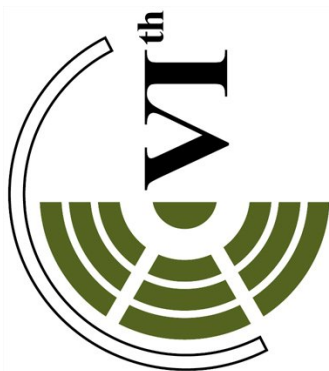


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Session 2

Protecting and Defending Academic Freedom

Report on Current Situation



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Universities cannot achieve their potential nor fully contribute to the emerging knowledge-based society without academic freedom. But it is far from secure. Even colleges and universities in western democracies face subtle but significant challenges from the privatization and commercialization of research and from the complexities of the information society. ... Faculty members - the constituency most concerned about the mission and core values of the university - must remain vigilant (Altbach, 2007, p.1).

§1. Introduction

The principle of academic freedom has come under growing pressure in a number of countries. There is cause for concern when one examines what is happening in terms of the situation on academic freedom in a number of countries. Generally, there is lack of tolerance of criticism of government policy or practice. In a number of countries, there have been moves from tenure to contractual appointments and spies inform on faculty and students. Anti-terrorism legislation also raises concern within the academic community (EI Barometer, 2007). Privately-funded research give rise to a number of implications that require clarity and careful monitoring (ibid) along the lines of the reasoning that those 'who pay the piper call the tune' (EI Barometer, 2004).

Traditionally, academic freedom has been seen as the right to choose one's own problem for investigation, to conduct research free from any outside control, and to teach one's subject in the light of one's own opinions (Polanyi, 1998). Other aspects of academic freedom also include curriculum control as an objective and a platform to air one's views even outside the limits of subject specialism (Birtwistle, p.209).

Definitions need to incorporate institutional autonomy, take account of the way that government policies structure research and teaching choices, and include the extent to which the institutional and policy environment allows opportunities for the pursuit of controversial or challenging ideas. The broader understanding of the concept justifies maintenance of a high degree of institutional autonomy, and individual autonomy within the institution (Rochford, 2003, p. 251).

This report examines the current situation as regards respect for the principle of academic freedom in the 170 countries in which EI has affiliates. Much of the data as to the current situation is taken from the EI Barometer (2007) - as the most recent source on this. Previous EI research on the issue, both globally and regionally was also taken into consideration.

§2. Documents and Normative Instruments on Academic Freedom

The *Magna Charta Universitatum* (Magna Charta Observatory, 1988) is signed by universities worldwide and stresses the importance of academic freedom as core values of a European university in the Fundamental Principles (Principles 1 and 3). The *Magna Charta Universitatum* (Magna Charta Observatory, 1988) was first signed by European Rectors in 1988, and is based on academic freedom and university autonomy.

The *Sinaia Statement on Academic Freedom and University Autonomy* (UNESCO, 1992) refers to universities' commitment to open and independent inquiry as a defining characteristic of such institutions. It states that this characteristic also distinguishes the nature of university research, which, unlike partisan research, seeks knowledge and understanding in a completely unrestricted manner. It also states that this commitment to the pursuit of truth gives universities all over the world their universal values and enables them to embark on the important paths of regional and international co-operation, which are crucial to the vitality of the modern university.

The *UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel* (1997) is the basic inter-governmental normative instrument guaranteeing rights of higher education staff. It treats the principle of academic freedom in arts. 25-32. In the very preamble, the Recommendation states:

... the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education and that the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research.

Art.27 of the same Recommendation guarantees the principle of academic freedom as a right pertaining to higher education teaching personnel:

Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. (...)

The *Recommendation on Academic Freedom and University Autonomy* (Council of Europe, 2006) adopted by the Parliamentary Assembly of the Council of Europe (PACE) during its (26-30) June 2006 sitting, is the most recent text on this issue, and also deserves adequate consideration. At the outset, what can be said of this Recommendation is that it is a good balance between transparency, accountability and quality assurance, which it refers to as “pre-conditions for granting universities academic freedom and institutional autonomy”. The Recommendation is not a revolution in terms of its content. It is mostly based on the *Magna Charta Universitatum*. The Recommendation reaffirms the 4 general principles of university autonomy and academic freedom, as follows:

- The guarantee of freedom of expression, action, disseminating information, of unrestricted inquiry in the pursuit and distribution of knowledge and truth.
- The manifestation of an independent commitment to the traditional and still essential cultural and social mission of the university, in terms of intellectually beneficial policy, good governance and efficient management.
- Proof that violations of academic freedom and university autonomy result in intellectual relapse, and consequently in social and economic stagnation.
- The need to react to changing needs of societies that they should serve and help educate and develop, with sufficient detachment to maintain a critical distance and to take a long-term view.

The first novelty which is important to consider in terms of this Recommendation is the level at which this issue is treated. The PACE is one of the two statutory organs of the Council of Europe, which is composed of a Committee of Ministers (the Ministers of Foreign Affairs, meeting usually at the level of their deputies) and an Assembly representing the political forces in its Member States. By means of this Recommendation, the PACE reaffirms the right to academic freedom and university autonomy in accordance with the *Magna Charta Universitatum*, thus endorsing what was previously decided at an academic level. It thus addresses an issue which is of continuing concern to the academic world, at a higher level than that at which it was previously treated, taking a bottom-up approach in this respect, and adding a European Parliamentary dimension to the work of the *Magna Charta Observatory*.

The second novelty of this Recommendation is the reference it makes to the “advent of the knowledge society”, affirming that it is necessary to draw up a “new contract” between, university and society, which would reflect and recognise new developments. In this respect, it

notes that academic freedom for researchers, scholars and teachers, and institutional autonomy needs to be re-justified under contemporary conditions. However, it then underlines the need to guarantee these principles legislatively, and preferably constitutionally. This is tied to the above-mentioned aspect of the level of treatment of this issue, as it is only at this level that it is possible to move forward in providing such a guarantee. In this respect, the Recommendation puts forward concrete suggestions as first steps:

- Encouraging the Council of Europe, through its relevant bodies, to act in order to reaffirm “the vital importance of academic freedom and university autonomy and contribute to an open political dialogue on the understanding of the concepts in the complex and changing reality of our modern societies”.
- Resolving to cooperate with the Magna Charta Observatory in monitoring observance of the principles of academic freedom and university autonomy.
- Recommending that the Committee of Ministers strengthen its work in this field “as a fundamental requirement of any democratic society”.
- Inviting the Committee of Ministers to “require recognition of academic freedom and university autonomy as a condition for membership of the Council of Europe”.

This Recommendation focuses on a central concern for higher education institutions and academics, mixing most of the old with some things new. It is also of interest when compared to the Communiqués of the Bologna Process, where it is possible to trace the issue of the importance of involvement of higher education institutions back to the Prague Communiqué (2001), as reaffirmed in the Berlin (2003) Bergen (2005) and London (2007) Communiqués.

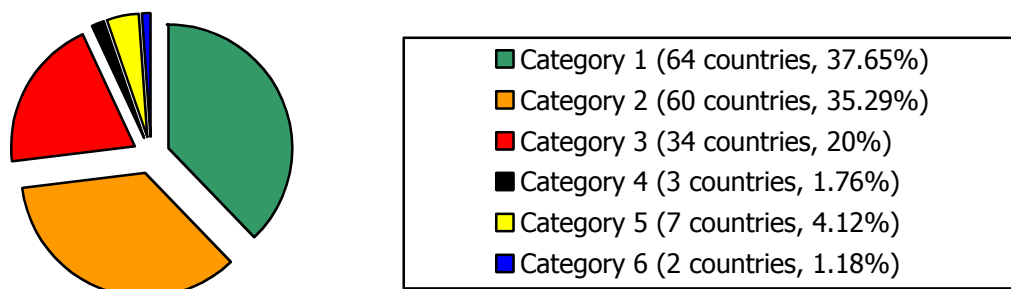
§3. The Current Situation - Overall

While hostile forces still persecute professors, new challenges to the traditional ideal of academic freedom loom large: new technologies, restructured traditional universities, an expanded private sector that includes for-profit institutions, a privatised public sector, and corporatised research (Altbach, 2007, p.7).

The EI Barometer (2007) makes a thorough examination of human and trade union rights in the education sector in terms of a number of issues. One of these is academic freedom. From the findings of the EI Barometer, the current situation as regards academic freedom in the 170 countries in which EI has affiliates can be divided into the following 6 categories -

- Category 1: Reports don't cite violations/restrictions of academic freedom - 64 countries (37.65%)
- Category 2: No formal restrictions, but situation different in practice - 60 countries (35.29%)
- Category 3: Academic freedom is restricted - 34 countries (20 %)
- Category 4: Academic freedom is severely restricted - 3 countries (1.76%)
- Category 5: Some recent improvements in academic freedom - 7 countries (4.12%)
- Category 6: Other - 2 countries (1.18%)

Fig.1 Academic Freedom - General Overview, 170 countries with EI Affiliates



Below, the situation in terms of respect for the principle of academic freedom is analysed per region.

S4. The Current Situation in the African Region

The following is a breakdown of the situation in the countries of the African Region by country, in accordance with the categories above-mentioned.

- **CATEGORY 1: Reports do not Cite Violations/Restrictions of Academic Freedom (15 countries)**

1. ANGOLA (Republic of Angola)	10. MALAWI (Republic of Malawi)
2. BOTSWANA (Republic of Botswana)	11. MALI (Republic of Mali)
3. CAPE VERDE (Republic of Cape Verde)	12. MAURITIUS (Democratic Republic of Mauritius)
4. CONGO (People's Republic of the Congo)	13. MAURITANIA
5. GABON (Republic of Gabon)	14. NAMIBIA (Republic of Namibia)
6. GHANA (Republic of Ghana)	15. SAO TOME AND PRINCIPE (Democratic Republic of Sao Tomé & Príncipe)
7. GUINEA BISSAU (Republic of Guinea-Bissau)	
8. LESOTHO (Kingdom of Lesotho)	
9. LIBERIA (Republic of Liberia)	

- **CATEGORY 2: No Formal Restrictions, but Situation Different in Practice (15 countries)**
 1. BENIN (Republic of Benin): Reports do not indicate that the government restricts academic freedom. However, activities at the University of Abomey Calavi are monitored, raising questions about academic freedom.
 2. BURUNDI (Republic of Burundi): There are no legal restrictions on academic freedom, but the political climate and restrictions on journalists do not encourage it.
 3. CAMEROON (Republic of Cameroon): There are no legal restrictions on academic freedom, but State security informants operate on university campuses. Professors report that participation in opposition political parties would adversely affect their professional opportunities and advancement.
 4. CENTRAL AFRICAN REPUBLIC: There are no reports that academic freedom is restricted, but the climate is such that self-censorship is practiced.
 5. CHAD (Republic of Chad): Academic freedom is not legally restricted, but interception of mail and email applies to academics as to others.
 6. DJIBOUTI (Republic of Djibouti): Reports do not cite violations of academic freedom, but freedom of speech is curtailed in the country, and teachers have been subjected to harassment and intimidation. This is not a climate conducive to academic freedom.
 7. GAMBIA (Republic of the Gambia): Reports do not indicate that there is any restriction of academic freedom per se, but the limitations on freedom of speech for the press restrict the ability of academics to express views freely in classrooms.
 8. KUWAIT: The Constitution provides for freedom of opinion and of research, except that academics are legally prohibited from criticism of the Emir or of Islam. Academic freedom is also limited by self-censorship.
 9. MADAGASCAR: Reports do not cite violations of academic freedom, but laws that limit freedom of speech also apply to academics.
 10. MOZAMBIQUE (Republic of Mozambique): While academic freedom is not restricted, reports indicate that teachers at all levels of education feel pressure to be members of FRELIMO (The Front for the Liberation of Mozambique).
 11. NIGER (Republic of Niger): Reports do not cite restriction or violation of academic freedom, but legislation that restricts freedom of speech for journalists applies to any criticism of government policies. Students have been beaten and arrested for protests against government policies.
 12. SENEGAL (Republic of Senegal): The impact of increased market influence on academic freedom and on the role of academia in national development will bear watching.
 13. SOUTH AFRICA (Republic of South Africa): Academic freedom is constitutionally guaranteed in South Africa, but staff and students at the University of KwaZulu-Natal are reported to be fearful of making any comments critical of the university and its management. The threat of dismissal is seen as an attempt to silence academics. Attempts to control and undermine independent scholarly research are also cited, and the university is accused of monitoring staff email.

14. TOGO: Reports do not cite violations or restrictions of academic freedom, but security forces are said to maintain a presence at the University of Lomé.
15. ZAMBIA (Republic of Zambia): While reports do not cite any violations of academic freedom, the law gives the Minister of Education the power to appoint the members of the University Council, which has a mandate to address faculty concerns. Some academics note this as an infringement of academic freedom.

- CATEGORY 3: Academic Freedom is Restricted (16 countries)

1. ALGERIA (People's Democratic Republic of Algeria): Defamation laws are used to prosecute anyone who criticises government officials and dissemination of literature portraying violence as a precept of Islam is forbidden. Restrictions also limit freedom of academics to discuss political and government policy issues. A growing number of academic seminars have taken place without governmental interference, but delays are reported in issuing visas to international participants and international experts.
2. BURKINA FASO (Democratic Republic of Burkina Faso): Academic freedom is legally unrestricted, but self-censorship applies in academia as it does in journalism.
3. EGYPT (Arab Republic of Egypt): The Islamic Research Centre of Al-Azhar University recommends books to be censored on religious grounds. The security intelligence service (SSIS) arrested a graduate of Al-Azhar for unpublished research he distributed to religious scholars and embassies. Islamist militants publicly attack professors and students. HRW (Human Rights Watch) believes government policies have led to an environment of self-censorship.
4. ERITREA: Academic freedom is restricted. The status of the University of Asmara, the only institution of higher education, is uncertain, because students are diverted to the Technical Institute and may not continue to the university for the last 2 years.
5. ETHIOPIA: Academic freedom is restricted. Professors are allowed to do research in their discipline provided they express no political opinions. Teachers at all levels are not permitted to deviate from official lesson plans. Political activity is discouraged on university campuses, where uniformed police and plainclothes security officers watch those who work and study. Student organisations are permitted provided students refrain from involvement in any activity considered political in nature.
6. GUINEA (Republic of Guinea): Academic freedom is restricted, through government influence on faculty hiring and control of the curriculum and self-censorship. Students have been expelled and arrested and schools have been closed over objections to government changes.
7. MOROCCO (Kingdom of Morocco): Academic freedom is restricted, because no open debate is allowed on the monarchy, Islam or the country's incorporation of the Western Sahara. Government informers monitor campus activities, mostly of Islamist groups. The Ministry of the Interior approves the appointments of university rectors.
8. NIGERIA (Federal Republic of Nigeria): Academic freedom is restricted, and the curriculum is mandated at all levels. The legislation that limits freedom of the press also applies in academia.
9. PALESTINE (Autonomous Palestinian Territories): Since the Palestinian Authority took control of the universities in the Autonomous Territories, issues concerning restriction of academic freedom have centred around the control exerted by the Authority on university policies.
10. RWANDA (Republic of Rwanda): The practice by the head of the national university to monitor staff and students for evidence of genocide ideology is reported to have lessened, but self-censorship exists among the academic community.
11. SIERRA LEONE (Republic of Sierra Leone): The vicious cycle of violence in Sierra Leone has had a deep impact on universities, which are desperately short of funds. The only funding available for research is from private sources, of which there are few in Sierra Leone. Concern is raised about the ability of researchers to have any input into the development of research projects.

12. SOMALIA: Academics are reported to practice self-censorship.
13. SWAZILAND: Academic freedom is limited. Academic meetings, writings and discussion on political topics are curtailed, and academics are reported to practice self-censorship.
14. TANZANIA (United Republic of Tanzania): The University of Dar es Salaam Academic Staff Assembly (UDASA) believes that current excessive focus on administrative rather than academic goals will make the University top-down in its decision-making process.
15. TUNISIA (Republic of Tunisia): Academic freedom is limited, and reports indicate a climate of self-censorship in the universities.
16. ZIMBABWE (Republic of Zimbabwe): Academic freedom is restricted. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act subject universities to government influence.

- CATEGORY 4: Academic Freedom is Severely Restricted (1 country)

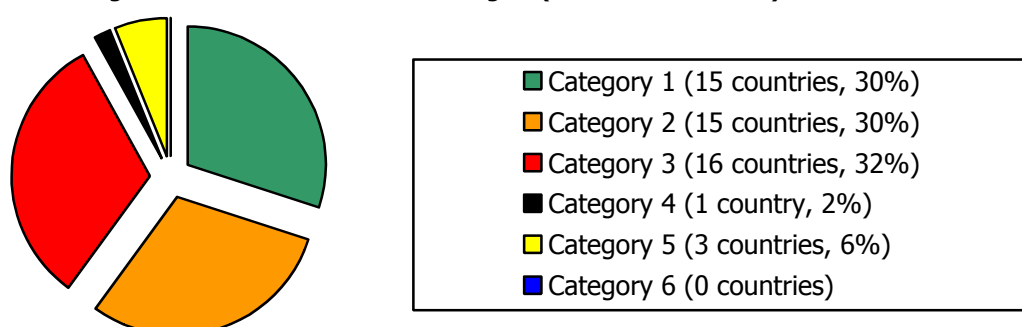
1. COTE D'IVOIRE (Republic of Cote d'Ivoire): Academic freedom is limited. The government controls most educational facilities, and a presidential decree now requires that all meetings on campus have authorisation. Prominent scholars who are members of opposition parties fear transfers to less desirable positions because of their political activities. Security forces use students as informants to monitor political activities at the University of Abidjan. Violent actions by members of FESCI (a youth group that supports the President) intimidate students and faculty.

- CATEGORY 5: Some Recent Improvements in Academic Freedom (3 countries)

1. CONGO DRC (Democratic Republic of the Congo): Academic freedom is reported to have improved. Harassment and intimidation have lessened. But in areas where the government has little control, freedom of speech is restricted and little education is taking place.
2. KENYA (Republic of Kenya): Fewer reports of limitations of academic freedom are noted. Foreign lecturers have the opportunity to lecture publicly. After 22 years of self-imposed exile, the writer Ngugi wa Thiong'o returned and delivered lectures at universities throughout the country. The banned academic staff union was reinstated and took part in salary negotiations. However, publications such as The Quotations of Chairman Mao Zedong and Salman Rushdie's Satanic Verses remain banned.
3. UGANDA (Republic of Uganda): The President of the country no longer appoints the Vice-Chancellors of the national universities and independent search committees made up of senior faculty have been appointed. However, reports indicate that security of tenure is increasingly threatened by higher education reforms.

- CATEGORY 6: Other (0 countries)

Fig.2 Academic Freedom - African Region (Total Countries = 50)



55. The Current Situation in the Asia-Pacific

- CATEGORY 1: Reports do not Cite Violations/Restrictions of Academic Freedom (4 countries)
 1. EAST TIMOR
 2. KIRIBATI (Republic of Kiribati)
 3. PAPUA NEW GUINEA
 4. TUVALU
- CATEGORY 2: No Formal Restrictions, but Situation Different in Practice (17 countries)
 1. AUSTRALIA (Commonwealth of Australia): No legal restriction of academic freedom exists, but are concerns raised by faculty unions that changes to public funding and to governance structures of universities will have a detrimental effect on their freedom to report research findings publicly and to share information with their colleagues.
 2. BANGLADESH (People's Republic of Bangladesh): Legally, academic freedom is not limited. However, research on sensitive religious and political topics is not encouraged. Direct access to the Internet is permitted, but police continue surveillance of some e-mail. This climate does not support academic freedom.
 3. CAMBODIA (Kingdom of Cambodia): No legal restrictions exist on academic freedom, but the climate promotes self censorship.
 4. CHINA (HONG KONG - Special Administrative Region of China): Authorities are reported to intervene in the nomination of the top level of university administration. Due to the economic situation of the country, most professors have an additional job that is the major source of income. Part-time faculty members do not enjoy the same rights as permanent teaching staff.
 5. COOK ISLANDS: The same applies to the Cook Islands as applies for Fiji.
 6. FIJI (Republic of the Fiji Islands): Academic freedom is not restricted legally, but government work permit regulations and University of the South Pacific contract regulations deter most university employees from participating in domestic politics.
 7. JAPAN: Reports do not indicate any violation of constitutionally guaranteed academic freedom. However, from time to time instances surface of pressure being put on academics by ultra-nationalists.
 8. KAZAKHSTAN (Republic of KAZAKHSTAN): Academic freedom is legally stated to be unrestricted, but, as is the case for journalists, academics cannot violate certain restrictions such as criticising the President and his family or providing information on topics that are not released for public discussion.
 9. KYRGYZSTAN (Kyrgyz Republic): Reports do not indicate any restrictions of academic freedom, but the laws that curtail freedom of the press apply to academics as well.
 10. NEPAL: Reports do not cite government restrictions of academic freedom, though Maoist groups curtail academic freedom in areas they control.
 11. NEW ZEALAND: While reports do not indicate restrictions of academic freedom, academics in New Zealand are concerned that autonomy and academic freedom are being threatened by a new focus on letting market forces determine the relevant functions and outcomes of education.
 12. PHILIPPINES (Republic of the Philippines): The right of academic freedom is included in the higher education legislation in the Philippines. The University of the Philippines handbook however limits academic freedom rights by endorsing behaviour "in a manner that should not interfere with his duties as a member of the faculty or negative to his loyalty to the school, college or university that employs him."
 13. SAMOA (Independent State of Samoa): Reports do not cite any restriction of violation of academic freedom, but "The Da Vinci Code (film)" was banned from local television stations and cinemas following objections of the Samoa Council of Churches, and the censorship office prohibited the sale or rental of future versions of the film for use at home.
 14. SOLOMON ISLANDS: While reports do not cite specific restrictions of academic freedom, concern has been expressed on the pressure on educational institutions during political upheavals.
 15. THAILAND: While reports do not cite restrictions of academic freedom, it is noted that in November 2006 an Indonesian academic known for his studies of the Suharto regime was denied entry to Thailand when airport immigration authorities announced that he was on a list of persons not welcome in Thailand.

16. TONGA (Kingdom of Tonga): The constitution provides for academic freedom, but criticism of the King, the royal family or the government is not tolerated, and proposed changes to the constitution will further curb freedom of expression.
 17. VANUATU (Republic of Vanuatu): Reports do not cite violations of academic freedom, but a move toward managing the university on the models of management applied in Australia and New Zealand is causing concern for academics in the University of the South Pacific.
- CATEGORY 3: Academic Freedom is Restricted (11 countries)
1. AFGHANISTAN (Republic State of Afghanistan): Two Students were expelled from Herat University in 2005 following a classroom debate on the role of Christianity in a Muslim society. Self-censorship is common because of fears of retaliation.
 2. BRUNEI (Brunei Darussalam Negara): Some researchers publish from overseas under a pseudonym when they think the subject matter will not be well received. There are no politically oriented student associations.
 3. INDIA (Republic of India): Academic freedom is restricted in a number of ways. Strict academic guidelines regulate academic partnerships between local and western universities. A list of banned books may not be imported or sold in the country.
 4. INDONESIA (Republic of Indonesia): Barriers continue to exist for academic communities. They include mandatory political background checks for incoming teachers, book censorship, laws criminalising dissenting views, the outlawing of student political expression and activity, and the banning of critical academics, writers, and dissidents from seminars and public forums.
 5. KOREA (Republic of South Korea): Reports state that police informants are posted on University Campuses. Under the National Security Law, the government may limit the expression of ideas that Authorities consider Communist or pro-North Korean.
 6. MALAYSIA: Restrictions are placed on academic freedom. The government enforces restrictions on teachers and students who express dissenting views. All civil servants, university faculty and students must sign a pledge of loyalty to the King and the government. Human rights activists claim this is to restrain political activity. Academics sometimes criticise the government, but self-censorship among public university academics is reported.
 7. PAKISTAN (Islamic Republic of Pakistan): Academic freedom is limited by student violence and intolerance, through groups linked to political parties. They interfere with staff hiring and student admissions and they influence the use of university funds. University authorities have banned political activity on many campuses without success.
 8. SINGAPORE (Republic of Singapore): All public institutions of higher education and political research have limited autonomy. Academics speak and publish widely on social and political issues but are aware that comments outside the classroom or articles in academic publications that criticise political leaders or that address sensitive social and economic policies may bring sanctions. Comments that might disturb ethnic or religious harmony or that can be interpreted as partisan political views are prohibited. Academic publications rarely deviate from accepted policy.
 9. SRI LANKA (Democratic Socialist Republic of Sri Lanka): For a number of years criticism has been levied at the LTTE (Liberation Tigers of Tamil Eelam) for its tight regulation of many aspects of life in the territory under its control, including academic institutions. It was considered encouraging that the LTTE was exposing its leaders to uncensored academic inquiry. However these initiatives have come to a stop with the resumption of hostilities.
 10. TAIWAN: Publications imported from mainland China are screened before distribution, and publications that advocate communism or endanger public order or good morals can be banned. However, material from mainland China is readily accessible through the Internet. The restrictions that apply to publications also apply in higher education.

11. UZBEKISTAN (Republic of Uzbekistan): Academic freedom is limited. University professors are required to have their lecture notes approved. This requirement is implemented sporadically, but it causes self-censorship

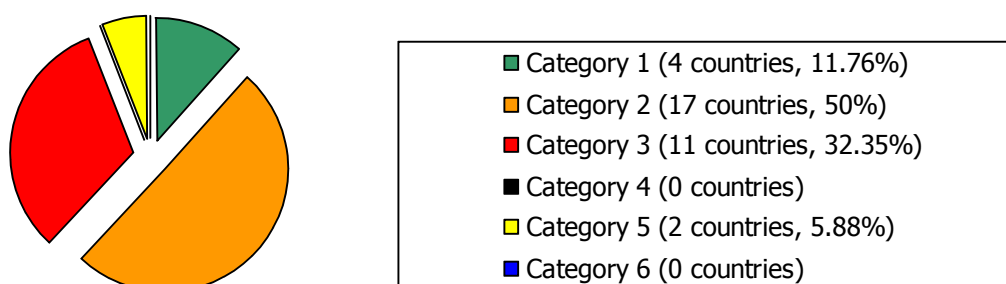
- CATEGORY 4: Academic Freedom is Severely Restricted (0 countries)

- CATEGORY 5: Some Recent Improvements in Academic Freedom (2 countries)

1. MONGOLIA: Higher education in Mongolia remains under state supervision, though it has gradually been adopting more democratic structures. Presidents of tertiary institutions are now elected by academic staff. Academic freedom and institutional autonomy have increased over the past decade and are protected by law. The ministry still appoints representatives to the governing boards of state-owned institutions.
2. TAJIKISTAN (Republic of Tajikistan): Direct censorship is no longer standard practice in Tajikistan, but authorities on occasion still prevent certain material or publications from being printed. Reports indicate this is applied more to journalists than to academics.

- CATEGORY 6: Other (0 countries)

Fig.3 Academic Freedom - the Asia-Pacific (Total Countries = 34)



§6. The Current Situation in Europe

- CATEGORY 1: Reports do not Cite Violations/Restrictions of Academic Freedom (25 countries)

- | | |
|--|---|
| 1. AUSTRIA (Republic of Austria) | 14. LATVIA (Republic of Latvia) |
| 2. BELGIUM (Kingdom of Belgium) | 15. LITHUANIA (Republic of Lithuania) |
| 3. BULGARIA (Republic of Bulgaria) | 16. LUXEMBOURG (Grand Duché du Luxembourg) |
| 4. CROATIA (Republic of Croatia) | 17. MACEDONIA (The Former Yugoslav Republic of Macedonia) |
| 5. CYPRUS (Republic of Cyprus) | 18. MALTA (Republic of Malta) |
| 6. ESTONIA (Republic of Estonia) | 19. NORWAY (Kingdom of Norway) |
| 7. FINLAND (Republic of Finland) | 20. PORTUGAL (Portuguese Republic) |
| 8. FRANCE (French Republic) | 21. SERBIA |
| 9. GERMANY (Federal Republic of Germany) | 22. SLOVAKIA (Slovak Republic) |
| 10. GREECE (Hellenic Republic Greece) | 23. SLOVENIA (Republic of Slovenia) |
| 11. HUNGARY (Republic of Hungary) | 24. SPAIN (Kingdom of Spain) |
| 12. ICELAND (Republic of Iceland) | 25. SWITZERLAND |
| 13. IRELAND (Republic of Ireland) | |

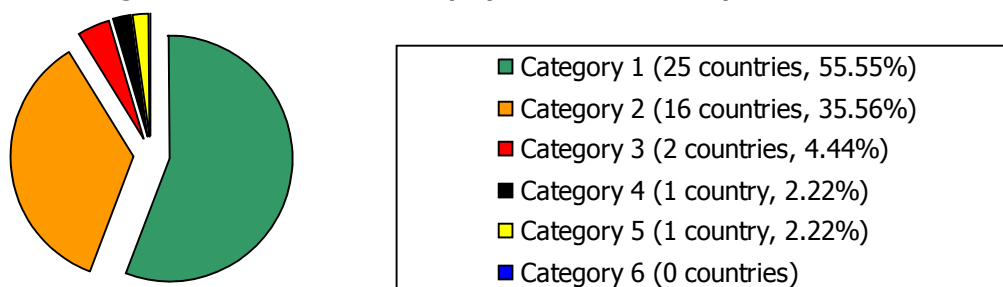
- CATEGORY 2: No Formal Restrictions, but Situation Different in Practice (16 countries)

1. ARMENIA (Republic of Armenia): Reports not indicate government restrictions on academic freedom, but the political environment is conducive to self-censorship.
2. AZERBAIJAN (Republic of Azerbaijan): Officially academic freedom is not restricted, but professors and students active in political parties experience political pressure.
3. BOSNIA & HERZEGOVINA: While academic freedom is not legally restricted, it is constrained by ethnic favouritism and politicisation of faculty appointments.

4. CZECH REPUBLIC: Legally there is no restriction of academic freedom. Political parties are banned from conducting activities at universities, though students can form their own political groups.
 5. DENMARK: Academic freedom is currently not restricted, but teachers believe there is pressure in Denmark to identify and standardise best practice. Teachers at all levels of education believe that to require specific methodology or ideological content is an unacceptable constraint.
 6. GEORGIA (Republic of Georgia): While official reports do not cite violations of academic freedom, corruption is reported to pervade the entire higher education system of Georgia. Problem areas include university examinations, academic credentials, procurement of goods and services and licensing and accreditation of institutions.
 7. ISRAEL (State of Israel): Legally, academic freedom is not restricted. However, of 5,000 university professors and lecturers working in Israeli universities, fewer than 60 are Israeli Arabs. Israel Security Authority approval is needed for appointments of teachers and administrators in Arab schools. The issue of academic freedom in Israel has been debated worldwide, and calls have been made for boycotts of Israeli academics who do not denounce their government's policy towards Palestinians. Some contend that a move to silence Israelis in their critique of government policy vis-à-vis the Occupied Territories has gained in strength in the post-9/11 era. University professors are said to be subject to such criticism, and calls are made for their support.
 8. ITALY (Italian Republic): Reports do not indicate any restrictions of academic freedom. However, there are public requests that Human Rights Watch examine academic freedom in Italy's universities, citing endemic corruption within the Italian university system, including in the allocation of tenured positions.
 9. MOLDOVA (Republic of Moldova): The law provides formally for academic freedom, but indications are that it is based on the system followed while Moldova was part of the former USSR (Union of Soviet Socialist Republics). Complaints are made of a state monopoly over the content of the subjects taught, the imposition of outdated educational plans and methods and the absence of an objective evaluation system.
 10. MONTENEGRO (Republic of Montenegro): Though reports do not indicate restrictions on academic freedom, pro-Serbian professors were dismissed for refusing to teach in Montenegrin.
 11. NETHERLANDS: While no reports indicate any official restrictions or violations of academic freedom in the Netherlands, it is reported that the murders of a politician, a film producer and a teacher have generated a tendency to self-censorship.
 12. POLAND (Republic of Poland): While reports do not indicate any restriction of academic freedom, concerns were raised over the censure of a professor.
 13. ROMANIA: Reports do not cite any restrictions or violations of academic freedom, but the issue deserves close monitoring given the social upheaval that has taken place.
 14. SWEDEN (Kingdom of Sweden): Reports do not indicate restrictions or violations of academic freedom as such, but concerns are raised by academics on changes in the structure of the funding system which begin to exert an impact on actions of academics.
 15. TURKEY (Republic of Turkey): There are no legal restrictions on academic freedom, but academics report self-censorship when dealing with certain topics, such as the massacre of Armenians in the Ottoman Empire.
 16. THE UNITED KINGDOM: Academic freedom is generally respected throughout the United Kingdom, but concern is raised over trends that open the door to infringement of academic freedom. The National Curriculum and its assessment procedures are said to exert a range of negative pressures, restricting the use of professional judgment and limiting the exploration of new areas of teaching. The government's terrorism bill is also seen as restricting the academic teaching of courses on contemporary politics, Islam, the Middle East and Ireland.
- CATEGORY 3: Academic Freedom is Restricted (2 countries)
1. ALBANIA (Republic of Albania): The head of the University of Tirana's Geography Department was dismissed for having an anti-nationalistic approach in his work, and publication of his work was banned.

2. **UKRAINE:** The security services are reported to maintain offices for the protection of state secrets in scientific and research institutes, including those not conducting classified research. Administrators of universities are reported to silence colleagues by denying them the ability to publish, by withholding pay and housing benefits and by terminating their employment. Private and religiously affiliated universities report that educational reforms are being implemented very slowly. Theology is not recognised as a subject for academic study, and students in this and other non-recognised fields are subject to military conscription. University rectors are reported to have a little more autonomy.
- **CATEGORY 4: Academic Freedom is Severely Restricted (1 country)**
 1. **BELARUS (Republic of Belarus):** All educational institutions are required to teach, and all students to study, the official state ideology. The Ministry of Education requires higher education establishments, private or state, to adhere to state standards concerning ideology. Students are under pressure to join the Belarusian Republican Youth Movement (BRYM) to receive benefits like rooms in dormitories. Members of opposition groups were expelled from institutions of higher education for their political activities.
 - **CATEGORY 5: Some Recent Improvements in Academic Freedom (1 country)**
 1. **RUSSIA (Russian Federation):** Academic freedom in Russia is more open than earlier, but academics face some difficult issues. The advent of the market economy has coincided with a time when the large, existing research establishment is severely under-funded. Material conditions for scholars, no longer a government priority, have suffered from the large reduction of state financial support. As a result, the academic community depends increasingly on commercially financed projects to continue academic research. This dependence raises questions about the freedom allowed to researchers and about access to, interpretation and use of their findings.
 - **CATEGORY 6: Other (0 countries)**

Fig.4 Academic Freedom - Europe (Total Countries = 45)



§7. The Current Situation in Latin America

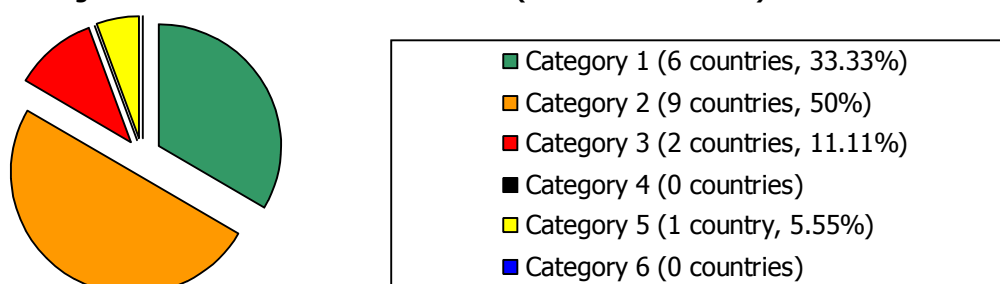
- **CATEGORY 1: Reports do not Cite Violations/Restrictions of Academic Freedom (6 countries)**

1. ARGENTINA (Republic of Argentina)	4. EL SALVADOR
2. BRAZIL (Federative Republic of Brazil)	5. PANAMA (Republic of Panama)
3. COSTA RICA (Republic of Costa Rica)	6. PARAGUAY (Republic of Paraguay)
- **CATEGORY 2: No Formal Restrictions, but Situation Different in Practice (9 countries)**
 1. **BOLIVIA:** Legally there is no restriction on academic freedom, but there are limitations on freedom of speech.
 2. **CHILE (Republic of Chile):** No government restrictions apply to academic freedom, but the same issues arise in Chile as in other countries where research is funded by private funds. Academics receiving private support sometimes must deal with corporate interventions on issues such as proprietary rights to data, influence in steering research, privileged access to findings and control over publication of results.
 3. **COLOMBIA (Republic of Colombia):** Academic freedom is not legally restricted, but

paramilitary groups and guerrillas maintain a presence on university campuses, national tests and standards are reported as obstacles to academic freedom and control of private universities is also seen as a deterrent to academic freedom. The leadership of FECODE (Federación Colombiana de Educadores) has been targeted by para-military groups for many years. EI and its member organisations have assisted colleagues who have gone into exile and have assisted internally displaced teachers through FECODE.

4. CURAÇAO: Academic freedom is comparable to that of the Netherlands.
 5. DOMINICAN REPUBLIC: Reports do not indicate any restriction of academic freedom, but criticism of authority can lead to intimidation.
 6. GUATEMALA (Republic of Guatemala): Reports do not cite government restrictions of academic freedom, but they describe intimidation against professors who were part of the teams exhuming mass graves. This work continues and so do the threats.
 7. MEXICO: All universities have academic freedom as a goal, but differences are noted according to the type of university. Government universities allow a greater degree of freedom. Church-sponsored universities, as well as non-religious universities, impose some restrictions according to their interests.
 8. NICARAGUA (Republic of Nicaragua): Reports do not indicate any restriction of academic freedom, but the laws that limit press freedom apply to any written material.
 9. VENEZUELA (Bolivarian Republic of Venezuela): Professional and academic groups are reported to operate without interference. Complaints are now made that the National Electoral Council (CNE) interferes with their attempts to hold internal elections. A Supreme Tribunal of Justice ruled that groups belonging to civil society cannot receive money from foreign governments or groups influenced by foreign government. They are not to be engaged in political activism. Government supporters attacked demonstrators protesting the police killing of 3 students.
- CATEGORY 3: Academic Freedom is Restricted (2 countries)
 1. PERU (Republic of Peru). Some subject matter has been excluded from the curriculum, and the implementation of neo-liberal education reforms has seen faculty layoffs, and departments and research institutes closing down, among other things.
 2. HONDURAS (Republic of Honduras): Authorities are reported to intervene in the nomination of the top level of university administration. Universities are reported to offer an acceptable level of job stability for their teaching staff. Private universities have a smaller percentage of tenured, full-time professors. Due to the economic situation of the country, most professors have an additional job that is the major source of income. Part-time faculty members do not enjoy the same rights as permanent teaching staff. A large number of professors work in more than 1 university at the same time.
 - CATEGORY 4: Academic Freedom is Severely Restricted (0 countries)
 - CATEGORY 5: Some Recent Improvements in Academic Freedom (1country)
 1. URUGUAY (Oriental Republic of Uruguay): During the period of the dictatorship, academic freedom was severely curtailed. Reports do not indicate this is the case at present, and no cases of violation of academic freedom have been raised.
 - CATEGORY 6: Other (0 countries)

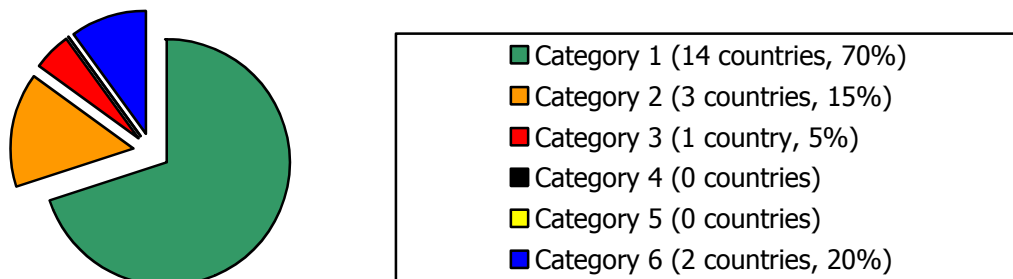
Fig.5 Academic Freedom - Latin America (Total Countries = 18)



58. The Current Situation in North America and the Caribbean

- CATEGORY 1: Reports do not Cite Violations/Restrictions of Academic Freedom (14 countries)
 1. BAHAMAS
 2. BARBADOS
 3. BELIZE
 4. BERMUDA
 5. BRITISH VIRGIN ISLANDS
 6. DOMINICA
 7. GRENADA
 8. GUYANA (Co-operative Republic of Guyana)
 9. JAMAICA
 10. MONTSERRAT
 11. SAINT KITTS AND NEVIS
 12. SAINT LUCIA
 13. SAINT VINCENT & THE GRENADINES
 14. SURINAME (Republic of Suriname)
- CATEGORY 2: No Formal Restrictions, but Situation Different in Practice (3 countries)
 1. CANADA: Academic freedom in Canada is respected in policy and in collective agreements. Grievances can be filed to an arbitrator. The increasing dependence on corporate funding for research however raises concerns.
 2. HAITI (Republic of Haiti): Academic freedom is not restricted legally, but it is still dangerous to criticise government authorities or to speak about police activities.
 3. TRINIDAD AND TOBAGO (Republic of Trinidad and Tobago): The right to academic freedom carries with it the duty to use that freedom in a responsible and ethical way. Academic freedom does not require neutrality on the part of the individual. Senior academics such as the vice-chancellor, pro-vice-chancellors, campus principals, registrars, bursars, deans and senior administrative staff are not permitted to accept political public office while holding their university post.
- CATEGORY 3: Academic Freedom is Restricted (1 country)
 1. USA (United States of America): Academic freedom is under threat from several directions. Since the attack on the World Trade Center and the passage of the Patriot Act, criticism has been directed at views expressed by professors both on and off campus. Another area of concern stems from the fact that nearly two-thirds of faculty members have no job security. Concern is also raised over the sources of research funding in universities and whether corporate funding might compromise freedom of inquiry.
- CATEGORY 4: Academic Freedom is Severely Restricted (0 countries)
- CATEGORY 5: Some Recent Improvements in Academic Freedom (0 countries)
- CATEGORY 6: Other (2 countries)
 1. ANGUILLA: No tertiary education institutions.
 2. ANTIGUA AND BARBUDA: No information available.

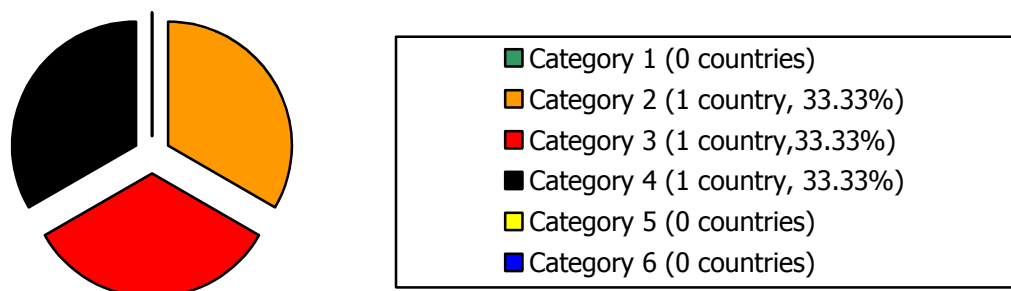
Fig.6 Academic Freedom - North America and the Caribbean (Total Countries = 20)



59. The Current Situation in the Middle East

- CATEGORY 1: Reports do not Cite Violations/Restrictions of Academic Freedom (0 countries)
- CATEGORY 2: No Formal Restrictions, but Situation Different in Practice (1 country)
 1. LEBANON: Academic freedom is protected in law, and academics in Lebanon enjoy an open academic environment. While reports do not indicate there is any restriction of academic freedom, Lebanese university professors and students staged the largest demonstration in the country since 1992, to protest threats to autonomy and shrinking budgets.
- CATEGORY 3: Academic Freedom is Restricted (1 country)
 1. YEMEN (Yemen Arab Republic): The government restricts academic freedom, blaming the politicisation of university campuses. Political parties attempt to influence academic appointments and are reported to try to influence university faculty and student elections. Government informers monitor meetings.
- CATEGORY 4: Academic Freedom is Severely Restricted (1 country)
 1. IRAQ (Republic of Iraq): Kurdish parties in the north and Shi'a-dominated parties in the south control student admissions to higher education and academic positions are determined by the same groups. There are accusations that corruption and "de-Ba'athification" are pretexts used to further political and personal agendas. 17 University of Tikrit professors lost their jobs due to de-Ba'athification, though they claimed they maintained party membership only as a requirement of their employment and had not engaged in any activity to further Ba'ath goals. In Najaf police physically assaulted and detained students for wearing jeans and having long hair. Police beat the students and shaved their heads
- CATEGORY 5: Some Recent Improvements in Academic Freedom (0 countries)
- CATEGORY 6: Other (0 countries)

Fig.7 Academic Freedom - The Middle East (Total Countries = 3)

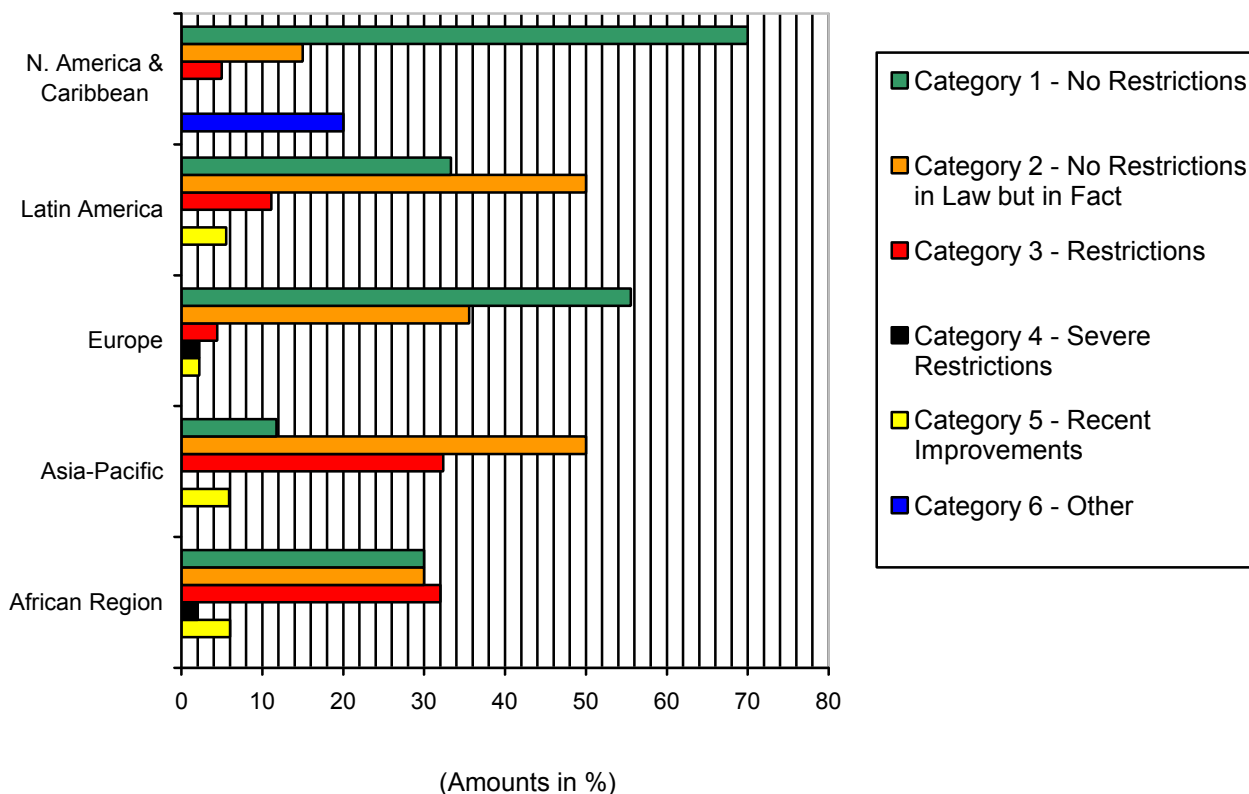


It is important to note that *this is not a complete - or even near-complete - picture of the Middle East*. As a number of countries usually seen as forming part of the Middle East are captured under other regions referred to above. The regional classification referred to here is based on the scope of the EI regional offices. This is the only section that is not matched with a regional office, and for this reason it is not included in the cross-regional comparison in §10.

§10. A Comparison of Regions

The following is a comparison of regions by category, in terms of the above-mentioned findings. For the reasons stated above, the Middle East is excluded from this cross-regional comparison.

Fig. 8 Cross-Regional Comparison (Percentages of each Category)



§11. Analysis

The above findings show clear trends in restricting academic freedom. Only in two out of the five regions referred to in the above analysis show a relatively high incidence of respect for academic freedom, with restrictions of the right to academic freedom still visible in every region.

When the *Sinaia Statement on Academic Freedom and University Autonomy* was adopted under the auspices of UNESCO (UNESCO, 1992), it stated that “history has shown that violations of academic freedom and institutional autonomy have high costs in intellectual regression, social alienation and economic stagnation”. Unfortunately, there is much to be said for history repeating itself. Although one would think that only progress could have been made over the years, there has been a *visible deterioration* of this principle worldwide.

In many industrialised countries, external pressure arises from the ever-growing drive towards globalisation, competitiveness, commodification, and the increasing use of market-mechanisms in higher education. Research funding at higher education institutions is an issue of general concern, along the lines of the reasoning that those “who pay the piper call the tune”, so that funding bodies often subject the use of such funds to a number of conditions (e.g. the use and publication of research results). In other countries, the main concern is of a more serious nature, linked to under-development, and internal political or conflict constraints. Experience shows that once these latter countries overcome such problems, academic freedom is not necessarily guaranteed. Problems related to globalisation and commodification, which are already on the rise, will undeniably grow.

Academic freedom is a key issue in democracy. In some countries, it needs to be codified and written into the law, though this alone may not be enough. There are many places where, although this legal guarantee exists, academic freedom is still undermined in practice. In the Netherlands, where, even though new legislation in 2007 was not envisaged to change the way academic freedom is protected by law, much ongoing discussion is about a more market-orientated system of higher education, which could put extra pressure on the values of academic freedom. Thus, combined with the legal guarantee, it is necessary that academic freedom is exercised in practice, so that citizens can be confident in the skill and impartiality of researchers and academic workers, and of their independence from any kind of political constraint, financial or other pressures.

The exercise of academic freedom is closely linked to the very status of teachers. The *weakening of tenure rights* has a devastating effect on academic freedom. Tenure and academic freedom are inseparable because if higher education teaching personnel fear that they will lose their jobs, by definition, this means that they can't be free. It is important to keep in mind that higher education does not occur in isolation, but through collegial connections within and across institutions. Furthermore, with the drive towards a 'knowledge society' and 'knowledge economy', that is one of the major aims in national and international fora, the role of higher education for the growth and development of society and the economy has never been more accentuated than today. External pressure on higher education teaching personnel is diametrically opposed to their possibility to make a contribution which is objective, genuine and constructive. In order to be able to do so, it is necessary for them to have stability. The fundamental end results of tenure are time, freedom, security and stability. In this respect, it is important to recall art. 46 of *the UNESCO Recommendation Concerning the Status Higher Education Teaching Personnel* (UNESCO, 1997):

Security of employment in the profession, including tenure or its functional equivalent, where applicable, should be safeguarded as it is essential to the interests of higher education as well as those of higher education teaching personnel. (...)

Tenure or its functional equivalent, where applicable, should be safeguarded as far as possible even when changes in the organization of or within a higher education institution or system are made, and should be granted, after a reasonable period of probation, to those who meet stated objective criteria in teaching, and/or scholarship, and/or research to the satisfaction of an academic body, and/or extension work to the satisfaction of the institution of higher education.

However tenure systems for higher education teaching personnel are progressively being eliminated or limited, and traditional definitions of "tenure" are being challenged. A highly visible trend has been the increase in precarious contracts, part-time employment and non-tenure track faculty.

All the above is evidence of the clear deterioration of the principle of academic freedom. It has always been stressed that academic freedom needs to be legally guaranteed. Reference is also made to constitutional guarantees, as indeed is the case with the *Council of Europe Recommendation on Academic Freedom and Institutional Autonomy* (Council of Europe, 2006) and also with some of the countries mentioned above.

§11. Conclusions

During its participation in the drafting of the *UNESCO-OECD Guidelines on Quality Provision in Cross-Border Higher Education* (UNESCO-OECD, 2005), EI managed to obtain agreement on inserting the following into the text, under the "Guidelines for Higher Education Institutions/Providers":

... it is recommended that higher education institutions/providers delivering cross-border higher education: [...] recognize that quality teaching and research is made possible by the quality of faculty and the quality of their working conditions that foster independent and critical enquiry. The UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel and other relevant instruments need to be taken into account by all institutions and providers to support good working conditions and terms of service, collegial governance and academic freedom.

Against this background, and following EI's work on academic freedom, the HERSC (Higher Education Standing Committee) of the EI Pan-European Structure discussed and produced a statement on academic freedom at its meeting in September 2006 (Oslo, Norway). EI also stressed the deterioration of this principle in its report to CEART (the Committee of Experts on the Recommendation concerning the Status of Teachers) (EI, 2006) with reference to the Implementation of the *UNESCO Recommendation on the Status of Higher Education Teaching Personnel* (UNESCO, 1997).

During EI's World Congress in Berlin (July 2007), a discussion during the Higher Education Caucus, with the involvement of representatives from UNESCO and the ILO (International Labour Organisation), referred to the implementation of the 1997 *Recommendation on the Status of Higher Education Teaching Personnel*. It was stressed that higher education teaching personnel needs to be at the forefront of the campaign for the proper and due implementation of this Recommendation. EI's 6th International Conference on Higher Education and Research in Malaga is a perfect opportunity to discuss how it is possible to move forward in this field, particularly in terms of respect for the principle of academic freedom.

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