are autonomous "from power and political structures" (Charles University, 2016) and "vis-à-vis the state" (Masaryk University, 2016). Charles University's strategic plan 2021-2025 confirms the university's commitment to defend the principles of self-governance, including the involvement of students (Charles University, 2022a). The University has also been engaged in international networks in the defence of academic freedom and university autonomy, most recently with a renewal of the Prague Declaration reiterating the importance of these principles (Prague Declaration II, 2021).

#### Academic freedom: central dimensions and conditions

#### Role of the President and academic freedom

Overall, the *de facto* situation with respect to the central dimensions of academic freedom is in general positive in the Czech Republic. Nonetheless, like in other European Union Member States there are worries about the way in which the changes in the conditions under which academic freedom is exercised might affect academic freedom negatively. An example concerns the role of the President of the Czech Republic in the appointment of rectors and professors, which has been interpreted in the Freedom House index as a ceremonial approval role. In this, university rectors are appointed by the president following a proposal made by the academic senate of a university (The Higher Education Act, 2017, p. Section 10). The proposal is submitted through the Minister of Education, Youth and Sports, but the power of appointment formally lies with the president. The appointment of professors goes through a similar process based on recommendations made by the scientific board of a university and sent to the president through the ministry (p. Section 73).

While traditionally this role has indeed been ceremonial, there has been concern and controversy about the president's role during the presidency of Miloš Zeman. As argued by the then rector of Charles University, Professor Tomáš Zima, the role of presidents in approving professors has never caused serious issues until Mr. Zeman became president (Matthews, 2019). Charles University has in the period 2015-2019 filed a number of lawsuits against Mr. Zeman as the president of the republic over the denial of professorship of two academics in 2015 (Matthews, 2019). It was claimed that the president had interpreted the law in a way that allows for the blocking of proposed professorships on grounds other than procedural error (Charles University, 2018). One of the academics, historian and former director of the Prague National Gallery Jiří Fajt, was a known critic of the president, and has argued that the denial of the position was politically motivated (Fajt, 2019). The Prague

Municipal Court had in its ruling argued that the decision of non-appointment "would impermissibly interfere with the autonomy of universities and the constitutionally guaranteed freedom of scientific research and artistic creation" (Charles University, 2018). In 2019, Charles University filed an additional two lawsuits against the president, characterising the ongoing dispute as a "violation of the rules of academic freedom" (Charles University, 2019). Nonetheless, the president's decision has remained unchanged during his presidency, with his office citing "substantial legal and moral reasons" for the rejections (Matthews, 2019).

### Academic freedom and foreign influence

One issue that can be regarded to potentially affect academic freedom indirectly is the worry about foreign influence in the Czech academic system. For example, the Ministry of Education fined six foreign 'universities' or their branches for offering education in the Czech Republic without obtaining the required permission (University World News, 2019a). Another example concern the closure in 2019 of the Czech-Chinese Centre at Charles University on the orders of the university's rector because of concerns that the Chinese government was using the centre to enhance its influence in the Czech academic community (University World News, 2019b).

### Financial conditions

The regular increases of the public (and private) investments in research in the Czech Republic have contributed to the country currently being close to the EU average in R&D expenditures in the public sector, which indicates a significantly higher level of public R&D spending than most of the other EU13 countries (European Commission, 2022). It can be assumed that this implies that the financial conditions under which academic staff in the Czech Republic operate are more positive than in most other EU13 countries. While the impact of this on, e.g. the level of brain drain and attractiveness of the Czech higher education and science system for international scholars, remains to be seen, a possible indicator for the relative strength of the Czech system is that Czechia is among the CEE EU Member States that hosts most ERC grant funded projects awarded in the Horizon 2020 programme period.[39]

There have been some worries about signals leading political parties have given concerning the expected contributions of higher education to the economic development of the country. E.g. after the 2017 elections it was indicated by some academics that the anti-establishment party winning the elections, ANO, might push for a stronger market-orientation of the country's higher education institutions. This was expected to concentrate the academic responsibilities of the institutions on the needs of the economy and the labour market, thereby limiting the freedom of academics to follow their research and teaching agendas. In ANO's political programme it was indicated that it wanted to increase the stability of university funding so that institutions could supply "qualified experts in line with strategic decisions of the state." It also wanted more "practical experience" in university education, as well as a system of "quality evaluation" to make sure that graduates meet "labor market needs" (Matthews, 2017). In practice, however, higher education has not been one of the central policy areas for the ANO led governments, and the expectations about a strong governmental push for greater market orientation of universities has not been materialised yet.

## 3.8.4. Conclusion

The Czech Republic's higher education laws provide a rather solid foundation for promoting and guarding academic freedom, and overall, there are very few discussions and publicly expressed worries about academic freedom in the country. At the same time, the controversies about the way

[39] See Cordis databasis: https://cordis.europa.eu/search?q=contenttype%3D%27project%27%20AND%20(programme%2Fcode%3D%27H2020-EU.1.1.%27)&p=1&num=10&srt=contentUpdateDate:decreasing

in which president Zeman interpreted his in essence ceremonial role in higher education staff appointments show that there might be a need to reform the current higher education legislation in order to create a clearer and more transparent of governance responsibilities between the public authorities and the higher education institutions. This can be expected to contribute to a further strengthening of the de facto state of play of academic freedom in the country.

### 3.8.5. Academic Freedom dimensions (summary)

In table 6, a summary is presented of the main findings of the state of play in Czech Republic of the identified key dimensions of academic freedom.

Table 6: Summary of academic freedom findings: the Czech Republic

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations |
| ***3. Freedom of academic expression*** | No structural infringements or violations, but worries about individual cases |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | The HE legislation provides a rather solid foundation for institutional autonomy, which in general has been respected by the Czech political system. At the same time, the legislation can be made more consistent and transparent in order to prevent unnecessary controversies around institutional autonomy interventions by the political system. |
| ***5. Self-governance*** | The country's universities are committed to respect and if necessary defend self-governance, including the involvement of students. |
| ***6. Academic labour conditions*** | Worries about the potential of the President to use his/her ceremonial role in professorial appointments in a way that might affect academic freedom negatively. |
| ***7. Financial conditions*** | Relative high level of public investments in higher education and research has a positive effect on the financial conditions of the academic staff of universities and colleges compared to most of the other EU13 countries |

### 3.8.6. References

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# 3.9. Denmark

## 3.9.1. Introduction

This country report on academic freedom in Denmark is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.9.2. Country scores for Denmark on academic freedom and institutional autonomy

In this section, the country scores for Denmark in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this report.[40]

### Academic freedom scores

59. Country score Denmark Academic Freedom Index (Afi):
60. 2011: 0.95
61. 2020: 0.91
62. 2021: 0.91 (Rank 19 among EU Member States)

The AFi score for Denmark is positive, and among the medium-low level scores of all EU Member States.

63. Country score Denmark on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4.

Explanation: "Academic freedom is generally respected." (https://freedomhouse.org/country/denmark/freedom-world/2022).

64. Country score for Denmark in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 38,5 F (average for EU Member States: 52.79 D)

The scores of Denmark in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is relatively strong, and the *de facto* situation comparatively positive. At the same time, the AFi index positions Denmark below the average of the EU members states, which is in line with the EU oriented study by Beiter et al. (2016), which suggests that the legal protection of academic freedom in Denmark is below the average for the EU Member States (rank 26, see Annex 3).

### Institutional autonomy scores

65. Country scores EUA Autonomy Scorecard: Denmark cluster score: 6 / autonomy scores: 81%.

[40] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay, produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

66. Country score Denmark in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 45 (9), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores suggest that the level of institutional autonomy in Denmark is amongst the highest in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Denmark is among the highest scoring countries for organisational and staffing autonomy, while scoring medium high for financial and academic autonomy. On the other hand, the scores in the study by Beiter et al. (2016) suggest that the legal protection of institutional autonomy in Denmark is slightly below the EU average.

The information on the *de facto* Academic Freedom in Denmark presented in this chapter reflects a lively public and academic debate on various academic freedom dimensions. An important frame of reference in this debate is formed by the 2003 University Law, which enhanced institutional autonomy in the university sector, but also led to the introduction and further development of an executive leadership and governance structure and practice in Denmark's universities. The 2003 Law is still seen by a large part of the academic community as well as the students as responsible for what are seen as negative developments in the governance, organisation and funding of the universities, with accompanying negative impacts on various academic freedom dimensions in university practices.

## 3.9.3. Academic Freedom Dimensions

### Academic freedom: Impact of University Law (2003)

The Danish debates on academic freedom are largely preoccupied with the following broad topics.

First, the perceived (negative) impact of the University Autonomy Law of 2003 following broader New Public Management (NPM) trend. While the University Law is nearing its 20-year anniversary, is has since 2003 been subject to criticism from the academic community focusing on the negative effects on academic freedom of what are perceived to be far-reaching competitive funding arrangements, insufficient room for self-governance, that is, democratically elected leaders and co-determination structures and practices in university governance, and the growing influence of external economic and political interests (Gleerup & Jacobsen, 2021). While the legal stipulations of the 2003 University Law are limited in how they explicitly recognise various aspects relevant to academic freedom (Collignon, 2021), the engagement of academics and students in the negative impacts of the Law touch upon multiple academic freedom dimensions.

With the 2003 university law offering limited explicit protections of academic freedom, several universities have introduced their own academic freedom principles. The University of Southern Denmark, for example, has developed its own declaration addressing freedom of expression and the freedom to research and teach (University of Southern Denmark, 2022)

Second, a parliamentary resolution from 2021 concerning perceived politicisation of and unacceptable activism in certain scientific disciplines. The parliamentary resolution on "Excessive activism in certain research environments" (Messerschmidt & Dahl, 2021; Dahl, et al., 2021) was viewed by many academics as accusatory, ill-informed, political, and overall, a large overstep by a political institution threatening academic freedom (Matthews, 2021).

Third, various cases of efforts from private sector organisations to influence the results of research projects conducted by university researchers. These include the so-called 'beef report scandal' which concerns the originally denied involvement of interest organisations of the agricultural sector in the development and production of a research report, amongst other things, on the climate impact of meat production (Bahn et al, 2019; Andersen, 2019).

Fourth, Danish researchers are being increasingly exposed to threats and hate, particularly online. Especially since the start of the COVID-19 pandemic concerns have been raised about growing harassment and threats directed at researchers, with some research fields being under more scrutiny the last several years (Bohr, Hemmingsen, & Jensen, 2020, p. 1; Baggersgaard, Trusler får forskere til at tie, 2021)

### Academic freedom: Threats to central dimensions

In recent years, the political institutions in Denmark have increasingly emphasised an instrumental view on the organisation, governance and funding of research and teaching activities at higher education institutions. The 2003 University Law is embedded in New Public Management ideals pushing universities and colleges towards becoming "*videnvirksomheter*" ("Knowledge companies") (Moutsios, 2022). This is also reflected in a series of parliamentary sessions in 2021 addressing the question of "Excessive activism in certain research environments". The Parliament adopted 1 June 2021 a motion critical towards academia's ability to self-regulate and prevent certain academic areas from becoming "politics disguised as science" (Dahl, et al., 2021). The motion indicated that Parliament expects university leaders to take steps to ensure that self-regulation of scientific practices is functioning properly. The deliberations leading up to the adopted motion highlighted a specific concern for certain academic areas/research fields becoming instruments of political activism at the cost of scientific rigour (Halsboe-Jørgensen, 2021a; Halsboe-Jørgensen, 2021b; Messerschmidt, 2021a; Messerschmidt, 2021b; Messerschmidt, 2021c). The parliamentary position was strongly criticised by Danish academics in an open letter (referred to as "Freedom Letter") signed by over 3000 Danish academics, warning the Parliament of consequences, such as self-censorship and limitations on academic freedom (Mortensen, et al., 2021a). The letter, published on June 8th 2021 (Mortensen, et al., 2021b), warns the Parliament of engaging in political censorship of academic freedom as it stifles scientific processes and democratic forms of knowledge production as key sources to complex societal challenges. Through the Letter the academics demanded a commission to be set up to investigate the poor state of research in Denmark against the background of unprecedented societal challenges (Myklebust 2022b). The commission should focus on three issues:

67. An evaluation and revision of the Danish University Act.
68. More basic funding for free research and more permanent appointments.
69. A general review of the incentive structures and funding of research.

The academics' position on academic freedom was addressed in a number of ways in the Letter as illustrated by the following quote:

> *"In a review of the freedom of research at Danish universities, a commission of inquiry should at least partly examine the freedom to choose one's own research interests, and ensure academic freedom from, for example, external intervention such as direct political or business interference that restricts research areas and focus on evidence-based input in free academic discussions." (Mortensen et al., 2021a)*

The motion was also criticised by the chair of the Rectors' College of Universities Denmark, who viewed it as an attack on research freedom as well as a blow to the trust between universities and society (Nielsen, 2021).

As a follow up to the 2021 motion, 6 members of Parliament proposed to establish a national body to monitor 'questionable' research, implying moving the responsibility for guarding academic freedom from the institutional leadership to the public authorities. This proposal was rejected in May 2022 by a majority of Parliament (Myklebust and Andersen, 2022). The parliamentary Higher Education and Research Committee stated in this that clearly a broad political majority in parliament agrees that it is important to continuously debate academic freedom, freedom of speech and freedom of research, and that the Chicago principles can serve as inspiration also for Danish

universities. However, the Committee also stated there is no agreement on whether new legislation or other forms of central regulations are needed to guard academic freedom or if this in the future still can be the responsibility by the universities themselves.

Discussions about the implementation of the 2003 University Law as well as the political climate surrounding academia and the overlap between research activities and socio-political goals are ongoing. Academics in Denmark have made suggestions for improving circumstances around academic freedom through the aforementioned open letter and in a policy paper produced by The Royal Danish Academy of Sciences and Letters (Wæver, et al., 2021). These include a call for a review of the University Law of 2003, strengthening the position of faculty members to reduce the social and psychological costs of public discourse, increased institutional autonomy regarding questions of funding and research, and strengthening co-determination principles in university governance in the sense of enhancing the influence of faculty members and students as a counterweight to the power of professional university leadership and management.

Several of the points are tied to governance arrangements detailed by the 2003 University Law. There are ongoing discussions between representatives of the academic staff and the current Minister of Education and Science with plans for a report on the state of Danish higher education (Mayoni, 2022). The publication of the "Freedom Letter" seems to have had a positive effect in that it has in the end led to a formal meeting August 2022 between the representatives of the academic staff (incl. PhD students) and the Minister of Higher Education and Science. Both sides are carefully optimistic after the meeting and indicate that they are willing to develop mutually acceptable solutions to issues addressed in the Freedom Letter, and the political concerns about academic activism.

### Academic freedom of expression

The COVID-19 pandemic has brought an increased focus on harassment and threats directed at researchers based on expert-opinions given publicly, or published research. Some of the public responses to the measures introduced to handle the pandemic were controversial and critical and they have, amongst other things, resulted in several experts withdrawing from public debate in fear of hate and threats both physical and online (corona v2 article). This has also shown to be happening in other fields of study such as religion- and gender studies, showing some overlap with the parliamentary process leading to the V 137 motion (Baggersgaard, Trusler får forskere til at tie, 2021).

## Academic freedom: Conditions

### Institutional autonomy

The 2003 University Law has enhanced institutional autonomy at Danish universities, as expressed in the EUA autonomy scorecard. At the same time, there have been continuous tensions since the introduction of the Law in 2003 between the coupling of the high level of institutional autonomy to the executive nature of institutional leadership & management on the one hand, and the development of academic freedom on the other hand.

### Self-governance

An important issue related to the discussions on the 2003 Law is the principle of non-elected university leaders and an external majority at university boards, implying a threat to the principle of self-governance. The Danish Association of Masters and PhDs conducted a survey reporting that a quarter of the respondents did not trust leadership announcements and 44% of the respondents felt a dissatisfactory level of involvement in decision-making (Baggersgaard, 2020). These concerns are reflected in academics' concerns for undemocratic leaderships, the economic and political pressures originating from external research funding, and earmarking of public research funds (Gleerup & Jacobsen, 2021).

### Academic labour conditions

The Freedom Letter (Mortensen et al., 2021a) also raised concerns about deteriorating academic labour conditions. Issues addressed include (see, e.g., Andersen 2019): layoff anxiety (also among senior, reputable researchers) and lack of adequate job protection for academics, criticism of management as possible reason for recent layoffs, and idea and research results theft at Danish universities, which is argued to consist of older researchers (incl. supervisors) taking credit for work carried out by younger colleagues including PhD students. A concern is also raised for how constraints on academic freedom will affect Danish universities' standings internationally and their ability to recruit high-level international researchers and students as well as engage in international networks.

### Financial conditions

There are two overall issues with respect to the financial conditions under which academics operate. First the overall trend of the shift of public research funding from open, free research to strategic research. This trend has a negative effect on the possibilities of individual academics to follow their own research agenda. Second, the growing reliance of academic researchers on external funding, which has led to several cases of undue pressure from private sector funders to influence the research results (Andersen, 2019).

## 3.9.4. Conclusion

The Danish 2003 University Autonomy Law is portrayed as highly problematic by a considerable part of the academic community, linking recent challenges and controversies in higher education to the influence the Law provides to external interest groups and the various ways in which it has weakened the position of faculty members and students in university governance. Academics report concerns pertaining to the structural difficulties of their position as academic researchers and teachers, including threats of layoffs, but also to a harsh political and social climate, and the growing reliance on external, private funding.

The academic community is engaged in dialogue with the current Minister of Higher Education and Science, with plans for a review of the 2003 Law in the coming year. In this, the academics, as expressed in the "Freedom Letter", demand an independent expert commission to be set up to investigate specific features of the current state of research in Denmark against the background of unprecedented societal challenges (Myklebust 2022b). While there is careful optimism on both sides that the dialogue might result in a way out of the current worries and problems with respect to various academic freedom dimensions, it remains to be seen whether the political leadership is willing to fundamentally revise the 2003 University Law, and whether it is able to address convincingly the concerns from the academic community about their working conditions, the competitive research funding system, the 'top-down' university governance structures and practices, the growing public harassment of and political scepticism towards academics doing research in what might be called sensitive or controversial areas, and the fear among part of the academic staff about issues such as possible layoffs, theft by colleagues, and freedom of expression.

## 3.9.5. Academic Freedom dimensions (summary)

In table 7, a summary is presented of the main findings of the state of play in Denmark of the identified key dimensions of academic freedom.

Table 7: Summary of academic freedom findings: Denmark

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br><br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified, but there are worries about how the executive leadership of universities affects the freedom to research, and the freedom to teach and study in practice. |
| ***3. Freedom of academic expression*** | Worries about the ways in which the University Law 2003 has been implemented and the 'executive leadership & management practice' has developed affect the freedom of academic expression within the universities. This includes worries about the possibilities of non-tenured staff and tenured staff members to express themselves critically towards their leadership without fear of being punished.<br><br>Worries about impact of political pressures and political criticism of certain academic areas as 'non-scientific' on academic freedom. This also concerns the political discussion about whether the academic community should be responsible for guarding academic freedom or an external body. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Overall high level of institutional autonomy in Danish universities. At the same time, there are potential tensions between the high level of institutional autonomy and the executive nature of institutional leadership & management on the one hand, and the development of academic freedom on the other hand |
| ***5. Self-governance*** | Worries about the negative impact of the 2003 University Law and the introduction of executive leadership and management on self-governance traditions and practices. |
| ***6. Academic labour conditions*** | Worries about academic labour conditions for tenured and non-tenured staff, including worries about the extent to which criticism on leadership plays a role in institutional personnel policy decisions. |
| ***7. Financial conditions*** | Worries about the shift from open to strategic research funding on the academic freedom of academics to pursue their own research agendas. |

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## 3.10. Estonia

### 3.10.1. Introduction

This country report on academic freedom in Estonia is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.10.2. Country scores for Estonia on academic freedom and institutional autonomy

In this section, the country scores for Estonia in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, the Beiter et al. study (2016), and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study.[41]

### Academic freedom scores

70. Country score Estonia in Academic Freedom index (AFi):
71. 2011: 0.97
72. 2020: 0.94
73. 2021: 0.96 (Rank 6 among EU Member States)

The AFi score for Estonia is stable and among the highest scores of all EU Member States.

74. Country score Estonia on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4.

Explanation: "Academic freedom is generally respected." (https://freedomhouse.org/country/estonia/freedom-world/2022).

75. Country score for Estonia in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 34.8 F (average for EU Member States: 52.79 D).

The scores for Estonia in the two global academic freedom indexes suggest that Estonia is a country with a positive *de jure* and *de facto* state of play of academic freedom. At the same time, the scores in the EU oriented study by Beiter et al. (2016) suggest that the level of legal protection of academic freedom in Estonia was (in the year the study was undertaken) the weakest of all EU Member States.

### Institutional autonomy score

76. Country scores EUA Autonomy Scorecard: Estonia cluster score: 5 / autonomy scores: 90.75%.
77. Country score Estonia in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 52,5 (10,5), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores for Estonia suggest that the level of institutional autonomy in Estonia is amongst the highest in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Estonia is the highest scoring countries for staffing and academic autonomy, with a high score for organisational autonomy and a medium high score for financial autonomy. This is in line with the study by Beiter et al. (2016) where Estonia is ranked at the seventh place of all EU Member States, suggesting a comparatively strong state of the legal protection of institutional autonomy in the country.

[41] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2022 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures assessing academic freedom".

## 3.10.3. Academic Freedom: Findings for Estonia

### Academic freedom: General principles

Academic freedom, in the form of the freedom to research, teach and study, is protected in the national Constitution of Estonia. Institutional autonomy is protected within the restrictions prescribed by Estonian law, but these limitations are minor and include provisions for the establishment, merging, dissolution, accreditation, and funding of the system. The Universities act and the respective acts of individual public universities prescribe a basic management model with an executive council, a representative academic senate, and a rector. The councils must be comprised of three internal members elected by the senate, three members elected by the ministry, and a representative from the Estonian Academy of Sciences. The universities are otherwise free to formulate their own statutes detailing other aspects of management. The representative academic senates are required to have the rector as chair, vice rectors as ordinary members, and have 20% student representation.

Estonian academics have in recent years given attention to a few issues that could potentially limit the academic freedom of researchers. Issues of limited funding affecting various levels of academic activity has been the most broadly discussed issue, but there have also been issues emerging from within academia with regards to controversial decisions at an institutional level.

### Academic freedom: Central dimensions

#### Academic freedom: The freedom to research and teach

Late 2017, the Rectors of the University of Tartu, Tallinn University of Technology and the Estonian University of Life Sciences entered into an agreement in support of scientific cooperation and coordination between the institutions. The address made by the rectors contained a text in general support of scientific cooperation along with four propositions (Maran, 2017):

78. Universities are based on good research practice.
79. Only scientifically substantiated, balanced, and coordinated views are expressed on behalf of universities using university trademarks.
80. Universities form research groups to develop scientific positions on major topics and harmonise results.
81. Universities appoint spokespeople to publicise positions based on the material developed and discussed in the working groups.

The agreement sparked controversy due to the vague formulations within the agreement leading to interpretations contradicting academic freedom and the suppression of individual academics and their research results (Allike, Aavik, & Helm, 2017). The agreement calls for the harmonisation, balancing, and coordination of scientific results among and within the three universities that are to be adopted as the respective institutions' official scientific positions. The concern is that this would side-line the position of individual researchers engaging in research and producing results that do not agree with the official position of the institution or that do not integrate into the official position through "harmonisation" and "balancing". Academics also argue that this practice of coordinated processing of research results and the use of spokespeople would run counter to established good scientific practices and devalue or hinder scientific expert opinions. Other issues highlighted include the impossibility of a university to adopt a single scientific opinion on a number of issues (Hindre, 2018) and unscientific value judgments involved in the promotion of research results (Hector, 2018).

#### Academic freedom: The freedom to study

Early 2022, the University of Tartu and Tallinn University elected to cancel the admission of Russian and Belarusian students for the next academic year (Tooming, 2022b). The University of Tartu cited

security concerns as the reason behind the denial of access to educational services (Tooming, 2022a). The decision was voted on in the universities respective academic senates and applies to students who do not already have a residence permit or long-term visa in an EU country. Shortly after, academics published a letter criticising the move and calling it a denial of academic freedom and lack of support for Russian and Belarusian citizens "who share our values and use their voice against terror imposed by their governments" (Open letter in support of academic freedom, 2022).

A proposed revision to the Estonian Higher Education Act intends to limit the possibilities for students to study for a second degree for free. While this can be regarded as a legitimate political choice, it does raise the question about the effects on the freedom of students to study (University World News 2022a).

#### Academic freedom: Conditions

##### Institutional autonomy, self-governance, labour conditions and financial conditions

A number of Estonian trade unions representing university employees have raised issue with current salary arrangements for academic staff (Aidnik, 2019a). Issues identified are a lack of basic and project funding by the state as well as poor salary and job security conditions. In a letter signed by eight of Estonia's academic trade unions, a Basic Salary Concept was presented to the ministry (Tartu University Trade Union, 2021). The unions argue that academics receive a significant portion of their salaries in connection with successful project applications for public funding. Due to historic underfunding of the sector, the acceptance rate of applications is found to be ~20%, leading to job insecurity and a tendency for academics to work second jobs to secure income. Further, it is argued by the trade unions that competition and uncertainty limit academic activity, thereby potentially threatening the *de facto* academic freedom of academics (p. 3).

In response to government action to amend the Act on Organisation of Research and Development Activities, the unions provided feedback that reflected some of the concerns raised with the funding situation (Tammeorg, Lill, Monticelli, & Ermus, 2021). In addition to the challenges presented in the first letter, the unions highlight:

82. The proposed amendment's skewed distribution of funding to top researchers, neglecting academics more typically involved in working groups.
83. Grant applications that account for a majority of a researcher's income, thereby potentially weakening scientific integrity in favour of monetary gain.
84. The government's focus on targeted and strategically relevant research projects without supporting basic research, thus infringing upon academic freedom.

The issue received a significant amount of attention in recent years amounting to numerous organised protests (Aidnik, 2019a; 2019b). Currently, the government has granted additional funds to the higher education sector, of which some will be used to increase salaries (Saluorg, 2022). However, rectors note the uncertainty of the current energy situation in Europe and the increased costs that follows it, and are currently in dialogue with the Ministry (University World News, 2022b). The issues brought up here are linked to concerns for freedom of research, self-governance, job security and tenure, as well as the economic autonomy of universities when it comes to salaries and project funding.

## 3.10.4. Conclusion

The situation in Estonia as presented through public discourse does not indicate any serious threats to academic freedom. The move by the rectors raised major concern among researchers from numerous fields in all the universities involved, but the debate was not suppressed in addition to the rectors themselves participating and giving reassurances. While the blocking of incoming Russian and Belarusian students constitutes a controversy that has been linked to academic

freedom, it does not seem to indicate any infringement on academic freedom within the system, but rather a move that runs counter to academic solidarity and support academic freedom globally. The underfunding of Estonian higher education and research, along with the precarious circumstances of teaching and research salaries, limits the possibility for academic development as well as freedom of research. In addition to insufficient salaries based almost entirely on competitive grants, the grants themselves are filtered by a political interpretation of the strategic needs of Estonian society, economy, and culture, weakening the position of basic research.

## 3.10.5. Academic Freedom dimensions (summary)

In table 8, a summary is presented of the main findings of the state of play in Estonia of the identified key dimensions of academic freedom.

Table 8: Summary of academic freedom findings: Estonia

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified, but worries about some developments in system level and institutional governance. |
| ***3. Freedom of academic expression*** | Worries about the wording of an agreement between rectors of three universities. The agreement references the balancing, coordination, and harmonisation of scientific results and the development of official positions adopted by the institutions themselves. In addition, academics would be required to disassociate from their institutions if they present scientific positions that have not been approved by the institution or its spokesperson. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is in general well-respected in Estonia, even though the relatively low level of public funding has a negative impact on the room to manoeuvre in practice of the public universities and colleges. |
| ***5. Self-governance*** | The principle of self-governance is respected, however, the low level of public funding has led to concerns about self-governance in practice. |
| ***6. Academic labour conditions*** | Academic labour conditions are affected by the relatively low level of funding. In addition, there are worries about the impact on labour conditions of the agreement between the rectors of three universities. |
| ***7. Financial conditions*** | The financial conditions under which academics operate is affected by the relatively low level of public funding. |

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# 3.11. Finland

## 3.11.1. Introduction

This country report on academic freedom in Finland is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.11.2. Country scores for Finland on academic freedom and institutional autonomy

In this section, the country scores for Finland in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study.[42]

### Academic freedom scores

85. Country score Finland in Academic Freedom index (AFi):
86. 2011: 0.95
87. 2020: 0.95
88. 2021: 0.94 (Rank 10 among EU Member States)

The AFi score for Finland is stable and among the highest scores of all EU Member States.

89. Country score Finland on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is generally respected." (https://freedomhouse.org/country/finland/freedom-world/2022)

90. Country score for Finland in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 55 D (average for EU Member States: 52.79 D)

The scores for Finland in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. The study by Beiter et al. (2016) positions Finland above the EU average when it comes to the legal protection of academic freedom the in the country.

[42] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

### Institutional autonomy score

91. Country scores EUA Autonomy Scorecard: Finland cluster score: 5 / autonomy scores: 85.5%

92. Country score Finland in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 75 (15), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores of Finland are among the highest of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Finland has a high score for organisational, academic and staffing autonomy, with a medium high score for financial autonomy. In the study by Beiter et al. (2016) Finland is ranked first of all EU Member States, suggesting a comparatively very strong state of the legal protection of institutional autonomy in the country.

## 3.11.3. Academic Freedom: Findings for Finland

### Academic freedom: General principles

The Finnish constitution states that universities are self-governing, but defers to the relevant acts to provide more details (The Constitution of Finland, 2019, p. Section 123). The Universities Act identifies institutional autonomy and democratic self-governance as the basis for freedom of academic and artistic education, as well as protecting autonomous higher education institutions' opportunity to participate in discussions on draft laws affecting the universities (Universities Act, 2016, p. Section 3). Section 6 provides for the protection of freedom of research, art, teaching, with Section 32 relating to staff employment relations preventing contracts from being terminated on grounds that would breach the aforementioned freedoms (pp. Sections 6, 32).

The Ministry of Culture and Education's information pages on the higher education and research makes numerous references to various freedoms as well as institutional autonomy. For instance, universities of applied science are described as having "extensive autonomy and freedom of education and research", while in order "to guarantee the freedom of science, the arts and higher education, universities are autonomous actors" (The Ministry of Education and Culture, n.d.).

Finnish higher education institutions differ somewhat in their presentation of aspects of academic freedom, however, they display a clear pattern of promoting a societal responsibility on the basis of processes enabled by academic and scientific principles. References to aspects of academic freedom range from the University of Turku declaring its basic mission being the promotion of free research and education, to the Universities of Aalto and Oulu identifying academic freedom as the fundamental principle behind research, teaching, and learning (University of Aalto, 2021a, p. 13; University of Oulu, 2018, p. 3). The University of Jyväskylä promotes the fostering of academic freedom, alongside creativity and the "renewal of science", as primary reasons for working there (2022). Aalto and Oulu further link these freedoms to a notion of academic responsibility in the context of good scientific, academic, and social conduct as members of the academic community.

A unique aspect worthy of mention is a significant ambition of higher education institutions as drivers of sustainability and responsibility both regionally and globally through research and teaching activities based on principles of academic freedom. This is illustrated by the Universities of Helsinki (2020), Aalto (2021a; 2021b), Turku (2018, p. Section 3; 2019), and Oulu (2018; 2019) all devoting significant portions of their strategic documents to sustainable development and responsibility, while linking these to aspects of academic freedom and democratic self-governance.

### Academic freedom: Central dimensions

The Finnish system does not reveal any serious or critical issues with regard to academic freedom or institutional autonomy. However, some examples of issues related to academic freedom exist, but are not indicative of a systemic or prevalent threat.

### Academic freedom of expression

Hate speech and threats against academic experts has garnered increased attention during the Covid-19 pandemic. While the issues have seen limited media attention, several stakeholders have taken note of the issue. The chancellor of the University of Helsinki noted, for example, that, "even [in Finland] researchers encounter dismissive attitudes and even hate speech" (University of Helsinki, 2019), followed by a similar statement by National Union of University Students in Finland (National Union of University Student in Finland, 2019). The Academy of Finland had also recently published guidelines for addressing hate speech and harassment online and on social media (Academy of Finland, 2021).

### Academic freedom: Conditions

#### Institutional autonomy

As indicated by the EUA autonomy scorecard and the study by Beiter et al. (2016), Finnish universities have a high level of autonomy that in general is well-respected. Nonetheless, some worries exist about the impact of budget cuts and strategic funding programmes on institutional autonomy. In addition, recent research security rules might have an impact on institutional autonomy. This concerns, for example, guidelines for academic cooperation with China that were published in December 2021 by the Ministry of Education and Culture, based on advice from the Finnish Security Intelligence Service (SUPO) (Myklebust, 2022a).

#### Self-governance

Even though the institutional leadership function has become more executive, university democracy and the principle of self-governance are well-respected in Finland.

#### Academic labour conditions

Budget cuts have, amongst other things, led to deteriorating labour conditions and academic staff being laid off, e.g. at the University of Helsinki 400 academic staff lost their job in 2016.

#### Financial conditions

Finland has traditionally been among the countries with the highest levels of public expenditures on R&D, reaching 3.73% of GDP in 2009. However, the level of public R&D expenditures dropped since to 2.8% of GDP in 2019. This decline in R&D investments has affected the freedom of academics to follow their research agenda in various ways.

The budget cuts have also been linked to the quality of teaching and the availability of study places for Finnish students (National Union of University Students Finland, 2021). The pandemic also brought concerns for the financial situation of students as many were forced to discontinue their studies due to not being entitled to unemployment benefits (Arene, 2020).

The academic community has in recent years raised concerns about the level of funding of universities and research institutes. In 2021, the government sought to introduce cuts across the public sector with a €35 million cut targeting the higher education and research sector (Myklebust, 2021)- The Minister of Science and Culture argued that the budget cut was only a small proportion of the total budget and that the cuts would not affect education or student social benefits, instead being largely focused on science and research. Universities Finland (UniFi) released a statement describing the cuts as being at odds with the government's R6D roadmap in addition to impacting the credibility and level of research (Universities Finland, 2021). Previous cuts and a decoupling of higher education funding from an indexing mechanism were argued to have led to unpredictability

of funding in the context of degree programmes and research project spanning multiple years (Zubaşcu, 2022).

Recently, the Finnish government announced that it had agreed with Parliament to increase Finland's R&D expenditure to 4% by 2030. This announcement was gained widespread support in the Finnish academic community (Myklebust, 2022).

### 3.11.4. Conclusion

Overall, the discussions on academic freedom are characterised by a high level of participation by major stakeholders and responsiveness by the government. Previous and ongoing discussions refer to historic unpredictability in higher education funding as well as a general concern for a decline in student numbers – both of which have only been tangentially linked to academic freedom. Several aspects of academic freedom find support in both legislation and in the strategic posturing of HEIs and the Ministry, including arguments for the importance of these freedoms for research and teaching activities.

While overall the study has identified only limited media attention for publicly expressed worries about academic freedom, the harassment of academics through social media has emerged as an issue that is argued to require appropriate attention.

### 3.11.5. Academic Freedom dimensions (summary)

In table 9, a summary is presented of the main findings of the state of play in Finland of the identified key dimensions of academic freedom.

Table 9: Summary of academic freedom findings: Finland

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified |
| ***3. Freedom of academic expression*** | No infringements or violations identified, even though there are worries about the harassment through social media of academics involved in the public handling of the Covid-19 pandemic. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is well-respected. Worries, amongst other things, about impact of budget cuts, and recent introductions of research security rules. |
| ***5. Self-governance*** | The principles of self-governance are well-respected in Finland |
| ***6. Academic labour conditions*** | Worries about the impact of budget cuts on academic labour conditions. |
| ***7. Financial conditions*** | Worries about impact of budget cuts on the financial conditions under which academics operate. |

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## 3.12. France

### 3.12.1. Introduction

This country report on academic freedom in France is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

### 3.12.2. Country scores for France on academic freedom and institutional autonomy

In this section, the country scores for France in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study.[43]

#### Academic freedom scores

93. Country score France Academic Freedom index (AFi):
94. 2011: 0.88
95. 2020: 0.88
96. 2021: 0.88 (Rank 21 among the EU Member States)

The AFi score for France is stable, and among the medium-low scores of all EU Member States. France has Status A in the AFi.

97. Country score France on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "There are no formal restrictions on academic freedom in France". (https://freedomhouse.org/country/france/freedom-world/2022)

> Country score for France in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 63 C (average for EU Member States: 52.79 D)

The scores for France in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is relatively strong, and the *de facto* situation comparatively positive. The scores in the EU oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom in France is stronger than average in the EU Member States.

#### Institutional autonomy scores

98. Country scores EUA Autonomy Scorecard: France cluster score: 13 / autonomy scores: 46%
99. Country score France in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 35 (7), with average for EU Member States 46.29 (9.26).

The EUA autonomy scorecard scores of France are among the lowest of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that France has a medium low score for organisational, financial and staffing autonomy, and a low score for academic autonomy. The scores for France in the study by Beiter et al. (2016, p. 312) also suggest that the legislative protection of institutional autonomy is weaker than in most other EU Member States.

[43] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

## 3.12.3. Academic Freedom: Findings for France

### Academic freedom: Background reflections

Compared to the structure of the higher education systems of the other EU Member States, French universities are in a special position. First, most publicly funded research is undertaken outside the universities by large, non-university research centres and institutes, such as CNRS. Second, the specific structure of the French higher education system with a high prestige attached to a number of the Grandes Écoles, has led to a relatively low status for the French university professors, and deteriorating labour conditions.[44] As argued by Beaud (2022, p. 206), the relatively low status of the university professor in France, was until recently, ".. compensated for by considerable liberty in the exercise of their professional activity." However, the traditional high level of academic freedom for the university professors in France is threatened by a variety of what can be seen as external attacks (Beaud, 2022). In this report, we cannot discuss all these attacks in detail. Instead we will summarise some of the main trends and provide some relevant examples.

### Academic freedom: Recent discussions on central dimensions

Recent discussions about academic freedom in France have, amongst other things, been focused on the government approach to the so-called "islamo-leftism" in academia. Parts of French academia have the last years been accused of creating an intellectual breeding ground for Islamic terrorism. These accusations have, for example, been expressed during political debates leading up to the 2022 presidential election. Hearings in parliament and the senate also reveal descriptions of "Islamo-leftist gangrene" (Frigout, 2022) and links made to "wokeism" and "cancel culture" (Hingray, 2021). Also a former French Minister of Higher Education has warned of 'Islamo-leftism' at universities (France24, 2021a).

In this setting, the former Minister of Higher Education decided to call for an investigation of researchers deemed to be problematic in order to determine, "what is academic research and what is activism and opinion" (France24, 2021b). The National Centre for Scientific Research (CNRS) agreed to carry out the investigation, but publicly criticised the attempt "to delegitimise different fields of research, such a post-colonial studies" (CNRS, 2021). Further criticisms were directed at attempts to challenge academic freedom and stigmatise certain scientific communities for political purposes. The CNRS denies the existence of 'Islamo-leftism' as a scientific reality. France Universités (formerly Conférence des Présidents d'Université) further criticised the vagueness of the "pseudo notion" of Islamo-leftism and its use by the certain political parties as well as the instrumentalisation of the CNRS (France Universités, 2021).

The discussions around the possible threats to France posed by certain academics and academic fields are complex and like discussions around 'wokeism' in other EU member countries, are at the heart of the worries about academic freedom in the EU. As argued by Beaud (2022, p. 220), with a reference to the situation in US universities, the tensions around academic freedom concern, "the diametrically opposed currents of the "patriotically correct" on the one side, and the "politically correct" on the other". In essence both perspectives – the political worry about the possible link between certain academic fields and terrorism, and the critics who argue that the worry is exaggerated – can be argued to be legitimate. However, the underlying issue concerns challenges to the principle that the responsibility to determine what is scientific and what is not, should rest with the academic community.

The debates in France illustrate that over the last decades higher education and society in the EU Member States and elsewhere have developed a new relationship, where traditional borders and

[44] See the investigation by Le Monde (Larousserie, 2021) about the generally deteriorating conditions for French research: https://www.lemonde.fr/sciences/article/2021/09/28/recherche-les-raisons-du-declin-francais_6096227_1650684.html

distinctions have become less prominent. As argued in the first chapter of this report, politically, higher education has become more important, and less special. As a consequence, academic freedom is less respected and protected from external attacks than it traditionally has been at the national level in the EU, and throughout the EU among the main stakeholders involved significantly different perspectives on academic freedom are emphasised. This concerns especially the conditions under which academic freedom is to be exercised.

This point can be further illustrated by the legislative proposal from 2020 of the French government for a research development strategy in higher education.[45] While academics have engaged in various debates over multiple aspects of the proposed law, an amendment specifically addressing academic freedom raised concern in the academic community. The amendment in question proposed a paragraph that stated, "Academic freedom is exercised with respect for the values of the republic", without further specification as to what these values would entail or the limitations or allowances of academic freedom (Amendment no. 234, 2020). The proposed amendment was dropped following an open letter signed by around 40 academic research networks, associations, unions, and interest groups, in addition to almost 100 academic journals (Academia Editorial Team, 2020). Nonetheless, also this case illustrates that currently in the EU there is general disagreement among the main stakeholders about the conditions under which academic freedom is to be exercised, and the extent to which political and socio-economic interests can legitimately impose basic restrictions on the freedom of academics to follow their own research and teaching agendas.

### Academic freedom: Various threats

As indicated above, French universities are in a rather unique position compared to the university sectors in the other EU Member States. Added to specific features of the national political order and socio-economic characteristics, this implies while the threats to academic freedom in France are comparable to threats in other EU member countries, the way in which they manifest themselves is unique for France. This can be illustrated by the overview of threats to academic freedom in France identified by Beaud (2022, pp 220-237).[46]

Beaud (2022, p. 221) starts his overview by distinguishing classical from new threats to academic freedom. In the following a brief overview of these threats will be presented. While this overview represents the work of a well-respected academic specialised in academic freedom, we do not claim that it is comprehensive. In addition, related to the complexity and often multi-faceted nature of the debates on academic freedom, there might be differences of opinion in the French academic community about the seriousness and nature of each of the included threats. Nonetheless, also given the recognisability of the threats covered in the overview by Beaud in the context of developments in academic freedom in other EU member countries, we argue that this overview contributes in an appropriate and relevant way to our understanding of the debates on the *de facto* state of play of academic freedom in France in particular and the EU as a whole in general.

### Academic freedom in France: Classical threats

The first classical threat is posed by the interference of public authorities. As argued by Beaud (2022, p. 222), direct interference of the public authorities and/or politics in the three central dimensions of academic freedom is currently rare in France.[47]

A second classical threat is argued to be formed by the interference of the Civil Service at the national level (the Ministry of Higher Education and its agencies). The threats of the state bureaucracy to academic freedom are interpreted to be more serious in France than in other

[45] See: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042738027

[46] See also Beaud's latest book (2021) for a more extensive discussion of these threats.

[47] For an example of such interference, see Beaud (2022, p. 222).

countries, such as Germany, where federalism limits the possibilities of the state bureaucracy to interfere directly with the universities' internal affairs.[48]

### Academic freedom in France: New threats

The first new threat is according to Beaud formed by the university administration (referred to as the 'close administration'), formed by the academics in leadership positions, and the institutional bureaucracy. It is argued that French universities have experienced the emergence of a "subtle form of hierarchisation" (Legrand 2008, p. 2242). The latter is interpreted as threat to the freedom of academics to follow their own research and teaching agenda.

Other new threats to academic freedom in France come from civil society. They include the growing use of SLAPPs (Strategic lawsuits against public participation) by private sector companies against critical academics (Beaud 2022, p. 227-229). What is at stake in these lawsuits is according to Beaud (2022, p. 232) well summarised by Mazeaud (2017, p. 3), "What must not be forgotten is the subliminal message to all teacher-cum-researchers who are not afraid to upset people, who are not afraid to commit themselves, not afraid, when all is said and done, to do their job which is, when they take up the pen, to express their views uncompromisingly and passionately, completely freely, and independently, at the risk of displeasing anyone at all". The threats posed by SLAPPs to academic freedom were regarded to be so serious that the Ministry of Higher Education established a commission to address the threats posed by SLAPPs and formulate recommendations for reducing with these threats. The report produced by the commission presented a large number of SLAPP case against academics and proposed a number of recommendations,[49] which were until now not implemented.

Another new threat, according Beaud, (2022, pp. 233-238) concerns student and academic activists and relates to the above mentioned case of 'Islamo-leftism'. This represents possible threats to the three central dimensions of academic freedom by student activists or academic colleagues. This specific possible new threat is related to the complexity of finding an acceptable and generally agreed upon balance in the academic community between the freedom of academics to follow their own research and teaching agenda, the freedom of students to study, and the academic freedom of expression on the one hand, and the basic principle that the members of the academic community are expected to respect democracy, human rights, etc., and for universities to ensure that there is no room on campus for racism, sexism, and discrimination on the other hand.

## 3.12.4. Conclusion

The French case is in a number of respect unique in the EU, amongst other things as a result of the specific nature of its political order and state bureaucracy. For example, the academic freedom and institutional autonomy score presented in section 3.12.2, indicate with respect to the French universities a combination of a rather positive *de jure* and *de facto* state of play of academic freedom with a comparatively low level of institutional autonomy. At the same time, the threats to academic freedom in France are recognisable and understanding them is highly relevant for the discussion on academic freedom in the EU. For example, the report by the ministerial commission[50] addressing threats by SLAPPs contains valuable recommendations for dealing with the growing use of SLAPPs against academics and in some cases even students throughout the EU. Implementing these is not only of relevance for strengthening the protection of academic freedom in France, but in the whole of the EU.

[48] For more details, see Beaud (2022, pp. 223-225)

[49] See:
https://cache.media.enseignementsup-recherche.gouv.fr/file/2017/50/2/Rapport_Commission_Mazeaud_754502.pdf

[50] See footnote 48.

## 3.12.5. Academic Freedom dimensions (summary)

In table 10, a summary is presented of the main findings of the state of play in France of the identified key dimensions of academic freedom, as identified in this study.

Table 10: Summary of academic freedom findings: France

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | Worries about impact of political and administrative-bureaucratic interference on freedom of academics to follow their own research and teaching agendas, and the freedom of students to study. |
| ***3. Freedom of academic expression*** | Worries about the growing impact of SLAPPs and student/academic activism on freedom of academic expression |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | The level of university autonomy in France is among the lowest in the EU. Worries about the impact of the institutional administration/bureaucracy on academic freedom |
| ***5. Self-governance*** | Worries about the impact of the political and bureaucratic interference, as well as the impact of the institutional administration/bureaucracy on self-governance |
| ***6. Academic labour conditions*** | Worries about the impact of the political and bureaucratic interference, as well as the impact of the institutional administration/bureaucracy on academic labour conditions. Amongst other things, worries about the relatively low level of academic salaries on attractiveness of academic career at universities. |
| ***7. Financial conditions*** | Worries about the impact of the relatively low level of institutional autonomy in financial matters on the financial conditions under which academics operate. Worries about the way in which the nature of the science system, with public investments in research dominantly taking place in the research institute sector, affects the financial conditions of university academic staff. |

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# 3.13. Germany

## 3.13.1. Introduction

This country report on academic freedom in Germany is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.13.2. Country scores for Germany on academic freedom and institutional autonomy

In this section, the country scores for Germany in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study[51].

### Academic freedom scores

100. Country score Germany Academic Freedom index (AFi):

101. 2011: 0.97

102. 2020: 0.97

103. 2021: 0.97 (Rank 1 among EU Member States)

The AFi score for Germany is stable and among the highest scores of all EU Member States.

104. Country score Germany on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is generally respected, though legal prohibitions on extremist speech are enforceable in educational settings. In late 2020, university employees—disadvantaged by a newly adopted 12-year time limit on fixed-term contracts—launched a grassroots initiative seeking a solution to precarious working conditions in academia. In 2021, the topic was taken up for discussion in the Bundestag, and the Greens, the SPD, and the Left all advocated for increased funding to extend permanent positions in academia" (https://freedomhouse.org/country/germany/freedom-world/2022).

105. Country score for Germany as a whole in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 64,5 C (average for EU Member States: 52.79 D)

- Scores for North-Rhine-Westphalia (German state): 71 B
- Scores for Bavaria (German state): 58 D

The scores for Germany in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. The scores in the EU oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom in Germany is overall stronger than average in the EU member countries. However, this study also suggests that there are quite considerable variations among German states.

### Institutional autonomy score

*106.* Country scores EUA Autonomy Scorecard Germany cluster score: Not available for the country as a whole. Instead, the EUA scorecard includes three German states (Länder):

- North Rhine-Westphalia cluster score: 8 / autonomy scores: 65.5%
- Hessen cluster score: 9 / autonomy scores: 65.75%

[51] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

- Brandenburg cluster score: 10 / autonomy scores: 61.75%

107. Country score Germany in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 46,25 (9,25), with average for EU member countries: 46.29 (9.26).

- Scores for North-Rhine-Westphalia (German state): 65 (13)
- Scores for Bavaria (German state): 27,5 (5,5)

The EUA autonomy scorecard scores suggest that the level of institutional autonomy in the three included German states (*Länder*) is at a medium level (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals high scores for the three German states for academic autonomy, medium-low and low scores for financial autonomy, and more variety among the three states for the scores for the other two autonomy clusters.

The scores for Germany in the study by Beiter et al. (2016) suggest that the legislative protection of institutional autonomy is at the average level of all EU member countries. However, the differences between the two included German states are considerable.

### 3.13.3. Academic Freedom: Findings for Germany

#### Academic freedom and institutional autonomy: General principles

Germany, as a federal republic, has concentrated the responsibility for higher education at the state level. The limits the opportunities for the federal government and state bureaucracies to interfere directly in the internal affairs of the universities and *Fachhochschulen* (universities of applied sciences). Between the constitution and higher education acts of the German states there are a number of similarities in their identification of academic freedoms and provisions for institutional autonomy. This can be illustrated by the constitutions of Berlin and Bavaria, which provide basic protections for research and teaching activities within the sciences and the arts (The Constitution of Berlin, 2021, p. §21; Constitution of Bavaria, 2014, p. §108), with the constitution of North Rhine-Westphalia providing for universities' right to self-government (Constitution of North Rhine-Westphalia, 2022, p. §16).

However, the majority of legal identification and protection of aspects of academic freedom are in the states' respective higher education legislation. Referring again to the same three states as above, all three have higher education laws in place that offer comparable provisions for the protection of the freedom of research, and the freedom to teach and study (Bavarian Higher Education Act, 2022, p. §3; Berlin Higher Education Law, 2022, p. §5; University Law of North Rhine-Westphalia, 2019, p. §2). In this, the freedom of research also includes freedom of methodology, dissemination of research results, and the evaluation of the scientific process by the academic community itself. Furthermore, all three laws identify potential limitations to research freedom in procedural circumstances related to funding, coordination, and research priorities. With regard to the freedom to publish, the Bavaria law states that universities set prerequisites for and subsequently approve the publishing of scientific research which may be refused "if the publication would adversely affect essential interests of the university" (Bavarian Higher Education Act, 2022, p. §6 (3)).

The principle of self-governance at the universities is also comparably protected across the three states in articles 11, 3, and 2, for Bavaria, Berlin, and North Rhine-Westphalia, respectively. An interesting attribute of these laws is that the freedoms of teaching and study are elaborated to include the free expression (and development) of scientific or artistic opinion.

Some unique aspects also emerge with regard to references to academic freedom and academic responsibility. The Berlin law states that state recognition of universities is partially contingent on an evaluation of "the standards to be guaranteed to ensure academic freedom" (Berlin Higher Education Law, 2022, p. §123 (3)). With regard to academic responsibility, the Berlin law elaborates

on universities' "responsibility towards society" and ethical consideration for the consequences of research (p. §4 (2)). The North Rhine-Westphalian law refers to a concept of "scientific honesty" understood as "generally recognised principles of good scientific practice" (University Law of North Rhine-Westphalia, 2019, p. §4 (3)).

Overall, the legal frameworks in the states analysed identify multiple aspects of academic freedom with similar interpretations on their scopes and limitations. Some differences emerge, perhaps most interestingly Bavaria's lack of reference to academic responsibility or societal responsibility and provisions that allow universities to deny the publication of scientific work.

Prominent universities in the three states tend to present general statements of support through their mission statements for the freedoms elaborated on in the respective laws, but do not give academic freedom precedence as a critical issue in Germany. However, a number of universities have made additional commitments to the recognition and protection of academic freedom. Examples include the University of Bonn involvement in multiple networks supporting researchers at risk, and the Academic Freedom Network project where the Humboldt University of Berlin and the Free University of Berlin take part (Academic Freedom Network, 2020).

### Academic freedom: Central dimensions and conditions

The 2021 score for Germany in the AFi (Kinzelbach et al. 2022) indicates that of all countries included, Germany is the country where the state of play of academic freedom is assessed to be most positive. At the same time, the scores of different German states included in the study by Beiter et al. (2016), and the EUA autonomy scorecard, and the discussion of the legislation of three states above suggest that there are important differences between German states when it comes to the de jure state of play of academic freedom. However, it was not possible in this study to cover the de facto state of play of academic freedom in all German states.

In this study we have not identified structural threats at the national level to academic freedom in Germany. Nonetheless, there are a number of worries with respect to academic freedom that are publicly discussed in various media and forums. Therefore in the following we present an overview of the main worries covered in these discussions.

Despite the positive score in the AFi, also in Germany there are worries about the consequences for academic freedom of the growing political and socio-economic importance of science and higher education, and the subsequence blurring of boundaries between the higher education and science system, politics, the private sector, and civil society.

In an article/podcast dedicated to academic freedom in Germany (Becker, 2019), the *de facto* situation was summarised as follows, "Industry finances studies, universities act like companies, and young scientists are worn down in fixed-term contracts. The freedom of research guaranteed in the Constitution is increasingly under threat." In this, the overall German situation with respect to academic freedom in practice resembles in many respects the situation in other EU member countries in Western and Northern Europe. According to Becker (2019) the main worries include:

108. Growing scepticism in politics and society towards science. More recently this has come to the fore in some of the societal responses to the involvement of academics in the development of the German Covid-19 lockdown and other measures (Scientists for Future Germany, 2020).

109. Insufficient levels of public funding for research and higher education, leading to increasing influence of private sector on scientific research and to some extent study programmes, especially in the life sciences. This takes place through growing private sector funding of research and specific study programmes and the subsequent increasing pressure on researchers to allow the funder to (co-)determine the publication of research results.

110. Precarious labour conditions, especially for young academics, and academics in temporary positions.

111. Professionalisation of the institutional administration at German universities and Fachhochschule, with a growing focus on quantitative performance evaluation. As argued by Becker (2019): "*German researchers are stuck in a corset of formal measurable values that ultimately restricts their academic freedom. This because deviations are punished with career disadvantages - even if their scientific output would be scientifically productive in terms of content*".

These worries are confirmed elsewhere, e.g. in a recent article by Fulda & Missal (2022). These authors identify four domestic threats to academic freedom in Germany, very much in line with Becker (2019):

112. Populist politicians, and especially the political party Alternative für Deutschland (AfD), which proposed to cut all funding for gender studies at German universities (Deutscher Bundestag, 2020).

113. Uncivil society, referring to social actors, "who no longer believe in the merits of science and freedom of speech" (Fulda & Missal, 2022, p. 1806). In this the social media are having a negative impact on the public trust in science.

114. Questionable third party funding, implying the growing reliance of German academics on third party funding. This includes imbalanced university-industry partnerships, and the effects of non-transparent and unaccountable third party funding.

115. Misguided developments within German academia, such as, "performance evaluation based on reductionist metrics" (Fulda & Missal, 2022, p. 1807).

In addition to the domestic threats, Fulda & Missal also identify international threats to academic freedom in Germany, first and foremost linked to the growing scientific relations between Germany, as well as the other EU Member States, and China. These threats include:

116. CCP's global censorship regime. While this regime applies first and foremost to China, recently it is also affecting scholars in other countries (Hotz-Hart 2021). This includes CCP sanctions against German and other European scholars, and the role of Confucius centres fostering China-related self-censorship at German and other European universities (Fulda & Missal, 2022, p. 1809)

117. Weaponisation of informal Chinese social networks, implying that there are growing reports of social networks of students related to the CCP are also used internationally to express disapproval of criticism on China, whether in lectures, research projects, or student actions, such as demonstrations.

118. Suspicious party-state funding. Various German universities have received funding from Chinese companies, or PRC entities. In addition, PRC entities are involved in the funding of study programmes at German universities (Fulda & Missal., 2022, p. 1810). Problematic in this is the lack of transparency, e.g. on contract details, and the extent to which this funding leads to self-censorship.

119. Unhealthy dependencies on 'official China', referring to the apparent inclination of several German academic China experts to aim at being expert at home and accepted by China (Fulda & Missal, 2022, p. 1811). The authors refer, for example, to a position paper sent to more than 200 members of parliament in August 2020,

signed by a group of German China academics.[52] The paper is argued to be aimed at justifying the existence of Confucius institutes at German universities.

In addition, recent announcements of funding cuts by the German federal government have led to protests of academics against cuts undermining international collaborative projects,[53] and budget cuts in research by the federal Ministry of Education and Research (BMBF) (Gardner, 2022).

### 3.13.4. Conclusion

Both Becker's and Fulda & Missal's overview of threats against academic freedom in Germany suggest that even though Germany is at the top of the AFI, it faces threats to academic freedom, both direct and indirect, that are in line with developments in other EU member countries. While the legislative protection of academic freedom is very strong in Germany, it can be argued that the *de facto* development of academic freedom in the country reveals a number of 'new threats', including international ones. One can wonder whether the legislative protection is sufficient to deal with these new threats. In addition, as argued by Fulda & Missal (2022), the German federal and state level authorities, and the university leadership and administration, are relatively passive in using existing legislation in the protection of academic freedom, or developing new legislative provisions when the existing legislative is not sufficient.

### 3.13.5. Academic Freedom dimensions (summary)

In table 11, a summary is presented of the main findings of the state of play in Germany of the identified key dimensions of academic freedom.

Table 11: Summary of academic freedom findings: Germany

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified. Worries about possible impact on academic freedom of growing involvement of private sector in funding of scientific research and in some case study programmes. |
| ***3. Freedom of academic expression*** | Worries about possible impact of 'science scepticism' in civil science on freedom of academic expression.<br>Worries about possible impact of academic activism on freedom of academic expression.<br>Worries about international, e.g. China's impact on freedom of academic expression.. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is rather well-respected in Germany, even though there are important differences between the states |

[52] See:
https://www.konfuziusinstitut-berlin.de/wp-content/uploads/2020/09/Konfuzius-Institute-staerken-Positionspapier.pdf

[53] See, for example, the open letter by German academics against the cuts of the DAAD and AvH budgets (12.07.2022): https://docs.google.com/forms/d/e/1FAIpQLSdpDHVBn8Dk38H-NGAESgJfpwUKAStGmUqVcXkH_01GV_PjHg/viewform

| | |
|---|---|
| ***5. Self-governance*** | The principle of self-governance are well-protected in the German Constitution and HE legislation |
| ***6. Academic labour conditions*** | Worries about the rather precarious labour conditions of young and non-tenured academic staff |
| ***7. Financial conditions*** | Worries about the impact on academic freedom of the growing reliance of German academics on competitive, external funding. Especially the growing involvement of the private sector in the funding of research and study programmes is seen as a potential threat to the academic freedom of academics.<br><br>Worries about recent budget cuts on research affecting both German and international collaborative research projects. |

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# 3.14. Greece

## 3.14.1. Introduction

This country report on academic freedom in Greece is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.14.2. Country scores for Greece on academic freedom and institutional autonomy

In this section, the country scores for Greece in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, are presented.[54] Greece is not included in the EUA Autonomy Scorecard.

### Academic freedom scores

120. Country score Greece in Academic Freedom index (AFi):

121. 2011: 0.87

122. 2020: 0.87

123. 2021: 0.78 (Rank 25 among EU Member States)

The AFi score for Greece was stable from 2011-2020, but the 2021 score indicates a deterioration.

124. Country score Greece on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "There are no significant constraints on academic freedom in Greece, and the educational system is free of political indoctrination. A law passed in February 2021 introduced police stations on university campuses, in what the government claimed was an effort to fight crime.

[54] For a brief introduction of these data sets, and their indicators and methodologies, see section 3.2 of this study. For a detailed discussion, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

However, students, faculty, and staff protested the law that month and prevented its enforcement for what they saw as a threat and violation of academic freedom and expression." (https://freedomhouse.org/country/greece/freedom-world/2022)

125. Country score for Greece in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 55,5 D (average for EU Member States: 52.79 D)

The scores for Greece in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is relatively strong, and the *de facto* situation comparatively positive, even though the AFi scores are among the lowest of the EU Member States. On the other hand, the scores in the EU oriented study by Beiter et al. suggest that the legal protection of academic freedom in Greece is slightly stronger than average in the EU Member States.

#### Institutional autonomy score

*126.* Country scores EUA Autonomy Scorecard: Greece not included in the EUA scorecard

*127.* Country score Greece in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 22,5 (4,5), with average for EU Member States: 46.29 (9.26).

The scores for Greece in the study by Beiter et al. (2016) suggest that the legislative protection of institutional autonomy is considerably weaker than in most other EU member countries, with Greece being ranked next to last.

### 3.14.3. Academic Freedom: Findings for Greece

#### Academic freedom: General principles

Several aspects of academic freedom find protections through the Greek constitution as well as the law on Higher Education Organisation and Operation. The constitution states that art, science, research, and teaching are protected by academic freedom, and that universities shall be fully self-governed. The most recent iteration of the Higher Education law further guarantees and protects academic freedom, freedom of expression, and free circulation of ideas.

The higher education institutions vary in the extent to which they promote academic freedom, e.g., the University of Athens including academic freedom as part of its 2019-2028 strategy (National and Kapodistrian University of Athens, 2019, p. 17569) and the University of the Aegean presenting academic freedom as an ethical principle in teaching, research, knowledge dissemination, and administration of the university (University of the Aegean, 2018, pp. 10-11).

A unique aspect of the Greek system is the concept of "academic asylum" preventing state authorities from entering university grounds without explicit permission. While this was written into law a few years after the pro-democracy protests of 1973, explicit mention of academic asylum was removed in 2019. Nevertheless, current discourse presents a context in which the concept still has precedent playing a significant role in protecting academic freedom.

#### Academic freedom: Central dimensions and conditions

#### Changes impacting academic freedom

The Greek government recently legislated a comprehensive higher education reform bill aimed at modernising study programmes, promote research and innovation, and make the election and development of faculty more meritorious and transparent (Ministry of Education and Religion, 2022). Included in some of the changes relevant to academic freedom are the introduction of managerial boards, simplification of student councils, provisions for increased coordination and

responsiveness to industry and business, and the establishment of University Institution Protection Teams (OPPI).

The new managerial boards play an executive role in institutional governance, taking over a number of responsibilities previously held by the academic senate and the rectorate. The boards are comprised by six internal members from academic staff, where a maximum of one board member per faculty is permitted. In turn, these internal members appoint another five external members. Finally, a rector is elected among the board members by the board itself. Additionally, the bill homogenises student democracy through the removal of student factions and the introduction of a single-ballot system of election.

The OPPI were established as a university security force by the state aimed at addressing the prevalence of organised crime, drug trafficking, intimidation, and vandalism at Greek universities (Chrysopoulos, 2021). While academic asylum was originally meant to protect the free circulation of ideas from government influence, it has been argued that it been abused by left-wing extremists and anarchists to engage in criminal activity, disrupting the operation of universities. The most notorious incident was the assault and public humiliation of Dimitris Bourantonis, rector of the Athens University of Economics and Business, by self-proclaimed anarchists (Kokkinidis, 2020). The issue is highly controversial due to its incompatibility with the notion of academic asylum, and the establishment of OPPI largely being seen as a continuation of the latter's abolishment. The prime minister has argued that the academic asylum has allowed for lawless behaviour to go unchecked by preventing state authorities to intervene without explicit permission. This has resulted in property theft, vandalism, and beatings of students and faculty becoming commonplace (Chrysopoulos, 2019).

Discussions about the reform show that while the bill is presented as having bipartisan support (bar some left-wing and socialist parties), it is heavily criticised by academics and students for introducing changes that ultimately threaten the three central dimensions of academic freedom and the conditions under which academic freedom is to be exercised, including university autonomy.

Greek academics have heavily criticised the new bill citing concerns that democratic principles, academic freedom, and institutional autonomy are being threatened (Editorial board, 2022). The election of university leadership moving from a simple majority election to an election among and within the management board is seen as a huge loss for academic democracy. There are concerns that an all-powerful and internal entanglement will lead to corruption and clientelism in the board. Some have expressed concerns for private universities "through the backdoor" citing the ability or the management board to dismiss sitting rectors, a process in which external interests have significant representation.

The Vice Rector of Academic and Student Affairs of the University of Athens has criticised the bill for centralising decision-making power in a management board that is unrepresentative and without any accountability (Karadimas, 2022). Given that the boards have a universal configuration of six internal and five external members, with a maximum of one member per faculty among the internal members, it is impossible to achieve adequate representation of the academic community.

An open letter to the Greek government signed by over 900 academics internationally criticised multiple parts of the reform bill and the government biased news coverage by certain outlets (Open Letter: Respect Public Universities in Greece, 2022). The letter argues that the lawlessness at universities is a mischaracterisation promoted by corrupt government-controlled mass media. With regards to the OPPI, the academics warn that their presence will "erode university autonomy and deeply disrupt academic life and studies." Concern is raised for the removal of democratic election of university authorities by the academic community. In reference to the responsibility for carrying out elections now being given to National Infrastructures for Research and Technology, a public technology company (Ministry of Education and Religion, 2022, p. Article 40), the letter further

criticises future appointments being government controlled and illegitimate. The process leading up to the finalisation of the bill is characterised as hasty and disingenuous as major stakeholders were given two weeks to suggest changes in addition to the disregard for the opinion of the academic community being described as "one of the major ideological battles of the New Democracy government".

Other stakeholders have mobilised and voiced similar criticisms over the bill. The Technical Chamber of Greece representing 17000 engineering graduates criticised the deregulation of university degrees allowing students to customise their programme structures potentially losing disciplinary grounding (Editorial board, 2022). A letter signed by 1000 Greek students reiterated many of the points, concluding that:

"The public university has real problems that cannot be solved either by authoritarianism and the imposition of a police regime, nor by the continuous slander of the institution and those who serve it" (Editorial board, 2022).

There have also been a number of student protests starting with the abolishment of academic asylum in 2019 (Papadimas & Tsakiri, 2019) leading up to recent controversies surrounding the bill (Editorial, 2022).

### 3.14.4. Conclusion

Greece is among the three EU Member States where the academic freedom score in the AFi has deteriorated, implying that Greece does no longer have the status A in the AFi (Kinzelbach 2022). A lot of the controversies around academic freedom in Greece can be linked to the comprehensive higher education reform bill and its assumed impact on the principle of academic asylum. The government has presented the reform bill, including the provisions for the establishment and deployment of the OPPI security forces, as one with bipartisan support, that will fix a higher education system rife with serious problems, and that is a result of a great "ideological battle" involving the participation of major stakeholders in higher education. However, academics have criticised the government for ignoring their pleas, attempting to guillotine and rush the reform bill in parliament, and re-introducing authoritarian control over Greek higher education. The reforms to the governance structure are largely seen as a threat to academic freedom, the principle of self-governance and democratic representation, while the OPPI opens up for the misuse of authoritarian power. While the government argues that rampant protests and criminal activity on campuses are a threat to academic freedom and that the OPPI can return the institutions to a sense of normalcy, academics and political opposition fear the return to authoritarian circumstances with limited academic freedom and institutional autonomy. This rather extreme politicised situation with respect to academic freedom is unique for Greece, and is in this form not part of the debates on academic freedom in the other EU Member States.

### 3.14.5. Academic Freedom dimensions (summary)

In table 12, a summary is presented of the main findings of the state of play in Greece of the identified key dimensions of academic freedom.

Table 12: Summary of academic freedom findings: Greece

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research*** | No infringements or violations identified. Academic freedom is relatively well-protected in the Greek constitution and HE legislation. |
| ***2. Freedom to teach, and freedom to study*** | Worries about the impact of increased political interference in institutional matters on academic freedom. |
| ***3. Freedom of academic expression*** | Worries about the impact of increased political interference on freedom of academic expression |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Worries about the impact of increased government interference on institutional autonomy in practice. |
| ***5. Self-governance*** | Worries about the impact of the legislated comprehensive higher education reform bill on self-governance and democratic principles in university governance |
| ***6. Academic labour conditions*** | Worries about the academic labour conditions that were considerable weakened as a result of the financial crisis of (2007-2009), and are still comparatively weak. |
| ***7. Financial conditions*** | The R&D expenditures in the public sector of Greece are slightly above the EU average and have increased positively over the period 2015-2022 according to the European Innovation Scoreboard 2022. |

## 3.14.6. References


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## 3.15. Hungary

### 3.15.1. Introduction

This country report on academic freedom in Hungary is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.15.2. Country scores for Hungary on academic freedom and institutional autonomy

In this section, the country scores for Hungary in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study.[55]

### Academic freedom scores

128. Country score Hungary Academic Freedom index (AFi):

129. 2011: 0.60

130. 2020: 0.44

131. 2021: 0.38 (Rank 27 among EU Member States)

The AFI score for Hungary has deteriorated since 2011, and the 2021 score is by far the lowest score of all EU Member States.

132. Country score Hungary on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 2/4

Explanation in Freedom House Report: "The Fidesz-led government has maintained its efforts to bring schools and universities under close supervision. Legislation adopted in 2014 allows government-appointed chancellors to make financial decisions at public universities. The government has increasingly threatened the academic autonomy of well-established institutions, pulling support, interfering in their affairs, and landing pro-government supporters in leading positions. In 2018, the government revoked accreditation from all gender studies programmes. Pro-government media outlets commonly target activists, academics, programmes, and institutions, often by calling them "Soros agents," referring to Hungarian-born financier and philanthropist George Soros. Legal changes enacted by the parliament in 2017 targeted the Central European University (CEU), a graduate school founded by Soros, by changing the requirements for foreign universities to operate in Hungary. The Court of Justice of the European Union (CJEU) later ruled the 2017 changes were incompatible with European Union (EU) law.

The Fidesz government also targeted the Hungarian Academy of Sciences (MTA), stripping the 200-year-old academy of its network of research institutions in 2019 and handing it over to a new governing body. The controversy later abated when the government agreed that the MTA would maintain much of its funding and operational autonomy. However, in 2020, the MTA elected a new president, well-known for his support of the Fidesz government.

In February 2021, the parliament voted to restructure institutions of higher education, allegedly to increase their competitiveness. Control of 11 public universities, along with billions of euros-worth of public assets, was transferred to quasi-public, government-controlled foundations" (https://freedomhouse.org/country/hungary/freedom-world/2022).

133. Country score for Hungary in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 36 F, with average for EU Member States 52.79 D

[55] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

The scores for Hungary in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is by far the weakest among the EU Member States, which also goes for the *de facto* state of play of academic freedom. The scores in the EU oriented study by Beiter et al. (2016) suggest that the legal protection of academic freedom in Hungary is considerably weaker than in most other EU Member States. In interpreting the scores of the Beiter et al. study, it is important to emphasise that these represent the situation in 2015/16, implying that the possible deterioration since 2016 is not expressed in these scores.

#### Institutional autonomy score

134. Country scores EUA Autonomy Scorecard: Hungary cluster score: 13 / autonomy scores: 50.75%

135. Country score Hungary in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 12,5 (2,5), with average for EU Member States 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Hungary is at a low level, with only France having lower overall scores (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Hungary has the second lowest score for financial autonomy, and has medium low scores for organisational, staffing and academic autonomy. In the study by Beiter et al. (2016) Hungary is ranked last of all EU Member States, suggesting a comparatively very low state of the legal protection of institutional autonomy in the country. Also with respect to these studies it has to be emphasised that the scores are published in 2017 (EUA) and 2016 (Beiter et al.), implying that possible deteriorations since then are not covered.

### 3.15.3. Academic Freedom: Findings for Hungary

#### International attention to academic freedom threats in Hungary

The current situation with respect to academic freedom in Hungary can be characterised by, on the one hand, an international community observing and attempting to address severe and politically motivated infringements and violations of academic freedom, and on the other hand, a suppressed national public debate on the threats to academic freedom. In recent years, a number of high-profiled cases related to restrictions of academic freedom have garnered significant international attention. These include the forced relocation of the Central European University from Budapest to Vienna in 2018, the forced close down of master programmes in gender studies the same year, and the privatisation of the University of Theatre and Film (SZFE) followed by the withdrawal of decision-making powers of its academic senate by the new board of trustees in 2020. Each of these cases represents violations to academic freedom and is linked to issues of legislation and governance that give serious grounds for concern about the state play of academic freedom in the country. This is also reflected in the academic freedom monitors and indexes referred to in this report. For example, in the AFi Hungary has the lowest score of all EU Member States, with a significantly lower academic freedom status than the other EU member countries (Kinzelbach et al., 2022).

At the same time, it can be argued that the international discourse on the threats to academic freedom in Hungary has focused mainly on individual cases of direct government interference without giving equal attention the overall deterioration of and threats to academic freedom in Hungary. In relation to the CEU case, for example, criticisms have been directed at the EU with its judgment being described as inadequate and late (Matthews, 2018; 2020a; 2020b; Upton, 2022). An open letter signed by a number of Jean Monnet chairs, while placing the blame primarily with the Hungarian government, stated that the move was made possible by "EU leaders' inaction" (Alemanno, Kelemen, & Pech, 2018). To compound this, for reasons that will be described below, the discourse climate within Hungary discourages opinions and actions that run counter to the government narrative, suppressing to a large extent public and academic debates on academic freedom.

In this, it is important to point to the frequent and radical reforms affecting higher education that were introduced since the 1990s. Many of these had a negative, eroding impact on the *de facto* state of play of the central dimensions of academic freedom in Hungary. In addition, the reforms also affected the conditions for academic freedom negatively, such as institutional autonomy and self-governance, and more generally the role of the academic community in guarding academic freedom.

### Legal protections of academic freedom

Various aspects of the legislative protection of academic freedom find their references within the Fundamental Law of 2011 and the 2011 Act on Higher Education, with the first amendment to the latter introduced in 2014. Current legislation does not contain language referencing academic freedom, instead referring to the individual freedoms of teaching, research, artistic creation, and learning (Kováts & Rónay, 2021, p. 12). Article X of the Fundamental Law states that Hungary shall ensure the freedoms of research, artistic creation, and learning, while the freedom of teaching shall be ensured within frameworks laid down by additional legislation (2022, p. Article X (1)). Furthermore, regarding questions of scientific truth and evaluation of scientific research, the Law indicates that the State has no legal right in deciding on these questions with the overall responsibility with respect to scientific matters being exclusively reserved for academic community (p. Article X (2)).

With regard to institutional autonomy, there are virtually no protections of or references to it as a fundamental principle in the higher education legislation. The fundamental Law states that "Higher education institutions shall be autonomous in terms of the content and the methods of research and teaching", but delegate matters of organisation to additional legislation (p. Article X (3)).

The legal foundation for the higher education system over the last 30 years can be argued to have been undergoing a "permanent reform process" that has led to instability and regular "changes of the latest changes" (Kováts & Rónay, 2021, p. 11; see also Maassen & Cloete, 2006, pp. 19-20). The current Act on National Higher Education is the third higher education law since 1993, and has itself gone through 15 amendment cycles implementing around 650 individual amendments as of 2017 (p. 11).

It is also of relevance to note that the former Act on Higher Education of 2005 included multiple references to and elaborations on the freedoms of teaching, learning, research, knowledge dissemination, and shaping the academic community (Kováts & Rónay, 2021, pp. 14-15, Appendix 1). By comparison, the legal protections have developed from explicit protection and promotion of academic freedom to a much less comprehensive description of the nature and purpose of these freedoms. The freedom of teaching is particularly vulnerable as the Fundamental Law allows additional legislation to restrict or abolish this freedom without coming into conflict with the Fundamental Law (Kováts & Rónay, 2021, p. 13).

### Academic freedom: Central dimensions

While instances of direct government interference in higher education in general and academic freedom in particular are relatively rare, they are happening at an increasing rate. In addition, the political atmosphere serves in general to discourage academics from teaching, research, or expressing opinions about topics or perspectives that run counter to the government narrative. While teaching and research are legally protected, although to a lesser degree than previously, there are reasons to believe that self-censorship and the avoidance of certain topics is commonplace among academics. In the study by Kováts and Rónay, interview data from 31 academics reveal self-censorship and caution around heavily politicised topics to be common (Kováts & Rónay, 2021, pp. 29-30). Additionally, some academics reported having experienced direct institutional or political pressures on the basis of their research. The increased dependency and vulnerability of academics, both individually and as a community, following various reforms, has apparently led to a heightened level of caution by academics. Nonetheless, engaging in research in certain fields and/or addressing

'sensitive themes', have invoked negative media attention, e.g. in the form of smearing campaigns and misrepresentation of the research in question by pro-government media outlets (p. 34). One example of the former are the "Figyelő-lists" where the magazine with the same name had published the names of 200 academics who were claimed to support George Soros' network (Sandford, Palfi, & Tanacs, 2018). Another example concerns a migration researcher's findings about immigrants' relatively high level of education were misrepresented as being discriminatory of Hungarian citizens (HVG, 2018). More generally, there are clear indications that it has become more difficult in Hungary to retrieve data for research from government-controlled sectors, such as the healthcare or prison systems (Kováts & Rónay, 2021, p. 30).

In addition to the general political atmosphere deterring academics from engaging with certain topics, there are also examples of direct interference violating academic freedom. One example to illustrate this is the case of Andrea Pető, a professor at the CEU and now ex-member of the Hungarian Accreditation Committee (HAC), who was pressured by the president of the HAC to change a paper critical of ENQA (Rankin, 2021). The paper criticised ENQA for being unprepared in the event of an illiberal attack given its inaction in response to recent interferences by the Hungarian government infringing upon academic freedom.

### Academic freedom: Conditions

Public higher education institutions are currently undergoing a governance reform known as the "model change" aimed at privatising the institutions by transferring their control from the state to "public interest trusts" (Kováts & Rónay, 2021, p. 23). The process was aimed at enhancing the autonomy of institutions in matters regarding funding, staffing, organisation, as well as academic autonomy. These were to be achieved by allowing institutions to operate more like businesses allowing for increased flexibility and adaptability in spending, human resource management, determination of salaries, and decoupling from the state. The institutions undergoing the change would potentially see an increase in public funding through a new performance-based funding model (Zubașcu, 2021).

The initial rollout of the reform project was unexpected, but a large majority of public institutions have voluntarily opted to accept the model change. However, observations and criticisms of the implementation of the model change have expressed concerns about the position of institutions and academics vis-à-vis the trusts, and to an extent the government. Kováts and Rónay (2021, pp. 23-26) analyse the changes to organisational, financial, and staffing autonomy following the implementation of the model change .

The composition of the boards of the trusts was for the first year determined by the government through lifetime appointments with the institutions being able to make recommendations. While some recommendations made by the institutions were followed, the transparency of the appointment process was lacking with no guarantee for academic representation at the board. Many board members of trusts at a number of institutions are either active politicians of the governing party or openly sympathetic to the government ideology. As such, the success of the public interest trusts in representing academic and institutional interests varies on a case-by-case basis, depending largely on the composition of the board. More crucially, especially given the lifetime appointment of members by the government, the board is not accountable to the academic senate of an institution, nor other democratically elected bodies.

Financially, the institutions have more autonomy in managing their property and taking on debt provided the board gives its permission. The additional funding promised by the government does in several cases go through the public interest trusts, shifting the involved institutions' dependence from the government to the trusts.

The privatisation of the institutions changed the status of academics from that of public servants to employees of a private corporation. While the government argued that this grants a greater level of

flexibility in pay differentiation as salaries are no longer tied to the public sector, the public servant employee status does not exclude the flexibility in pay differentiation and only ensures the minimum salary level. In addition, the privatisation has also made it easier to terminate contracts which may be interpreted as a deterioration of academic labour conditions, and an increase of dependence by individual academics on the institutions.

Overall, the model change transfers key decision-making powers from the government to the trusts while relegating the academic senate to a consultative position. Key institutional decision making responsibilities have been granted to lifetime-serving board members that have no accountability to the academic senate. The developments at the University of Theatre and Film (SZFE) constitute an extreme example showcasing the above. At SZFE the board of trustees had stripped the academic senate of all relevant decision-making powers without consulting or involving the senate (Kováts & Rónay, 2021, p. 25). A prolonged period of protests and occupation of the university's buildings took place, culminating in a court ruling stating that given the shared interests of the senate and the board for "the operational efficiency and the quality of teaching and research of the higher education institution", that a consideration for the opinions of the senate by the board would be sufficient for upholding institutional autonomy.

The composition of the board being based on government appointments in its entirety further undermines institutional autonomy in practice and violates the principle of academic self-governance. The lack of institutional influence on the appointment process of board members, the lack of accountability on part of the board, and the presence of representatives and sympathisers of the current ruling party makes academic representation difficult and greatly reduces the influence of democratically elected bodies of the institution. While the government has since transferred responsibilities for composing the boards to the trusts themselves, the lack of transparency into the election process has been a source of much criticism. In particular, there are concerns that political representatives of the Fidesz-party and sympathisers from industry and academia currently serving on the board will continue to exert significant influence even after a possible change in government (Zubaşcu, 2021).

Overall, with regard to institutional autonomy, self-governance, academic labour conditions, and the financial conditions under which academics operate, Hungarian universities find themselves in a position of dependence on the public interest trusts and increased susceptibility to interests represented by the boards of trustees. While these changes do not constitute formal restrictions on the conditions for protecting academic freedom per se, the interests of the current government dominate the trusts at the cost of influence by the academic community and its control over academic freedom.

## 3.15.4. Conclusion

The discourse with regard to academic freedom in Hungary appears to be centred on a small number of prolific cases characterised by politically motivated government intervention. As argued by Kováts and Rónay (2021), data on the state of play of the freedom to teach and learn, and the freedom of research are largely unavailable, and insights into the practices of academic freedom must be extrapolated from the legal, political, and institutional realities.

The reform history of the system can be argued to have created governance circumstances at the higher education institutions that are unstable and unpredictable. While legal protections of academic freedom exist on paper, current protections constitute a downgrade from previous laws with regard to detailing the purpose, scope, and importance of key dimensions of and conditions for academic freedom. This combined with current governance arrangements create ambiguity in how academic freedom can be exercised in practice following the privatisation of institutions under the new public interest trusts. The trusts themselves have been subject to criticism with regard to the lack of transparency and accountability, the devolution of the influence and power of the

academic community, and the trusts in some cases serving as potential proxies for government influence. Academics and institutions have become increasingly dependent and vulnerable in their newfound position, and there is a general concern, both inside and outside Hungary, for professional, reputational and financial costs incurred by engaging with politically sensitive research and teaching topics, as well as expressing opinions critical of the government narrative and ideology.

While the system is challenged by vulnerability of academics and students, and fear of "rocking the boat" too much, cases that have entered the international spotlight remain important. Hungary is generally regarded as the main violator of academic freedom in an EU context. At the same time, there are also international and Hungarian commentators stating that the public debates on academic freedom in the country contain elements of "Hungary-bashing" without consideration for the possibility of the Hungarian government's action to some or large extent enabled by EU inaction.

### 3.15.5. Academic Freedom dimensions (summary)

In table 13, a summary is presented of the main findings of the state of play in Hungary of the identified key dimensions of academic freedom.

Table 13: Summary of academic freedom findings: Hungary

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach and learn*** | Prolific cases of political interference in the freedom to teach and learn, and the freedom to research, e.g. the forced relocation of the CEU, and the close down of master programmes in gender studies.<br>Structural hindrances for researchers to do empirical research and access data about public sectors, such as health care and education, affects academic freedom to research negatively. |
| ***3. Freedom of academic expression*** | Clear direct and indirect infringements of academic freedom of expression, for example, the political climate and the risk of punishment or negative media attention in the form of smearing campaigns deter academics from posing as experts in public discourse. In addition, academic self-censorship and the increasing avoidance of politically sensitive topics in research and teaching as a result of the current political climate can be regarded as infringements of *de facto* academic freedom. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is affected by limited legal protections. In addition, the privatisation process through the introduction of 'public interest trusts' has reduced the level of institutional autonomy by making the higher education institutions dependent on the composition, operations and decisions the boards of the trusts. |
| ***5. Self-governance*** | The introduction of the public interest trusts has affected the principle of self-governance negatively in the governance practices at higher education institutions. |
| ***6. Academic labour conditions*** | The introduction of the public interest trusts has caused a deterioration of academic labour conditions |
| ***7. Financial conditions*** | Institutions have become increasingly dependent on public interest trusts for access to public funding. In addition, the allocation of public funding has become more performance-based. Further, researchers at universities and research centres are increasingly experiencing difficulties in acquiring public funding for research on politically/ideologically sensitive topics. |

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# 3.16. Ireland

## 3.16.1. Introduction

This country report on academic freedom in Ireland is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the member countries of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.16.2. Country scores for Ireland on academic freedom and institutional autonomy

In this section, the country scores for Ireland in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, and the EUA Autonomy Scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[56]

### Academic Freedom scores

136. Country score Ireland Academic Freedom index (AFi):

137. 2011: 0.94

138. 2020: 0.94

139. 2021: 0.94 (Rank 12 among EU Member States)

The AFi score of Ireland is stable and represents a medium-high score among all EU Member States.

140. Country score Ireland on Academic Freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is respected. The Roman Catholic Church operates approximately 90 percent of Ireland's schools, most of which include religious education from which parents may exempt their children. The constitution requires equal funding for schools run by different denominations." (https://freedomhouse.org/country/ireland/freedom-world/2022)

141. Country score for Ireland in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 52,5 D (average for EU Member States: 52.79 D)

The scores for Ireland in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. The study by Beiter et al. (2016) positions Ireland at the EU average when it comes to the legal protection of academic freedom in the country.

### Institutional autonomy score

142. Country scores EUA Autonomy Scorecard: Ireland cluster score: 8 / autonomy scores: 67%

[56] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

143. Country score Ireland in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 62,5 (12,5), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Ireland is at a medium level in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Ireland is among the highest scoring countries for academic autonomy, has medium high scores for organisational and financial autonomy, while being amongst the lowest scoring countries for staffing autonomy. On the other hand, in the study by Beiter et al. (2016) Ireland is ranked fourth of all EU Member States, suggesting a comparatively strong state of the legal protection of institutional autonomy in the country.

While the above scores present in general a positive picture of the state of play of academic freedom and institutional autonomy in Ireland, the information on the *de facto* situation in Ireland presented in this chapter reflects a number of worries about the possible threat of the proposed new Higher Education Authority Bill (2022) to institutional autonomy.

## 3.16.3. Academic Freedom Dimensions

### Academic freedom: Central dimensions

#### Current debates

The Universities Act of 1997 provides a clear foundation for the guarding of academic freedom and states that, "a university, in performing its functions shall preserve and promote the traditional principles of academic freedom" (Universities Act, 1997, 1997, p. §14).

Academic freedom also sees wide recognition amongst Ireland's third-level institutions through statements or statutes. Some examples include Trinity College adopting a policy on academic freedom (Trinity College Dublin, 2010), University College Dublin's (UCD) report on academic freedom (Academic Council Task Force, 2022), and The National University of Ireland, Galway's Code of Conduct for Staff (National University of Ireland, Galway, p. 4). A common thread is the emphasis on academic freedom understood as the freedom to teach, the freedom to research and disseminate research results, and the freedom of expression, as well as how these are tied to academic and societal responsibilities.

In recent years, discussions pertaining to academic freedom have been largely focused on events tied to the Higher Education Authority Bill 2022. In short, the bill aims to provide legal foundation for the functions of the HEA and the Minister for Further and Higher Education, Research, Innovation and Science (the Minister) in matters relating to funding and governance of Irish third-level institutions (Explanatory Memorandum, 2022). This is meant to be achieved by "improved oversight and regulation of higher education institutions" by "strengthening governance […] and providing for accountability by the higher education institutions to the HEA and the State, in particular for exchequer funding" (p. 1).

The current iteration of the bill allows for 19 board members, of which ten members form an external majority. The nomination and appointment of members, both external and internal, must satisfy criteria set by the Minister as well as minister-approved policies of the governing body (Higher Education Authority Bill 2022, 2022, p. § 73).

Funding arrangements follow the same pattern with public funds being linked to more comprehensive compliance rules with greater oversight by the HEA. The proposed bill grants the HEA the powers to perform audits and seek refunds in the case an institution's expenditure is not "used in a cost effective and beneficial manner" or if the institution does not "operate according to standards of good governance" (Higher Education Authority Bill 2022, 2022, p. § 38)

Trinity's policy on academic freedom and UCD's report on academic freedom list a number of current potential threats to academic freedom: Strategic planning and the strategic fit of research for strategic objectives; performance indicators potentially hampering innovation through wrongful and inaccurate application; changes in governance structures away from the collegiate model; fixed-term contracts over academic tenure; and state control through funding mechanisms and resource allocation (Trinity College Dublin, 2010, p. §1.4; Academic Council Task Force, 2022, pp. 5-6). At the same time, Trinity College has negotiated itself out of the new governance requirements in order to safeguard its traditions, including its unique form of governance (Harte, 2022). having been granted an exception in the HEA Bill itself (Higher Education Authority Bill 2022, 2022, p. § 74).

A joint letter signed by various student union leaders criticised the government and the Minister for guillotining the debate ahead of the summer break (Molnárfi, Scanlon, Fullam, Pendlebury, & Gujalla, 2022). While The Irish Federation of University Teachers (IFUT) and Irish Universities Association (IUA) have been involved in the parliamentary debates, many proposed amendments have not made it to the final document (McConnell, 2022). Senators have shown concern for the bill being rushed, and it has since been delayed to allow for further debates.

### Academic freedom: Conditions

#### Institutional autonomy

The issues of university autonomy and institutional self-governance are not novel in the context of Ireland, but they have recently manifested themselves through discussions tied to the HEA Bill 2022. A major part of the proposed bill is an expansion of the formal authority granted to the Irish Higher Education Authority (HEA) aimed at creating more transparency and accountability of universities under HEA scrutiny.

The bill has been characterised as "draconian" (Irish Federation of University Teachers, 2022), a "power-grab" by the governmental bureaucracy (McConnell, 2022) and a "wholesale state ownership of the third-level sector" (Moreau, 2022). The Irish Universities Association (IUA) emphasises the importance of institutional autonomy for research and innovation at universities, warning that narrowly defined policy parameters would severely inhibit the ability for universities to differentiate their missions, in turn inhibiting innovation and ambition as well as the international standing of Irish universities (Irish Universities Association, 2021, p. 2).

#### Self-governance

The Irish Federation of University Teachers (IFUT) in particular has highlighted the possible threats to self-governance, ranging from undemocratic and non-representative governing bodies, the absence of protections for academic freedom and institutional autonomy, and the overall expansion of the HEA and Minister's ability to control and intervene in the internal governance of third-level institutions (Irish Federation of University Teachers, 2022). All in all, the HEA Bill is argued to lead changes in governance structures away from the collegiate model.

#### Academic labour conditions

As indicated above, there are worries in the academic community that the HEA Bill will affect the academic labour conditions negatively in the replacement of tenured positions by fixed-term contracts.

#### Financial conditions

The academic community worries that the HEA Bill will lead to increased state control through new funding mechanisms and resource allocation. This would reduce the freedom of academic staff to follow their own teaching and research agendas.

## 3.16.4. Conclusion

The academic community and third-level institutions are concerned the HEA Bill 2022 grants the government more direct control at the cost of academic freedom and institutional autonomy by virtue of the expanded powers of the HEA and the responsible Minister. Irish academics, students, and institutional leadership stress the importance of institutional autonomy with a governance structure that includes the principles of self-governance ('collegiate rule'), including student involvement. This appears to be central to current discussions surrounding the HEA bill introducing an external majority to university boards, while reducing the number of elected student and staff members. Previous discussions at UCD concerning its statement on academic freedom (Fogarty, 2020) as well as Trinity's current efforts to bypass the new governance structure introduced by the HEA bill are also indicative of a focus on institutional autonomy. The HEA bill also aims at introducing a form of funding tied to compliance rules set by the HEA being interpreted as a broader threat to academic freedom by academics, students, and institutional leadership.

## 3.16.5. Academic Freedom dimensions (summary)

In table 14, a summary is presented of the main findings of the state of play in Ireland of the identified key dimensions of academic freedom.

Table 14: Summary of academic freedom findings: Ireland

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified, but there are worries about how the HEA Bill 2022 will affect this freedom in practice. |
| ***3. Freedom of academic expression*** | Worries about the way in which the proposed HEA Bill 2022 will affect the freedom of academic expression within the universities. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Worries about the impact of the proposed HEA Bill 2022 on institutional autonomy. |
| ***5. Self-governance*** | The principle of self-governance is in general well-respected in Ireland, even though there are worries about the impact of the proposed HEA Bill 2022 and the executive turn in university governance on self-governance in practice. |
| ***6. Academic labour conditions*** | Worries that the HEA Bill will affect the academic labour conditions negatively in the replacement of tenured positions by fixed-term contracts |
| ***7. Financial conditions*** | Worries about the impact of new funding arrangements proposed in the HEA Bill 2022 |

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# 3.17. Italy

## 3.17.1. Introduction

This country report on academic freedom in Italy is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.17.2. Country scores for Italy on academic freedom and institutional autonomy

In this section, the country scores for Italy in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, and the EUA Autonomy Scorecard are presented. The underlying datasets were introduced in section 3.2 of this study.[57]

### Academic Freedom scores

144. Country score Italy in Academic Freedom index (AFi):

145. 2011: 0.97

146. 2020: 0.97

147. 2021: 0.97 (Rank 2 among EU Member States)

The AFi score for Italy is stable and among the highest scores of all EU Member States.

148. Country score Italy on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is generally respected." (https://freedomhouse.org/country/italy/freedom-world/2022)

149. Country score for Italy in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 57,5 D (average for EU Member States: 52.79 D)

The scores for Italy in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. The study by Beiter et al. (2016) positions Italy above the EU average when it comes to the legal protection of academic freedom in the country.

### Institutional autonomy scores

150. Country scores EUA Autonomy Scorecard: Italy cluster score: 10 / autonomy scores: 58.75%

151. Country score Italy in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 45 (9), with average for EU Member States 46.29 (9.26).

[57] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

The EUA autonomy scorecard scores of Italy are among the medium-low autonomy scores of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Italy has a medium high score for organisational and financial autonomy, and medium low scores for staffing and financial autonomy. The scores for Italy in the study by Beiter et al. (2016) are slightly below the average of all EU Member States.

## 3.17.3. Academic Freedom: Findings for Italy

### Academic freedom: General principles

Italy's constitution provides protections for aspects of academic freedom through guarantees of freedom the arts and sciences, freedom of establishment, and the freedom for higher education institutions to formulate their own regulations and statutes (Constitution of the Italian Republic, 2020, p. Article 33). Law no. 240 of 2010, also known as the Gelmini Reform, specifies a standardised framework for governance structures and teaching and research contracts, but does this while reiterating the importance of free research, teaching, and university autonomy (Law 30 December 2010, n. 240, 2022, pp. Article 1, Article 2 (1)).

Several of the largest Italian universities identify and stress the importance of academic freedom in their statutes. While these statutes are individually developed by each respective university as stated in the constitution, they bare a number of similarities. As an example, the statute of the University of Padua declares its own organisational, didactic, scientific, financial, and accounting autonomy (University of Padua, 2021, p. Article 1). With regard to individual freedoms, it guarantees freedom of research, teaching, and the right of students to learn (pp. Article 2, 3). Other universities display a similar pattern with the universities of Bologna (University of Bologna, Statuto di Ateneo [Statute of the University], 2017, p. Article 1 (6)), Rome (Sapienza University of Rome, Statute of Sapienze University, 2019, p. Article 1 (1)), and Milan (Università degli Studi di Milano, Statuto [Statute], 2020, p. Article 1 (1)) all identifying the same dimensions of autonomy in addition to promoting and protecting the freedom research, teaching and the freedom or the right to study (University of Bologna, Statuto di Ateneo [Statute of the University], 2017, p. Article 1 (6); Sapienza University of Rome, Statute of Sapienze University, 2019, pp. Articles 1 (5), 7 (1); Università degli Studi di Milano, Statuto [Statute], 2020, pp. Articles 2, 3). Freedom of expression, freedom of criticism, and further support for academic freedom can be found in the respective universities' code of ethics (University of Bologna, 2014; Sapienza University of Rome, 2012; University of Milan, 2019). Another commonality is the acknowledgement of the importance of academic freedom for teaching, research, learning, and the creation and dissemination of knowledge. The University of Milan additionally proclaims that the statute in and of itself is an expression of autonomy (Università degli Studi di Milano, Statuto [Statute], 2020, p. Article 12 (1)). With regard to responsibility, the statutes make basic commitments to engaging in activities that are valuable and beneficial to society in a broad sense, with the University of Milan additionally committing to "third mission activities aimed at spreading culture, knowledge and transferring research results outside the academic community" (Università degli Studi di Milano, Third Mission, 2020).

It is worth mentioning that in dealing with issues of corruption and nepotism in academia, universities have a head of corruption prevention in addition to plan for corruption prevention and organisational transparency. Some examples include the universities of Bologna (University of Bologna, 2022), Milan (Università degli Studi di Milano, 2022), Naples (University of Naples, 2022), Venice (Università Ca' Foscari Venezia, 2022), and Genoa (University of Genoa, 2019).

The University of Bologna recently hosted a three-day event celebrating the Magna Charta Universitatum with a new updated version (Editorial, University and society, in turbulent times: Bologna celebrates the Magna Charta Universitatum, 2022).

### Academic freedom: Central dimensions

#### Corruption in academia

The Italian system has for several years made a deliberate effort to tackle the issue of corruption at its universities. Recently, a police investigation resulted in the suspension of eight members of staff, including the rector, from the Mediterranean University of Reggio Calabria (Upton, 2022a). The investigation was prompted by a complaint by a researcher, Clara Stella Vicari Aversa, who was told by a professor to "wait for her turn" for advancement. The professor had argued that she needed one of her three own researchers to win the competition for the position in question despite Aversa's academic merit (2022). The investigation revealed corrupt practices of nepotism and misuse of university credit cards, resulting in an additional 52 suspects in addition to the eight suspensions.

Corruption is recognised as a significant problem in Italian academia. Insight into the practices reveal that multiple universities have cases of corrupt practices in competitions for academic positions, which are often led by the rectors (Candito, et al., 2022). This raises the question of the primacy of political, social, economic, and familial values over academic ones which potentially damages recruitment and career developments of aspiring academics.

A survey conducted by Libera, an anti-mafia and corruption association, found that students overwhelmingly thought that corruption was a serious problem at universities (Editorial, 2021). Libera have started a campaign promoting greater transparency of competitions for public tenders in academia to better detect corruption and nepotism (Libera, 2021). More recent data shows that the "transparent administration" sections of universities are not readily accessible, that students do not know if anti-corruption plans have been published, and that students do not know if their universities actively promote and practice transparency within the universities (Libera, 2022)

#### Recent violations of academic freedom

In 2019, Italy's far-right governing party, Lega Nord, requested the removal of a book from a university reading list (Matthews, 2019). The book, La Lega di Salvini, was accused by the party in question of wrongfully describing them as "extreme right". While this in itself was a concern for academic freedom, the author also noted the lack of initial resistance, raising the potential for future attacks on academic freedom through censorship. Italian media gave the incident very little attention despite the unprecedented attack on academic freedom following. Academics describe the books characterisation of Lega as "quite banal" in academic circles as previous research was in concurrence with the book's analysis. The party argued that the "anti-Salvini textbook" amounted to political propaganda in its description of the party's features of "an extreme right-wing formation, with racist, xenophobic, politically and socially violent traits" (Paltrinieri, 2019).

The University of Milano-Bicocca had in March 2022 blocked author Paolo Nori from giving a lecture series on Fyodor Dostoevsky citing reasons related to Russia's invasion of Ukraine (Al-Rayes, 2022). The decision sparked widespread criticism and discussion of the suspension among educational and cultural groups. Politicians and parliamentarians were highly critical of the decision characterising it as unfounded cultural censorship at the hands of "incapable bureaucrats" (Baldi, 2022). The university wrote to Nori that "the aim is to avoid any form of controversy, especially internal as it is a moment of strong tension", in reference to the invasion of Ukraine. The university announced the day after their "dismay with the escalation of the conflict" and that the lectures would be held as planned (University of Milano-Bicocca, 2022).

## 3.17.4. Conclusion

The Italian system has made efforts to address issues of corruption and nepotism in academic circles. While the issue of corruption is still being dealt with, compounded by individual cases of attacks on

academic freedom, Italian academics are not worried about the state of academic freedom (Upton, 2022b).

### 3.17.5. Academic Freedom dimensions (summary)

In table 15, a summary is presented of the main findings of the state of play in Italy of the identified key dimensions of academic freedom.

Table 15: Summary of academic freedom findings: Italy

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | While academic freedom is generally well-respected, there are worries about the impact of corruption and nepotism on the freedom of academics to follow their own research and teaching agendas |
| ***3. Freedom of academic expression*** | Worries about government interference and an unstable political climate on the freedom of academic expression |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is in general well-respected in Italy. Worries about possibilities of undue government interference in institutional affairs in the unstable political climate |
| ***5. Self-governance*** | The principle of self-governance is in general well-respected. Worries about threats to self-governance in practice due to the unstable political climate and institutional corruption and nepotism |
| ***6. Academic labour conditions*** | Worries about impact of corruption and nepotism on academic labour conditions |
| ***7. Financial conditions*** | The level of R&D expenditure in the public sector in Italy is around 66% of the EU average. Worries about the impact of the relatively low level of public funding of research on the financial conditions under which academics operate. |

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# 3.18. Latvia

## 3.18.1. Introduction

This country report on academic freedom in Latvia is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.18.2. Country scores for Latvia on academic freedom and institutional autonomy

In this section, the country scores for Latvia in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, and the EUA Autonomy Scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[58]

### Academic Freedom scores

152. Country score Latvia in Academic Freedom index (AFi):

153. 2011: 0.96

154. 2020: 0.97

155. 2021: 0.97 (Rank 3 among EU Member States)

The AFi score of Latvia is stable and among the highest scores of all EU Member States.

156. Country score Latvia on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 3/4

Explanation: "While academic freedom is largely upheld, lawmakers have begun to place some limitations on instruction in recent years.

Authorities in 2018 endeavoured to discourage or eliminate the use of minority languages in schools and universities, and the measures were generally viewed as targeting Russian-language instruction. After a Constitutional Court ruling, the Saeima amended the legislation in April 2021 to allow university-level instruction in other official European Union (EU) languages." (https://freedomhouse.org/country/latvia/freedom-world/2022)

157. Country score for Latvia in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 60 C (average for EU Member States: 52.79 D)

The scores for Latvia in the AFi suggest that the legal protection of academic freedom in the country is very strong, while there are some worries expressed in the Freedom House index about limitations

[58] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

in the use of 'non-national' languages in instruction recently. The study by Beiter et al. (2016) positions Latvia above the EU average on position 10 when it comes to the legal protection of academic freedom in the country.

#### Institutional autonomy score

158. Country scores EUA Autonomy Scorecard: Latvia cluster score: 8 / autonomy scores: 70.5%

159. Country score Latvia in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 50 (10), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores of Latvia are among the medium-high autonomy scores of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Latvia has the second highest score for financial autonomy, a high score for staffing autonomy, and medium low scores for organisational and academic autonomy. The scores for Latvia in the study by Beiter et al. (2016) are above the average of all EU Member States.

### 3.18.3. Academic Freedom: Findings for Latvia

#### Academic freedom: General principles

In recent years, the Latvian government has been working on a reform of the higher education system aimed at changing internal governance structures and operational criteria for accredited institutions. With regard to aspects of academic freedom, the debates were mainly concerned about threats to institutional autonomy by forced centralisation and professionalisation of the system as well as the quality and inclusivity of the debates themselves.

Multiple aspects of academic freedom are recognised legally and institutionally in Latvia. Legally, protections are to be found in the Law on Universities which provides more details on these freedoms and the responsibility for their protection (Law on Universities, 2022). Academic freedom is understood to cover freedom of study and freedom of research (p. Article 6.). Institutional autonomy is identified as the right to self-governance, the right to determine strategy, research profile, admission requirements, internal organisation, and financial autonomy (p. Article 4.).

The institutions themselves reiterate some of the commitments to these principles through their university constitutions and codes of ethics. To name same examples, the code of ethics of the University of Latvia describes academic freedom as a mix of freedom of research and freedom of expression based on critical and creative thinking (University of Latvia, 2021, p. 2), while the constitution of Rīga Stradiņš University explicitly mentions freedom of studies, research, and creativity, and also provides provisions for freedom of teaching (Rīga Stradiņš University, 2022, p. 3). Interestingly, RSU presents institutional autonomy as "characterised by the sharing of power and responsibility between public authorities and the University management, as well as between the University management and the academic staff" (p. 3). The University of Latvia's constitution makes few mentions of societal responsibility or accountability, but loosely links the determination of study programmes to the development of the Latvian society, culture, and economy (University of Latvia, 2022, p. 2).

#### Academic freedom: conditions

##### Institutional autonomy and self-governance: Recent governance reform

The Ministry of Education and Science and the academic community have for the last two years discussed the upcoming higher education reform. The aims of the reform are to make Latvian higher education more internationally competitive by introducing instruments of strategic control and transparency (Delfi.lv, 2020). The reform also aims to overhaul the career and development system

of academic staff in order to better reflect that "a lecturer in a university is a teaching, scientific and 'third mission' worker". The major, and most widely discussed, components of the reform include:

160. the introduction of a university council with both academic and external members;

161. the abolition of the nation Higher Education Council and the transfer of its responsibilities to the Higher Education Quality Agency and Latvian Science council;

162. the introduction of a typology of institutions into the law;

163. minimum criterion of 4000 students enrolled at an institution.

While the proposal received initial support from the government, academic associations have been highly critical of both the proposal and the negotiations. During a press conference attended by a number of the country's rectors, the president of the Latvian Academy of Sciences, and the chair of the Rector's Council, it was argued that the process lacked transparency with negotiations not being mutually beneficial (Sondar, 2020). The Rector's Council was not invited to participate in working groups deliberating the proposal, which was interpreted as the Ministry being selective in which stakeholders should be allowed to participate. This was coupled with an impression of the meetings being held "in a hurry" in an attempt to force progress without addressing issues of implementation.

A few months later, the Latvian Academy of Sciences (LZA), the Board of Rectors of Latvia (LRP), and the Latvian University Association (LUA) released a Statement condemning the proposed law as a serious attack on university autonomy that can lead to the degradation of Latvian universities (Latvias Academy of Sciences, 2020). The statement raises a number of critical faults with the proposed amendments.

The university councils in their proposed form directly contend with the constitutional assemblies and academic senates of higher education institutions when it comes to responsibilities concerning budgetary decisions, development plans, and development strategies, infringing upon universities' ability to influence important decisions. Although responsibilities directly tied to teaching and research activities are handed to the academic senate, the executive powers of the university council could potentially severely limit autonomy at institutional, faculty, and individual levels. Furthermore, it is noted that the external members of the councils are not required to declare previous sources of income, which increases the risk of foul play, corruption, and political influence going undetected.

The abolishment of the Council of Higher Education, which currently functions as an independent body representing major stakeholders overseeing quality and accreditation, also constitutes a threat to autonomy as the responsibilities will be taken up by the Higher Education Quality Agency (AIKA) and the Latvian Council of Science which are both under the direct administration of the Ministry.

The numerical requirement of 4000 students is argued to be problematic as it will lead to the closing of a number of institutions, potentially damaging regional development. There is also a concern for the simplification of the election and dismissal of rectors as well as the process being moved closer to the Ministry's political influence.

On a more general level, the amendments are highly criticised for being vague in terms of the nature of the proposed changes as well as the process of implementation in the near future. The proposals are accused for not accounting for democratic representation at the higher education institutions, not detailing the financing of the reform and investments into the future of Latvian higher education and research, and excluding colleges from the typology of institutions, despite them providing short-cycle professional programmes.

Overall, the statement argues that the amendments lead to increased centralisation, concentration of power with a small number of political actors, and weaker representation of internal interest in matters of budgeting, development, strategy, and the appointment of institutional leadership. It further claims that the amendments would be in non-compliance with the Magna Charta Universatum, the Lisbon Convention, the Sorbonne Declaration, and other international agreements protecting academic freedom and institutional autonomy. Ultimately, the reform is described by some as leading Latvian higher education into a Soviet-resembling era of centralisation and state-control.

In the end, the majority of the proposed changes were dropped from the draft law following the criticisms from the country's rectors and academic associations with the introduction of university councils being the only major component remaining (Upleja, 2021). The rector of Rīga Stradiņš University has commented that they await the new councils with caution as the majority of the members will be external, potentially creating an atmosphere of mistrust and confusion.

In late 2020, the Council of Rectors voiced their support for the Latvian Education and Science Employee's Union (LIZDA) in their call for the resignation of Minister of Education and Science (LETA, 2021). LIZDA had based their evaluation on a list of requirements related to the draft law, working conditions for teachers, emergency provisions for remote teaching during COVID-19, the inadequate funding of higher education, and communication with between LIZDA and the Ministry more generally (LIZDA, 2020a). LIZDA's conclusion was that these requirements have not and will not be met by the minister (LIZDA, 2020b).

### 3.18.4. Conclusion

The reform proposal in its early stages was regarded as poorly throughout with a political process that was argued to lacked transparency and involvement by major stakeholders in Latvian higher education. The academic community has agreed with the need for reform at a general level, but has pointed out flaws with the proposed amendments to the law that potentially could have threatened academic freedom and institutional autonomy in Latvia. In particular, the balances of power and responsibilities in the proposals, and even during the negotiations of the draft, were argued to being skewed towards the ministry. Initiatives aimed at closing and centralisation of institutions, important decisions being potentially influenced by the university council's possible links to political and economic interest groups, and some specifications of procedures that could allow for broad and selective interpretations of the law caused alarm among academics. In the end, most of the proposals were removed, and the universities are waiting for the implementation of the proposals on the university councils.

### 3.18.5. Academic Freedom dimensions (summary)

In table 16, a summary is presented of the main findings of the state of play in Latvia of the identified key dimensions of academic freedom.

Table 16: Summary of academic freedom findings: Latvia

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research*** ***2. Freedom to teach, and freedom to study*** | No infringements or violations identified. Worries about potential for increased government interference in relation to higher education reforms |
| ***3. Freedom of academic expression*** | No infringements or violations identified. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Worries about potential for increased government interference in relation to higher education reforms |
| ***5. Self-governance*** | Principle of self-governance is in general well-respected. Worries about the proposed changes in the universities' governance structures and the possible impact of university council on self-governance in practice |
| ***6. Academic labour conditions*** | Worries about possible impact of HE reforms on academic labour conditions |
| ***7. Financial conditions*** | The level of R&D expenditure in the public sector in Latvia is around 55% of the EU average. Worries about the impact of the relatively low level of public funding of research on the academic freedom of academics. |

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# 3.19. Lithuania

## 3.19.1. Introduction

This country report on academic freedom in Lithuania is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.19.2. Country scores for Lithuania on academic freedom and institutional autonomy

In this section, the country scores for Lithuania in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, and the EUA Autonomy Scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[59]

### Academic freedom scores

164. Country score Lithuania in Academic Freedom index (AFi):

165. 2011: 0.96

166. 2020: 0.94

167. 2021: 0.92 (Rank 16 among EU Member States)

The AFi score of Lithuania is positive and represents a medium positions among all EU Member States.

168. Country score Lithuania on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is respected, and the educational system is generally free from political influence." (https://freedomhouse.org/country/lithuania/freedom-world/2022)

169. Country score for Lithuania in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 59,5 D (average for EU Member States: 52.79 D)

The scores of Lithuania in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, which is confirmed in the EU oriented study by Beiter et al. (2016), which suggests that the legal protection of academic freedom in Lithuania is stronger than average in the EU Member States.

### Institutional autonomy score

170. Country scores EUA Autonomy Scorecard: Lithuania cluster score: 7 / autonomy scores: 68.5%

[59] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

171. Country score Lithuania in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 55 (11), with average for EU Member States 46.29: (9.26).

The EUA autonomy scorecard scores of Lithuania are among the medium-high autonomy scores of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Lithuania has a relatively high score for organisational and staffing autonomy, medium high scores for financial and staffing autonomy, and a medium low score for academic autonomy. The scores for Lithuania in the study by Beiter et al. (2016) are above the average of all EU Member States (rank 6, see Annex 3).

## 3.19.3. Academic Freedom Dimensions

### Academic freedom: Legislative and institutional foundation

Institutional autonomy is guaranteed for higher education institutions by the Lithuanian constitution's Article 40 (Constitution of the Republic of Lithuania, 1992). This is further elaborated in the Law of Higher Education and Research which identifies several aspects of both institutional autonomy and academic freedom, which are both listed as basic principles (Law on Higher Education, 2015). Article 7 details the autonomy and accountability of higher education institutions, and states that "autonomy covers academic, administrative, economic and financial activities, and is based on the principles of self-governance and academic freedom" (Law on Higher Education, 2015, p. Article 7 (1)). Institutional autonomy covers aspects of freedom of research, freedom of teaching, autonomy to define study programmes, financial autonomy, and academic self-governance. HEIs are subject to monitoring by the government, and must publish an annual activity report on their website with information on teaching and research activities as well as on income from and expenditure of national public investments and EU income.

Furthermore, the Law outlines the objectives of higher education institutions, differentiating between universities and colleges. Whereas universities are expected to educate scientists, conduct research, and promote the image of science to the public (Law on Higher Education, 2015, p. Article 8), colleges are expected to carry out studies "which satisfy the needs of the State, society, and the economy of Lithuania" (p. Article 9).

Lithuanian higher education institutions reiterate an emphasis on these basic principles through their individual statutes and codes of ethical conduct. The statute of Kaunas university of Technology identifies freedom of expression, freedom of research, equality, and freedom of publishing as parts of academic freedom (Kaunas University of Technology, 2012). While other university state a general support for academic freedom and freedom of expression in their statutes, several of the universities' code of ethics explicitly mention that academic freedom ought not to be used to discriminate, disrespect, or restrict the academic freedom of other members of the academic community (Vilnius University, 2020).

### Academic freedom and labour conditions

While the Lithuanian higher education system is experiencing challenges linked to a decline in student numbers, low salaries for academic staff (Murauskaitė, 2021), and the most recent higher education reform resulting in a number of university mergers (Caturianas & Budraitis, 2019), very few of these discussions are linked to aspects of academic freedom and institutional autonomy. However, there are publicly expressed worries about less than satisfactory working conditions in Lithuanian academia. The government has in these cases taken a supervisory approach, arguing that the HEIs themselves bear the responsibility for managing internal issues by virtue of their autonomy. An example to illustrate this governance practice is that representatives of academic staff have expressed at various occasions concern for low salaries at public institutions shedding light on a situation where academic staff are forced to take on second jobs in addition to their teaching and research responsibilities (Malinauskaitė, 2022). In 2021, the Ministry of Education took the position

that the constitution is granting higher education institutions the financial autonomy to determine salaries themselves (Murauskaitė). It is relevant here to point to the fact that academics employed by a Lithuanian institution receive an addition to their slary for every research grant that is awarded by the Research Council. Thus they tend to pursue research funding lines (as in many other EU countries). Together with the institutional emphasis on academic publishing as essential for career advancements, one might argue, has a potentially negative impact on the academic freedom to follow your own research and teaching agenda (Leišytė, et al., 2022).

In a case that concerns a possible violation of academic freedom, an employee at the Vilnius Academy of the Arts accused the institution of wrongfully firing him and several other employees without notice (Liubertaitė, 2021). The employee in question described the work environment as characterised by bullying, which ended in the undue termination of contract. The institution cited work violations as the reason for terminating the contract, and was regretful for the lack of communication. In a response, the responsible Ministry deferred to the Law on Higher Education, which establishes the autonomy of institutions in labour disputes, stating that the minister has no authority in the matter.

### Academic freedom, institutional autonomy, and state intervention

After the transition to a democratic political order starting in 1992, the reforms and adaptations of Lithuania's higher education system to democratic values and principles have been firmly embedded in constitutionally promoted and protected academic freedom and institutional autonomy. However, over time the higher education institutions have been subject to increasing forms of state intervention, which are argued to have gone as far as violating the autonomy of universities and colleges (Spurga & Žalėnienė, 2021). While some decisions leading to restricting the autonomy of the HEIs were declared unconstitutional by the Lithuanian Constitutional Court, the governmental attempts at interfering in institutional matters have continued seemingly without clear strategic objective(s) or framework, with measures and policies being frequently changed (Spurga & Žalėnienė, 2021). This interference was combined with a 'steering-at-a-distance' approach in cases where higher education institutions or their staff would interfere, such as low staff salaries and complaints about unconstitutional dismissal of staff.

The growing governmental interference is argued to be caused by the policy focus of Lithuanian governments in the economic relevance and use-orientation of university research, and their position in global rankings (Leišytė et al., 2018). At the same time, Lithuania has one of the lowest levels of government spending per student at the tertiary level in the EU, which is at 50% of the OECD average (OECD, 2019). While the situation for public investments in R&D is more positive, it is still below the EU average at 72% (European Union, 2022). At the same time, the level of public investments in academia is among the highest in the EU13, and the gap between Lithuania and the other EU member countries is decreasing both for higher education and R&D funding (Leišytė et al. 2021)

The policy focus on the economic contributions of higher education institutions and their performance puts pressure on the universities and colleges to abandon their traditional mission, with a clear foundation in academic freedom, and become more use oriented. This situation clearly has contributed, together with demographic developments in the country, to the relatively high levels of brain drain from the country (Leišytė & Rose, 2016). The low funding levels play also a role in the low attractiveness of Lithuania for international students and scholars. This affects the higher education system in many ways, e.g. through decreasing enrolment levels of students, the low numbers of international doctoral students, and the difficulties in recruiting and maintaining high-performing academic staff.

## 3.19.4. Conclusion

Lithuania's constitution and higher education laws provide a strong foundation for promoting and guarding academic freedom and institutional autonomy, and overall, there are very few discussions and publicly expressed worries about academic freedom in the country. On the other hand, institutional autonomy is not as consistently respected and protected by the government as one might expect, with seemingly rather arbitrary combinations of steering-at-a-distance combined with government interference aimed at stimulating the performance and relevance of higher education and science. In addition, the relatively low levels of public investments in higher education and R&D contribute to brain drain and the low numbers of international students and staff in Lithuanian higher education institutions. Therefore, while overall the situation with respect to academic freedom and institutional autonomy is positive in the country, there are areas where institutional autonomy is under pressure in higher education in Lithuania. In addition, while there are no infringements or violations of academic freedom in Lithuania, the inconsistencies in the ways in which institutional autonomy is respected and the relatively low levels of public funding have a potential impact on the freedom of research and the freedom to teach of academic staff at Lithuania higher education institutions.

## 3.19.5. Academic Freedom dimensions (summary)

In table 17, a summary is presented of the main findings of the state of play in Lithuania of the identified key dimensions of academic freedom.

**Table 17: Summary of academic freedom findings: Lithuania**

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified. |
| ***3. Freedom of academic expression*** | No structural infringements or violations identified, but worries about individual cases |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | No infringements or violations of institutional autonomy identified, but worries about inconsistent government interpretation and use of its formal responsibilities in its governance relationship with the higher education institutions. |
| ***5. Self-governance*** | The principle of self-governance is in general well-respected in Lithuania |
| ***6. Academic labour conditions*** | Relative low level of public investments in higher education and research has a negative effect of the attractiveness of the academic profession in Lithuania with a potential impact on academic freedom |
| ***7. Financial conditions*** | Worries about the low level of public investments in higher education and research on the academic freedom of academics to pursue their own research and teaching agendas. |

## 3.19.6. References


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# 3.20. Luxembourg

## 3.20.1. Introduction

This country report on academic freedom in Luxembourg is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.20.2. Country scores for Luxembourg on academic freedom and institutional autonomy

In this section, the country scores for Luxembourg in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[60]

### Academic freedom scores

*172.* Country score Luxembourg in Academic Freedom index (AFi):

173. 2011: 0.96

174. 2020: 0.95

175. 2021: 0.96 (Rank 7 among EU Member States)

The AFi score for Luxembourg is stable and represents a high score among all EU Member States.

*176.* Country score Luxembourg on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is generally respected in practice." (https://freedomhouse.org/country/luxembourg/freedom-world/2022)

[60] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

177. Country score for Luxembourg in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 47,5 E (average for EU Member States 52.79 D)

The scores of Luxembourg in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong. However, in the EU oriented study by Beiter et al. (2016, p. 328), it is indicated that the legal protection of academic freedom in Luxembourg is slightly weaker than average in the EU Member States, with Luxembourg ranked 22 among the EU Member States.

#### Institutional autonomy score

178. Country scores EUA Autonomy Scorecard: Luxembourg cluster score: 7 / autonomy scores: 77%

179. Country score Luxembourg in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 45 (9), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores of Luxembourg are among the medium-high autonomy scores of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Luxembourg has the highest score among all included countries for financial autonomy, and high scores for academic and staffing autonomy. On the other hand, Luxembourg has the lowest score of all included countries for organisational autonomy. The scores for Luxembourg in the study by Beiter et al. (2016) are slightly below the average of all EU member countries.

### 3.20.3. Academic freedom dimensions

#### Academic freedom: Legal and institutional foundations

Luxembourg has a rather unique higher education system within the EU in that it only has one public institution of higher education, that is, the University of Luxembourg (UoL). Higher education is governed by two laws: the Law on the Organisation of Higher Education and the Law on the Organisation of the University of Luxembourg. The latter prescribes a governance structure with a governance council in which eleven out of thirteen members are external and proposed by the Minister of Higher Education, a rector appointed by the governance council, and a university council with staff and student representatives that serve an advisory function to the governance council (Law on University of Luxembourg, 2018, pp. Art. 6, 8, 13). Academic freedom is defined as "freedom of thought and expression in teaching and research in the absence of any political, economic, religious or ideological influence" and applies to all teaching and research staff (pp. Art. 1 (7), 19). The mission of the UoL states that, "it is committed to inviolable foundational principles of human dignity, liberty, equality and rigorously protects academic freedom" (University of Luxembourg, 2022). The law makes basic provisions for educational, scientific, administrative, and financial autonomy, but prohibits the university from acting upon motives of profit (p. Art. 2).

The government of Luxembourg decided in 2018 that the budget for higher education and research for the period 2018-2021 would amount to €1.44 billion, an increase of 25% compared to the period 2014-2017. For the period 2022-2025 this budget was further increased to €1.7 billion, up 17.6% on the previous years. With this increased budget, Luxembourg remains the biggest investor in R&D per capita in the EU, providing a high level of economic room to manoeuvre to the academic staff of the University of Luxembourg, and research staff at non-university research institutes.[61]

[61] See website of Research Luxembourg: https://www.researchluxembourg.org/en/luxembourg-remains-the-biggest-investor-in-rd-per-capita/

### Academic freedom: Conditions

The discussions related to higher education in Luxembourg reveal no infringements or violations of academic freedom. This is in general confirmed for the educational activities at the UoL in an institutional evaluation of learning and teaching at UoL performed by the Accreditation Organisation of the Netherlands and Flanders (NVAO, 2021). Only at a few places in the report a reference is made to possible academic freedom issues. For example, study programmes in teacher education remain highly coordinated, with the government tailoring study programmes to the needs of Luxembourgish primary and secondary education. This is described as a difficult negotiation between scientific rigor and political needs that raise questions of academic freedom (p. 49). As regards autonomy, the report refers to the existing practice of utilising informal communication channels between members of the university community and members of government, adding a political dimension that might undermine the university's autonomy (p. 9). This is compounded by a concern for the hierarchical organisation model prescribed by law weakening the position of students and staff in the formal governance structure when it comes to participating in decision-making processes (pp. 9-10). At the faculty level, the report comments on the limited administrative power in matters of academic staff recruitment, delays in student admission, and alumni engagement (p. 36).

The report contains some general recommendations to rectify some of the issues pertaining to academic freedom and institutional autonomy, include setting up, ".. a joint project between the Ministry of Higher Education and Research and the University of Luxembourg to analyse if the current regulations impacting organisational autonomy are not overly constraining the development and flexibility of the University" (NVAO, p. 20).

Strikingly, in the response to the Evaluation report by the University of Luxembourg (2021), no references are made to academic freedom or institutional autonomy.

## 3.20.4. Conclusion

The rather unique nature of the Luxembourgian society, economy and higher education system form the foundation for the absence of publicly expressed worries about academic freedom and institutional autonomy. Even though a recent evaluation of the learning and teaching at UoL makes some references to academic freedom and institutional autonomy issues, in practice these issues seem to be of not urgent to the UoL leadership, and have not led to public debates or other activities of academic staff or students comparable to the state of play of academic freedom in other EU member countries. In this, the fact that Luxembourg is the biggest investor in R&D per capita in the EU can be assumed to play a role, given that especially the UoL, as the only public university in the country, profits from this high level of public investments.

## 3.20.5. Academic Freedom dimensions (summary)

In table 18, a summary is presented of the main findings of the state of play in Luxembourg of the identified key dimensions of academic freedom.

Table 18: Summary of academic freedom findings: Luxembourg

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified. |
| ***3. Freedom of academic expression*** | No infringements or violations identified. |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is strongly anchored in the country's constitution and higher education Law. Worries about institutional autonomy relate to the size of the country and the consequent close contacts between some academics at the University of Luxembourg and national politicians, which might undermine in some respects the autonomy of the University |
| ***5. Self-governance*** | Worries about self-governance in practice as a consequence of hierarchical governance and organisation model for the University of Luxembourg prescribed by law |
| ***6. Academic labour conditions*** | Academic labour conditions are comparatively positive at the University of Luxembourg |
| ***7. Financial conditions*** | Financial conditions for academics in Luxembourg are regarded as comparatively positive. |

## 3.20.6. References


Beiter, K.D., Karran, T. and Appiagyei-Atua, K (2016). Academic Freedom and Its Protection in the Law of European States Measuring an International Human Right. *European Journal of Comparative Law and Governance, 3*, 254-345.

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# 3.21. Malta

## 3.21.1. Introduction

This country report on academic freedom in Malta is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.21.2. Country scores for Malta on academic freedom and institutional autonomy

In this section, the country scores for Malta in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, are presented.[62] Malta is not included in the EUA Autonomy Scorecard.

What these scores mean and to what extent they reflect the actual developments in Maltese higher education is an open question. The remainder of the chapter will therefore present a brief overview of the current discussions with respect to academic freedom in Malta.

### Academic Freedom scores

*180.* Country score Malta in Academic Freedom index (AFi):

181. 2011: 0.94

*182.* 2020: 0.93

*183.* 2021: 0.93 (Rank 14 among EU Member States)

The AFi score for Malta is stable and represents a medium position among all EU Member States.

*184.* Country score Malta on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "The education system is free from extensive political indoctrination." (https://freedomhouse.org/country/malta/freedom-world/2022)

*185.* Country score for Malta in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 36 F (average for EU Member States: 52.79 D)

The scores of Malta in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is comparatively strong. On the other hand, the EU oriented study by Beiter et al. (2016), suggests that the legal protection of academic freedom in Malta is among the weakest of the EU member countries.

### Institutional autonomy score

186. Country scores EUA Autonomy Scorecard: Malta not included in the EUA scorecard

[62] For a brief introduction of these data sets, and their indicators and methodologies, see section 3.2 of this study. For a detailed discussion, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

187. Country score Malta in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 52,5 (10,5), with average for EU Member States: 46.29 (9.26).

The scores for Malta in the study by Beiter et al. (2016) are above the average of all EU Member States (rank 7).

## 3.21.3. Academic Freedom: Findings for Malta

### Academic freedom: legislative and institutional foundation

The higher education system of Malta consists of one public university (University of Malta), a number of private universities, and a number of colleges. The higher education legislation of Malta does not make an explicit reference of academic freedom. The higher education legislation offers the University of Malta a relatively strong protection of institutional autonomy. At the same time, there are worries that the current legislation allows for government intervention in internal university affairs, while the protection of academic self-governance is relatively weak.

In the University of Malta's strategic plan (2020-2025) it is indicated that the university is committed to the values of academic freedom, institutional autonomy, good governance, accountability, equality and social responsibility (University of Malta, 2020). However, these values are not further discussed in the plan, nor in the university's statutes, and it therefore remains unclear what they represent, and how the university wants to promote and guard them in practice.

The American University of Malta (AUM) was established in 2016 with support from the then government of Malta. This support included transferring land to a Jordanian investor to build and run AUM, and was inspired by the expected positive impact AUM would have on the development of Southern Malta. The development of AUM, however, did not live up to the expectations, and the university did not manage to enrol the projected student numbers (Falzon, 2022). This implies that the University of Malta remains the only comprehensive research university in the country. Consequently, the state of play of academic freedom and institutional autonomy on Malta have to be interpreted mainly in relation to the University of Malta.

## 3.21.4. Academic Freedom dimensions (summary)

In table 19, a summary is presented of the main findings of the state of play in Malta of the identified key dimensions of academic freedom.

Table 19: Summary of academic freedom findings: Malta

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified. Worries about the potential of government interference as a consequence of the weak legal protection of academic freedom |
| ***3. Freedom of academic expression*** | No infringements or violations identified. |
| **b. Conditions for academic freedom** | |

| | |
|---|---|
| ***4. Institutional autonomy*** | Institutional autonomy (of the University of Malta) is well-respected by the public authorities of the country. Worries about the weak legal protection of institutional autonomy and the potential of government interference |
| ***5. Self-governance*** | Worries about the weak legal protection of the principle of self-governance |
| ***6. Academic labour conditions*** | Worries about the impact of the relatively low level of public investments in research on academic labour conditions |
| ***7. Financial conditions*** | Relative low level of public investments in research. Worries about the possible impact of the financial conditions for academics on academic freedom |

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## 3.22. The Netherlands

### 3.22.1. Introduction

This country report on academic freedom in the Netherlands is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

### 3.22.2. Country scores for the Netherlands on academic freedom and institutional autonomy

In this section, the country scores for the Netherlands in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[63]

[63] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

### Academic Freedom scores

*188.* Country score the Netherlands in Academic Freedom index (AFi):

189. 2011: 0.92

*190.* 2020: 0.92

*191.* 2021: 0.86 (Rank 24 among EU Member States)

The AFi score for the Netherlands is stable in 2011-2020, but the 2021 score indicates a deterioration to the lowest position among the EU Member States that have Status A in the AFi.

*192.* Country score the Netherlands on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is largely respected in the Netherlands." (https://freedomhouse.org/country/netherlands/freedom-world/2022)

*193.* Country score for the Netherlands in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 44 E (average for EU Member States: 52.79 D)

The Freedom House score for the Netherlands indicates that the *de facto* situation for academic freedom is positive in comparison to most countries in the world. On the other hand, the AFi index puts the Netherlands at the lowest position of the 24 EU Member States with Status A. This is in line with the EU oriented study by Beiter et al. (2016, p. 328), which indicates that the legal protection of academic freedom in the Netherlands is below the average for the EU Member States (rank 24).

### Institutional autonomy scores

194. Country scores EUA autonomy scorecard: the Netherlands cluster score: 9 / autonomy scores: 66.75%

195. Country scores the Netherlands in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 45(9), with average for EU Member States 46.29 (9.26).

The EUA autonomy scorecard scores of the Netherlands are among the medium scores of all involved countries (see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that the Netherlands has medium high scores for organisational, financial and staffing autonomy, and a medium-low score for academic autonomy. The scores for the Netherlands in the study by Beiter et al. (2016) are slightly below the average of all EU Member States.

## 3.22.3. Academic Freedom: Findings for the Netherlands

### Academic freedom: Basic provisions

Academic freedom is not referred to in the Constitution in the Netherlands, but is regulated through HE legislation, that is, article 1.6 of the national Higher Education Law: "Aan de instellingen wordt de academische vrijheid in acht genomen" ("*Academic freedom is being respected at the institutions*"). The association of Dutch universities (*Universiteiten van Nederland-UNL*) has published in 2021 a guide for academics concerning how to deal with threats and harassment (Universiteiten van Nederland, 2021). In this guide it is, amongst other things, elaborated what the institutional responsibility for respecting academic freedom means. According to the UNL this implies that there must be sufficient room to express points of view based on scientific insights and that the scientist is not only protected externally, in the public debate, but also within his/her institution (see also, Kummerling, 2022). This initiative is followed by the establishment on 7 November, 2022, of a national platform called SafeScience (in Dutch: WetenschapVeilig), which is accessible 24 hours a

day and is supporting Dutch academics who are threatened, intimidated or harassed in relation to their academic work, to find the right support. In addition, SafeScience provides relevant information about what staff, university leaders and managers, and the institutions can do to prevent or respond to threats and intimidation. ScienceSafe also exchanges expertise on how to protect academics, for example, by monitoring and sharing good examples.[64] SafeScience is an initiative by the Universities of the Netherlands,[65] the Dutch Research Council (NOW), and the Royal Netherlands Academy of Arts and Sciences (KNAW).

. Academic freedom: Central dimensions

Like in other EU Member States, also in the Netherlands there are worries about possible threats to the three central dimensions of academic freedom. There is broad agreement that the main threats come from politics, the public authorities and the executive leadership and management of the higher educations on the one hand, and on the other hand from 'cancel culture' and 'wokeness,'[66] which have argued to lead to reduced diversity in academic perspectives and self-censorship in academia. In addition, threats and harassment from societal actors especially through social media on scientists involved in the development and implementation of Covid-19 measures, have had a negative effect on the freedom of academic expression.

### Academic freedom: Political worries

Two members of the Dutch parliament asked in 2017 through a parliamentary motion for an investigation into possible (political) self-censorship in Dutch science (ScienceGuide, 2018). The motion was motivated by research from the US which showed that there is a political left-wing bias among university staff, with a negative impact on the room for diversity of political views at the universities. While the then Minister of Higher Education and Science rejected the motion, it was supported by a parliamentary majority. As a consequence, the Dutch Royal Academy of Sciences (KNAW) was asked for advice. The KNAW decided not to investigate and opted instead for a so-called advisory letter (Koninklijke Nederlandse Akademie van Wetenschappen, 2018). One of the arguments for not doing an investigation is that the practice of scientific activities is international, and answering the questions addressed in the motion would therefore require an international investigation, which goes beyond the capacities of the KNAW. Nonetheless, in its letter the KNAW is in general positive about the *de facto* situation of academic freedom in the Netherlands. One of the central framework conditions in this is formed by codes of conduct set up by the higher education institutions themselves, which, according to the KNAW (2018) provide enough support to prevent that self-censorship takes place. At the same time, the KNAW point to possible threats from societal pressures and politics. Concerning the possible impact of societal pressures the KNAW warns that steering the focus of research too much in the direction of societal needs will have a negative effect on academic freedom. Also the efforts of the political system to steer research substantively through earmarked public funding will limit academic freedom in practice. Finally, the KNAW concludes in its letter that in the current circumstances there are no clear indications that point to reduced diversity of perspectives in academia or the emergence of structured self-censorship. In this the KNAW does not provide an answer to one of the questions addressed in the motion, that is, are academics in the Netherlands hindered in their career on the basis of their political preferences? What is a point of worry is the lack of a clear definition of academic freedom in the Netherlands (KNAW, 2018). It therefore advocates developing a definition of academic freedom and better

[64] For more information, see: https://www.wetenschapveilig.nl/en

[65] The Universities of the Netherlands is the representative organisation of fourteen Dutch universities, see: https://www.universiteitenvannederland.nl/en_GB/index.html

[66] For a discussion of the interpretation and use of these terms and how they have entered not only the Dutch media, but also the Dutch academic system, see, for example, Köll (2022).

protection of de facto academic freedom at European level. Referring to the motion, van Gestel (202, p. 335) argues that the room for criticism and debate in science is decreasing in the Netherlands.

While the advisory letter from the KNAW was in general appreciated and supported, there have also been some questions raised about its conclusions. For example, the rector from Utrecht University, Henk Kummerling, has raised some doubts about the KNAW's conclusion that there is no reason to worry about a lack of diversity or structural self-censorship in Dutch universities (Kummerling, 2022). He argues that while we do not have a clear idea about the magnitude of the problem, there are clear indications that 'cancel culture' and 'wokeness' should be regarded as a threat to academic freedom in Dutch higher education institutions (see also Bouma & Kraak, 2021).

## Academic freedom: Conditions

### Institutional autonomy and self-governance

As indicated above, societal pressures linked to important problems and challenges in society form an important frame of reference for decisions on public funding of scientific research and higher education, both at the system and the institutional level. While institutional autonomy is in general well-respected in the Netherlands, the political steering of research and to some extent study programmes through public funding as a consequence of these pressures forms a potential threat to institutional autonomy, and thereby also indirectly to academic freedom. In addition, the Dutch intra-university governance system has comparatively spoken taken a strong executive turn since the introduction in 1997 of a university governance law (Gornitzka et al. 2017; Boer and Maassen, 2020), which introduced for each university an executive board, took on the formal authority of the university leadership, and replaced the democratic co-decision making councils composed by academics, students and administrative staff, by advisory bodies. This has led to a more hierarchical, executive governance practice in Dutch universities, even though recently there have been efforts to enhance the principle of self-governance in university practice (Maassen, 2017). Both the growing steering of primary academic activities especially through the funding instrument, and the more executive nature of the institutional leadership and management function form a direct threat to the principle of self-governance in Dutch universities.

### Academic labour conditions and financial conditions

The governance developments in Dutch higher education, with a more interfering government, and a more executive institutional leadership has put various pressures on the academic labour conditions, e.g. through a growing performance orientation in career and promotion policies. One development that in general has a negative impact on the career opportunities of especially junior academics, and thereby their possibilities to exercise their academic freedom in a satisfying way, is the so-called revolving door policy, referring to contract constructions at universities where temporary contracts are strung together so as not to have to give young scholars a tenured employment contract (Gestel, 2021).

In a study on intra-scientific visions on what is good science, the researchers referred to two dominant trends since the 1980s in Dutch science policy and practice (Jerek-Zuiderent et al., 2021). First, scientific goals are increasingly determined by governments and external financiers. Second, there is a shift from stable direct government funding to project funding, based on competition and privatisation. The same study points to three main problems for 'good science' (Jerek-Zuiderent et al., 2021, p. 5), that is:

196. The pressure to produce externally defined relevance in short research projects.

197. Serious threats to the position of fundamental, curiosity driven research.

198. Deteriorating labour conditions at the universities, and a lack of diversity of voices, associated with a small diversity of subjects, method and theory.

Also a national survey about integrity in science suggests that there are serious impacts of the overall governance trends on academic freedom and integrity in the Netherlands (Gopalakrishna et al., 2021; 2021b). For example, according to the survey results, more than half of the Dutch scientists state that they regularly would sin against rules for proper research by omitting unwelcome research results, concealing problems with the methodology of a study and/or quoting selectively from available data literature.

### 3.22.4. Conclusion

There is broad acknowledgement in the Netherlands that there are various threats to the *de facto* situation of academic freedom in the country's science system. These threats are caused by developments in the system level and intra-institutional science governance modes, structures and practices, developments in society leading to more intense impacts on scientists in the form of threats and harassment, the emergence of a 'cancel culture' and 'wokeness' inside the academic community, and trends in research funding, including the growing impact of external funding. The responses to these threats have been important. For example, the advisory letter from the KNAW has addressed many central issues with respect to the threats and also proposed some ways forward, including developing joint European definitions and positions. In addition, the guide for academic staff from the UNL (2021) for how to deal for threats and harassment is a relevant instrument for protecting academic freedom in practice, and should be of relevance to universities and their national associations in other EU member countries. Finally, the establishment of SafeScience in November 2022 as a platform where academics can report threats, intimidation and hate speech, and get help to find the right support for dealing with these, is an important step in the strengthening of the support for and protection of *de facto* academic freedom in the Netherlands.

Nonetheless, what is of importance for these responses to be effective is first the need to develop a broadly accepted definition, and a better legal protection of academic freedom. Second, the knowledge basis on the nature and intensity of the threats is currently insufficient. Third, science policy instruments and procedures can be improved in order to enhance academic freedom and integrity in practice.

### 3.22.5. Academic Freedom dimensions (summary)

In table 20, a summary is presented of the main findings of the state of play in the Netherlands of the identified key dimensions of academic freedom.

Table 20: Summary of academic freedom findings: the Netherlands

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br><br>***2. Freedom to teach, and freedom to study*** | Worries about the relatively weak legal protection of academic freedom. Worries about the impact of nature of government steering on academic freedom.<br><br>Worries about the impact of the executive turn in institutional leadership and management on academic freedom<br><br>Worries about the impact of the emerging 'cancel culture' and 'wokeness' on diversity of scientific perspectives |

| | |
|---|---|
| ***3. Freedom of academic expression*** | Worries about the growing threats to and harassment of scientists by civil actors through especially social media<br><br>Worries about the impact of the emerging 'cancel culture' and 'wokeness' on the freedom of academic expression |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is in general well-respected in the Netherlands. Worries about the government interference in institutional affairs especially through the public funding instrument |
| ***5. Self-governance*** | Worries about the impact of the executive turn of the institutional leadership and management on self-governance in practice |
| ***6. Academic labour conditions*** | Worries about the academic labour conditions of especially junior scholars, e.g. through the so-called revolving door labour contract policies |
| ***7. Financial conditions*** | Worries about the impact of the overall trends in the public funding of higher education and research on the academic freedom of academics to pursue their own research and teaching agendas. |

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# 3.23. Poland

## 3.23.1. Introduction

This country report on academic freedom in Poland is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.23.2. Country scores for Poland on academic freedom and institutional autonomy

In this section, the country scores for Poland in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA Autonomy Scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[67]

### Academic Freedom scores

| | |
|---|---|
| *199.* | Country score Poland in Academic Freedom index (AFi): |
| 200. | 2011: 0.98 |
| *201.* | 2020: 0.86 |

[67] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

*202.* 2021: 0.74

The AFi score for Poland has deteriorated since 2011, and is in 2021 the lowest score of all EU member countries after Hungary. The score represents a Status B in the AFi.

*203.* Country score Poland on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 3/4

Explanation: "The ruling party has sought to discredit academics who challenge its preferred historical narrative, particularly with regard to the events of World War II. However, the right to pursue academic research has been upheld by courts.

In February 2021, a Warsaw district court ordered two Holocaust scholars to apologise to a woman who claimed they defamed her uncle in their book on wartime Poland; the book contained the testimony of a Holocaust survivor who accused the woman's uncle—the mayor of a small Polish town during World War II—of collaboration with the Nazis. The case triggered international concern over the use of the judicial system to restrict academic freedom. An appeals court overturned the ruling in August, citing the importance of freedom in scholarly research and condemning the use of litigation to interfere with academic work." (https://freedomhouse.org/country/poland/freedom-world/2022)

204. Country score for Poland in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 54,5 D (average for EU Member States: 52.79 D)

The score for Poland in the AFi suggest that the *de facto* situation of academic freedom is slightly deteriorating. At the same time, the 2021 AFi score indicates that *de facto* situation of academic freedom in Poland is closer to the situation in other EU Member States than to the situation in Hungary. In the EU oriented study by Beiter et al. (2016), it is suggested that the legal protection of academic freedom in Poland is above the average for the EU member countries. The possible deterioration of the *de jure* state of play of academic freedom in Poland since 2016 (as indicated by the AFi) is not covered by the study.

#### Institutional autonomy scores

205. Country scores EUA Autonomy Scorecard: Poland cluster score: 8 / autonomy scores: 68.25%

206. Country score Poland in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 47,5 (9), with average for EU Member States 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Poland is at a medium level in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Poland has a high score for staffing autonomy, medium high scores for organisational and academic staffing, and a medium low score for financial autonomy. The scores for Poland in the study by Beiter et al. (2016) are slightly above the average of all EU Member States.

### 3.23.3. Academic Freedom: Findings for Poland

#### Academic freedom: General principles

With regard to academic freedom, formal protections and reassurances of academic freedom appear primarily focused on freedoms of teaching and research along with basic provisions for institutional autonomy. The constitution's article 70 (5) provides that "the autonomy of the institutions of higher education shall be ensured" in accordance to additional framework conditions set out by law (The Constitution of Poland, 1997). The Law on Higher Education and Science further states that the functions of higher education and science are based on principles of freedoms of

science, artistic creation, teaching, and the autonomy of the academic community (Law on Higher Education and Science, 2019, p. Article 3 (1)). Higher education is expected to meet international standards, ethical principles, and good practice (p. Article 3 (2)) given the argued importance of higher education for research, education, and a broader cultural and moral mission in Polish society (p. 1). The law also recognises the roles of basic and applied research (p. Article 4 (2)). A point of concern for academic freedom is the responsibility given to the Minister of Science and Higher Education to "specify […] the classification of fields of science as well as scientific and artistic disciplines" in accordance with the taxonomy of research fields and disciplines adopted by the OECD (p. Article 5 (3)).

The statutes of Polish higher education institutions tend to reflect the aspects of academic freedom identified in the Law on Higher Education and Science. Some examples include the statutes of the Jagiellonian University (2022, p. §2), the University of Warsaw (2019, p. § 3), and the Adam Mickiewicz University (2019, p. § 4 (1)), which all identify freedom of research and teaching as basic principles. Institutional autonomy is identified in the statutes of the Jagiellonian University (2022, p. § 1) and the University of Warsaw (2019, p. 2), with the former using the language of "self-governing university" and the latter declaring a belief in "all University activities conducted with the complete autonomy to which [the University] is entitled".

While the statutes appear conservative in going beyond the specific aspects of academic freedom identified in the law, the institutional strategy documents further elaborate and promote additional principles. The Adam Mickiewicz University has "autonomy of the university in all its aspects" as a basic value and academic freedom as part of its vision for the academic community (2021, pp. 10-11). The Jagiellonian University has adopted a Code of Values that "has become a necessity in the face of widespread feeling that values such as truth, responsibility, reliability of teaching and freedom of science are under threat" (2003). The Code of Values iterates among other things the University's commitment to defending scientific rigor from non-scientific styles, political populism, and majority pressure, historic, cultural, and intellectual tolerance, and freedom of science understood as the "freedom of scientists" in a broader sense (Jagiellonian University, 2003).

### Academic freedom: Central dimensions

Polish academics have increasingly become worried about the effect of the political atmosphere and the government's push for conservative nationalist narratives threatening academic freedom. This is also reflected in the scores for Poland in the Afi 2021 (Kinzelbach et al. 2022), which suggest that Poland is one of the few EU Member States where the state of play of academic freedom has deteriorated over the last years.

Political tension surrounding narratives and issues linked to societal values and various accounts to Polish culture, history, and identity have led to anxiety among students and academics, due the risk of consequences when expressing opinions counter to the party line. There are numerous examples of measures by the Polish government to promote certain values and interpretations of Poland as a nation, and there are several that affect higher education directly. To name a few examples:

207. In recent years, the government has actively campaigned for banning "the propagation of LGBT ideology in public institutions" including a call for banning gender studies in universities (Tilles, 2020).

208. A legal amendment penalising any references of suggestions of Poland's complicity in the Holocaust, leading to the self-censorship of a Holocaust historian and the public apologies of two professors (Matthews, 2021),

209. The blocking of the promotion of a researcher specialising in the psychology of genocide by the president (Upton, 2022)

While the examples above constitute government actions that have directly influenced research efforts by Polish academics, it is argued that there is a wider context in the Polish society in support of a conservative nationalist narrative attempting to delegitimise and silence those who disagree (Matthews, 2021). Nonetheless, worries in Poland about the state of play of academic freedom are still more about increasing threats to academic freedom, than about structural violations.

#### Academic freedom: conditions

#### Institutional autonomy and self-governance

The government has regularly pushed for a reform introducing external university councils and increasing the executive decision-making powers of the rector (Matthews, 2019). The Polish university system has had a relatively high level of academic self-governance with direct control over public funding, which has led to a great deal of autonomy at the departmental-level, but also challenges of efficiency and overlap between departments at the same university. For instance, the president of the Perspektywy Education Foundation has commented on the commonality of the subject being taught or researched at multiple departments simultaneously (Siwinski, 2019). While the recognition for the need to reform exists among academics, students and academics have protested the changes citing unacceptable reductions of autonomy and the governance changes making universities susceptible to political control (Matthews, 2019).

### 3.23.4. Academic Freedom dimensions (summary)

In table 21, a summary is presented of the main findings of the state of play in Poland of the identified key dimensions of academic freedom.

Table 21: Summary of academic freedom findings: Poland

| **Academic Freedom Dimensions** | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | Worries about threats to academic freedom by government interference. |
| ***3. Freedom of academic expression*** | Worries about the impact of government interference on the freedom of academic expression |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Institutional autonomy is in general well-respected in Poland. Worries about the possible impact of the reform intentions of the government on institutional autonomy |
| ***5. Self-governance*** | The principle of self-governance is in general well-respected in Poland. Worries about impact of government interference on self-governance in practice |
| ***6. Academic labour conditions*** | Worries about the overall attractiveness of academic labour conditions at Polish higher education institutions |
| ***7. Financial conditions*** | Worries about the comparatively low level of public investments in research at Polish universities |

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# 3.24. Portugal

## 3.24.1. Introduction

This country report on academic freedom in Portugal is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.24.2. Country scores for Portugal on academic freedom and institutional autonomy

In this section, the country scores for Portugal in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA autonomy scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[68]

### Academic freedom scores

*210.* Country score Portugal Academic Freedom index (AFi):

211. 2011: 0.98

*212.* 2020: 0.96

*213.* 2021: 0.92

The AFi score for Portugal has slightly deteriorated since 2011 and represents a medium position among all EU Member States.

*214.* Country score Portugal on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is respected. Schools and universities operate without undue political or other interference." (https://freedomhouse.org/country/portugal/freedom-world/2022)

*215.* Country score for Portugal in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 61 C (average for EU Member States: 52.79 D)

The scores of Portugal in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong, and the *de facto* situation comparatively positive. In the EU oriented study by Beiter et al. (2016), it is suggested that the legal protection of academic freedom in Portugal is above the average for the EU Member States (rank 8, see Annex 3).

### Institutional autonomy scores

216. Country scores EUA autonomy scorecard: Portugal cluster score: 9 / autonomy scores: 66.5%

217. Country score Portugal in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 45 (9), with average for EU Member States: 46.29 (9.26).

[68] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

The EUA autonomy scorecard scores suggest that institutional autonomy in Portugal is at a medium level in Europe (see Annex 1). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Portugal has medium high scores for organisational, financial and staffing autonomy, and a medium low score for academic autonomy. The scores for Portugal in the study by Beiter et al. (2016) are slightly below the average of all EU Member States.

## 3.24.3. Academic Freedom: Findings for Portugal

### Academic freedom: General principles

The Portuguese Constitution refers to academic freedom (Article 42 and 43) in the form of freedom of scientific research and freedom of teaching. The legal protection of and positive state of play of academic freedom in Portugal are reflected in the scores presented in section 2.1 of this country report.

While the Portuguese law on education offers some protections for various aspects of autonomy, the majority of protections for public universities is seen in statutes that are legally approved by the Ministry of Science, Technology and Higher Education. The Basic Law of the Education System identifies scientific, pedagogical, administrative, and financial aspects of autonomy for higher education, but does not elaborate further on the scope of the autonomy or mention academic freedom as a separate principle. As for the statutes, these are approved by a normative order issued by the Ministry and are formulated by individual institutions. While the documents have legal precedent, the statutes display some differences in identifying aspects of academic freedom and institutional autonomy. The statute of the University of Lisbon briefly mentions the importance of "an organisation with great institutional autonomy, an environment of critical thinking and intellectual freedom" in the preamble (Statutes of the University of Lisbon, 2019, p. 1), while the rest of the document bestows multiple aspects of autonomy to the departments and schools of the university rather than the institution itself. The University of Porto's statute grants the institution autonomy over its statutes, culture, teaching and research activities, property, and the disciplining of staff (Bylaws of the University of Porto, 2015, p. 2). Brief mentions are given to "freedom of scientific, cultural, artistic and technological creation", free expression, and general support for an intellectually heterogenous academia (p. 1).

The two university examples illustrate that there is some variance in how institutions interpret the basic provisions of the law when formulating the statutes. The law and the statutes do little in elaborating on the importance of autonomy, nevertheless it is presented as an essential part of higher education. By comparison, academic freedom is seldomly identified as a separate principle, but finds some support in what is generally labelled as scientific and pedagogical autonomy, as well as free expression.

This focus appears to be reflected in recent relevant discussions on autonomy where a recurring theme is that of government pressures on institutional autonomy, both legally and politically.

### Academic freedom: Conditions

#### Institutional autonomy and self-governance

In 2018, some attention was given to the topic of university autonomy in light of a legislative measure that was argued to potentially affecting hiring processes and student enrolment. The government had earlier that year proposed changes to the employment and development of scientific staff. The hiring of professors had previously been based on an international contest for a public tender announced by the institutions themselves. The Ministry has proposed allowing PhD researchers who are recipients of public grants from the Foundation of Science and Technology (FCT) to effectively bypass the contest and initiate tender procedures (Heitor, 2018). The government had also legally imposed a shift in enrolment capacities of a number of universities aimed at strengthening academia in the interior regions of the country. The Universities of Lisbon

and Porto has lost 1066 student places, while smaller universities saw a slight increase in hopes of redistributing student enrolment numbers (Henriques, 2018). However, the impact of these measures on university autonomy in practice can be interpreted as very limited. Like in this case, overall the public debates on academic freedom and institutional autonomy in Portugal do not indicate that there are specific worries about the state of play of academic freedom in the country.

### 3.24.4. Academic Freedom dimensions (summary)

In table 22, a summary is presented of the main findings of the state of play in Portugal of the identified key dimensions of academic freedom.

Table 22: Summary of academic freedom findings: Portugal

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified |
| ***3. Freedom of academic expression*** | No infringements or violations identified |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | Worries about the impact of government interference on institutional autonomy |
| ***5. Self-governance*** | The principle of self-governance is in general well-respected in Portugal |
| ***6. Academic labour conditions*** | Worries about the overall attractiveness of academic labour conditions at Portuguese higher education institutions. |
| ***7. Financial conditions*** | Financial conditions of academics have not featured in public debates on academic freedom in Portugal. |

### 3.24.5. References

Beiter, K.D., Karran, T. and Appiagyei-Atua, K (2016). Academic Freedom and Its Protection in the Law of European States Measuring an International Human Right. *European Journal of Comparative Law and Governance, 3*, 254-345.

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## 3.25. Romania

### 3.25.1. Introduction

This country report on academic freedom in Romania is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

### 3.25.2. Country scores for Romania on academic freedom and institutional autonomy

In this section, the country scores for Romania in the Academic Freedom index (AFi), the Freedom House 2022 Global Freedom Index, and the Breiter et al. study (2016) on the legal protection of academic freedom in the EU Member States, are presented.[69] Romania is not included in the EUA autonomy scorecard.

#### Academic Freedom scores

*218.* Country score Romania in Academic Freedom index (AFi):

219. 2011: 0.92

*220.* 2020: 0.94

*221.* 2021: 0.89 (Rank 20 among EU Member States)

The AFi score for Romania is positive and represents a medium-low score among the scores of the EU Member States.

[69] For a brief introduction of these data sets, and their indicators and methodologies, see section 3.2 of this study. For a detailed discussion, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

222. Country score Romania on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 3/4

Explanation: "The government generally does not restrict academic freedom, but the education system is weakened by widespread corruption and politically influenced appointments and financing, including at the local level." (https://freedomhouse.org/country/romania/freedom-world/2022)

223. Country score for Romana in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 53,5 D (average for EU Member States: 52.79 D)

The scores of Romania in the AFI suggest that the legal protection of academic freedom in the country is relatively strong, and the *de facto* situation comparatively positive. In the explanation of the Freedom House score references are made to possible *de facto* threats to academic freedom, such as corruption and political intervention. In the EU oriented study by Beiter et al. (2016), it is suggested that the legal protection of academic freedom in Romania is slightly above the average for the EU Member States.

#### Institutional autonomy score

224. Country scores EUA Autonomy Scorecard: Romania is not included in the EUA scorecard

225. Country score Romania in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 40 (8), with average for EU Member States: 46.29 (9.26)

The scores for Romania in the study by Beiter et al. (2016) are below the average for all EU Member States.

### 3.25.3. Academic Freedom: Findings for Romania

#### Academic freedom: Central dimensions

The Romanian constitution and Law on National Education together offer a straightforward *de jure* foundation for the guarding of academic freedom and university autonomy, elaborating on the freedoms guaranteed for university staff as well as the relationship between HEIs and the government. While the constitution simply states that "The autonomy of the Universities is guaranteed" (The Constitution of Romania, 2003, p. Art. 32 (6)), the Law on National Education provides more details on the allowances, limitations and intents of university autonomy and academic freedom (Law of National Education, 2011). Institutional autonomy is contained within each university's charter (Art. 123 (1), (3)), and grants institutions the right to determine their own mission, institutional strategy, structure, activities, and organisation (Art. 123, (3)). Private and public institutions are obligated to observe the academic freedom of all university staff as well as the freedoms and rights of students (Art. 124). This includes the freedom of teaching, research, and creation according to criteria of academic freedom (Art. 304 (3)).

These freedoms are not absolute and are conditional, with the Ministry of Education, Research, Youth, and Sports having the responsibility to control how universities exercise their autonomy to fulfil their public responsibility through their general and specific missions (Art. 121, 123). This implies that the HE institutions' determination of their missions, strategy, activities, and operations are conditioned by the social, economic, and political goals of the government in power.

Each university is obliged to attribute and secure the principles of university autonomy and academic freedom through the university's charter (Art. 213). The charter of Babeş-Bolyai University, for example, includes academic freedom, academic autonomy, and university autonomy as

fundamental principles guaranteed by and exercised in accordance with the Law on National Education (Babeş-Bolyai University, 2021, p. 5). Other examples include the charters of the University of Bucharest (University of Bucharest, 2016, pp. 4-5), West University of Timişoara (West University of Timişoara, 2019, pp. 8-11), "Alexandru Ioan Cuza" University (Alexandru Ioan Cuza University , 2019, p. 5), and "Lucian Blaga" University of Sibiu (Lucian Blaga University, 2015, pp. 5-6), which all making similar efforts to establish a commitment to a set of values and principles related to university autonomy and academic freedom in line with the Law of National Education. In this, the comparable references to social responsibility, accountability, or liability included in the list of principles in the university charters are striking.

### Freedom to research and teach, freedom to study

In May 2020, the People's Movement Party (PMP), a conservative political party, made a proposal to amend the Law of National Education, which would impose a ban on curricular and extra-curricular activities based on gender-critical theories (Pora, 2020). The amendment suggested that activities aimed at propagating gender-critical views are not in compliance with the moral obligations of institutions towards students as well as the institutions' political and religious independence (Parlamentul României Senat, 2020, p. 1). Academics have criticised the amendment underlining the threatening consequences it would have for university autonomy as well as undermining academic freedom. Academics are concerned for the side-lining of academic processes based on freedom of expression and scientific values in order to promote an "ultra-conservative agenda". One of the senators opposed to the amendment likened it to the problematic positions adopted by the Hungarian and Polish government as well as to the notion of a thought police.

Babeș Boyai University released a statement sounding alarm over the precedent supporting state intervention and the selective prohibition of academic theories (ȘtiriEdu, 2020). West University of Timișoara announced that it would publicly oppose the amendment citing its violation of a number of principles from university autonomy and academic freedom, to intellectual independence and social inclusion and equality (Pora, 2020). The National School of Political Studies in Bucharest (SNSPA) argued that allowing political positions to gain primacy over scientific knowledge uncovered by researchers that have undergone the appropriate scientific training would constitute manipulation, indoctrination, and dogma within the secular university (SNSPA, Poziția SNSPA față de adoptarea de către Parlamentul României [SNSPA's position regarding the adoption by the Romanian Parliament], 2020).

A number of Romanian universities, led by SNSPA and West University of Timișoara, drafted a letter to the government elaborating on the unconstitutional character of the normative positions adopted in the amendment (SNSPA & West University of Timişoara, 2020). The letter gained international attention and garnered a total of 885 signatures from academic staff, institutions, departments, and associations. SNSPA also held an event the following day to highlight the legal, academic, and democratic issues with the amendment, hosting a number of international gender researchers and philosophers as speakers (SNSPA, 2020).

The discussions on to the ban on gender studies have for the time being come to a close with the constitutional court deeming the amendment unconstitutional. President Iohannis deemed it an attack on freedom on consciousness, thought, and opinion, while also warning against "legislative solutions" that might be interpreted as attacks on personal convictions (Barberá, 2020).

### Freedom of academic expression

During the summer of 2022, the government launched a draft proposal for a higher education law. The possible implications of the draft law have led to serious criticisms from the academic community. The two parts of the law that have received the most attention are, firstly, one that seeks to remove the limits on the number of terms someone can serve as rector of a university, and secondly, one that allows academic plagiarists to "opt-out" of negative consequences given that

they voluntarily renounce the title obtained with a plagiarised paper. The law is also set to allow relatives of candidates to sit on hiring and promotion committees (Upton, 2022).

The topic of the number of terms someone can serve as rector is seen by academics as an attempt to cement the relationship between the political oligarchy and current leadership of Romanian universities (Pantazi, 2022b). This is a development that has been happening slowly in Romanian universities. While the Law on National Education of 2011 originally had a limit on two terms served as rector, a 2014 amendment specified that the limit only applied to those who served full terms. This has been characterised as a legislative loophole by critics as it allows a person who was suspended, self-imposed or otherwise, for parts of the second term to effectively serve a third term. This could in practice be repeated in perpetuity, and there are a number of rectors at Romanian institutions who have benefitted from the amendment to serve a third term, many of which also have ties to political parties.

In the same law, it is proposed that cases of proven plagiarism can be resolved with the person in question renouncing their degree (Lefter, 2022). The new process dealing with various forms of intellectual and financial fraud in academia introduces a three-year period for individual cases from the date of commission, after which the case will be barred (Edupedu, 2022a). This is compounded with the proposed abolishment of The National Council for Attestation of University Titles, Diplomas and Certificates (CNATDCU), the governmental body where plagiarism checks of doctoral degree dissertations forms part of its responsibility (Pantazi, 2022a). Academics have reacted critically to the proposals, with many associations and groups criticising the contents, the legislative process, and the political implications of controversies linked to the draft law. In broad terms, critics highlight a possible increase in fraudulent behaviour due to lack of consequences, a general amnesty given to academic fraudsters due to the processing time of individual cases often exceeding the three-year time frame, and an ineffective system after the proposed restructuring of the CNATDCU. This all is argued to have a potential impact on academic integrity, which can be seen as a key component of academic responsibility.

The proposed draft for the new Higher Education Law is still a topic of discussion and has garnered a degree of controversy given its links to cases of suspected corruption based on connections between the academic and political spheres. In a letter signed by almost 70 academics, the timeframe allotted for public debate and the contents of the law were highly criticised. The original timeframe spanning from July 12th to August 24th was labelled as doubtful, "regarding the good intention of the approach" to "normative texts of such scope and importance" (Edupedu, 2022b). The government has since responded to proposed amendments to keep the number of terms rectors can serve limited to two, stating that any imposed limitation on terms would itself be an infringement of university autonomy (Pantazi, 2022c).

Overall, removal of term limits and the "self-absolution" of plagiarists among the elite has raised concerns for "unhealthy networks of power" being created and consolidated (Edupedu, 2022c). The rectors in the country have refrained from criticising the reforms, with the rector of Babeş-Bolyai being one of the few to do so (Upton, 2022).

### Academic freedom: Conditions

According to the European Commission's European Innovation Scoreboard (2022), Romania is the continent's weakest innovator, with the performance gap with the rest of the EU steadily increasing. This is related to low level of Romania's R&D expenditures, representing 0.48 per cent of its GDP (2019), and at only 10.2% of the EU average (European Commission, 2021, p. 10). This situation is argued to stifle economic development, while also leading to limited academic career opportunities, brain drain, and poor science and technology performance. The Commission reached

this conclusion in a recent report[70] evaluating Romania's recovery and resilience plan, the mandatory investment plan each EU member state has to submit to get economic development money from the post-pandemic fund. It is at argued that, "[T]he quality of the research system could be improved by reforming the public science base and allocating sufficient public R&D funding in a competitive manner, while providing researchers with attractive careers and opportunities" (European Commission, 2021, p. 11).

The Romanian government has proposed a major reform of its research and innovation system, with the aim to increase the level of public and private investments in R&D from 0.48 to 0.8% of GDP in 2027 (Zubaşcu, 2022). Adrian Curaj, former Minister of Education and head of Romania's Executive Agency for Financing Higher Education, Research, Development and Innovation (UEFISCDI) is quoted in a recent article by Florin Zubaşcu (2022) in Science|Business, stating that, "the proposed changes will help set Romania on a path to tripling its participation in Horizon Europe, compared to its performance in the predecessor programme Horizon 2020". The proposed changes signal an unprecedented political ambition in national R&D and innovation policy, and are supported by key actors in the Romanian science system. At the same time, a number of these actors point to the relatively instable political system in Romania, and the challenges this instability might pose for the effective implementation of the proposed R&D reforms (Zubaşcu, 2022).

## 3.25.4. Conclusion

The *de facto* state of play of academic freedom in Romania is strongly affected by tensions between on the one hand the legal protection of academic freedom and institutional autonomy offered by the constitution and national law on education, and on the other hand the instability of the political system which on various occasions has interfered or at least announced its intentions to do so, in higher education institutions' internal affairs. On top of that, the research & innovation (R&I) system in Romania is among the weakest and most underfunded in the EU, limiting the financial room to manoeuvre and academic choices of Romanian scholars. The current government has proposed far-reaching reforms in the R&I system, including a significant increase in the level of public and private investments in its R&I system, amongst other things, by using the funds it will receive under the Recovery and Resilience Facility (RRF)[71]. Obviously, the increase of the level of R&D funding is an important but not sufficient condition for strengthening the state of play of academic freedom in the country. In addition, what is needed is a serious modernisation of the governance, organisation and funding of the higher education and science system at all relevant levels in the country, which would allow for a much stronger de facto guarding of academic freedom and institutional autonomy than is the case in the current system. The latter is acknowledged by the government and the academic community. However, given the political realities in Romania, it remains to be seen to what extent the higher education and science reform ambitions will be realised.

## 3.25.5. Academic Freedom dimensions (summary)

In table 23, a summary is presented of the main findings of the state of play in Romania of the identified key dimensions of academic freedom.

[70] See: https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/recovery-and-resilience-plan-romania_en

[71] See: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_4876

Table 23: Summary of academic freedom findings: Romania

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | Government interference aimed at closing down academic activities in the area of gender studies forms an infringement of academic freedom |
| ***3. Freedom of academic expression*** | Worries about the possible influence of political interference<br>Worries about impact of efforts to gain political control over substantive matters in higher education |
| **b. Conditions for academic freedom** | |
| ***4. Institutional autonomy*** | While the national Constitution guarantees institutional autonomy, in practice there are worries about the interference of politics in institutional matters, e.g. in the area of leadership appointments.<br>Social responsibilities of universities are acknowledged strongly in university charters. However, opportunities of universities to realise their social ambitions are seriously hampered by the low level of public funding and the political interference in higher education. |
| ***5. Self-governance*** | Worries about the impact of government interference on self-governance in practice |
| ***6. Academic labour conditions*** | Worries about the impact of the low level of public investments in research at Romanian universities on academic labour conditions and brain drain |
| ***7. Financial conditions*** | Worries about the low level of public funding for higher education and research, and the increasing funding gap between Romania and the rest of the EU. The level of R&D expenditure in the public sector in Romania is around 11% of the EU average. |

## 3.25.6. References

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# 3.26. Slovakia

## 3.26.1. Introduction

This country report on academic freedom in Slovakia is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.26.2. Country scores for Slovakia on academic freedom and institutional autonomy

In this section, the country scores for Slovakia in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA autonomy scorecard are presented.[72]

### Academic Freedom scores

*226.* Country score Slovakia in Academic Freedom index (AFi):

227. 2011: 0.96

*228.* 2020: 0.97

*229.* 2021: 0.97 (Rank 4 among the EU Member States)

The AFi score for Slovakia is stable and among the highest scores of all EU member countries.

*230.* Country score Slovakia on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is guaranteed by the constitution and upheld by authorities." (https://freedomhouse.org/country/slovakia/freedom-world/2022)

*231.* Country score for Slovakia in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 60,5 C (average for EU Member States: 52.79 D)

The scores for Slovakia in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong and the *de facto* situation very positive. This is confirmed in the EU oriented study by Beiter et al. (2016), which suggests that the legal protection of academic freedom in Slovakia is stronger than average for the EU Member States (rank 9, see Annex 3).

### Institutional autonomy score

*232.* Country scores EUA autonomy scorecard: Slovakia cluster score: 10 / autonomy scores: 57.25%

*233.* Country score Slovakia in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 42,5 (8,5), with average for EU Member States: 46.29 (9.26).

[72] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

The EUA autonomy scorecard scores suggest that institutional autonomy in Slovakia is at a relatively low level in Europe (rank 22). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Slovakia has medium high scores for financial and staffing autonomy, a medium low score for academic autonomy, and the next to lowest score of all included countries for organisational autonomy. The scores for Slovakia in the study by Beiter et al. (2016) are below the average for all EU Member States.

## 3.26.3. Academic Freedom: Findings for Slovakia

### Academic freedom and institutional autonomy: General principles

Academic freedom and institutional autonomy are regulated through Slovakia's Law on Higher Education. Section 4 of the Law expands upon the academic freedoms and rights, including various aspects of freedom of research, freedom of teaching, freedom of study, and democratic self-governance, as well as the inviolability of these rights bar times of crisis. Institutional autonomy is regulated through Section 6 of the Law, and describes institutional autonomy in matters concerning research and teaching activities, formation of institutional strategy, management of finances and property, cooperation with external entities, and the determination of student tuition (source). The section further elaborates that, "the basis of the academic self-government of a public higher education institution is the academic community".

Comenius University's mission statement reaffirms these principles and links them to a classic interpretation of a university and its mission of engaging in disinterested and autonomous research and providing research- and science-based education (Comenius University, 2016). Other HE institutions do not show similarly strong signals through their mission statements, e.g., Pavol Jozef Šafárik University's brief reference to academic freedom and autonomy and University of Žilina's reference to the Magna Charta Universitatum. However, both of these universities have documents describing their self-governed and autonomous character and commitment to academic freedom (Pavol Jozef Šafárik University, 2021; University of Žilina, 2021). It is also evident that the principles of academic freedom and institutional autonomy are considered important given the high level of engagement in public discourse by the higher education institutions in Slovakia.

### Academic freedom: The threats from underfunding and political control

Recent discussions and developments with respect to academic freedom in Slovakia focus mainly on the efforts of the government to reform higher education, which is interpreted as an attempt to strengthen political control over higher education. These discussions take place around the amendment of the Higher Education Act as proposed by the sector Ministry. This amendment can be seen as an outcome of the overall reform intentions of the Slovakian government as launched on 5 October, 2020, by the Finance Ministry. The reform intentions were incorporated in a National Integrated Reform Plan (NIRP) for Slovakia addressing major aspects of Slovakian economy and public services (Modern and Successful Slovakia, 2020). With respect to the academic community, the reform is aimed at strengthening the political control over the internal affairs of the universities (Modern and Successful Slovakia, 2020, pp. 63-63).

The most significant changes proposed are the introduction of a board of directors to universities comprised of six each of internal and external members plus a final member voted in by the board, and performance contracts as a condition for subsidies and funding for institutions. The Minister of Education, Science, Research and Sports has argued that the reforms will give institutions an incentive to improve quality and retain more students, as well as increase institutions' responsiveness to the needs of society and the labor market (TASR, 2021).

The Slovak Rectors' Conference (SRC) published a statement on 6 October 2020 expressing their disagreement with the constraints of academic self-governance as proposed in the Reform Plan. The rectors were positive about a number of ideas in the Reform Plan, such as the need to innovate and make the system of higher education governance more flexible by strengthening managerial

elements and sensibly balancing the competencies of academic self-government bodies. However, they fundamentally rejected the proposed constraints of academic self-governance, which they perceived at the *de facto* end of institutional autonomy in Slovakia (Slovak Rectors' Conference 2020).

The university reform was passed by Parliament in March 2022 after a long period of heated debates (The Slovak Spectator, 2021). The amendment to the Higher Education Act included some changes in response to the criticism. However, the academic community is still not happy with the reform, and fear a far-reaching control of the government over the internal affairs of the higher education institutions through the institutions' board of directors. The reform will imply that the level of basic funding for universities, which is managed by the academic senate and the new board of directors is reduced, with remaining funding opportunities moved to performance contracts. The board of directors will additionally be part of the election assembly appointing rectors (The Slovak Spectator, 2022)

The debate on the higher education reform plan has been characterised by discontent by the academic community due to stricter funding conditions in an already underfunded system, the influence of performance contracts on institutional strategy, and reduced autonomy through the partly externally controlled board of directors. Multiple institutions and associations have contributed to various debates, with Comenius University being especially vocal.

The university reform is tightly linked to the first EU recovery fund package. The reform is one of the pieces of legislation that needed to be passed by the Parliament in order for Slovakia to receive the recovery funds. At the same time, the implementation of a large part of the university reform plans is dependent on investment coming from the EU recovery funds (Minarechová, 2022).

The public funding situation in Slovakia is such that overall universities were to receive in 2022 € 27 million less compared to 2021, with another € 18 million earmarked for centres of excellence. The latter amount is taken from the regular allocations to universities, depleting resources from other processes, while growing energy and materials costs are further increasing university expenditures (Comenius University, 2022b). Given the haste involved with implementing the reforms, universities formulated their provisional budgets with a significant degree of uncertainty, bringing destabilisation to academic activities. The Slovak Council of Higher Education Institutions, The Slovak Rectors' Conference, and The Student Council for Higher Education argue that the funding situation severely restricts university operation to the point of being historically destructive.

To express their discontent with the reform, Comenius University, the Slovak Technical University (STU), the Council of Higher Education Institutions and the Student Council of Higher Education Institutions have organised November 2021 a protest march under the title: "Responsible Protest for Free Universities". The organisers of the march criticised the university reform mainly for, "….introducing the threat of direct control of universities by political nominees, the loss of control over their property, and the fact that the amendment fails to address the real problems of higher education" (Comenius University 2021).

Comenius University decided in February to hold the election of rector earlier than usual to circumvent the university reform and create "an opportunity to hold the last free election of the Rector under current version of the Higher Education Act" (Comenius University, 2022).

## 3.26.4. Conclusion

The combination of a seriously underfunded university system leading to increased dependence on coordination with the government and the political control over university governance marks for many Slovakian university leaders, academics and students, the end of academic self-governance in Slovakia. While the education minister refers to other systems with similar management structures,

students and academics have adamantly expressed discontent through protests and debates (Pravda, 2021).

## 3.26.5. Academic Freedom dimensions (summary)

In table 24, a summary is presented of the main findings of the state of play in Slovakia of the identified key dimensions of academic freedom.

Table 24: Summary of academic freedom findings: Slovakia

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| **1. Freedom to research**<br>**2. Freedom to teach, and freedom to study** | No infringements or violations, but worries about the possible impact of the 2022 university reform on the freedom to research and teach |
| **3. Freedom of academic expression** | Worries about the possible influence of political interference on academic freedom of expression, especially the freedom to criticise institutional leadership<br>Worries about impact of efforts to strengthen political control over higher education |
| **b. Conditions for academic freedom** | |
| **4. Institutional autonomy** | While institutional autonomy is anchored in the Law on Higher Education, there are worries about the possible impact of increasing government interference in institutional affairs on institutional autonomy |
| **5. Self-governance** | The 2022 university reform is regarded by the academic community as a serious threat to the basic principle of institutional self-governance in practice |
| **6. Academic labour conditions** | Worries about the impact of the low level of public funding of higher education and science on academic labour conditions. |
| **7. Financial conditions** | Worries about low, decreasing levels of public funding for higher education, and the shift from basic funding to strategic funding. |

## 3.26.6. References

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# 3.27. Slovenia

## 3.27.1. Introduction

This country report on academic freedom in Slovenia is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.27.2. Country scores for Slovenia on academic freedom and institutional autonomy

In this section, the country scores for Slovenia in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA autonomy scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[73]

### Academic freedom scores

*234.* Country score Slovenia Academic Freedom index (AFi):

235. 2011: 0.96

236. 2020: 0.93

237. 2021: 0.91 (Rank 18 among EU Member States)

The AFi score for Slovenia is positive and represents a medium position among all EU Member States.

*238.* Country score Slovenia on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "Academic freedom is generally respected, though at times the Janša government has attempted to influence appointments to academic institutions; the government continued to refuse to appoint Igor Žagar as head of the Education Research Institute." (https://freedomhouse.org/country/slovenia/freedom-world/2022)

*239.* Country score for Slovenia in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 52,5 C (average for EU Member States: 52.79 D)

The scores of Slovenia in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong and the *de facto* situation comparatively positive. The EU oriented study by Beiter et al. (2016) suggests that the legal protection of academic freedom in Slovenia is at the average of all EU Member States.

### Institutional autonomy score

240. Country scores EUA autonomy scorecard: Slovenia cluster score: 11 / autonomy scores: 52.5.

241. Country score Slovenia in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 42,5 (8,5), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Slovenia is overall at a relatively low level in Europe (rank 24). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Slovenia has a medium high score for organisational autonomy, and medium low scores for financial, staffing and academic autonomy. The score for Slovenia in the study by Beiter et al. (2016) is below the average for all EU Member States.

[73] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

## 3.27.3. Academic freedom: Findings for Slovenia

### Academic freedom and institutional autonomy: Legal and institutional foundations

Institutional autonomy is guaranteed by the Slovenian constitution's Article 58 (Slovene Constitution, 2013) with various aspects identified by The Higher Education Act's Article 6 on the autonomy of higher education institutions (HEIs) with freedom of research, artistic creation, teaching, and democratic self-governance (Higher Education Act, 2022). Additionally, the Scientific Research and Innovation Activities Act lists, "autonomy of scientific research" as one of the basic principles (Scientific Research and Innovation Activities Act, 2021, p. Art. 2 (2)). This is somewhat counterbalanced by strategically targeted research "aimed at achieving the goals of the social, economic, and technological development" of Slovenia and financial efficiency and accountability among those principles (p. Art. 2 (3)).

Both public and private universities have institutional autonomy and academic freedom as basic principles codified in their mission statements, code of ethics, and/or strategic plans. The Universities of Ljubljana, Maribor, and Primorska all refer to the freedoms of research, teaching, and to institutional autonomy in several of their respective documents. Among the private universities, the University of Novo Mesto make explicit references to academic freedom and autonomy in their 2030 strategic plan, although not as elaborated as the public universities (University of Novo Mesto, 2022, p. 4).

### Worries about institutional autonomy

Various public discussions in Slovenia highlight important issues the academic community have identified with respect to the current state of play of academic freedom in the country, and provide a picture of an emerging set of worries about possible threats against academic freedom and institutional autonomy in practice. Most of the worries are related to a pattern of growing state intervention in the governance and management of HEIs and sectoral agencies. Numerous issues with an argued negative effect especially on institutional autonomy have been identified and raised by the academic community. Two examples will be presented here to illustrate the nature of the public debates and worries in the academic community. The first being the government intervention in the Call for Enrolment, that is, the determination of institutional study programme capacity, while the second concerns the row about the appointment of a new acting director for the Slovenian Research Agency (ARRS).

### Government intervention: The case of the Call for Enrolment

In 2021, the government overruled a Call for Enrolment notifying of the available study programmes and capacities in public universities despite already being approved for the academic year 2020/21 (Radio-Television Slovenia, 2021a). The Call for Enrolment is a yearly procedure in which HEIs notify the government of planned openings in their student programmes based on a coordinated assessment by the government and the institutions. The government postponed the review of the Call, much to the dismay of several actors from the academic community. Prime minister Janša had cited strategic reasons for the delay, arguing that it cannot be the result of wishful thinking on part of the institutions. The Call would be amended and approved a few days later although with changes compared to the original call, notably an overall reduction in enrolment places within the social sciences and the arts and an increase in medicine and computer science programmes (Radio-Television Slovenia, 2021b).

The rectors of the four public universities were negatively surprised and raised concerns about the effect of the postponement for applying students and the intervention by the government (University of Primorska, 2021). The rectors argued that the delay in information could affect student's decision-making negatively raising uncertainties among students and giving private universities an advantage as they do not need prior consent to their enrolment plans. The Student Organisation of Slovenia (ŠOS), the Higher Education Union (VSS), and The Union of Education,

Science and culture of Slovenia (Zvis) all expressed similar concerns for the difficult position students are put in and the unequal advantage enjoyed by private institutions (Radio-Television Slovenia, 2021a). The move was also criticised by members of parliament describing it as an arbitrary, spontaneous, and uncoordinated attack on university autonomy. The European Student's Union also released a statement condemning the political interference of the government (European Students' Union, 2021). There are also general concerns for the legality of the postponement given the government's advisory role in the yearly call for enrolment.

The government's response indicated a desire to play a more prominent role in managing the operation of HEIs to ensure the success of the strategic development of Slovenia and a sufficient number of young people in predicted "key professions" of the future (Radio-Television Slovenia, 2021a).

### Government intervention: the case of the Slovenian Research Agency (ARRS)

Early 2022 the Slovenian Research Agency (ARRS) was in the middle of a row about the appointment of a new acting director. This row can be regarded as symptomatic for the growing worries in the academic community about the interference of the government in the internal affairs of the public higher education and science institutions and agencies (Zubaşcu, 2022). This case concerned a replacement by the government of four ARRS board members who disagreed with the appointment of the candidate supported by the government. The newly composed agency's management board voted in the government supported candidate as acting director four days after the replacement of the disagreeing board members. One of the replaced board members, Jana Kolar, chair of the European Strategy Forum on Research Infrastructures, described the hasty replacement as "interfering with the professional independence of the institution." She and the other dismissed board members have contested the legality of the government's actions as they were not given specific reasons for their dismissal and are planning to sue the government for unlawful dismissal. The rectors of the four public universities raised concerns for the professionalism of the agency going forward as well as the potential for political interference which would be "unacceptable and harmful" to university independence and autonomy. The ARRS manages most of the research funds from the national government, as well as other key tasks linked to research performed by Slovenian research institutions, and this rapid replacement of ARRS's management could set a dangerous precedent for future governments.

### International attention

The issue of academic freedom in Slovenia has been observed and raised both nationally and internationally. In 2020, for example, a group of 175 researchers signed letter to prime minister Janša expressing concerns for the academic freedom of scholars and the government's apparent "attempt to take over cultural and academic institutions" (Agnew & et al., 2020). In line with the replacement of the ARRS board members, the letter accused the Janša government of reappointing several museum directors and a director of a research institute for the purposes of exerting political influence. The government also announced plans for a new Museum of Slovene Independence which the academics in the letter criticised for being political and propagandist in nature, running counter to modern scholarship on Slovene past. The government dismissed the allegations arguing that the museum is "a project of the majority of Slovenian citizens" (Vladisavljevic, 2020).

Another example concerns the release by the European Council of Doctoral Candidates and Junior Researchers (Eurodoc) of a statement in 2021, raising a number of concerns for governmental interference infringing on academic freedom, that is, (Eurodoc, 2021): 1) The defunding of public and autonomous universities; 2) Implementation of national administrative measures forcing institutions to adjust teaching and research capacities; 3) Blocking the employment process at state-funded HEIs and research-performing institutions; and 4), actively promoting a biased image of the role of research and science in society, laying a cultural foundation for concrete measures actively affecting academic freedom.

### General state of research according to academics

In April 2022, the fourth in a series of rallies marking Slovenian researchers' discontent with a renewed degradation of science was held in front of the University of Ljubljana (Editorial, 2022). A number of the concerns addressed in the above examples are among those addressed by this movement, examples including infringements on academic autonomy, politically motivated replacements of key figures in public academic institutions, and politically motivated government interventions.

### Financial conditions

The government intervention in the appointment of the interim director for the ASSR relates to the overall shift of public research funding towards strategic funding of relevant research projects.

### Academic responsibilities

Academic responsibilities of universities are acknowledged in university mission statements and strategic plans. However, opportunities of universities to realise their academic responsibilities as they identify them are potentially hampered by the government intervention in the higher education institutions' internal affairs. This includes the efforts to make the universities' study programmes and research activities more in line with the needs of the country's economy and labour market, and the governmental strategic development plan.

## 3.27.4. Conclusion

On a basic level, the Slovenian Constitution and Higher Education Act guard, that is, promote and protect institutional academic freedom and university autonomy as values that are strongly linked to the quality of teaching & learning, research, and innovation. However, in the current political system in the country, the governments are seemingly alternating, depending on the programme of the ruling party/parties, mutually acceptable practices in the governance of higher education with intervening in institutional matters and the governance of sectoral public agencies in ways that are perceived as threatening by the academic community. This is evident not only in procedural, but also in substantive matters, such as the intervention in the determination of study programme capacities, and prioritising strategic funding of research projects that are deemed to be politically and economically relevant over open research funding. There is a pattern of the government expressing a desire to control more directly academic research and study programmes in order to fulfil national development goals, a pattern that is recognised internationally by individual academics as well as associations and unions to be in incongruence with international standards and good practice of institutional autonomy and academic freedom.

## 3.27.5. Academic Freedom dimensions (summary)

In table 25, a summary is presented of the main findings of the state of play in Slovenia of the identified key dimensions of academic freedom.

Table 25: Summary of academic freedom findings: Slovenia

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| **1. Freedom to research**<br><br>**2. Freedom to teach, and freedom to study** | No infringements or violations identified, but worries about impact of government intervention |

| | |
|---|---|
| **3. Freedom of academic expression** | Worries about the possible impact of political interference.<br><br>Worries about the possible impact of efforts to enhance political control over procedural and substantive matters in higher education institutions |
| **b. Conditions for academic freedom** | |
| **4. Institutional autonomy** | While the national Constitution and Higher Education Act guarantee institutional autonomy, there are multiple examples of publicly expressed worries by the academic community about the interference of government in institutional matters. In addition, there are worries about how government intervention in public agencies will affect institutional autonomy (and academic freedom). |
| **5. Self-governance** | The principle of self-governance is in general well-respected in Slovenia. Worries about the impact of possible interventions of government on self-governance in practice |
| **6. Academic labour conditions** | No threats to academic labour conditions identified |
| **7. Financial conditions** | Worries about the shift from open research funding to strategic prioritising of research that is deemed to be politically and economically relevant and useful. |

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# 3.28. Spain

## 3.28.1. Introduction

This country report on academic freedom in Spain is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the Member States of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.28.2. Country scores for Spain on academic freedom and institutional autonomy

In this section, the country scores for Spain in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA autonomy scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[74]

### Academic Freedom scores

*242.* Country score Spain Academic Freedom index (AFi):

243. 2011: 0.96

244. 2020: 0.94

[74] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

245. 2021: 0.94 (Rank 11 among EU Member States)

The AFi score for Spain is stable and represents a medium-high score among all EU Member States.

*246.* Country score Spain on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

Explanation: "The government does not restrict academic freedom in law or in practice." (https://freedomhouse.org/country/spain/freedom-world/2022)

*247.* Country score for Spain in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 66,5 C; (average for EU Member States: 52.79 D)

The scores of Spain in the two global academic freedom indexes suggest that the legal protection of academic freedom in the country is strong and the *de facto* situation positive. The EU oriented study by Beiter et al. (2016) suggests that the legal protection of academic freedom in Spain is among the strongest of all EU Member States (rank 3).

#### Institutional autonomy scores

248. Country scores EUA autonomy scorecard: Spain cluster score: 12 / autonomy scores: 54%

249. Country score Spain in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 42,5 (8,5), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Spain is at a low level in Europe (rank 25, see Annex 1). A more detailed look at the scores (Pruvot & Estermann, 2017) reveals that Spain has medium low scores for all four autonomy areas (organisational, financial, staffing and academic). The scores for Spain in the study by Beiter et al. (2016) are below the average for all EU member countries.

### 3.28.3. Academic Freedom: Findings for Spain

#### Academic freedom: General principles

Spanish law identifies multiple aspects of academic freedom in addition to elaborating on its purpose in relation to activities conducted by universities. The Spanish constitution recognises and protects academic freedom as a fundamental public right in addition to providing specific protections from censorship (Constitution of Spain, 2022, p. Section 20). It also guarantees the right to education, right of establishment, the right for students and teachers to participate in governance matters, and the autonomy of universities (p. Section 27). The Law on Universities of 2001 elaborates on academic freedom consecrated in the constitution to include a number of freedoms with important implications for higher education, most importantly "academic, study, and research freedoms" (Law on Universities, 2001, p. 24515). Universities are granted autonomy over the organisation of teaching and research activities, election and appointment of academic leadership, hiring of staff, admission of students, cooperation with external entities (p. Article 2 (2)), and economic and financial autonomy (p. Article 79 (1)). This autonomy is understood to be the basis for academic freedom, which in turn enables teachers, research, and students to fulfil their responsibilities and duties (pp. Article 2 (3, 4)).

Spanish universities are given the autonomy to elaborate their own statutes and internal regulations as well as to determine their own missions and strategies. In their reference to academic freedom, most universities appear to include it in at least one key governance document. The statute of the Pompeu Fabra University includes freedom of research and freedom of study, along with freedoms of expression, assembly, and association (Pompeu Fabra University, By-Laws of Pompeu Fabra

University, 2015). Its declaration of values indicates academic freedom as an important element in positive societal change along with creativity and critical thinking, in addition to the importance of organisational, financial, and regulatory autonomy (Pompeu Fabra University). Similarly, the University of Barcelona identifies institutional autonomy in addition to freedoms of teaching, research, and study in its statute (2003, pp. Articles 2, 4). The University of Navarre identifies academic freedom as a general principle dictating its operation, along with principles of equality, democratic participation, and transparency (2011, p. Article 3). It additionally explicitly guarantees the freedom of research (p. Article 66 (2)) and links academic freedom and freedom of research to teaching and research activities (p. Article 76). The Autonomous University of Barcelona (AUB) and the University of Valencia are examples of institutions with scarce references to academic freedom in addition to having mission statements vaguely referencing other societal values and developmental goals. The AUB does include academic freedom and intellectual freedom in its code of good practice in research, but without reference to them or other freedoms in its statute (2020, pp. 22, 25).

### Academic freedom: Central dimensions

The Spanish academic community has displayed a growing concern for various forms of corrupt practices in Spanish institutions. Spanish academics reacted, for example, critically to the discovery of two politicians obtaining their masters degrees by illegitimate means, both from the Institute of Public Law at the King Juan Carlos University in Madrid (Rigg, 2018). In the case of Cristina Cifuente, one of the two politicians, the university was unable to find her dissertation, while two of the signatories of her certificate has said their signatures were forged. The deputy director of the faculty, Laura Nuño, resigned from her position confirming that she had never taught any classes to Cifuente and that the scandal constituted "an absolute [breakdown in] trust".

At the time, a group of 30 professors had raised alarm concerning widespread corruption in Spanish academia despite the lack of public attention. Manuel Villoria, a professor at URJC, commented that these specific cases of malpractice are isolated to the faculty in question, but that it points to a broader issue of quality assurance and management of Spanish masters programmes (Matthews, 2018). Inger Enkvist, professor emerita of Spanish studies and expert on Spanish university corruption, claims that the self-funded nature of Spanish masters courses leads to a "temptation" to relax standards. According to Enric Fuster, a university consultant, a pattern of varying academic requirements and procedures can be found among universities, and sometimes, among individual faculties. Enkvist and Villoria have both commented on Spanish politicians' keenness on getting academic credentials in order to further their careers as professional politicians.

### Academic freedom: Conditions

The issue of Catalan independence and related political issues have influenced the behaviour of institutional leadership of a number of Catalan universities. The leadership of several public universities has throughout the years adopted political and ideological positions on issues sensitive to the topic of Catalan independence, in turn raising concerns for freedom of expression. Recent examples include:

250. The signing of a manifesto in favour of the amnesty of imprisoned pro-independence leaders by five public universities (Crónica Global, 2019a).

251. The denial of recognition by the Aeneous University of Barcelona of the Catalan Civil Society, a constitutionalist student association (Agencia EFE, 2018).

252. The leadership of eight universities publicly opposing a court ruling deciding that a minimum of 25% of subjects must be taught in Spanish (Crónica Global, 2022).

During Catalonia's independence referendum in 2017, the government in Madrid imposed tight spending rules on Catalan universities to prevent the public institutions from financing the

referendum (Matthews, 2017). The universities have since been criticised by academics, students, and state authorities for what has been deemed ideological positions defying the political neutrality of universities as public institutions.

The manifesto signed in 2019 additionally supported the secession of Catalonia and was delivered to the president of the Generalitat (Crónica Global, 2019b). Two hundred professors from the universities protested to the ombudsman characterising the move as a violation of academic freedom and blatant political instrumentalisation of the universities. In an open letter to the rectors, some 800 professors directed further criticisms of the content and nature of the manifesto rejecting the legitimacy of political positioning on behalf of the entire academic community and the notion the leadership had been elected for their political views (Mouzo, 2019). Other academics have argued that Spanish universities in general, not only Catalan ones, are being taken over by political parties, alienating institutional neutrality and favouring nationalist agendas (Cañizares, 2022). Academics fear this leads to exclusionary practices and political interference threatening freedom of expression and a university's culture of tolerance and open debate.

The universities have not only clashed with academics, but also electoral authorities and the judicial system. In court cases related to individual cases, the universities have argued university autonomy as a defence for expressing political opinion as an institution (Cañizares, 2022). However, the judges interpret university autonomy to only cover issues of internal organisation, and does not include allowances for actions that potentially limit the constitutional rights of teachers as citizens. The electoral board (Junta Electoral Central, JEC) has criticised the universities of political partiality during electoral periods negatively affecting the democratic representation of ideological diversity in the academic community (Crónica Global, 2019b).

### 3.28.4. Academic Freedom dimensions (summary)

In table 26, a summary is presented of the main findings of the state of play in Spain of the identified key dimensions of academic freedom.

Table 26: Summary of academic freedom findings: Spain

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| **1. Freedom to research 2. Freedom to teach, and freedom to study** | No infringements or violations identified. Worries about possible impact of political climate and corruption on academic freedom |
| **3. Freedom of academic expression** | No infringements or violations identified. Worries about the possible impact of political climate and political intervention on of the freedom of academic expression. |
| **b. Conditions** | |
| **4. Institutional autonomy** | The level of institutional autonomy in Spain is relatively high and in general well-respected. Worries about the possible impact of the political climate on institutional autonomy. |
| **5. Self-governance** | The principle of self-governance is in general well-respected in Spain. Worries about the possible impact of the political climate on self-governance in practice. |
| **6. Academic labour conditions** | Worries about the possible impact of government intervention and corruption on academic labour conditions |
| **7. Financial conditions** | Worries about the level of public investments in higher education and research. |

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# 3.29. Sweden

## 3.29.1. Introduction

This country report on academic freedom in Sweden is written as part of a study initiated by the European Parliament (EP) on the *de facto* state of play of academic freedom in the member countries of the European Union. The outcomes of this study will be used by the EP STOA Panel in the development of an Authoritative Platform for Monitoring Academic Freedom in the EU.

## 3.29.2. Country scores for Sweden on academic freedom and institutional autonomy

In this section, the country scores for Sweden in the Academic Freedom index, the Freedom House 2022 Global Freedom Index, and the EUA autonomy scorecard are presented. The underlying datasets are introduced in section 3.2 of this study.[75]

### Academic Freedom scores

*253.* Country score Sweden IN Academic Freedom index (AFi):

254. 2011: 0.96

255. 2020: 0.96

256. 2021: 0.96 (Rank 5 among EU Member States)

The AFi score for Sweden is stable and among the highest scores of all EU Member States.

*257.* Country score Sweden on Academic freedom in Freedom House 'Freedom in the World 2022/Global Freedom Scores': 4/4

[75] For a detailed discussion of these datasets, their methodologies and the indicators used, see chapter 6 of the report by Gergely Kováts and Zoltán Rónay produced in 2023 for the European Parliament's STOA Panel entitled "How academic freedom is monitored? Overview of methods and procedures".

Explanation: "Academic freedom is generally respected."
(https://freedomhouse.org/country/spain/freedom-world/2022)

*258.* Country score for Sweden in Beiter et al. (2016, p. 328): assessment of legal protection of the right to academic freedom in the EU Member States: 39,5 F (average for EU Member States: 52.79 D)

The scores of Sweden in the two global academic freedom indexes suggest that the state of play of academic freedom is among the strongest among the EU Member States. On the other hand, the EU oriented study by Beiter et al. (2016) suggests that the legal protection of academic freedom in Sweden is among the weakest of all EU Member States (see Annex 3).

#### Institutional autonomy score

259. Country scores EUA autonomy scorecard: Sweden cluster score: 8 / autonomy scores: 70%

260. Country score Sweden in Beiter et al. (2016, p. 312): Protection of Institutional Autonomy in Higher Education Legislation: 32,5 (6,5), with average for EU Member States: 46.29 (9.26).

The EUA autonomy scorecard scores suggest that institutional autonomy in Sweden is at a medium-high level in Europe (rank 9, see Annex 1). A more detailed look at the scores (Pruvot & Estermann 2017) reveals that Sweden has the second highest score for staffing autonomy, medium high scores for organisational and academic autonomy, and a medium low score for financial autonomy. The scores for Sweden on the legal protection of institutional autonomy in the study by Beiter et al. (2016) are among the lowest of all EU Member States.

### 3.29.3. Academic Freedom: Findings for Sweden

#### Academic freedom: Central dimensions and conditions

Sweden has in recent years rekindled discussions on academic freedom both within government and in public discourse. This can be attributed largely to the process leading to the integration of the principle of academic freedom into the Swedish Higher Education Act (*högskolelagen*) in 2021 (Sveriges Rikstag, 2021). This was prompted by a report on higher education governance and resource allocation by an expert team set up by the Swedish government in 2017 (Styr- och resursutredningen, 2019). The expert team's report stated that academic freedom is an important principle in appropriate higher education governance, linking the principle to institutional autonomy from political, economic, and other interests, as well as to academic responsibility for integrity and high quality (pp. 15-16). The report specified that a basic principle is to address and interpret the academic freedom of the individual as distinct from, although intrinsically bound to, institutional autonomy (p. 159). Furthermore, the report warned of the lack of legislative protection and onset complacency surrounding academic freedom in Sweden, and recommended that the principle be promoted and protected by higher education and political institutions (pp. 18, 124). This understanding of academic freedom and its relationship with institutional autonomy is reflected in the pre-memorandum (Utbildningsdepartementet, 2020) and deliberations (Sveriges Rikstag, 2021) preceding the integration of academic freedom into the Higher Education Act July 2021.

While the pre-memorandum cites broad support from higher education institutions and various higher education-oriented associations, some have been critical in their responses to the government (Utbildningsdepartementet, 2020, p. 13). While supportive, the Association of Swedish University Teachers and Researchers (Sveriges universitetslärare och forskare, 2020), the Association of Swedish Higher Education Institutions (Sveriges universitets- och högskoleforbund, 2020), and Uppsala University (Åkesson & Blomkvist, 2020) have been critical to the practical implementation and the lack of specificity around how to achieve greater *de facto* academic freedom. Higher

education institutions have during the same period reiterated the importance of academic freedom as well as institutional autonomy (Hättestrand, 2021) and democratic values in society (Holmberg, 2022).

The debates following the report and subsequent integration of academic freedom into Swedish law have also been affected by a number of controversies. In early 2021, a Swedish Covid-19 researcher became the target of a wave of hateful and threatening attacks on social media on the basis of a research letter arguing low evidence of severe Covid-19 infections among children (Trysell, 2021). This was counter to the public opinion on the Swedish Covid-19 strategy, and the researcher ceased all research on Covid-19 as a consequence. The same year, a parliamentary politician had e-mailed the University of Malmö calling into question the syllabus of one of its courses (Samuelsson, 2021). Her actions were criticised and condemned by various members of institutional leadership, The Swedish Higher Education Authority (UKÄ), and the then Minister of Education. The Rectors of Malmö and Lund Universities stated that "a line has been crossed" with reference to both of these incidents, raising concerns of political interference and the safety of academics leading to the possible omission or suppression of research results and course content in higher education (Tahm & Renström, 2021). However, some politicians are sceptical, claiming that blanket support for academic freedom without political or public interventions will lead to non-scientific and highly politicised research and teaching (Reslow, Stenkvist, Rubbestad, & Grubb, 2019). The view that academic freedom should be written into the constitution, much like the protection of freedom to research, in order to sufficiently ward off political control of academic activity is also represented (Wolk & Åmossa, 2022).

Finally, it is relevant to point to the existence of the Academic Rights Watch (ARW),[76] which is a foundation established by academics aimed at guarding academic freedom in Sweden. ARW wants to draw attention to threats to the academic freedom of academics, as well as doctoral candidates and regular students.[77]

### 3.29.4. Conclusion

Overall, the new legislation is seen as a welcome step in the right direction away from a state of complacency and neglect (Utbildningsdepartementet, 2020, p. 13). However, some HEIs along with prominent figures in HEI leadership as well as important associations in higher education have criticised the proposal for being symbolic at best without improving upon the practical reality of academic freedom. The case of the Covid-19 researcher bullied into silence is largely presented as unacceptable and unfortunate. Nonetheless, it is regarded as part of a more general trend in which the scientific work of academics in some fields and their participation in public debates comes at the cost of threats, intimidation and harassment especially through social media.

### 3.29.5. Academic Freedom dimensions (summary)

In table 27, a summary is presented of the main findings of the state of play in Sweden of the identified key dimensions of academic freedom.

[76] See: https://academicrightswatch.se/

[77] For some reflections on the academic foundation of ARW and its perspectives on academic freedom, see: Myklebust (2018), and the interaction between ARW and Mikael Jansson from the Swedish University of Agricultural Sciences: https://universitetslararen.se/2017/02/13/vad-ar-arw-egentligen/

Table 27: Summary of academic freedom findings: Sweden

| Academic Freedom Dimensions | |
|---|---|
| **a. Central dimensions ('triptych')** | |
| ***1. Freedom to research***<br>***2. Freedom to teach, and freedom to study*** | No infringements or violations identified, but worries about the impact of the hardening societal climate and the impact of the Covid-9 pandemic on the freedom to research |
| ***3. Freedom of academic expression*** | Worries about an increasingly polarised university climate with ideology and politics increasingly affecting academic debates in some areas. In addition, worries about the impact of the executive leadership and management mode in university governance on the freedom of academic expression.<br>Worries about impact of threats, intimidation and harassment of academics on freedom of academic expression as visible during the Covid-19 pandemic |
| **b. Conditions for academic freedom** | |
| **4. Institutional autonomy** | Overall moderate level of institutional autonomy in Swedish universities. Worries about governance restrictions, limiting the institutional room to manoeuvre in a number of areas.<br>In addition, it is broadly acknowledged that the basic principles of academic freedom and institutional autonomy (and the relation between the two principles) should be embedded more strongly in the Higher Education Law. |
| **5. Self-governance** | The principle of self-governance is in general respected in Sweden. Worries about the impact of the executive leadership and management mode in university governance on self-governance. |
| **6. Academic labour conditions** | Worries about the impact of the executive leadership and management mode in university governance on academic labour conditions, including the possibilities of junior academics in non-tenured positions to exercise their freedom of academic expression. |
| **7. Financial conditions** | Worries about the shift from open to strategic research funding. |

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# 4. Summary of threats to academic freedom

In this chapter, a brief overview is presented of the main threats to academic freedom identified in the country reports. In this overview the focus is on general patterns that can be observed in various EU Member States, instead of highlighting specific debates in one or more Member States. The overview supports the various claims made about the current threats to academic freedom in the EU Member States.[78]

## 4.1. Main threats to academic freedom

### a. Political interference in determining which academic fields and areas are scientific and which not

A basic feature of academic freedom is that the responsibility for guarding it should rest within the academic system. From that perspective, political interference in the issue whether specific academic fields are scientific or not, can be regarded as a threat to the central dimensions of academic freedom.

This threat has two overall patterns. The first consists of the direct interference of government, by questioning the scientific nature of one or more academic fields, that is, the research conducted and study programmes within these fields. This interference is not based on the academic productivity of the field(s) in question, but linked to the political agenda of the government. The clearest example in our study is Hungary, where the government has revoked accreditation from all gender studies programmes, and is also interfering in basic research conditions. The latter, for example, by interfering in the decision making on which research proposals should be selected for public funding, and by making access to data for research on government-controlled sectors, such as health care and the prison system, increasingly difficult. Another case is Poland, where the government called for a ban on gender studies in universities and tried to discredit academics who challenge its preferred historical narrative. However, the right to pursue academic research has been upheld by courts. Furthermore, in Romania the government announced a ban on curricular and extra-curricular activities based on gender-critical theories. The announced ban on gender studies was not materialised, because it was deemed unconstitutional by the constitutional court. Therefore, unlike the situation in Hungary, in the cases of Poland and Romania the worries about the state of play of academic freedom in this are until now more about increasing threats of government interference, than about structural governmental violations of academic freedom.

The second pattern concerns the proposals of specific political parties, who do not form nor are part of the government, to shift the control over the guarding of academic freedom from within to outside academia. In these cases, which include Belgium, Denmark, Germany, the Netherlands, and Sweden, the interference of political parties with the academic responsibility for guarding academic freedom is inspired by a specific political agenda. For example, in Germany the political party Alternative für Deutschland (AfD), proposed to cut all funding for gender studies at German universities. Furthermore, in Denmark, Parliament has discussed and in the end rejected a proposal to establish a national body to monitor 'questionable' research, implying moving the responsibility for guarding academic freedom from academia to the public authorities. Even though the threat was not materialised, the involved politicians indicated that it still might be necessary in the future to shift responsibility for guarding academic freedom away from the academic community.

[78] See, for example, the joint statement by ALLEA, EUA and Science Europe (2019).

This threat requires an explicit and formal recognition of, and enhanced protection of the principle that academic freedom should be guarded by the academic community and not by a body or agency positioned outside academia.

### b. Governmental interference threatening institutional autonomy

In most definitions of and statements on academic freedom the direct relationship between academic freedom and institutional autonomy is emphasised. Institutional autonomy represents in this relationship the formal room to manoeuvre higher education institutions require in order to be able to take the decisions needed for creating and maintaining the conditions under which academic freedom can be exercised in the best possible ways. Obviously, institutional autonomy is not static. As addressed in the academic literature on higher education, there have been many reforms in the EU Member States over the last decades aimed at enhancing institutional autonomy. Nonetheless, the country reports show that the level of institutional autonomy is in many cases an issue of contestation, caused, for example, by new sector laws that are argued to give the government the opportunity to interfere in institutional affairs, for example, through the political appointment of institutional leaders, or the establishment of a politically controlled internal or external management body. In our study, worries about institutional autonomy as a consequence of undue government interference in institutional affairs have been clearly identified in Hungary. But also in other EU Member States, such as Croatia, Denmark, Greece, Ireland, Romania, Slovakia, and Slovenia, there are worries about the possible impacts on academic freedom of proposed or materialised legal changes in the governance relationships between the government and the universities, which enhance the opportunities of the government to interfere in institutional matters. At the same time, in a number of cases, it has been argued by some stakeholders involved in the debates on the proposed new higher education legislation that one or more actors who criticised the proposed legislation did so not because of its negative impact on institutional autonomy, but in order to move attention away from another issue, for example, accusations of corruption. These cases show the complexity of the debates on threats to academic freedom and institutional autonomy.

Therefore, this threat can be argued to require a further development of the monitoring of institutional autonomy, including not only the *de jure* protection and the perspectives of the institutional leadership, but also the monitoring of the way in which institutional autonomy is perceived and used by academic staff and students within the universities, that is, the *de facto* autonomy, also referred to as the living autonomy. This living autonomy can be argued to be a necessary component for the adequate monitoring of the connection between academic freedom and institutional autonomy.

### c. Institutional leadership and management threats to academic freedom

As indicated under b, institutional autonomy is a key condition for academic freedom. However, the country reports show that in some cases the enhancement of institutional autonomy has been accompanied by the introduction of more executive forms of leadership and management at universities, which has led to growing worries about the ways in which the new leadership affects academic freedom within its institution. These worries concern threats to the central dimensions of academic freedom, for example, by imposing undue limits to the academic freedom of expression of its staff, or to the conditions for academic freedom, for example, by altering self-governance practices or academic labour conditions. The country reports show that worries about possible threats of the institutional leadership and management to academic freedom have emerged in several countries, including Denmark, France, the Netherlands, and Sweden. For example, in Denmark, many academics and students are arguing that the executive institutional leadership that emerged in the implementation of the 2003 University Autonomy Law, is responsible for various threats to and (possible) violations of academic freedom. This concerns the limitation of self-governance, the suggestion that tenured university staff have in some institutions lost their jobs

because they were critical of their leadership, and allowing for a growing influence of external economic and political interests.

It can be argued that this threat should be addressed in efforts to come to a generally agreed upon definition of academic freedom in the EU Member States. In this, of special concern is the interpretation of the required balance between the mandate and formal authority of the institutional leadership and management, and the nature and role of self-governance at universities.

### d. Growing civil society threats to academic freedom

In the academic literature on higher education and research, the importance of the traditional pact, or social contract, between the university and society has been discussed from various perspectives. This pact provided stability, was based on mutual trust, and incorporated relatively clear roles for both society and the university. It has been argued that this pact has lost its strength, and that the university and society are looking for a new mutually acceptable pact. In the meantime, the role of the university and science in society are no longer as uncontested as before. One of the consequences is that academic expertise is no longer 'automatically' legitimate, and as is visible in the country reports, individual academics are attacked, especially through social media, for the academic work they are doing; for participating in public debates; for presenting specific scientific perspectives, for example, on climate change, that are not in line with certain political programmes; for representing certain political, social or cultural perspectives, for example linked to identity issues; and for being involved in providing scientific knowledge to be used in political decision making. The latter concerns, for example, academics involved in public debates on the Covid-19 pandemic and the introduction of Covid-19 measures, many of whom were attacked on social media in such a way that they either withdrew from their expertise role, or even from Covid-9 related academic work. This was the case, for example, in Austria, Belgium, Denmark, Finland, Germany, the Netherlands, and Sweden. The Covid-19 harassment of academics as well as other examples of the growing attacks on academics on social media form a clear threat to academic freedom.

Given that this is a new threat, it can be argued that strengthening the protection against this form of violation of academic freedom should be prioritised.

### e. Growing private sector threats to academic freedom

The country reports show in some cases a growing threat from the private sector to academic freedom, for example, through legal cases aimed at preventing 'unwanted research results' or critical scientifically based opinions publicly presented by academics. There is, for example, the growing use of SLAPPs (Strategic lawsuits against public participation) by private sector companies against critical academics, e.g. in France, where measures were recommended to reduce the threat of SLAPPs that have not been implemented yet. In other EU Member States, for example, Denmark, Germany, Malta, and the Netherlands, there are worries about the impact of the growing involvement of the private sector in funding scientific research on academic freedom.

It can be argued that this threat to academic freedom requires more attention and the development of new legal and other measures to provide better and more effective forms of protection to affected academics.

### f. Threats to conditions for academic freedom

In addition to the undue threats to institutional autonomy mentioned under point b, the country reports show several examples of threats to the other conditions for academic freedom, that is, to the nature and role of self-governance in universities, to the labour conditions of academics, and to the financial conditions under which academics operate. For example, in several EU Member States, including Austria, Croatia, Denmark, Germany and the Netherlands, there are worries about the academic freedom of temporary academic staff at universities. These worries concern, amongst other things, the extent to which temporary staff at universities can criticise their leadership without having to fear for their chances of getting a tenured position, or for their academic career

opportunities in general. Finally, in a number of EU Member States, changes in the public funding strategies and practices for higher education and research represent a change from open to strategic (earmarked) funding of research. This is seen by academics in a number of EU Member States, for example, Denmark, Estonia, Finland, Slovakia, Slovenia, and Sweden, as a threat to academic freedom.

It can be argued that these threats to the conditions for academic freedom should be addressed in efforts to come to a generally agreed upon definition of academic freedom in the EU Member States. In this, a way forward could be to create agreement on how each of these conditions should work in practice. In other words: What would be the 'minimum framework conditions' to be required with respect to academic self-governance, the academic labour conditions, and the financial conditions for academics, in order for these to allow academic freedom to be exercised in the best possible ways?

# 5. Policy options

There is no generally agreed upon definition of academic freedom used throughout the EU Member States. Many organisations have over the last decade published their version of an academic freedom definition.[79] One can observe overlap and common dimensions among these definitions, but no overall agreement. Given the current state of play of academic freedom in the EU Member States, it can be argued that a key condition for strengthening the state of play of academic freedom in Europe is the development of a generally agreed upon definition of academic freedom that 'fits' the worries about, threats to, and violations of academic freedom in the EU Member States. This is also necessary for reaching agreement on which dimensions of academic freedom are in need of better protection in the EU, and how this can protection be realised.

From that perspective, we recommend the following policy options for the EP STOA Panel in the development of the Academic Freedom Monitor:

**Policy option 1: Contributing to the development of a generally agreed upon definition of academic freedom in the EU.**

261. A lack of a generally agreed upon definition of academic freedom forms a challenge for stimulating the further synergy among the main stakeholders in European higher education and research in the support for and protection of academic freedom.

262. The EP STOA Panel is in a unique position when it comes to effectively bringing the main European stakeholders together with the aim of reaching agreement on the basic dimensions of and conditions for academic freedom, and the qualitative and quantitative indicators necessary for monitoring the development of the state of play of academic freedom in the EU Member States.

263. The main stakeholder groups to be involved are academics, students, institutional leaders and managers, politicians, and civil servants. Other stakeholder groups could be identified in consultation with the main stakeholder groups.

264. The EP STOA Panel could start with organising one or more meetings where representatives from the stakeholder groups would come together for discussing and trying to agree upon a basic definition of academic freedom.

265. Both this study, and the study conducted for the EP STOA Panel by Kováts and Rónay, together with other relevant documents and studies, including the Rome Ministerial Communiqué and Bonn Declaration, could be used for producing a position paper that would identify the basic questions with respect to an academic freedom definition, and discuss main challenges and issues underlying the current lack of a generally agreed upon definition.

266. Advantage of bringing stakeholders together is that this will provide a unique opportunity for identifying and discussing the issues of common interpretation and understanding, and the issues of disagreement with respect to the definition of academic freedom in the EU Member States. One or more follow-up meetings and/or other activities can be organised for addressing the disagreements and finding ways to deal with them.

[79] See, e.g. overview presenting in report from 2022 "Changing Understandings of Academic Freedom in the World at a Time of Pandemic", by Popovic, Matei and Joy, pp. 16-26.

267. Possible challenges can be organisational, such as what should be the appropriate size of a first meeting; should it be organised physical, in a hybrid mode, or solely online; what kind of position paper would be effective, and who should produce it, etc. Nonetheless, it can be argued that there are few realistic alternatives for developing a generally agreed upon definition on academic freedom, next to bringing stakeholders together.

**Policy option 2: Developing an independent academic freedom monitoring procedure.**

268. There are currently several initiatives at the European, national and institutional level aimed at monitoring academic freedom in Europe. Therefore a policy option for the EP STOA Panel is to develop an independent academic freedom monitoring procedure, that is complementary to the already existing monitoring initiatives. The report by Kováts and Rónay produced in 2023 for the EP's STOA Panel identifies a number of methodologic and other issues that should be considered during the development of a new EP STOA Panel academic freedom monitoring procedure. In further elaborating this policy option we present here various types of reports such an independent monitoring procedure could produce:

269. Publishing reports with an overview of the state of play (*de jure* and/or *de facto*) of academic freedom in the EU Member States

270. Advantages: such reports would most likely attract a lot of attention and would allow for a gradual improvement of the methodology and the indicators used. In addition, such reports could inspire EU-wide discussions about actual threats to academic freedom and the ways in which these could be addressed.

271. Challenges: producing such EU-wide reports requires a large monitoring and reporting capacity.

272. Publishing reports that address one specific worry about or threat to academic freedom in the EU Member States.

273. Advantages: such reports would most likely also attract a lot of attention, but would require less capacity than comprehensive overview reports. In addition, it can be assumed that specific reports would be easier to follow up with focused actions to address the worry or threat addressed, than broad EU-wide overview reports.

274. Challenges: also for the production of these focused reports a certain monitoring and reporting capacity is needed. In addition, a focused report runs the risk of reducing the attention for the erosion of academic freedom in the EU Member States to a single problem.

275. Publishing country reports, each addressing the state of play of academic freedom in one EU Member State.

276. Advantages: also these kind of reports can be expected to attract adequate attention and require less capacity than broad overview reports. In addition, an overview report of one country can be expected to be followed up with appropriate actions at the national level, and if relevant, also at the EU level.

277. Challenges: focusing on one specific country might result in a 'scapegoat' feeling in case of a negative report. This does not need to be a problem per se, if it results in the country taking appropriate actions. However, the country in question might also reject the report, which could result in a discussion on methodologies and data used, instead of on appropriate actions that would be needed.

278. A final option could be to produce reports in which the state of play of academic freedom in the EU Member States is compared with one or more non-EU countries, such as the USA. This could be done once the Monitor is firmly established.

**Policy option 3: Creating a clearing house function as part of the EP STOA Panel Academic Freedom Monitor.**

279. While there are several initiatives to monitor academic freedom in Europe, none of these initiatives includes a clearing house (or 'meta-monitoring') function. A policy option for the EP STOA Panel Academic Freedom Monitor is to include such a function.

280. An academic freedom clearing house function would consist of collecting and distributing information on all structured monitoring activities on academic freedom, all academic freedom indexes, scorecards, and the like, and relevant studies, academic publications, reports, etc., addressing the state of play of de jure and/or de facto academic freedom. A selection criteria for determining which information to include in the clearing house could be the coverage of at least one EU Member State.

281. Advantages: a clearing house function could allow for the EP STOA Panel Academic Freedom Monitor to become an important linking pin in the various activities in Europe aimed at strengthening the protection of academic freedom. It would also provide the EP STOA Panel with comprehensive information about where what kind of expertise on and capacity for monitoring academic freedom can be found. Furthermore, information and data gathered in the framework of the clearing house function could be used for producing, for examples, thematic reports for which no additional empirical study is required.

282. Challenges: a clearing house function requires a certain level of expertise and capacity, both for gathering and distributing information. This includes the need for an experienced clearing house leader, who can make valid decisions, for example, on the structure and focus of the clearing house.

**Policy option 4: Setting up a European Platform for Academic Freedom**

283. As the country reports presented in chapter 3 of this study show, the number of academics and students that are threatened, intimidated, or harassed because of their academic activities, expertise or public expressions, is increasing. In most cases the academics and students in question do not know where and how to get the support needed to deal adequately with the experienced violations of their academic freedom.

284. The Netherlands forms since November 2022 an exception to this situation with the establishment of the national SafeScience Platform.[80] This study shows that there is a need for more EU Member States to establish such a national Platform In addition, it can be argued that a policy option for the EP STOA Panel is to establish a European level Platform, where academics and students from the EU Member States can, like at the Dutch SafeScience Platform, report violations to academic freedom and, if relevant, get help to find the support they need for dealing with the violation.

285. Advantages: establishing an Academic Freedom Platform at the European level for reporting violations of academic freedom and getting help with finding support, would very likely contribute to the visibility and impact of the EP STOA Panel

[80] See: https://www.wetenschapveilig.nl/en

Academic Freedom Monitor. In addition, the data and information gathered by the reporting function of the Platform will be of direct relevance for the Monitor, for example, by informing the Monitor about new or intensifying threats to academic freedom in one or more EU Member States. Furthermore, it cannot be expected that such kind of Academic Freedom Platform will be established in the near future in all EU Member States. Therefore, the EP STOA Panel has to opportunity to satisfy a growing need among EU academics and students that currently no other organisation of agency at the European level is able or willing to address.

286. Challenges: a European level Academic Freedom Platform with a set of functions comparable to the Dutch SafeScience Platform requires a large capacity and expertise. This might make it necessary for the EP STOA Panel to collaborate with other organisations, such as the EUA and EURASHE[81]. In addition, such a Platform requires an effective set of guidelines, criteria and procedures for identifying reports on genuine threats to or violations of academic freedom, and distinguishing them from reports that are less serious. In this, a European level Platform could collaborate and exchange information and experiences with national Platforms, such as SafeScience, or relevant national organisations, such as national Rectors' Conferences (or their equivalents), and staff and student unions.

**Policy option 5: Stimulating and supporting research on academic freedom**

287. Complementary to the growing political and academic focus on and interest in academic freedom in the EU Member States, there is a growing need for valid and relevant knowledge on academic freedom. This concerns, for example, knowledge 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.

288. A policy option for the EP STOA Panel is to contribute to satisfying the need for knowledge on academic freedom, for example, by stimulating research collaboration on academic freedom in the EU Member States. The research problems to be addressed in these collaborative research projects could be derived from priority issues identified by the EP STOA Panel Academic Freedom Monitor.

289. It would be important to create opportunities for supporting and funding such collaborate research projects at the EU level, for example, through calls for research projects on specific Academic Freedom problems in the EU Member States. These calls could be developed, for example, in the Horizon Europe work programmes, or the annual work programmes of Erasmus+.

[81] EURASHE (the European Association of Institutions in Higher Education) is an international association promoting professional higher education (see: https://www.eurashe.eu/).

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# Annexes

## Annex 1: Institutional autonomy

Table 28: Level of university autonomy: ranking of 29 European higher education systems based on the EUA 2017 Autonomy Scorecard

| Rank | System | Score: four clusters (1-4 per category) | Score: average per category (%) | Rank | System | Score: four clusters | Score: autonomy scores (%) |
|---|---|---|---|---|---|---|---|
| 1 | United Kingdom | 4 | 93.5% | 16 | Portugal | 9 | 66.5% |
| 2 | Estonia | 5 | 90.75% | 17 | Hessen | 9 | 65.75% |
| 3 | Finland | 5 | 85.5% | 18 | Flanders | 10 | 64.25% |
| 4 | Denmark | 6 | 81% | 19 | Iceland | 10 | 63.75% |
| 5 | Luxembourg | 7 | 77% | 20 | Brandenburg | 10 | 61.75% |
| 6 | Lithuania | 7 | 68.5% | 21 | Italy | 10 | 58.75% |
| 7 | Switzerland | 8 | 71.75% | 22 | Slovakia | 10 | 57.25% |
| 8 | Latvia | 8 | 70.5% | 23 | French Community of Belgium | 11 | 54.5% |
| 9 | Sweden | 8 | 70% | 24 | Slovenia | 11 | 52.5% |
| 10 | Poland | 8 | 68.25% | 25 | Spain | 12 | 54% |
| 11 | Ireland | 8 | 67% | 26 | Croatia | 12 | 52.25% |
| 12 | Norway | 8 | 66.5% | 27 | Serbia | 12 | 50.25% |
| 13 | North Rhine-Westphalia | 8 | 65.5% | 28 | Hungary | 13 | 50.75% |
| 14 | Austria | 9 | 70.5% | 29 | France | 13 | 46% |
| 15 | Netherlands | 9 | 66.75% | | | | |

Source: The aggregated scores presented in Maassen (2020) are derived from the EUA autonomy scorecard, see: Pruvot and Estermann, 2017; https://www.university-autonomy.eu/

### Explanation of autonomy ranking:

The country ranking presented in table 1 is based on the 2017 European University Association (EUA) Autonomy Scorecard (Pruvot and Estermann 2017). This scorecard has ranked 29 European higher education systems (24 countries, plus the French-speaking community of Belgium and Flanders, as well as 3 German 'Länder') in four 'autonomy' clusters. The underlying assumption is that the higher the level of institutional autonomy, the better higher education institutions can perform. Combining the scores in the four categories produces the autonomy ranking presented in table 1. In each of the four categories identified in the scorecard (organisational, financial, staffing, and academic autonomy), the 29 systems were ranked in four clusters, with the top cluster indicating a high level,

the second cluster a medium high level, the third cluster a medium low level, and the fourth cluster a low level of autonomy. By giving each system a score for each cluster in which they are positioned (1 for the high, 2 for the medium high, 3 for the medium low, and 4 for the low autonomy cluster) and adding up all scores, the 29 systems can be ranked. As can be seen in table 2, the United Kingdom (with a score of 4) is the only system positioned in all high autonomy clusters. On the other hand, France and Hungary received the lowest overall scores, being positioned in three medium low and one low autonomy cluster (giving a score of 13). The position of each system in the four clusters per autonomy category is determined on the basis of a score on a scale of 0% - 100% expressing the level of autonomy, with 100% indicating full autonomy and 0% no autonomy. This allows for a more refined ranking of the 29 systems with four systems scoring more than 80% on average (United Kingdom, Estonia, Finland and Denmark), and only France scoring below 50% on average.

# Annex 2 Academic Freedom index

Table 29: Academic Freedom index scores (Scaled From 0 to 1) for 2020 (Country scores EU Member States).

EU Member States ranked according to 2020 AFi country score

290. Belgium 0.970
291. Latvia 0.970
292. Italy 0.969
293. Austria 0.966
294. Germany 0.966
295. Slovakia 0.966
296. Sweden 0.964
297. Cyprus 0.955
298. Portugal 0.955
299. Finland 0.947
300. Luxembourg 0.946
301. Estonia 0.942
302. Czech Republic 0.941
303. Ireland 0.940
304. Spain 0.939
305. Lithuania 0.938
306. Romania 0.935
307. Slovenia 0.933
308. Malta 0.927
309. Netherlands 0.918
310. Denmark 0.909

311. Croatia 0.881

312. France 0.881

313. Greece 0.871

314. Poland 0.862

315. Bulgaria 0.856

316. Hungary 0.437

Source: Kinzelbach, K., Saliba, I., Spannagel, J. and Quinn, R. (2021). *Free Universities: Putting the Academic Freedom Index Into Action.* Berlin: Global Public Policy Institute (GPPi). Retrieved from: https://gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFi-2020_upd.pdf

# Annex 3 Protection of Academic Freedom and Institutional Autonomy in National Legislation

Table 30. Overall country ranking: legal protection of the right to academic freedom in Europe

| Country | Total (%) & Grade (A-F) |
|---|---|
| 1. North-Rhine-Westphalia (Germany) | 71 B |
| 2. Croatia | 69 C |
| 3. Spain | 66,5 C |
| 4. Bulgaria | 65,5 C |
| 5. Germany | 64,5 C |
| 6. Austria | 63,5 C |
| 7. France | 63 C |
| 8. Portugal | 61 C |
| 9. Slovakia | 60,5 C |
| 10. Latvia | 60 C |
| 11. Lithuania | 59,5 D |
| 12. Bavaria (Germany) | 58 D |
| 13. Italy | 57,5 D |
| 14. Greece | 55,5 D |
| 15. Finland | 55 D |
| 16. Poland | 54,5 D |
| 17. Romania | 53,5 D |
| 18. Cyprus | 53 D |
| ***Average*** | *52,79 D* |
| 19. Ireland, Slovenia | 52,5 D |
| 20. Czech Republic, Flanders (Belgium) | 51,5 D |
| 21. Belgium | 49,25 E |
| 22. Luxembourg | 47,5 E |
| 23. Wallonia (Belgium) | 47 E |
| 24. Netherlands | 44 E |

| | |
|---|---|
| 25. Sweden | 39,5 F |
| 26. Denmark | 38,5 F |
| 27. Hungary, Malta | 36 F |
| 28. United Kingdom | 35 F |
| 29. Estonia | 34 F |

*Source: Beiter et al. 2016, p. 328.*

Table 31: Country ranking – Protection of institutional autonomy in higher education legislation

| Country | Percentage & Score / 20 in brackets |
|---|---|
| 1. Finland | 75 (15) |
| 2. United Kingdom | 67,5 (13,5) |
| 3. Croatia, North-Rhine-Westphalia (Germany) | 65 (13) |
| 4. Ireland | 62,5 (12,5) |
| 5. Austria | 60 (12) |
| 6. Lithuania | 55 (11) |
| 7. Estonia, Flanders (Belgium), Malta | 52,5 (10,5) |
| 8. Latvia | 50 (10) |
| 9. Poland | 47,5 (9,5) |
| ***Average*** | 46,29 (9,26) |
| 10. Germany | 46,25 (9,25) |
| 11. Bulgaria, Denmark, Italy, Luxembourg, Netherlands, Portugal | 45 (9) |
| 12. Belgium, Slovakia, Slovenia, Spain | 42,5 (8,5) |
| 13. Cyprus, Czech Republic, Romania | 40 (8) |
| 14. France | 35 (7) |
| 15. Sweden, Wallonia (Belgium) | 32,5 (6,5) |
| 16. Bavaria (Germany) | 27,5 (5.5) |
| 17. Greece | 22,5 (4,5) |
| 18. Hungary | 12,5 (2,5) |

*Source: Beiter et al. 2016, p. 312*

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Ever since the early history of European universities, academic freedom has been acknowledged to be a fundamental feature of any higher education research system or institution. The emergence of the research university model in Germany in the early 1800s, highlighting the basic concepts of *Lehrfreiheit* and *Lernfreiheit*, contributed strongly to the central position of academic freedom in present-day higher education systems. Following the widespread democratisation of Europe and other parts of the world during the second half of the 20th century, academic freedom became no longer simply an abstract concept; in many countries, it was codified as a specific freedom. More recently, academic freedom has been recognised as a basic condition for a healthy democracy and an essential feature of any democratic political order.

Currently, major breaches of and threats to academic freedom can be observed across Europe and the world. Presenting independent research into the de facto state of play of academic freedom in the EU Member States, this study has been designed to contribute to a better understanding of potential and real threats to academic freedom in the EU Member States, and ways in which the protection of academic freedom can be strengthened.

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