

## ACADEMIC FREEDOM INSIGHTS SERIES

# Academic Freedom: Human Rights Perspective

## INTRODUCTION

Academic freedom is a higher education value and a human right. It safeguards the public against information manipulation, historical distortion, and scientific and cultural biases, and supports evidence-based inquiry, debate, and policymaking, helping to inform decisions that impact people's lives. Without it, democracy is threatened. Greater international recognition of this human right is needed from regional, state, and institutional actors to address the underlying motivations behind its violation, namely the silencing or control of information and the manipulation of the public.

Prepared by Council of Europe experts Denise Roche and Kirsten Roberts Lyer, within the framework of the Education Department project "Academic Freedom in Action," exploring the key challenges and policy responses that shape academic freedom in Europe.



## CONTEXT

Academic freedom is “the human right to acquire, develop, transmit, apply, and engage with a diversity of knowledge and ideas through research, teaching, learning, and discourse.”

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It protects processes that support evidence-based inquiry and policymaking that inform the decisions that affect people’s lives. Without it, democracy is at risk. States must refrain from undue interference with this right and guarantee institutional autonomy.

Like other rights (e.g., due process and fair trial), it is exercised by individuals with knowledge and training, for the benefit of the public. It also enables other rights: Access to accurate information, particularly on complex or contested issues, is essential for the exercise of all rights and effective participation in a free society.

Several international authorities, including the UN Committee on Economic, Social, and Cultural Rights, UN Special Rapporteurs, and the Inter-American Commission on Human Rights, among others, affirm its status as a distinct human right.

Greater recognition of this rights-based aspect of academic freedom will strengthen implementation in regional and national laws, policies, and practices, and is integral to the Council of Europe’s Democracy Pact.



## FACTS & FIGURES

Despite existing protections under human rights law, threats to academic freedom are widespread and growing across every region in the world.

The **Academic Freedom Index**, an annual global dataset of expert-coded assessments of respect for academic freedom in 179 countries, has shown that academic freedom is in decline over the past decade. Scholars at Risk’s annual **Free to Think** report, drawing on data from its **Academic Freedom Monitoring Project**, further underlines concerns about attacks on higher education communities. Its 2024 report lists 391 separate attacks across 51 countries, highlighting trends across Africa, the Americas, Asia, Europe, and the Middle East, while recognising these are only a small sample of all attacks.

These and other data show that attacks on scholars, students, and higher education communities are widespread and occur everywhere, from conflict zones to closed authoritarian states to democratic societies. A coordinated, international response is urgently required. Recognising the right to academic freedom is an important step in this response.

## KEY CHALLENGES & DEVELOPMENTS

Standard-setting documents, such as Recommendation CM/Rec(2012)07, have been instrumental in supporting academic freedom and institutional autonomy. However, threats from state actors continue, including violent attacks, prosecutions, and administrative actions such as university and course closures and restrictions on curricula.

Notwithstanding positive doctrinal developments recognising academic freedom as a right interdependently and independently grounded in rights to expression, thought, opinion, education, and the benefits of science, among others, concrete measures for implementation, accountability, and redress remain underdeveloped.

Recognising the rights aspect of academic freedom more fully will help address the underlying motives behind many violations, namely the silencing or control of information and the manipulation of the public. This will foster conditions for strengthening protection and accountability measures, which in turn will deter future violations and encourage wider practice for the public good.



## POLICY IMPLICATIONS FOR FURTHER ACTION

- 01** International organisations, policymakers, and universities must clearly and publicly acknowledge the human rights basis of academic freedom. This will foster a deeper understanding and create conditions for strengthening protection, accountability, and implementation.
- 02** States bear the primary responsibility and duty under international law to respect, protect, and fulfil the right. They must avoid impeding or restricting its enjoyment, prevent third parties from interfering with it, and take positive measures to foster an enabling environment. This includes legislative measures that recognise academic freedom, establish independent oversight bodies, and implement mechanisms to monitor violations of the right. It must also include recognition of strong institutional governance structures and autonomy, as such institutional frameworks uphold academic freedom.
- 03** International and regional organisations should collaborate to monitor violations, build consensus, and develop supportive frameworks. Policymakers and universities should refrain from violating academic freedom and increase efforts to affirmatively protect and implement it, for example, by adopting the Principles for Implementing the Right to Academic Freedom, or similar guidance, aimed at modelling concrete measures to improve exercise of the right.

## CONCLUSION

The right to academic freedom is essential to democratic society. It guarantees access to accurate information on complex or contested issues, safeguards against manipulation, historical distortion, and scientific and cultural biases. It supports evidence-based inquiry, debate, and policymaking, and supports the exercise of all other rights. Threats to academic freedom threaten everyone and warrant collective responses at the national, regional, and global levels. Greater recognition of this right, particularly through collective state recognition, will bolster such responses.

## COUNCIL OF EUROPE REFERENCE DOCUMENTS



### CM/REC(2012)7

Recommendation of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy.



### 2018/2117(INI)

European Parliament 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 Defence of academic freedom in the EU's external action

## FURTHER READINGS



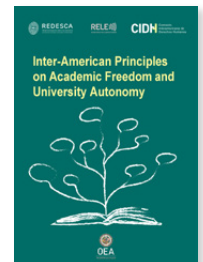
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Academic Freedom Index



### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) · 2021

Declaration of Inter-American Principles on Academic Freedom and University Autonomy



### SCHOLARS AT RISK · 2024

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Putting the Academic Freedom Index Into Action



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Report of the Special Rapporteur on the right to education. A/HRC/56/58



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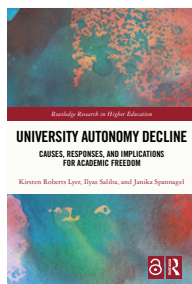
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### K ROBERTS LYER, I SALIBA & J SPANNAGEL · 2022

University Autonomy Decline: Causes, Responses and Implications for Academic Freedom, Routledge, chapter 2.



### GENERAL COMMENT OF THE COMMITTEE ON ECONOMIC · 1999

Social and Cultural Rights on Article 13 (The Right to Education) of the International Covenant on Economic, Social and Cultural Rights (1966)



### UNESCO · 1997

Recommendation concerning the Status of Higher-Education Teaching Personnel