



Promotion of freedom of scientific research in the EU

European added
value assessment

STUDY

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This European added value assessment (EAVA) seeks to inform the European Parliament's legislative initiative 2023/2184(INL) entitled 'Promotion of the freedom of scientific research in the EU'. Freedom of scientific research forms an integral part of academic freedom, and this study confirms the de facto erosion of academic freedom, including its underlying conditions, across the EU. It also identifies new forms of threat, such as the role of new technologies, use of strategic lawsuits, increasing private sector influence and vulnerability to foreign interference. The main challenges to protecting freedom of scientific research stem from the absence of a common understanding and a lack of systematic monitoring at EU level of threats to academic freedom.

The study proposes three policy options to address the challenges: (1) boosting research and raising awareness; (2) monitoring academic freedom at EU level; (3) ensuring EU-level protection of the freedom of scientific research. The main added value of acting at EU level includes promoting the internal market for research, protecting freedom of scientific research more effectively, and generating efficiency gains through systematic monitoring and awareness raising.

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Executive summary

Why this EAVA study?

This European added value assessment (EAVA) aims to inform the European Parliament's report, with recommendations to the Commission, on promotion of the freedom of scientific research in the EU (2023/2184(INL)). Freedom of scientific research is an integral part of academic freedom, and they are mutually reinforcing. The state of these freedoms in a country indicates the condition of the research system as well as the condition of fundamental rights such as freedom of thought and expression. Academic freedom, including freedom of scientific research, plays an important role in increasing economic growth and boosting innovation. Both are key elements of democratic societies, as they are directly linked to the rule of law and other fundamental values.

Main threats and challenges

Despite EU Member States ranking best when it comes to protection of academic freedom at global level, there is a de facto erosion of academic freedom across EU Member States. Threats to academic freedom might have political, economic, societal or geopolitical origins. The main challenges stem from the absence of a common understanding and a lack of systematic monitoring at EU level of threats to academic freedom. If these challenges are not addressed, they make academic freedom more vulnerable to threats.

How could the EU act?

The study develops three policy options (Table 1) that have the potential to address these challenges. It also identifies a need to reinforce enabling conditions for academic freedom, such as more ambitious funding of research and helping to improve working conditions for researchers across the EU.

Table 1 – Potential policy options at EU level: Benefits and drawbacks

| Policy options | Potential benefits | Wider benefits to the economy and society* | Potential drawbacks |
|---|--|---|---|
| Policy option 1: Boosting research and awareness | Filling gaps in research, raising awareness and empowering researchers; strengthening resilience against threats to freedom and autonomy | Higher productivity, competitiveness and innovation; positive impacts on the quantity and quality of innovation | EU funding will depend on MFF negotiations |
| Policy option 2: Monitoring academic freedom at EU level | Access to objective and comparable data; detection of threats | Positive impact on promotion of rule of law and democratic values | The level of reporting would depend on the level of awareness (PO1) |
| Policy option 3: Ensuring EU-level protection of the freedom of scientific research | Harmonised interpretation would allow better protection of this freedom | Promotion of the internal market for research by protecting its freedoms; enhancing the rule of law and democratic principles | Changing context, which makes any definition a 'moving target' |

Source: Authors.

* These impacts could materialise if there are stronger **enabling conditions** at EU level (see Section 5).

To achieve the full potential of EU-level action to protect research, all policy options should be implemented, as they reinforce each other. Moreover, they can only be successful if the EU enhances enabling conditions such as adequate funding for research and sustainable employment conditions for researchers.

European added value

According to Article 179 of the Treaty on the Functioning of the European Union, the EU has an objective of creating the European Research Area (ERA) – an internal market for research – where scientific research and researchers move freely. However, many of the threats and challenges identified in this study also know no borders and can negatively impact the ERA. Moreover, scientific research, like scientific knowledge, is a public good, whose protection and promotion within the ERA could be better ensured at EU level than individually by Member States. This action could offer economies of scale in ensuring the right to freedom of scientific research.

The main aspects in terms of European added value include:

- **promotion of the internal market for research**, contributing to free circulation of researchers and knowledge across the Union and achieving the objectives of the European Research Area;
- **better protection of freedom of scientific research** through a common understanding of rights and responsibilities at EU level;
- **efficiency gains** through raising awareness, systematic monitoring and identification of threats.

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1. Why this European added value assessment?

This European added value assessment (EAVA) accompanies the European Parliament's report, with recommendations to the Commission, on promotion of the freedom of scientific research in the EU, with Christian Ehler (EPP, Germany) as rapporteur.¹ This initiative has been proposed by the Parliament's Committee on Industry, Research and Energy (ITRE) in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU), which gives the Parliament the right to ask the European Commission to take EU-level legislative action in a particular area.

Methodological approach and scope

This study starts by outlining the problem related to academic freedom in the European Union, including explaining what academic freedom is and how it is related to freedom of scientific research. It then presents why and how both freedoms are important for the EU. Next, it looks at current gaps and challenges related to protection and promotion of academic freedom in the EU, as well as existing and emerging threats. Then, it presents ways in which some of the identified problems could be addressed by acting at EU level. Finally, it looks at potential impacts and provides a qualitative assessment of the European added value of the three policy options.

The analysis is based on desk research, including a literature review and publicly available statistics. It builds mainly on two recent studies prepared for the European Parliament's Panel for the Future of Science and Technology (STOA): on the state of play of academic freedom in the EU Member States (overview of de facto trends and developments), and on how academic freedom is monitored (overview of methods and procedures).²

Background

In recent years, protection of academic freedom, which encompasses freedom of scientific research but also freedom to teach and to learn, and which relies on some underlying conditions (related to institutional autonomy, self-governance, working conditions and finance), has been widely studied and discussed in the EU, especially in the context of its breaches and new forms of threats. A lot of research has been devoted to it, various governmental declarations and communiqués have addressed it, and higher education and research stakeholders have expressed their concerns.³ In addition, EU institutions have been vocal about the importance of preserving academic freedom in the EU. The Commission and the Parliament are preparing the ground to create a European system for monitoring and reporting on academic freedom – the Commission within the European Research Area and the European Higher Education Area, and the Parliament through its STOA Panel.

Against this background, in November 2021 the STOA Panel organised a workshop to launch a discussion on defining academic freedom and the challenges it faces across the EU. One year later, on 28 November 2022, the Parliament's President, Roberta Metsola, inaugurated a new STOA initiative: the European Parliament Forum on Academic Freedom in Europe.⁴ The aim of the Forum

¹ European Parliament Legislative Observatory, [Promotion of the freedom of scientific research in the EU](#), 2023/2184(INL).

² [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023; [How academic freedom is monitored: Overview of methods and procedures](#), Scientific Foresight Unit of the European Parliament, March 2023.

³ For details, see Chapter 2 below.

⁴ [European Parliament Forum for Academic Freedom](#), 2023.

is to raise awareness to help understand how academic freedom is protected and to produce an independent report on the state of play of academic freedom in the EU on an annual basis.⁵ The initiative is considered a first step towards more systematic monitoring and protection of academic freedom, including freedom of scientific research. Its work has already resulted in two studies, one on the state of play of academic freedom in the EU Member States and the other on how academic freedom is monitored.⁶

2. What is the problem?

The key problem is that **freedom of research and academic freedom, despite being protected de jure in many EU Member States,⁷ are being challenged in practice.** Among many voices raising alarm about violations to academic freedom,⁸ participants in a Global Forum on Academic Freedom, Institutional Autonomy and the Future of Democracy underlined in their 2019 Declaration that 'significant violations of academic freedom and institutional autonomy threaten democracy'.⁹ Despite the fact that the EU Charter of Fundamental Rights ensures EU-level protection of **academic freedom, there is no EU legal act specifying its details or providing a common understanding** (the same applies to freedom of scientific research).¹⁰ Moreover, the EU Charter of Fundamental Rights applies to Member States 'only when they are implementing EC law, including the implementation of EU funds. When unrelated to the EU law, it is for the national authorities to uphold fundamental rights in line with their constitutional and international obligations.'¹¹ At national level, nearly all Member States (except Malta) protect either academic freedom or freedom of scientific research in their constitution and/or in a specific law. For example, Belgium, Cyprus, Denmark, France, Ireland, Luxembourg, the Netherlands and Sweden do not have elements of academic freedom specifically protected in the constitution, but they do guarantee it in laws relating to education.¹² Nevertheless, despite this de jure protection, breaches of academic freedom

⁵ How to provide enforceable protection for academic freedom at EU level?, STOA blog, 5 January 2023.

⁶ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023; [How academic freedom is monitored: Overview of methods and procedures](#), Scientific Foresight Unit of the European Parliament, March 2023.

⁷ See e.g. Bennetot Pruvot E. et al., [University Autonomy in Europe IV, The Scorecard 2023](#), Chapter 5, 'Academic freedom in national legislation'.

⁸ See, for example: European Parliament resolution of 24 June 2021 on the Commission's 2020 Rule of Law Report (2021/2025(INI)), recital 26; [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020, p. 2; Vrielink J. et al., [Challenges to academic freedom as a fundamental right](#), League of European Research Universities (LERU), 2023; [State of play of academic freedom on the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023; The Guild of European Research-Intensive Universities, [The Guild statement on Academic Freedom](#), 17 June 2021.

⁹ [Declaration adopted by the Global Forum The Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy](#) in Bergan S., Gallagher T. and Harkavy I. (eds), *Academic Freedom, Institutional Autonomy and the Future of Democracy*, Council of Europe Higher Education Series No. 24, 2020, pp. 251-255.

¹⁰ See e.g. Vrielink J. et al., [Challenges to academic freedom as a fundamental right](#), LERU, 2023.

¹¹ [Answer given by Ms Gabriel](#) on behalf of the European Commission to Question for written answer E-003927/2021.

¹² Bergan S., Gallagher T. and Harkavy I. (eds), [Academic Freedom, Institutional Autonomy and the Future of Democracy](#), Council of Europe Higher Education Series No. 24, 2020, See Table 1 and Table 2, pp. 126-127.

are taking place and autonomy of researchers and research institutions is being weakened in the EU.¹³

The most comprehensive global monitor of academic freedom – the Academic Freedom Index (AFI) – confirms a decline in academic freedom in democracies, although they rank among the best countries in the world for this freedom.¹⁴ The report also indicates a predominant state of stagnation and partial decline in academic freedom globally.¹⁵ Among the countries where academic freedom has declined are the most populous in the world (i.e. China and India), as well as some of the world's leading democracies (e.g. the US and the UK).¹⁶ Despite the **majority of EU countries being top performers in protecting academic freedom**,¹⁷ not all EU Member States rank so highly.¹⁸ Nevertheless, a review of the state of academic freedom prepared for the STOA Panel shows that in only one EU country (Hungary) have there have been structural violations, as opposed to incidents, which have taken place in some other EU Member States.¹⁹ The report also stresses that, even these **incidents 'confirm that the state of play of academic freedom in the EU Member States is eroding'**.

Weakening and erosion of academic freedom is also a concern from the perspective of the goals and ambitions of EU research and innovation (R&I). The EU Member States, if looked at together, are among the global leaders in R&I. At the same time, they are striving to keep up with countries like China and the US that outperform the EU in developing new technologies and their market application. Moreover, the EU supports Member States' R&I ecosystems and is tasked by the Lisbon Treaty with strengthening the EU's scientific and technological base and creating the European Research Area (ERA), where research and researchers move freely across borders. **Academic and research freedoms have been recognised as preconditions for a successful ERA** and are therefore an important element in the ongoing process of completing the ERA (see Chapter 2.1). Also, as R&I investments bring a high return for the economy and society, creating optimal conditions for researchers, including ensuring academic freedom, might bring important benefits (see Chapter 2.3).

2.1. What are academic and scientific research freedoms?

The EU Charter of Fundamental Rights confirms, in Article 13 on freedom of the arts and sciences, that 'the arts and scientific research shall be free of constraint'. The explanatory memorandum of the Charter provides that this right 'is deduced primarily from the right to freedom of thought and

¹³ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

¹⁴ Kinzelbach K., Staffan I., Lindberg L. and Spannagel J., [Academic Freedom Index 2023 Update](#), FAU Erlangen-Nürnberg and V-Dem Institute, 2023.

¹⁵ Over the 2012-2022 period, stagnation is reported in 152 countries (out of 180 studied), decline in 22 and improvement in five small countries that account for 0.7 % of the global population.

¹⁶ Kinzelbach K., Staffan I., Lindberg L. and Spannagel J., [Academic Freedom Index 2023 Update](#), FAU Erlangen-Nürnberg and V-Dem Institute, 2023.

¹⁷ 24 of the EU Member States are, according to the AFI 2021, among the best performing countries (having 'Status A') in the world at guarding academic freedom.

¹⁸ Greece, Poland and Hungary are the three Member States ranked lowest in the AFI and having 'Status B'. The report mentions that the decline in academic freedom in Poland and Hungary 'clearly relate to autocratisation'.

¹⁹ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

expression'.²⁰ Moreover, respect for these freedoms implies that other rights such as freedom of association, freedom of movement, and the right to education are also respected.²¹ This implies that researchers are free not only in what they research but also that they enjoy freedom of teaching, publishing, public dissemination of their research and freedom of exchange with other researchers.

The terms of **academic freedom and freedom of scientific research are closely intertwined**, as education is with research. Both freedoms are essential to higher education and research, which enable advances in knowledge and science, and are considered to be public common goods.²² Freedom of scientific research is a component of academic freedom, together with the freedom to teach and to study and freedom of academic expression.²³ They mainly refer to academic staff and researchers working in public or other state-accredited institutions, as well as higher education and research institutions.²⁴ From an institutional perspective, **academic freedom is also tight and dependent on institutional autonomy and self-governance** of higher education and research institutions.²⁵ An important distinction is that freedom of scientific research applies also to research and researchers who practice in research bodies outside academia (e.g. in public research institutes or in non-profit research centres).²⁶

Some **key components** of freedom of scientific research are: research autonomy (the right of individual researchers to freely define research questions, choose the research topic and method, and conduct the research, including questioning accepted wisdom and bringing forward new ideas); protection of research data and sources (protecting researchers' data and sources from being disclosed to third parties); the right to information (allowing academic researchers to access

²⁰ Explanations relating to the Charter of Fundamental Rights, [2007/C 303/2](#), December 2007.

²¹ See the [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020.

²² On academic freedom and scientific knowledge as a public good, see: [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020; National Research Council (US) Steering Committee on the Role of Scientific and Technical Data and Information in the Public Domain; Esanu J. and Uhlir P. (eds), *The Role of Scientific and Technical Data and Information in the Public Domain: Proceedings of a Symposium*. Washington (DC): National Academies Press, 2003; [Scientific Knowledge as a Global Public Good: Contributions to Innovation and the Economy](#); Radder H., [Which Scientific Knowledge is a Common Good?](#), *Social Epistemology*, Vol. 31, 2017, pp. 431-450; UNESCO [Recommendation on Science and Scientific Researchers](#) (2017), which recognises science as a common good.

²³ See the 'central dimensions "triptych"' of the freedom of research, freedom to teach and study, and freedom of academic expression in [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023. Please also note that there is no consensus in the literature on one definition of academic freedom.

²⁴ In its paper considering challenges to academic freedom as a fundamental right, LERU makes a disclaimer that 'the focus is on public universities or universities accredited by the state (and thus performing a public function which comes with an obligation to respect fundamental rights)' – see Vrieling J. et al., [Challenges to academic freedom as a fundamental right](#), LERU, Advice Paper No. 31, April 2023. However, when it comes to rights and obligations in scientific research (a part of academic freedom), this can also apply to researchers who practice outside academia – see e.g. Chapter I on 'Scope of application' in UNESCO [Recommendation on Science and Scientific Researchers](#), 2017.

²⁵ See details on institutional autonomy and self-governance in [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023, pp. 7-8 and 13-14.

²⁶ According to the [Bonn Declaration on Freedom of Scientific Research](#), 'the freedom of scientific research applies to all types of research organisations and scholarship and to all academic disciplines'. Nevertheless, it would be difficult to impose all the aspects of the freedom to research on research done for commercial purposes. However, such research will still be subject to universal ethical values and to integrity requirements such as the [European Code of Conduct for Research Integrity](#).

information, e.g. official documents); and the right to share and disseminate and publish research results (including through training and teaching).²⁷

However, these freedoms are also not absolute, as they are bound by fundamental values expressed, for example, in Article 2 of the TEU as well as national constitutions and laws.²⁸ This also means they are limited by constraints linked to ethics and research integrity.²⁹

Box 1 – Bonn Declaration on Freedom of Scientific Research: A shared definition of freedom of scientific research

'Freedom of scientific research is related to freedom of expression, freedom of association, the freedom of movement and the right to education, among other rights. It encompasses **the right to freely define research questions, choose and develop theories, gather empirical material and employ sound academic research methods, to question accepted wisdom and bring forward new ideas**. It entails the right to share, disseminate and publish the results thereof openly, including through training and teaching. It is the freedom of researchers to express their opinion without being disadvantaged by the system in which they work or by governmental or institutional censorship and discrimination. It is also the freedom to associate in professional or representative academic bodies.'

Source: [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020.

The researchers' community is thus broader than academic researchers, but bound by the same ethical values of independence and integrity because they are crucial to preserving the trustworthiness of the research system and its results.³⁰ The integrity of scientific research is based on the principle of freedom to formulate research questions and independently decide according to professional standards, what to research, how, who should research and with whom, and how to disseminate the findings.³¹

The European Code of Conduct for Research Integrity, developed by the European Federation of Academies of Sciences and Humanities, specifies that 'research draws on the work of the community of researchers and should develop independently of pressure from commissioning parties and from ideological, economic, or political interests'.³² This understanding is common

²⁷ Based on the [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020; Vrieling J. et al., [Challenges to academic freedom as a fundamental right](#), LERU, Advice Paper No.31, April 2023; Chapter IV on 'Rights and responsibilities in research' in UNESCO's [Recommendation on Science and Scientific Researchers](#), 2017.

²⁸ [Art. 2 TEU](#): 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'

²⁹ See e.g.: [The European Code of Conduct for Research Integrity Revised Edition 2023](#), All European Academies (ALLEA); American Association for Advancement in Science (AAAS), [AAAS Adopts Statement Binding Scientific Freedom with Responsibility](#), 18 October 2017.

³⁰ Among the over 2 million researchers in the EU, more than half (56.3 %) worked in businesses, 31.9 % in higher education and 11.0 % in the government sector in 2021 (Eurostat, Statistics explained, [R&D personnel](#)).

³¹ [Annex I](#) to Rome Ministerial Communiqué, 19 November 2020.

³² [The European Code of Conduct for Research Integrity Revised Edition 2023](#), All European Academies (ALLEA).

throughout the researchers' community and acknowledged by EU governments in several declarations and recommendations relating specifically to academic freedom.³³

Moreover, academic and research freedoms imply certain obligations on public authorities. These relate to creating enabling conditions for academic freedom at higher education institutions such as: respect for institutional autonomy, respect for self-governance, and ensuring adequate labour conditions and financial conditions for academic staff to conduct their academic and research work freely.³⁴

In 2020, EU ministers in charge of research adopted the Bonn Declaration on Freedom of Scientific Research, which laid out a shared definition of this freedom and its interdependence with other fundamental rights (see Box 1). The EU ministers also acknowledged in the declaration that **academic freedom is one of the prerequisites for the freedom of scientific research.**

In conclusion, it is difficult to separate scientific research from academic freedom, as the former is considered a key component of the latter. For example, when it comes to assessing the current situation of freedom of scientific research in the EU Member States, the literature offers evidence of protection of academic freedom, such as the Academic Freedom Index, while there is no specific index to measure freedom of research separately. **Therefore, for the purpose of this assessment we refer to academic freedom, considering that one of its inherent components is freedom of scientific research.** We address freedom of scientific research separately, when we deem it important or necessary to distinguish it as a component of academic freedom.

2.2. Threats to academic freedom: A snapshot of the current situation

A European survey,³⁵ published in 2020 and collecting nearly 4 500 replies, shows that one third of the academics surveyed felt that their **freedom to research had deteriorated** in the last few years. Furthermore, 15 % of respondents acknowledged that they were 'subjected to **bullying** by academic colleagues' due to their academic views, 16 % that they were 'subjected to **psychological pressure** by someone in your institution' due to their academic views, and 21 % that they had 'ever practised **self-censorship** due to their academic views'. Although these results show that a minority of the academics surveyed had been confronted with such events undermining academic freedom, it is nevertheless worrying, as academic freedom is considered in the European Charter of Fundamental Rights to be an extension of freedom of speech and thought. This confirms that, despite legal guarantees in the EU, there are **problems regarding respect for individual autonomy and with freedom of academic expression.**

There is an important discrepancy between how academic freedom is protected in the EU and the reality on the ground. The majority of EU Member States protect academic freedom and/or freedom

³³ See e.g.: [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020; [Rome Ministerial Communiqué](#), 19 November 2020, and its [Annex I](#); and [The European Code of Conduct for Research Integrity Revised Edition 2023](#), All European Academies (ALLEA), which is recognised by the European Commission.

³⁴ See [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023, pp. 13-14, and 'The role of governments to protect the freedom of scientific research' in the [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020.

³⁵ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

of scientific research de jure, i.e. in their constitutions or laws on higher education and/or research. However, this protection varies, as some constitutions and/or laws explicitly mention 'academic freedom' whereas others mention 'freedom of scientific research'.³⁶ At the same time, monitoring organisations, as well as organisations representing the interests of academia and research, confirm that **academic freedom in EU Member States is, de facto, under pressure and erosion as well as subject to violations.**³⁷

The 2023 STOA publication presents the main threats to academic freedom that were identified in EU country reports, analysing general patterns across the EU.³⁸ Based on that analysis, a mapping of existing threats to academic freedom based on their origin could be outlined as follows:

- 1 internal pressures coming from within higher education and research institutions;
- 2 external pressures, such as:
 - a. political pressures: governments interfere directly (e.g. by questioning research needs within certain fields) or prioritising certain research proposals for public funding;
 - b. economic pressures: private research funding influencing the selection of research topics, e.g. via increased funding for targeted research;
 - c. societal pressures: transformation of society and growing importance of links between scientific research findings and political decisions lead to increased scrutiny and/or harassment of research(ers) via, e.g. social media;
 - d. geopolitical pressures: risk of foreign interference by third countries and hidden influence on research and knowledge transfer through international research projects.

New/changing forms of threat

Threats, as well as the context in which they take place, keep evolving, making it a 'moving target'.³⁹ Some new threats – for example, the increased scrutiny of scientific work visible during the COVID-19 pandemic, leading to online harassment of researchers – should be given particular attention when strengthening the protection of researchers. Strategic lawsuits against public participation (SLAPPs), used by corporations, wealthy individuals or governments,⁴⁰ aim to 'deter freedom of expression on matters of public interest'.⁴¹ These lawsuits aim to transfer debate from the political to the legal sphere and target journalists, media, academics and civil society NGOs.⁴² In France,

³⁶ [University Autonomy in Europe Scorecard 2023](#); Karran T. and Beiter K., [Academic Freedom in the European Union: Legalities and realities](#), in Bergan S., Gallagher T. and Harkavy I. (eds), *Academic freedom, institutional autonomy and the future of democracy*, Council of Europe Higher Education Series No. 24, 2020, pp. 121-138.

³⁷ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

³⁸ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

³⁹ Quotes by Prof. Antonio Loprieno, ALLEA President, and Ms. Amanda Crowfoot, EUA Secretary-General, [STOA Academic Freedom Roundtable](#), 27 April 2023.

⁴⁰ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

⁴¹ Kraski R., [Combating Fake News in Social Media: U.S. and German Legal Approaches](#), *St John's Law Review*, Vol. 91, pp. 923-955, 2017.

⁴² Borg-Barthet J. et al., [The use of SLAPPs to Silence Journalists, NGOs, and Civil Society](#), Directorate-General for Internal Policies, European Parliament, June 2021.

academics face an increased threat from the private sector in the form of strategic lawsuits. As a result, academics have become subject to defamation and denigration due to their scientific work, infringing their freedom of expression.⁴³

Threats to underlying conditions and funding

The previously mentioned survey showed a strong proportion of academic staff that 'strongly agree/agree' on the decline of **supportive elements of academic freedom**, such as employment protection – tenure (54 %), self-governance (42.8 %) and autonomy, both individual and institutional (43.5 %); there were, respectively, 23.9 %, 32.9 % and 32 % of respondents who 'neither agree nor disagree' (and the rest strongly disagreed or disagreed). The following sub-sections analyse these elements further.

Research prepared for the STOA Panel also shows that the working and financial conditions under which academics operate represent another threat to academic freedom. Levels of academic freedom are closely related to stability and protection of employment of academic and research staff; this has led, for example, to self-censorship being reported in Austria, Croatia, Denmark, Germany and the Netherlands.⁴⁴ Other threats stem from low public funding, and over-reliance on private funding that would lead to potential influence over research.⁴⁵

2.3. Benefits of academic freedom for the EU economy and society

Academic freedom and freedom of scientific research are fundamental democratic values underpinning the work of higher education institutions and research organisations.⁴⁶ Respect for academic freedom in a country is also linked to its state of democracy. Autonomous work by these organisations results in dissemination of knowledge and scientific results; these are public common goods and serve society at large, as they are indispensable to progress and innovation.

Benefits for the research sector

Research and development, generating new ideas and leading to technological innovation, is recognised in economics literature as a driver of economic growth and productivity.⁴⁷ There is evidence that **R&D expenditure (as a proxy for innovation) has a positive impact on productivity, competitiveness and job creation** in the EU, particularly for high tech firms and, to a lesser extent, for medium-tech firms.⁴⁸ More than a third of full-time equivalent researchers work

⁴³ Broyelle C. et al., [Rapport sur les procédures bâillons](#), 2017.

⁴⁴ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

⁴⁵ About two-thirds of the revenues of European higher education institutions come from the basic state contribution. See more in: [How are European Higher Education Institutions funded? New evidence from ETER microdata](#), European Tertiary Education Register, Analytical Report No. 2/2019.

⁴⁶ See, e.g.: [Annex I of the Rome Ministerial Communiqué on academic freedom](#), 19 November 2020; [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020; Bergan S., Gallagher T. and Harkavy I. (eds), [Academic Freedom, Institutional Autonomy and the Future of Democracy](#), Council of Europe Higher Education Series No. 24, 2020.

⁴⁷ Blanco L. et al., [The impact of Research and Development on Economic Growth and Productivity in the US States](#), Economic Policy Commons, 2013; Bayarcelik E. and Tasel F., [Research and Development: Source of Economic Growth](#), *Procedia – Social and Behavioral Sciences*, Vol. 58, 2012, pp. 744-753; [The Impact of R&D Investment on Economic Performance: A Review of the Econometric Evidence](#), OECD, 2015.

⁴⁸ Piva M. and Vivarelli M., [Is R&D Good for Employment? Microeconomic Evidence from the EU](#), IZA Discussion Papers, No. 10581, Institute of Labor, Economics (IZA), 2017.

in higher education,⁴⁹ and therefore academic freedom is an important element in advancing research and innovation.⁵⁰

A study comparing 18 countries showed that more academic freedom leads to **high-quality research**. It looks into the link between spending on education and authorship of highly cited papers, but instead of looking in absolute terms the study focuses on the relative change: how efficiently the additional funding converts into additional publications. University autonomy and academic freedom proved to be among the leading factors driving efficiency. The Netherlands, where researchers enjoy a high degree of academic freedom, scored best among the 18 selected countries.⁵¹

Data also confirm a **strong positive correlation between academic freedom and the quantity and quality of innovation**.⁵² These results are based on results from 157 countries between 1900 and 2015. Improving academic freedom by one standard deviation increases patent applications by 41 % and forward citations by 29 %. The global decline in academic freedom over the past decade has led to a decrease of between 4.0 % and 6.7 % in the amount of filed patents and between 5.9 % and 23.5 % in the number of patent citations.

Benefits for researchers

The ERA aims to create an internal market for research with free circulation of researchers, knowledge and technology. Should the 'ERA enabling ecosystem' be further strengthened by ensuring attractive and sustainable careers for researchers, this would also help alleviate problems that contribute to weakening academic freedom.

Despite 75 % of EU researchers overall being satisfied with their current position, more detailed analysis reveals that certain problems persist, with differing situations across the Member States.⁵³ As acknowledged by the European Commission and the Council, particular attention should be paid to the precariousness of academic research and improving working conditions, especially for early-career researchers.⁵⁴ Although the majority of EU researchers have permanent contracts and the number of researchers with fixed-term contracts (20 % in 2019, including the UK) is decreasing, early-stage researchers are more likely to be employed temporarily.⁵⁵ Importantly, researchers at

⁴⁹ [R&D personnel](#), Eurostat, 2021.

⁵⁰ Proposal for a Council recommendation on a European framework to attract and retain research, innovation and entrepreneurial talents in Europe, [COM\(2023\) 436 final](#), European Commission.

⁵¹ Sandström U. and Van den Besselaar P., [Funding, evaluation, and the performance of national research systems](#), Journal of Informetrics, Volume 12, Issue 1, February 2018, pp. 365-384.

⁵² Audretsch D. et al, [Academic Freedom and Innovation: A Research Note](#), SSRN, March 2023.

⁵³ [MORE4 study: Support data collection and analysis concerning mobility patterns and career paths of researchers](#), European Commission Directorate-General for Research & Innovation, PPMI, IDEA Consult and WIFO, February 2021.

⁵⁴ Council of the European Union, [Council conclusions on 'Deepening the European Research Area: Providing researchers with attractive and sustainable careers and working conditions and making brain circulation a reality'](#), 28 May 2021. Researchers and academics are, however, not the only professional group that suffers from precarious working conditions. See more on the potential for EU action in this field in Panella L. (ed.), [Increasing European added value in an age of global challenges: Mapping the cost of non-Europe \(2022-2032\)](#), EPRS, European Parliament, February 2023, Chapter 30.

⁵⁵ [MORE4 study: Support data collection and analysis concerning mobility patterns and career paths of researchers](#), European Commission Directorate-General for Research & Innovation, PPMI, IDEA Consult and WIFO, February 2021, p. 84.

earlier stages of their career state that they have less research autonomy (compared to more senior researchers).⁵⁶

Also, a low level of public funding, often combined with performance-based funding, leads to low attractiveness of institutions and creates a vicious circle: low levels of international scholars, low levels of student enrolment, low numbers of doctoral students and difficulties in recruiting high-performing academic staff. EU researchers' satisfaction regarding levels of research funding was the lowest of all the working condition-related components.⁵⁷

With improved conditions for academic staff and researchers, such as eliminating precarious contracts and gender inequalities, further benefits can be expected: namely, better quality of higher education – as academic freedom also means freedom to teach and learn, and is underpinned by institutional autonomy and campus integrity. Universities play a key role in **promoting social values** such as equality, diversity, critical thinking, cohesion and trust, therefore protecting European democracy.⁵⁸

The research environment, recruitment and employment conditions, and research excellence are key drivers of 'brain retention'.⁵⁹ Promoting academic freedom and making research careers attractive to both European and foreign researchers could help increase freedom of movement and exchanges between higher education and research institutions, helping to **reduce the ongoing brain drain** (e.g. flows from the EU to the US and from east to west within the EU).

Gender dimension

When speaking about gender balance in science and research, it is important first to understand the context: significant gender gaps persist in science, technology, engineering and mathematics, while women represent less than a third of students in bachelor's and master's degrees and just 37 % of doctoral candidates. The current proportion of women holding a full professorship is only 26 % in the EU.⁶⁰ The gender perspective in research is almost absent, as only 1.79 % of scientific publications include a gender analysis.

Infringements of academic freedom impact women in a disproportionate manner. Self-censorship, precarious conditions and a culture of silencing impact women and people of colour in particular ways: women of colour face challenges to their authority or online harassment through social media platforms. For example, students' evaluations of academic staff are biased against women and people of colour, impacting their chance of having their contract renewed.⁶¹ Furthermore, when we speak about precariousness of career, women are more likely to be on a fixed-term contract and are less likely to be on a teaching and research contract, compared to men.⁶²

⁵⁶ [MORE4 study: Support data collection and analysis concerning mobility patterns and career paths of researchers](#), European Commission Directorate-General for Research & Innovation, PPMI, IDEA Consult and WIFO, February 2021, p. 84.

⁵⁷ The other working conditions with the lowest levels of satisfaction are: satisfaction with the balance between teaching and research (70 %) and satisfaction with career perspectives (75 %) – see Figure 8 in the [MORE4 study](#).

⁵⁸ European Commission, Communication on a European strategy for universities, [COM\(2022\) 16 final](#), p. 9.

⁵⁹ See, for example: Croatian Presidency of the European Union, [Zagreb Call for action on Brain Circulation 2020](#).

⁶⁰ European Commission, Staff Working Document – European strategy for universities, [SWD\(2022\) 6 final](#).

⁶¹ Blell M. et al, [A one sided view of the world: women of colour at the intersections of academic freedom](#), The International Journal of Human Rights, Volume 26, 2022.

⁶² [Precarious work in higher education](#), University and College Union, 2019.

Broader impacts for citizens and society: Upholding of fundamental rights and the rule of law

Academic freedom and institutional autonomy are directly linked to the rule of law, a core value on which the EU has been built. Alongside free media, independent judicial systems and civil society, researchers participate in public debate and should therefore be free from influence and from fear for their life or career. The role of scientific evidence is key to ensuring that democratic decisions are based on and informed by the most reliable and widely accepted facts and information sources.⁶³ The potential positive impact of strengthening academic freedom and freedom to research on democracy and the rule of law is high. It is estimated that the benefits of upholding the principles of the rule of law could amount to €59.7 billion per year, as well as higher foreign investment, greater trust in public institutions, and freedom of expression and information.⁶⁴

The absence of objective and evidence-based monitoring covering the full scope of Article 2 makes the EU 'ill-equipped to tackle democratic, fundamental rights and rule of law violations and backsliding in the Member States'.⁶⁵ Should academic freedom be systematically violated, this would not be isolated from the erosion of fundamental values such as freedom of thought and speech. In order to safeguard the core EU values of democracy, the rule of law and fundamental rights, any erosion of any of them needs to be avoided.

2.4. EU policy context: Recent developments

Consequently, Regulation 2021/695 establishing the **Horizon Europe research programme** states that it 'should promote the respect of academic freedom in all countries benefiting from its funds'.⁶⁶ In addition, Regulation 2021/817 EU establishing the **Erasmus+ programme** stresses that 'in line with Article 13 of the Charter, it should also be ensured that academic freedom is respected by the countries receiving funds under the Programme'.⁶⁷ Moreover, Regulation 2020/2092 on a general regime of **conditionality for the protection of the Union budget introduced alignment between respect for the rule of law** and the ability to receive EU funding.⁶⁸

The following sections present a selection of the most relevant and recent EU-level developments on academic freedom.

European Commission

In its 2020 communication on a new ERA for research and innovation, the Commission stressed the importance of academic freedom for the excellence of **research and innovation**.⁶⁹ It also concluded that 'without academic freedom, science cannot progress and the ERA cannot function'. In 2022, the

⁶³ European Commission, Staff Working Document – Supporting and connecting policymaking in the Member States with scientific research, [SWD\(2022\) 346 final](#).

⁶⁴ Panella L. (ed.), [Increasing European added value in an age of global challenges: Mapping the cost of non-Europe \(2022-2032\)](#), EPRS, European Parliament, February 2023, Chapter 37.

⁶⁵ European Parliament resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights ([2020/2072\(INI\)](#)).

⁶⁶ [Regulation 2021/695 from 28 April 2021](#) establishing Horizon Europe.

⁶⁷ [Regulation 2021/817 from 20 May 2021](#) on establishing Erasmus+.

⁶⁸ [Regulation 2020/2092 from 16 December 2020](#) on a general regime of conditionality for the protection of the Union budget.

⁶⁹ European Commission, Communication on A new ERA for Research and Innovation, [COM\(2020\) 628 final](#).

Commission presented guidelines on how to mitigate foreign interference in research and innovation.⁷⁰ The publication outlines best practices to support higher education and research institutions in safeguarding their fundamental values, including academic freedom, integrity and institutional autonomy, and to protect their staff, students, research findings and assets.

In the ERA policy agenda for the period 2022-2024,⁷¹ the Commission proposed an action (#6) on protection of academic freedom. Under this action, the Commission plans to initiate an 'action plan on academic freedom', 'support interested organisations in implementing the recommendations of the guidelines on foreign interference' and publish 'a European monitoring report on the freedom of scientific research'. In July 2023, the Commission unveiled a package of measures⁷² targeted at strengthening the ERA, notably by proposing a Council Recommendation that establishes a new European framework for research careers and a new European Charter for Researchers (replacing the 2005 Charter and Code for Researchers with new and revised principles).⁷³ The latter underpins the development of attractive research careers to support excellence in R&I across Europe, including by defining freedom of scientific research. The Charter defines the following researchers' rights: freedom of thought, opinion and expression, freedom to define research questions and methods, and freedom to disseminate and publish outcomes of research, including through training and teaching. At the same time, some limitations – for example, those related to research circumstances (such as supervision) or legal or operational constraints (such as intellectual property rights or budgetary constraints) – should be recognised.

In **higher education**, the 2022 European strategy for universities envisages several actions to promote and protect European democratic values. This entails (among other actions) proposing, in 2024, guiding principles on protecting fundamental academic values.⁷⁴

To **protect democratic values**, on 3 December 2020 the Commission issued a communication on the European democracy action plan. It highlighted that education and training are important for countering disinformation and the use of hate speech. Consequently, it underlined that 'ensuring academic freedom in higher education institutions is also at the core of all higher education policies developed at EU level'.⁷⁵

Council of the EU

The EU ministers responsible for research acknowledged in the Bonn Declaration that freedom of scientific research is 'relevant for the progress of our societies'.⁷⁶ The ministers expressed their support for strengthening EU research and innovation ecosystems and, in their conclusions⁷⁷ on the new ERA of 1 December 2020, underlined the importance of freedom of scientific research, along with ethics and other common values, as a key component for a robust European R&I system. It also called on the Commission and the Member States to agree on priority actions as part of an ERA,

⁷⁰ European Commission, Staff Working Document – [Tackling R&I foreign interference](#), Directorate-General for Research and Innovation, 2022.

⁷¹ [ERA policy agenda for the period 2022-2024](#), European Commission, 2021.

⁷² European Commission, New initiatives to empower research careers, [press release](#), 13 July 2023.

⁷³ The Charter is in Annex II to the Commission's proposal for a Council Recommendation on a European framework to attract and retain research, innovation and entrepreneurial talents in Europe, [COM\(2023\)436 final](#).

⁷⁴ European Commission, Staff Working Document – A European strategy for universities, [SWD\(2022\) 6 final](#).

⁷⁵ Communication by the Commission on the European democracy action plan, [COM\(2020\) 790](#), December 2020.

⁷⁶ [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020.

⁷⁷ [Council conclusions on the New European Research Area](#), 1 December 2020.

including actions to support freedom of science/academic freedom. In 2021, the Council also adopted a recommendation (proposed by the European Commission) on a Pact for Research and Innovation in Europe;⁷⁸ this highlights, alongside freedom of scientific research, other key horizontal values and principles that should be applied by governments to strengthen R&I in the EU. These values and principles are: ethics and integrity of R&I, gender equality and equal opportunities for all, free circulation of researchers and support staff, scientific knowledge and technology, and the pursuit of excellence. The EU's global approach to R&I was proposed in a communication by the Commission in 2021; the Council stressed in its conclusions⁷⁹ of 28 September 2021 on this proposal 'that [the EU] must also respect Union values' when engaging in this field with third countries.

Academic freedom, including freedom of scientific research, was also recognised by education ministers from EU Member State and other European countries at intergovernmental level through the voluntary Bologna Process within the European Higher Education Area (EHEA).⁸⁰ This was confirmed in November 2020 in the Rome Ministerial Communiqué,⁸¹ which defines academic freedom and dedicates Annex I to it. In 2021, the EHEA also set up an ad hoc task force that worked on synergies with the Higher Education Dimension of the European Education Area (EEA) and the ERA on guaranteeing academic and scientific freedom, among other specific topics.⁸² Moreover, the EHEA is in the process of developing monitoring and implementation of its fundamental values – including respect for academic freedom – in the higher education systems of its members.⁸³

European Parliament

The European Parliament has been advocating for strengthening, protecting and promoting academic freedom both in the EU and in third countries. In its resolution of 8 July 2021 on a new ERA for Research and Innovation,⁸⁴ the Parliament underlined the importance of academic freedom as a fundamental pillar of the new ERA. In this resolution it also called on the Commission 'to ensure that the ERA promotes respect for academic freedom in all European countries in order to guarantee scientific excellence, and in line with Article 13 of the Charter of Fundamental Rights of the European Union'. In its resolution of 11 November 2021 on the European Education Area: a shared holistic approach,⁸⁵ the Parliament also underlined the importance of academic freedom (and pedagogical autonomy) as a core principle of the EEA.

In relation to the external dimension of EU policies, the Parliament condemned governments that violate academic freedom through political influence (and other freedoms, including artistic freedom) and ensured that the EU protects and promotes academic freedom in its external policy.⁸⁶

⁷⁸ [Council recommendation on a Pact for Research and Innovation in Europe](#), 19 November 2021.

⁷⁹ [Council conclusions on the Global approach to Research and Innovation](#), 28 September 2021.

⁸⁰ [European Higher Education Area \(EHEA\)](#).

⁸¹ [Rome Ministerial Communiqué](#).

⁸² See: EHEA, Ad Hoc Task Force to Increase Synergies between the European Higher Education Area, the Higher Education Dimension of the European Education Area and the European Research Area, May-December 2021.

⁸³ See: EHEA, Working Group on Fundamental Values, [Terms of Reference for the Work Period 2021-2024](#).

⁸⁴ [European Parliament resolution of 8 July 2021](#) on a new ERA for Research and Innovation.

⁸⁵ [European Parliament resolution of 11 November 2021](#) on the European Education Area: a shared holistic approach.

⁸⁶ See, for example, the European Parliament's resolutions of: 1 June 2023 on the breaches of the Rule of Law and fundamental rights in Hungary and frozen EU funds ([2023/2691\(RSP\)](#)) and 14 December 2022 on the implementation of the New European Agenda for Culture and the EU Strategy for International Cultural Relations ([2022/2047\(INI\)](#)); and the recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the

Notably, in its recommendation of 29 November 2018 on 'Defence of academic freedom in the EU's external action', it called for continued EU support for academics that are at risk, including the creation of 'new EU-funded programme actions to support the placement of at-risk academics, student researchers and full degree students with international protection status in European higher education and research institutions'.

In its resolution of 24 June 2021 on the Commission's 2020 rule of law report,⁸⁷ the Parliament explicitly addressed the undermining of academic freedom (along with artistic freedom) as being linked to challenges to media freedom. In the same resolution, the Parliament called for the scope of the EU rule of law report to be broadened to cover all aspects of freedom of expression. The Parliament has also been vocal in condemning strategic lawsuits against public participation (SLAPPs) to silence journalists, NGOs and civil society, including academics, and called for soft- and hard-law measures at EU level to address this problem.⁸⁸ In its amendments to the Commission proposal for a directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation'), the Parliament proposed to explicitly mention 'academic, scientific, research and artistic activities' in the list of public participation activities that should be safeguarded by the directive.⁸⁹

Finally, the Parliament has called on several occasions for academic freedom and other fundamental values to be respected in countries – including EU Member States such as Hungary and Poland – where they are threatened.⁹⁰

Academia and research organisations

Protection and promotion of academic and research freedom has been stressed on many occasions by academic and research stakeholders. One of the most prominent examples is the 1988 Magna Charta Universitatum,⁹¹ which 'contains principles of academic freedom and institutional autonomy as a guideline for good governance and self-understanding of universities in the future'.⁹² Its three principles state that: 1) universities' 'independence: research and teaching must be intellectually and morally independent of all political influence and economic interests'; 2) 'teaching and research should be inseparable, with students engaged in the search for knowledge and greater understanding'; and refer to 3) 'university as a site for free enquiry and debate, distinguished by its

Commission/High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action ([2018/2117\(INI\)](#)).

⁸⁷ [European Parliament resolution of 24 June 2021](#) on the Commission's 2020 Rule of Law Report.

⁸⁸ See European Parliament resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society ([2021/2036\(INI\)](#)).

⁸⁹ See Article 3 of the Commission's Proposal for a directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation'), [COM\(2022\) 177 final](#), as well as [Amendments](#) adopted by the European Parliament on 11 July 2023 on the proposal for a directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') (COM(2022) 0177 – C9-0161/2022 – 2022/0117(COD)).

⁹⁰ See, for example, the European Parliament's resolutions of: 1 June 2023 on the breaches of the rule of law and fundamental rights in Hungary and frozen EU funds ([2023/2691\(RSP\)](#)); 20 October 2022 on cultural solidarity with Ukraine and a joint emergency response mechanism for cultural recovery in Europe ([2022/2759\(RSP\)](#)); 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017) 0835 – [2017/0360R\(NLE\)](#)).

⁹¹ [Magna Charta Universitatum](#).

⁹² [Magna Charta Universitatum Observatory](#).

openness to dialogue and rejection of intolerance'. In 2020, an updated Magna Charta Universitatum was adopted, which does not remove anything from the fundamental values inscribed in the original charter. So far, 960 universities from 94 countries have signed either or both of the charters drafted in 1988 or in 2020.⁹³

Academic freedom and freedom of research are considered top priorities by European-level associations and organisations representing the higher education and research sectors. Many of these actors have published position papers, research papers and manifestos that address challenges to academic freedom in the EU and have put forward proposals on what could be done to improve the situation. For example, in 2019 the All European Academies (ALLEA), the European University Association (EUA) and Science Europe published a Joint Statement on Academic Freedom and Institutional Autonomy. It calls on governments to protect academic freedom and institutional autonomy by providing higher education and research institutions with 'clear and consistent regulatory frameworks, refraining from interference in their internal affairs' and to guarantee the autonomy of funding decisions by research councils and funding bodies and the diversity of the research that is funded.⁹⁴

In 2021, the Guild of European Research-Intensive Universities published its statement on academic freedom.⁹⁵ It supported the Bonn Declaration on Freedom of Scientific Research but also expressed concern about threats to academic freedom that continue worldwide and in some EU countries. It also stressed that as 'a core principle of the EU, academic freedom must be protected vigorously and decisively by the European Commission and all EU institutions'. The Guild proposed that the EU should go further in protecting academic freedom and create 'a European Ombudsperson for the defence and support of academic freedom, who can respond quickly, impartially and effectively to infringements on academic freedom in all its forms, based on the Bonn Declaration'.

In March 2023, the European Council of Doctoral Candidates and Junior Researchers (Eurodoc) published its statement on academic freedom.⁹⁶ It emphasises the importance of both institutional and individual academic freedom and highlights the vulnerability of Doctoral candidates and ECRs. The statement also gives recommendations to governments and academic institutions on how to ensure academic freedom. For governments, these include ensuring: constitutional protection; evaluation and monitoring of the state of academic freedom; funding that is sufficient; and supporting academia's core missions in all fields and transparent research assessment. For institutions, key recommendations are to ensure: protection of academic freedoms for all researchers; that academic freedom is included in institutions' code of conduct; and that researchers are supported in cases of and protected against societal, peer and management harassment, for example by developing a common framework.

In April 2023, the League of European Research Universities (LERU) published a paper on challenges to academic freedom (building on its previous report from 2010), concluding that the protection of academic freedom is still not 'self-evident' and pointing to new challenges that have started to emerge over the last decade, such as funding that focuses on certain topics and vulnerability to

⁹³ Magna Charta Universitatum Observatory accessible at <https://www.magna-charta.org/magna-charta-universitatum>, accessed on 06/10/2023.

⁹⁴ [Academic freedom and institutional autonomy: Commitments must be followed by action](#), Joint statement by ALLEA, EUA and Science Europe, April 2019.

⁹⁵ The Guild of European Research-Intensive Universities, [The Guild Statement on Academic Freedom](#), 2021.

⁹⁶ Saugmann P., Pilia S., Dahle S., Ferante P., Berezko O., Zyra A., Schoch H., Hanková M. and Rijavec D., [Eurodoc statement on Academic Freedom](#) (Version 1), 2023.

foreign interference.⁹⁷ The paper identifies three aspects of academic freedom that should be promoted and should reinforce each other: individual rights for academics; institutional autonomy; and an obligation for public authorities to respect and protect academic freedom. With its paper, LERU aims to indicate to policymakers at national and European level what measures to take 'to effectively protect, facilitate, strengthen and optimise academic freedom'.

3. Challenges related to protection of academic freedom

There is a significant discrepancy between how academic freedom is protected in the EU and the reality on the ground. The majority of EU Member States protect academic freedom and/or freedom of scientific research *de jure*, i.e. in their constitutions or laws on higher education and/or research. However, this protection varies, as some constitutions and/or laws explicitly mention 'academic freedom' whereas others mention 'freedom of scientific research'.⁹⁸ In light of the new forms of threats mentioned in Section 2.2, several Member States have started to consider how to respond to some of the above threats that are not (yet) reflected in their legislative framework. More details on recent examples from Member States that could serve as best practices are in the Annex.

Lack of a common and coherent understanding of academic freedom at EU level

Despite the fact that academic freedom is:

- considered at EU level as a fundamental right (under Article 13 of the Charter of Fundamental Rights of the EU),
- a precondition for the success of the ERA,
- and a precondition for participation in EU research and education programmes,

there is no common understanding and coherent use of the term when academic freedom is referred to in EU policy documents such as Horizon Europe and Erasmus+. Despite academic freedom being defined in the Rome Communiqué, there is no clarity as to how this is used or referred to in practice. It is questionable how the freedom can be protected when there is no common understanding about what it entails.

This created a gap regarding the components of this complex term that the Court of Justice of the European Union filled to a certain extent when ruling on issues related to academic freedom.⁹⁹ The same applies to the definition of the freedom of scientific research, which, while it is defined in the Bonn Declaration, also does not feature in a binding EU law.

The Court of Justice ruling on *European Commission v Hungary*¹⁰⁰ confirms the central role of academic freedom, despite the lack of a binding definition, and the need to protect it. The ruling argues that: '(...) academic freedom in research and in teaching should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and to distribute knowledge and truth without restriction, although it should be made clear that that

⁹⁷ Vrieling J. et al, [Challenges to academic freedom as a fundamental right](#), LERU, 2023.

⁹⁸ [University Autonomy in Europe Scorecard 2023](#); Karran T. and Beiter K., [Academic Freedom in the European Union: legalities and realities](#), in Bergan S., Gallagher T. and Harkavy I. (eds), *Academic freedom, institutional autonomy and the future of democracy*, Council of Europe Higher Education Series No.24, 2020, pp. 121-138.

⁹⁹ See, for example: [Ruling C-66/18 Commission v Hungary](#), Court of Justice of the European Union, 6 October 2023.

¹⁰⁰ [Ruling C-66/18 Commission v Hungary](#), Court of Justice of the European Union, 6 October 2023.

freedom is not restricted to academic or scientific research, but that it also extends to academics' freedom to express freely their views and opinion'.¹⁰¹

The Court of Justice also refers to the Recommendation by the Council of Europe¹⁰² recognising that: '(...) academic freedom also incorporates an institutional and organisational dimension, a link to an organisational structure being an essential prerequisite for teaching and research activities'.

The ruling creates a precedent in terms of raising awareness about the importance of protecting academic freedom in research and in teaching, and confirms the need to establish a commonly-agreed understanding of the concept and definition.¹⁰³ It is also a first step towards harmonisation at EU level of what should be precisely understood as academic freedom.

Furthermore, protection of academic freedom is among the objectives of the ERA policy agenda. However, since not all Member States committed to the ERA action on protecting academic freedom, and since the ERA also includes non-EU countries associated with the framework programme, it is questionable how this principle could be ensured.¹⁰⁴

On the freedom of scientific research specifically, the Bonn Declaration offers a shared definition. However, the EU charter for researchers offers yet another definition.

Lack of systemic monitoring of academic freedom at EU level

The Academic Freedom Monitoring Project by Scholars at Risk reports and investigates attacks on higher education, raising awareness about the need to protect scholars, students and academic communities. Its 2022 report covers 391 attacks around the world and focuses on trends in 24 selected countries. The Report showcases a **decline in respect for academic freedom globally**. Among the selected countries (of which a minority are EU countries) it mentions, for example, the case of a genocide researcher at the University of Warsaw whose promotion to full professorship was refused by the Polish President, Andrzej Duda.¹⁰⁵ In 2017, the Hungarian Parliament changed the rules for foreign universities to operate in Hungary, which led to the relocation of the Central European University from Budapest to Vienna, and in October 2020 the Court of Justice of the European Union ruled¹⁰⁶ that the 2017 changes were incompatible with EU law.¹⁰⁷ In 2021, the Hungarian Parliament voted to restructure higher education institutions and place 11 public universities under the control of 'quasi-public, government controlled foundations'.¹⁰⁸

At EU level, STOA launched an annual monitoring report in 2023 entitled '**State of Play of academic freedom in the EU Member States**', which brings together the following elements:¹⁰⁹ the Academic

¹⁰¹ Ibid ruling, recital 225.

¹⁰² [Recommendation 1762 \(2006\) on Academic freedom and university autonomy](#), adopted by the Parliamentary Assembly of the Council of Europe, 30 June 2006.

¹⁰³ [How academic freedom is monitored: Overview of methods and procedures](#), Scientific Foresight Unit of the European Parliament, March 2023.

¹⁰⁴ Academic freedom in the European Research Area (ERA), Question for written answer, [E-002715/2022](#).

¹⁰⁵ [Free to Think](#): Report of the Scholars at Risk Academic Freedom Monitoring Project, 2022.

¹⁰⁶ Ruling C-66/18 from 6 October 2020, the Court of Justice of the European Union.

¹⁰⁷ The Court ruled that Hungary failed to comply with commitments under GATS in respect of the freedom of establishment.

¹⁰⁸ [2022 report on Hungary](#), Freedom House.

¹⁰⁹ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

Freedom Index (AFI), a scorecard comparing the de jure state of academic freedom in the EU Member States (as presented in the 2016 study by Beiter et al.),¹¹⁰ the Freedom House Academic Freedom Score, the EUA Autonomy Scoreboard (institutional autonomy), and an overview of public debate and a summary table for each country. The Report notes the **de facto erosion of academic freedom** across the EU Member States and points to the **lack of a systematic overview at EU level** that would serve to measure and monitor the de facto state of academic freedom and/or freedom of scientific research in the EU Member States.¹¹¹

This is due to several reasons. Firstly, none of the existing monitoring indexes capture well the differences between EU Member States, the existing and emerging threats or the challenges from different actors (details in Table 1, Annex). Secondly, (global) tools that are not precisely calibrated for liberal democracies might miss out on some soft repression that is more common in this setting, as they are mainly meant to capture hard repression.¹¹² For example, although the AFI covers all EU Member States, its purpose and focus is to monitor academic freedom on a global scale. As academic freedom is relatively high in liberal democracies, it is difficult to compare it with, for example, authoritarian regimes that persecute researchers. According to AFI, **24 of the EU Member States are among the best performing countries** on the global scale. Therefore, the AFI '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'.¹¹³

Other tools, such as the EUA's Autonomy Scoreboard, focus on institutional autonomy of universities, which is one element of broader academic freedom, and are not comprehensive either. Although the 2023 edition of the Autonomy Scoreboard has substantially broadened the geographical scope, two EU Member States – Bulgaria and Malta – are still missing.¹¹⁴ Moreover, the scoreboard predominantly focuses on analysing the regulatory framework that applies to public universities, and on their relations with public authorities. An assessment of existing monitoring tools done for the EHEA concludes that none of the existing indicators or tools 'can adequately help to measure or monitor academic freedom as defined in the Rome Communiqué'.¹¹⁵ At the same time, it mentions that the AFI is the most prominent existing tool and should be part of the starting point. The EHEA assessment also concludes that the EUA's Autonomy Scorecard is 'the only existing tool that appears to fit fully' the EHEA definition of institutional autonomy.

Absence of academic freedom in the fundamental rights monitoring system

Another gap related to monitoring and reporting is the absence of explicit tracking of academic freedom in EU Member States within the EU safeguards established to protect fundamental rights.

Academic freedom is not systematically monitored as part of the Rule of Law report or the Fundamental Rights annual report. The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), in its 2021 resolution on the Commission's Rule of Law report, linked artistic

¹¹⁰ Beiter K. et al., [Academic Freedom and Its Protection in the Law of European States: Measuring an International Human Right](#), European Journal of Comparative Law and Governance, 3(3), 2016, pp. 254-345.

¹¹¹ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

¹¹² [How academic freedom is monitored](#), Scientific Foresight Unit of the European Parliament, March 2023.

¹¹³ [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023, p.16.

¹¹⁴ [University Autonomy in Europe Scorecard 2023](#).

¹¹⁵ EHEA, [Measuring fundamental values: indicators, tools and initiatives. A Mapping Report](#), Draft, 18 October 2022.

and academic freedom to media freedom. The Members of the Parliament called on the Commission to include all aspects of freedom of expression in its Rule of Law report.¹¹⁶

Low awareness of academic freedom rights (and available tools)

The survey among academics (see Section 2.2) shows that the majority of respondents did not know if their university has an official policy document on academic freedom. Nearly 75 % of respondents would welcome receiving 'additional information on the constitutional/legislative protection of academic freedom' in their nation. This reveals **low awareness among academic staff about their rights** and poses a question as to how academic freedom can be effectively defended in such circumstances.

While academic freedom is mentioned across various policy documents, there is no common understanding as to what it entails in practice. Some of its elements are addressed, but information remains scattered. For example, there are guidelines on foreign interference and guidelines on research integrity, but not yet any guidelines reflecting a common understanding at EU level of academic freedom. This is becoming more urgent, given that research and research cooperation does not stop at borders.

4. Why should the EU act?

4.1. Subsidiarity and proportionality

Regarding the threats and challenges to academic freedom identified in the previous chapter, there is, to a certain extent, room for action at EU level. This does not exclude the need to act also at national and regional level, and in higher education and research institutions, to protect and promote academic freedom.¹¹⁷

Addressing the following challenges (identified in the previous chapter) at EU level instead of individually at national level could be particularly beneficial:

- development of a common European definition of academic freedom;
- development of a monitoring and reporting mechanism;
- conducting EU-funded research on academic freedom;
- explicitly linking academic freedom to monitoring how Member States respect fundamental rights.

Common, EU-level action on these problems could be more effective and efficient than separate actions by EU Member States.

Moreover, further ambitious EU action supporting Member States' higher education and research systems could be a more strategic choice, compared to Member States' individual actions. This is because there is a persisting mismatch between the EU's ambition to be a knowledge-based economy and compete in the global research and innovation race and the reality of stagnating financing and opportunities in this area. Actions such as higher levels of EU funding for research and supporting convergence of employment conditions for EU academics and researchers would strengthen the underlying conditions that are necessary for academic freedom to thrive. This would

¹¹⁶ [European Parliament resolution of 19 May 2021](#) on the Commission's Rule of Law report (2021/2180(INI)).

¹¹⁷ Some necessary actions can only be taken, for example, at institutional level, such as ensuring inclusion of academic freedom in institutions' code of conduct.

help to provide a public good to EU citizens – namely, scientific knowledge – and could help to strengthen EU competitiveness (which depends on research and innovation).

Furthermore, the EU is considered to be a union of values and the European Charter of Fundamental Rights protects key democratic principles and values, including academic freedom.¹¹⁸ Academic freedom is also directly linked to the rule of law and the democratic principles on which the EU is based, as set out in Article 2 TEU.¹¹⁹ These values are interlinked: if one of them is undermined, it weakens the other. In the absence of academic freedom, the future of democracy is at risk, just as it is if there are restrictions on other freedoms derived from the freedom of thought and expression – such as media freedom, artistic freedom and freedom of civil society organisations.¹²⁰ The EU Member States recognised that a common set of principles and values is needed to reaffirm the solid foundations for the EU's research and innovation, including ethics, integrity, equal opportunities, gender equality and the freedom of scientific research.¹²¹

Finally, the EU has already acted on a similar issue: strengthening protection of media freedom, which, like academic freedom, is related to freedom of expression and thought. Some similarities could be drawn between the actions to protect them (for details, see the case study in the Annex):

- they represent fundamental values of the EU, recognised in the European Charter of Fundamental Rights;
- media and academia/researchers play a key role in providing reliable information, shaping public debate and enhancing democratic principles, including fundamental rights;¹²²
- both actions to protect these freedoms would be a response to various forms of pressure on freedom of the media and academia in the EU;
- due to their cross-border nature, common safeguards at EU level would harmonise the level of protection across the EU Member States;
- both are components of the EU internal market: both the media market and research activities are of a cross-border nature.

4.2. Legal basis for EU action

Whenever EU law applies, **Article 13 of the Charter**, protecting academic freedom, can be applied. In this case, the link to strengthening and promoting freedom of scientific research within the process of **achieving the ERA as set out in Article 179** could be considered. Consequently, many EU-level documents stress the importance of academic freedom for research and innovation (see Chapter 2). Therefore, some academics think that legislative measures at EU level to promote and protect academic freedom could be more easily developed whenever a **connection to scientific research** can be established.¹²³ As mentioned, Article 179 TFEU plays a key role, setting the achievement of the ERA as an explicit Treaty objective: 'The Union shall have the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely, and encouraging it to become

¹¹⁸ Article 13, European Charter of Fundamental Rights.

¹¹⁹ [Article 2](#), TEU.

¹²⁰ Proposal for a regulation on establishing a common framework for media services, [COM\(2022\) 457 final](#).

¹²¹ [Council recommendation on a Pact for Research and Innovation in Europe](#), 2021/0230 (NLE), November 2021.

¹²² Proposal for a regulation on establishing a common framework for media services, [COM\(2022\) 457 final](#).

¹²³ See Vrielink J. et al, [Challenges to academic freedom as a fundamental right](#), LERU, April 2023, recital 18.

more competitive, including in its industry, while promoting all the research activities deemed necessary by virtue of other Chapters of the Treaties.¹²⁴

Furthermore, **Article 181 TFEU** allows the Commission to take any useful initiative to **promote coordination of research and development activities** by Member States, particularly concerning the 'establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed'.¹²⁵

Article 182(5) TFEU envisages **measures necessary for the implementation of the ERA** in accordance with the ordinary legislative procedure and complementing the activities planned in the multiannual financial framework.

Alternatively, Article 13 of the Charter could also be activated – for example, through **Article 49 TFEU** on the freedom of establishment and **Article 56 TFEU** (right to provide services) – as shown in the ruling of the Court of Justice of the European Union on a law restricting academic freedom in Hungary.¹²⁶ This should go hand in hand with EU competences under Article 45 TFEU (free movement of workers) to set minimum standards for protection of researchers moving across borders. These provisions would support and help to achieve the ERA objective of creating a single market for research (that includes free circulation of researchers, scientific knowledge and technology) across the EU. Furthermore, improving researchers' working conditions and supporting their circulation within the EU would represent another step in promoting a thriving research environment and achieving the ERA.

Finally, as the identified threats and challenges are of a different scale and weight, and considering the EU's competence to act, different types of EU-level actions could be envisaged. Legal action could be undertaken to address the lack of a common understanding about what academic freedom and freedom of research imply in the EU context. Soft measures – such as creating an EU-wide platform for academics and researchers to find information, exchange practices and report and monitor breaches of academic freedom – could be envisaged to tackle, for example, the problems brought about by the lack of a single monitoring tool that would be EU-calibrated and sensitive enough to detect non-systemic threats and the low awareness of academics about their rights.

5. How could the EU act?

This section presents three policy options **to promote and protect academic freedom and freedom of scientific research**. Table 5 provides a brief overview of the selected policy options, the challenges they would help to address and the corresponding key components (see the identified challenges in Chapter 3). These options should not be seen as alternatives, but rather as complementary to one another.

¹²⁴ [Article 179 TFEU](#).

¹²⁵ Article 181 TFEU.

¹²⁶ [Case C-66/18](#): The Court of Justice ruled that there was a breach of EU law, i.e. of the General Agreement of Trade in Services (which is a body of EU law) and of the services directive (2006/123/EC).

Table 2 – Overview of EU policy options to act on academic and scientific research freedoms

| EU policy options | Challenges addressed | Key components |
|---|---|--|
| Policy option 1 Boosting research and raising awareness | Low awareness about rights related to academic freedom | EU funding for research on academic freedom Create an EU-wide platform to serve as a one-stop-shop to find relevant information, exchange practices and report breaches |
| Policy option 2 Monitoring academic freedom at EU level | Lack of systematic monitoring | Develop an academic freedom scoreboard to ensure systematic monitoring of threats |
| | | Include academic freedom as part of the Rule of Law report |
| Policy option 3 Ensuring protection of the freedom of scientific research at EU level | Lack of a common and coherent understanding of academic freedom | Defining rights of researchers and elements of institutional autonomy, role of research organisations and governments in supporting, respecting, promoting and protecting the freedom of scientific research |

Source: Authors.

To achieve the full potential of EU-level action, all policy options should be implemented, as they reinforce each other. For example, better understanding of the de facto situation in Member States, thanks to monitoring and reporting on the state of academic freedom, can enhance the quality of policymaking. None of the actions mentioned below is able on its own to solve the existing and potential future threats associated with academic freedom. It is an effort that requires concerted action, not only at EU level but also at other relevant levels of governance (institutional, local and national).

5.1. Ensuring competitive enabling conditions

A well-functioning research environment requires, among other things, adequate levels of funding as well as ensuring attractive working conditions to reinforce excellence in research. The EU faces challenges regarding two of these enabling conditions, which are necessary for guaranteeing academic freedom (see Chapter 2.3). The EU could act on both of these conditions to support Member States' research systems and deliver substantial benefits.

When it comes to financing research and development, the EU Member States are still lagging behind global competitors such as the US, Japan and China in terms of gross domestic expenditure, and their overall annual investment in academic research has not changed in the last decade.¹²⁷ The EU should take supportive action that will **strengthen EU Member States' research funding in higher education** and decrease the significant differences that persist between them. The EU should boost actions by the Member States to finally meet the challenge of ambitious research financing to secure the associated return on investment and extract further social and economic benefits.¹²⁸

¹²⁷ European Commission, [R&D expenditure](#), Statistics explained, Eurostat, Data extracted in September 2023.

¹²⁸ More research in academia means more investment by the business sector, as the most research-intensive countries in higher education are the same as the ones in the business sector. See: Bennetot Pruvot E. et al., [Public Funding](#).

The EU faces a challenge of precarious employment conditions for young researchers (although the situation varies between Member States). Action at EU level could **facilitate upward convergence among Member States of working conditions in the field of research**, for example by addressing precarious employment and gender inequalities.¹²⁹ The Commission's package on researchers' careers is a first step in this direction, but more could still be done to ensure an actual change in the current trends.¹³⁰

If these problems are not solved, an EU research ecosystem that is attractive, competitive and gender-equal, which ensures research excellence and in which academic freedom thrives, cannot be achieved. The EU would face further brain drain, and lag behind in finding solutions to global and societal challenges through research and innovation. Such a situation would potentially lead to less science and knowledge in the EU. It could also entail higher levels of self-censorship among academics, less input for evidence-based policymaking, less interdisciplinary collaboration and impoverished public debate.

While some aspects require action at EU level (such as a harmonised definition), others might be complemented by actions at national, local and institutional level. Universities and research institutes should strive to ensure a balance between different interests (e.g. their funding needs) and their autonomy. It remains the role of universities, research institutes and researchers to contribute actively to raising awareness and help ensure that academic freedom is not undermined. In these cases, the EU is best placed to **support and coordinate efforts** by Member States. For example, universities should carry out risk assessments before entering into international projects that might interfere with their autonomy and freedoms. The European Commission could assist in these efforts by, for example, sharing best practices, and research and monitor the state of play to inform the need for any further policy actions.

5.2. Policy option 1 – Boosting research and raising awareness

The first action could focus on guaranteeing **a stable stream of EU funding for research on academic freedom**.¹³¹ It could therefore be envisaged to pursue research projects on academic freedom within an EU multiannual research programme such as Horizon Europe. This action could take inspiration from EU-funded projects targeting researchers, such as the Standard Operating Procedures for Research Integrity (SOPs4RI). This project developed a toolbox for research integrity, including guidelines and a European Code of Conduct for Research Integrity.¹³²

Creating an **EU-wide online platform** would help to raise awareness and **further disseminate the results of EU-funded research** (but not only this research). On the one hand, it could provide useful information on what constitutes academic freedom, and contain toolkits for researchers to empower them with practical information and steps to prevent or to act in case of online

[Observatory 2020/2021: Part 2](#), European University Association, 2021; European Commission, [R&D expenditure](#), Statistics explained, Eurostat, Data extracted in September 2023; van Pottelsberghe B., [Europe's R&D: missing the wrong targets?](#), Bruegel Policy Brief, Issue 2008/03, February 2008.

¹²⁹ Panella L. (ed.), [Increasing European added value in an age of global challenges: Mapping the cost of non-Europe \(2022-2032\)](#), EPRS, European Parliament, February 2023, Chapter 30.

¹³⁰ Proposal for a Council recommendation on a European framework to attract and retain research, innovation and entrepreneurial talents in Europe, [COM\(2023\) 436 final](#).

¹³¹ See relevant proposals for EU actions developed in the [STOA study](#) and [Inspireurope's submission](#) to the public consultation.

¹³² See details on the SOPs4RI [website](#).

harassment, for example. On the other hand, it could serve as a place to report violations of academic freedom; in that sense, it could be inspired by the SafeScience platform developed in the Netherlands, which helps researchers to find assistance if they face threats, intimidation or hate speech.¹³³

Benefits

More research on academic freedom could help **cover current research shortcomings**. These can relate to better understanding of emerging threats and challenges as well as developing new tools to map a de facto situation of academic freedom.

Supporting research on academic freedom could also help to facilitate development of strategies to counter threats and challenges **and share best practices**. Apart from that, the research could lead to the creation of **a coherent toolbox on how to protect and promote academic freedom** and raise awareness of academics and researchers about this freedom. It could comprise the existing toolkit on how to mitigate foreign interference threats in research and innovation and develop new tools in relation to other threats to academic freedom.

Moreover, creating an EU-wide platform for researchers could further amplify the above benefits, as it would allow further dissemination and exploitation of research findings that would help to **raise awareness and empower** academics and researchers across the EU, as well as contributing to evidence-based policymaking thanks to **better informed policymakers**.

This initiative could **feed into developing an EU-wide monitoring** system for academic freedom, including its reporting feature (see policy option 2).

Weaknesses

As all of the actions envisaged in this policy option have budgetary implications, the main weakness is related to potentially **insufficient EU funding** for it. Mitigation of this risk would depend on the political will of EU policymakers during the next MFF negotiations.

Table 3 – Policy option 1: Benefits and weaknesses

| Policy options | Potential benefits | Wider impacts on the EU economy and society* | Potential drawbacks |
|---|---|---|---|
| Policy option 1 Boosting research and awareness | Filling gaps in research would help to develop strategies, share best practices and raise awareness and empower researchers and institutions Empowering researchers and higher education and research institutions through raising awareness would further strengthen their resilience against threats to freedom and autonomy | Positive impact of R&D expenditure on productivity, competitiveness and innovation Positive impacts on the quantity and quality of innovation output | Risk of insufficient funding: EU funding will depend on political will during the next MFF negotiations |

Source: Authors.

¹³³ See the chapter on the Netherlands in [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#), Scientific Foresight Unit of the European Parliament, March 2023.

5.3. Policy option 2 – Monitoring academic freedom at EU level

Following the analysis of the existing monitoring systems and indexes, prepared by the European Parliament's STOA Panel,¹³⁴ and the shortcomings it reveals, this assessment proposes as a first action to establish a dedicated monitoring tool: a **European academic freedom scoreboard**. While it should consider and build as much as possible on existing tools and avoid duplication, such a scoreboard should:

- reflect the EU context and be sensitive enough also to capture soft forms of threats,
- enable comparison between EU countries,
- provide a sufficient level of detail of all elements of academic freedom,
- be prepared by an independent team of experts and co-financed by the EU, and
- include progress on tackling foreign interference.

Existing tools such as the Media Pluralism Monitor or the Justice Scoreboard could serve as inspiration for such a scoreboard.¹³⁵ The Commission has already presented its vision of updating the ERA monitoring system, including indicators on the progress towards ERA and to inform evidence-based policy-making.¹³⁶

Another action subsequent to operationalising the academic freedom scoreboard would entail **including academic freedom as part of the Commission's Rule of Law report**, as suggested by the European Parliament (to include all aspects of freedom of expression – for example, artistic and academic freedom).¹³⁷ Currently, the report focuses predominantly on four key areas for the rule of law.¹³⁸ Once a scoreboard for academic freedom has been developed, the report could rely on its findings as it now relies on the Media Pluralism Monitor.

Conducting vulnerability assessments, monitoring and managing risks could bring significant benefits in terms of transparency and prevent manipulation of information and disinformation. Developing codes of conduct would help raise awareness, help safeguard values of academic freedom, ethics and integrity, and avoid potential conflicts of interest.¹³⁹

Benefits

The key benefit of an **EU-calibrated monitoring** tool would be that it would be adapted to the sociocultural and historical context of the EU. This means that it would be able to detect threats that might elsewhere pass under the radar.¹⁴⁰ It could, for example, help to understand the size of the problem of self-censorship among researchers, and could also help to identify emerging threats and their size (including those stemming from digitalisation) and inform potential policymaking. Monitoring foreign interference in higher education institutions could further increase their commitment to strengthen the protection of academic freedom within these institutions. Action at

¹³⁴ [How academic freedom is monitored: Overview of methods and procedures](#), Scientific Foresight Unit of the European Parliament, March 2023.

¹³⁵ For details, see: [Media Pluralism Monitor](#) and EU [Justice Scoreboard](#).

¹³⁶ [European Research Policy Agenda: Overview of actions for the period 2022-2024](#), European Commission, 2021.

¹³⁷ [European Parliament resolution of 19 May 2022](#) on the Commission's 2021 Rule of Law Report, (2021/2180(INI)).

¹³⁸ These are: (i) the justice system, (ii) the anti-corruption framework, (iii) media pluralism and freedom, and (iv) other institutional issues related to checks and balances.

¹³⁹ European Commission, Staff Working Document – [Tackling R&I foreign interference](#), 2022.

¹⁴⁰ See [Summary of Expert Consultation on Academic Freedom and Freedom of Expression](#) in UCI Law International Justice Clinic, 2020.

EU level would allow for economies of scale compared to each Member State developing its monitoring measures individually. As the EU-level scoreboard would be prepared by independent experts, the risk of bias could be limited compared to, for example, reliance on national reports. Moreover, more data on de facto and de jure protection, and on existing and emerging threats, would become available.

Broadening the scope of the Rule of Law report would represent an important step towards **monitoring threats, gathering country-specific assessment of different types of EU democratic values** and further informing policymaking. It would increase transparency and shed more light on the evolution of key freedoms for EU democracies.

It is also important to note the key link between academic freedom and the rule of law and democracy. Academia and research play an essential role in civic society and contribute to civic discourse. Democracy, the rule of law and fundamental rights are mutually reinforcing and therefore, when undermined, may pose a systemic threat to the EU.¹⁴¹

Weaknesses

The main weakness associated with the scoreboard would be related to stability of its financing. The work that would need to be undertaken would require stable budgetary resources to be developed by independent experts, and the calibration of the platform's reporting system would be a challenge and might require separate research to develop the necessary criteria. If this relies on some research findings from policy option 1, the latter's weakness in terms of potential shortages of funding for the EU research programme should be mitigated.

Table 4 – Policy option 2: Benefits and weaknesses

| Policy options | Potential benefits | Wider impacts on the EU economy and society* | Potential drawbacks |
|---|---|--|--|
| Policy option 2 Monitoring academic freedom at EU level | <p>Calibrating the monitoring to the EU context would enable better comparison and also detect soft forms of threat such as self-censorship</p> <p>Including academic freedom in rule of law reporting would enable a systematic and comprehensive monitoring of key fundamental values at national level</p> | <p>Positive impact on democratic values: access to objective data, information and best practices would help identify trends to better inform democratic decisions</p> | <p>The level of reporting would depend on the level of awareness (PO1)</p> |

Source: Authors.

* These impacts could materialise if the enabling conditions (see beginning of Section 5) are strengthened at EU level.

¹⁴¹ Mäntylä N. et al, [Academic Freedom and Rule of Law](#), Osuva Open Science, 2023.

5.4. Policy option 3 – Enshrining the freedom of scientific research in EU law

Policy option 3 would entail enshrining the freedom of scientific research into EU law. Depending on the chosen scope and the corresponding legal basis, it could apply, for example, to all research activities within the ERA and/or EU-funded programmes such as Horizon Europe and Erasmus+.

In any case, this proposal should define rights and obligations for researchers, higher education and research organisations, and public authorities, building on the Bonn Declaration¹⁴² and the Commission's proposal for the European Charter for Researchers,¹⁴³ and on the outcomes of policy options 1 and 2. It would need to define the scope of activities that are protected, as well as what constitutes a breach to the freedom.

Such an **EU proposal could be based on Article 179 TFEU**, linking it to Article 13 of the EU Charter. Also, Article 43 TFEU (on freedom of establishment), Article 45 TFEU (on free movement of workers) and Article 49 TFEU (on provision of services) could be considered as a basis for setting minimum standards of protection applicable to activities with cross-border implications.¹⁴⁴

The preparation of the proposal should involve discussions with stakeholders to ensure that the protection is flexible enough to also cover possible emerging challenges. This process could be inspired by the outcomes of policy options 1 and 2, if implemented. It should also be borne in mind that this freedom has limitations – for example, researchers need to respect ethical standards and ensure research integrity.¹⁴⁵

Benefits

Defining the rights of researchers, and of higher education and research institutions, would harmonise the interpretation of freedom of scientific research across the EU Member States and build a common EU understanding of what such freedom entails. This would bring clarity and help enhance the protection of researchers whose rights are endangered or institutions whose autonomy is under pressure. Enshrining the freedom in EU law would reinforce the common understanding by all actors and avoid parallel definitions and ad hoc interpretations.

The level of protection would depend on the choice of instrument. The benefits would be strongest under a legally binding proposal where legal protection of researchers and research institutions could be upheld by courts and enforced at EU level. Any improvements in academic and research freedoms stemming from this action would strengthen the creation of the ERA, for which the functioning and success of the two freedoms are prerequisites.

Weaknesses

It would be challenging to develop a set of rights and obligations that would account for the different organisational settings of research institutions in different Member States. This could lead to finding the lowest common denominator, with limited impact in practice.

¹⁴² See the [Bonn Declaration on Freedom of Scientific Research](#), 20 October 2020.

¹⁴³ Annex to the Proposal for a Council recommendation on a European framework to attract and retain research, innovation and entrepreneurial talents in Europe, [COM\(2023\) 436 final](#).

¹⁴⁴ See example of cross-border implications in [proposal for a directive on strategic lawsuits \(SLAPPs\)](#).

¹⁴⁵ Proposal for a Council recommendation on a European framework to attract and retain research, innovation and entrepreneurial talents in Europe, [COM\(2023\) 436 final](#).

Another weakness of this policy option could be seen in limiting the EU-level proposal to freedom of scientific research only, as it depends on academic freedom. The latter is still not addressed by any coherent EU-level framework.

Moreover, defining freedom of scientific research might entail similar risks to those identified for academic freedom – namely, that the context of the freedom is changing so quickly that it makes the aim of defining it a 'moving target'.¹⁴⁶

Table 5 – Policy option 3: Benefits and weaknesses

| Policy options | Potential benefits | Wider impacts on the EU economy and society* | Potential drawbacks |
|---|---|---|---|
| Policy option 3 Ensuring protection of the freedom of scientific research at EU level | Harmonising the interpretation and understanding of the freedom of scientific research at EU level Ensuring legal protection for researchers and research institutions in case of a breach | Promotion of the internal market for research, including free circulation of researchers and scientific knowledge Strengthening the protection of fundamental rights would help to enhance the rule of law and democratic principles | Risk of incomplete protection if it only covers freedom of scientific research (which nevertheless remains an integral part of academic freedom) Changing social and geopolitical context, make it a 'moving target' |

Source: Authors.

* These impacts could materialise if the enabling conditions (see beginning of Section 5) are strengthened at EU level.

¹⁴⁶ Quotes by Prof. Antonio Loprieno, ALLEA President, and Ms. Amanda Crowfoot, EUA Secretary-General, [STOA Academic Freedom Roundtable](#), 27 April 2023.

5.5. European added value

European added value can arise from different sources – for example, protection of a public good, efficiency gains due to scale, lower administrative costs and integration of externalities. Its effects can also vary in force, as it would be highest in areas where the EU has exclusive competence and lower where the competences are shared with the Member States.

According to Article 179 TFEU, the EU has an objective to create the European Research Area (ERA) – an internal market for research – where scientific research and researchers move freely. However, many of the threats and challenges identified in this study also know no borders and can negatively impact the ERA. Moreover, scientific research, like scientific knowledge, is a public good, the protection and promotion of which within the ERA could be better ensured at EU level than individually by Member States. This action could offer economies of scale in ensuring the right to freedom of scientific research.

The main aspects of European added value include:

- **promotion of the internal market for research**, contributing to free circulation of researchers and knowledge across the Union, achieving the objectives of the ERA;
- **enhanced protection of freedom of scientific research** through a common understanding of rights and responsibilities at EU level;
- **efficiency gains** in raising awareness, systematic monitoring and identification of threats.

The political feasibility of policy options 1 and 2 is relatively high due to their non-legislative nature, but it could be weakened by a low commitment of EU funds allocated for these actions during the upcoming MFF negotiations. The political feasibility of policy option 3 would be lower and depend on the type of EU legal act chosen.

While policy options 1 and 2 represent a bottom-up approach that would build a solid basis for respecting both academic freedom and freedom of scientific research, policy option 3 represents a top-down approach that would be needed to enforce protection in case of a breach.

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Annex

Table 6 – Selection of existing tools monitoring academic freedom in the EU

| Tool | Scope | Strengths | Weaknesses |
|--|--|---|--|
| Academic Freedom Index | A score ranging from 0 to 1 composed of five indicators: freedom to research and teach, freedom of academic exchange and dissemination, institutional autonomy, campus integrity and freedom of academic and cultural expression | Comparable data for each country over time | Lack of country context and case studies might lead to misinterpretation. Not calibrated for the EU but for a global overview. |
| Freedom House Academic Freedom Index | A score assigning 0-4 points on a series of 25 indicators for an aggregate indicator up to 100 | Allows a comparison of academic freedom with other political rights and civil liberties | Lack of definition and explicit indicators for academic freedom |
| A score comparing de jure protection of academic freedom* | Five dimensions: academic freedom for teaching and research, institutional autonomy, self-governance, academic tenure and adherence to international agreements. Each dimension has a score from 0-20. | Very few comparable studies covering all EU Member States | Not updated since 2014 and differences between de jure and de facto academic freedom |
| European University Association Autonomy Scoreboard (2017)** | Examines relationships between universities and public authorities in four areas: organisational, financial, staffing and academic autonomy. | A thorough process and comparable data on the various dimensions | Not all EU Member States covered, and focuses on public universities' relationship with public authorities. Formal institutional autonomy is mapped, which does not fully reflect the real (de facto) autonomy; lack of 'living autonomy' perspective. |

Source: EPRS based on the [2023 STOA study](#).

* As set out in a study by Beiter et al. on [Academic freedom and its protection in the law of European states](#), 2016.

** The latest edition is the [University Autonomy in Europe Scorecard 2023](#), published in March 2023.

How Member States respond to (new forms of) threats to freedom of research

Finland: Guidelines for addressing hate speech and harassment

Representatives of Finnish Universities confirm dismissive attitudes and hate speech against researchers. The Academy of Finland published guidelines for addressing online harassment and hate speech against researchers.

Sweden: Guidelines for international cooperation

The Swedish Foundation for International Cooperation in Research and Higher Education prepared guidelines for Swedish universities entitled 'Responsible Internationalisation: Guidelines for Reflection on International Academic Collaboration'. The document includes questions to be asked by universities to assess risks related to independence, integrity, ethics or academic freedom when collaborating with other countries where scientific and political systems might differ.

France: Addressing SLAPPs as a threat to academic freedom

The French Ministry of Higher Education set up a commission to investigate and address the threats posed by SLAPPs against academics. A report produced by the commission proposes two recommendations to improve the protection of academics and researchers: recognition of full protection of freedom of expression as their right, and setting up a mechanism for automatic functional protection.

Netherlands: Platform for scientists under threat

In November 2022, the [Safe Science](#) Platform was launched by the Universities of the Netherlands (UNL), the Netherlands Research Council (NWO) and the Royal Netherlands Academy of Arts and Sciences (KNAW). Scientists facing threats or intimidation can report them and reach out for help 24/7. It was created in response to rising threats against academics by conspiracy theorists, racial groups and social media trolls. The platform was inspired by one that existed previously, [PersVeiling](#), which protected journalists against similar threats.

Sources: Bergan S., Gallagher T. and Harkavy I. (eds), [Academic Freedom, Institutional Autonomy and the Future of Democracy](#), Council of Europe Higher Education Series No. 24, 2020; [How academic freedom is monitored](#), STOA, 2023; Broyelle C. et al, [Rapport sur les procédures bâillons](#), 2017; Shih T. et al, [Responsible internationalisation: Guidelines for reflection on international academic collaboration](#), 2020; [Tutkijoihin kohdistuva verkkohäirintä](#) [Online Harassment of Researchers], Academy of Finland, 7 July 2021; [Website and hotline for academics under threat](#), Voxweb, 8 November 2022.

Case study: Media Freedom Act – similarities between safeguarding media freedom and protecting academic freedom at EU level

One of the most recent examples of the EU's efforts to enhance the protection of fundamental rights is the 2022 proposal for a **Media Freedom Act**. The aim of the future regulation is to prevent political interference in editorial decisions, ensure transparency of media ownership and protect journalists from having to disclose their sources. Several parallels can be drawn between the MFA proposal and the potential proposal to harmonise the protection of researchers:

Protection of fundamental rights: both media freedom and freedom of research are enshrined in the Charter of Fundamental Rights. Article 11 stipulates freedom of expression and information and Article 13 artistic and academic freedoms.

Challenges: media service providers face increasing interference in their editorial decisions. Academics and researchers face growing interference, ranging from political to economic, including from the private sector and civil society.

Diverging approaches among EU countries: the MFA proposal argues that the protection of journalistic sources needs to be harmonised at EU level as regulations differ across the Member States. The same applies in the case of academic freedom: the de facto protection varies in form and scope across the EU Member States.

Cross-border aspect: both media market and research activities are of a cross-border nature, including threats of interference in their provision.

Internal market aspect: the MFA proposal refers to better functioning of the internal market. For freedom of scientific research, this would mean achieving the ambition of a single market for research and innovation, fostering free movement of researchers, scientific knowledge and innovation, and boosting the competitiveness of EU industry.

Expected impacts: the MFA impact assessment points to a better functioning of the internal market (leading to increased investment) and to positive societal benefits, including growing accountability and trust, improving media freedom, and strengthening of the rule of law and democratic standards. A similar logic applies to freedom of research: literature shows clear links between freedom of research and democratic principles.

Sources: European Parliament resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy the rule of law and fundamental rights ([2018/2886\(RSP\)](#)); van Ballegooij W. and Navarra C., [An EU mechanism on democracy, the rule of law and fundamental rights](#), EPRS, European Parliament, 2020; Proposal for a regulation establishing a common framework for media services in the internal market, [COM\(2022\) 457 final](#); Laaninen T., [European media freedom act](#), EPRS, European Parliament, September 2023; EU Charter of Fundamental Rights.

This European added value assessment (EAVA) seeks to inform the European Parliament's legislative initiative 2023/2184(INL) entitled 'Promotion of the freedom of scientific research in the EU'. Freedom of scientific research forms an integral part of academic freedom, and this study confirms the de facto erosion of academic freedom, including its underlying conditions, across the EU. It also identifies new forms of threat, such as the role of new technologies, use of strategic lawsuits, increasing private sector influence and vulnerability to foreign interference. The main challenges to protecting freedom of scientific research stem from the absence of a common understanding and a lack of systematic monitoring at EU level of threats to academic freedom.

The study proposes three policy options to address the challenges: (1) boosting research and raising awareness; (2) monitoring academic freedom at EU level; (3) ensuring EU-level protection of the freedom of scientific research. The main added value of acting at EU level includes promoting the internal market for research, protecting freedom of scientific research more effectively, and generating efficiency gains through systematic monitoring and awareness raising.

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