

Academic Freedom in the Nordics: Legislation, Practice, Challenges

A report from Nordic academic trade unions
2024



Preamble

This is a report written by representatives of Nordic trade unions organizing academics at higher education institutions. It is an attempt to assemble and present accessible information on the conditions for academic freedom – both *de jure* and *de facto* – in the Nordic countries. Besides laying out a framework for comprehending academic freedom as a public good and an international obligation, we offer an overview of common challenges and what is particular to each country in separate national chapters from Denmark, Finland, Iceland, Norway and Sweden. The report was commissioned by the trade unions of higher educational institutions at our Nordic Meeting in 2023, and it is written by designated representatives of these unions. The co-authors/editorial group responsible for this publication consist of: Jon Iddeng and Jorunn Dahl Norgård (Norway, Forskerforbundet/NAR), Petri Mäntysaari (Finland, Professorsförbundet), Karin Åmossa and Haro de Grauw (Sweden, SULF), Brian Arly Jacobsen and Frederik Hertel (Denmark, DM), Ármann Höskuldsson, Hólmfríður Garðarsdóttir and Henry Alexander Henrysson (Iceland). The first and last chapter is our common responsibility, whereas the national reports are written by representatives from unions in each country: Arly Jacobsen/Hertel (DK), Mäntysaari (FI), Henrysson (IS), Iddeng (NO), Åmossa (SE).



Abstract

Academic freedom in the Nordic countries is under pressure from a range of factors that must be addressed to maintain the region's leadership in independent research and education. While the Nordic model has long been a global benchmark, challenges such as managerialism, external funding dependence, undue political interference, precarious employment, and the hardening of public debate threaten the core principles of academic freedom. We, Nordic academic trade unions, are united in our commitment to protecting this freedom, ensuring that it remains a foundation of democratic societies and intellectual progress.

Key points to defend academic freedom in the Nordics

1. Diminished collegial governance and academic autonomy

Academic freedom is about the individual right to research and teach freely, and about collegial governance within academic institutions. The shift toward centralized governance models, where management holds the decision-making power, reduces the academic staff's autonomy and innate capability to determine the direction of research and teaching. Collegial governance is a key mechanism for protecting academic freedom. Trade unions call for restoring democratic decision-making processes that give academic staff a meaningful role in shaping the policies and priorities of their institutions, thereby safeguarding the collective aspect of academic freedom.

2. External pressures and funding dependence

Academic freedom relies on the ability of researchers to pursue knowledge without external interference. However, across the Nordic countries this independence is threatened by an increased reliance on support from industry, or funding tied to parameters identified by the government, related to specific outputs, or targeted to certain subjects to the detriment of others. Researchers increasingly find themselves adapting their work to meet the priorities of commercial or governmental funding bodies, which results in the loss of critical and curiosity-driven research that may not have equally immediate applications yet lays the foundations for democratic resilience and future research breakthroughs. Trade unions call for public funding that is secure, untied and not based on quantitative performance indicators. Such public funding is essential to protect the autonomy of academics and ensure that research remains driven by scholarly inquiry rather than external agendas.

3. Political and ideological influence

Undue political interference is a direct threat to academic freedom, as it undermines the independence of institutions that are supposed to serve as critical voices in society. In several Nordic countries, government regulation is increasingly shaping higher education and research priorities, which can compromise the objectivity and integrity of academic work. The ability to freely explore and critique societal and political issues is at the heart of academic freedom. The trade unions call for stronger protections to ensure that universities remain free from political control, allowing researchers and educators to engage in independent analysis and critique, vital for a healthy democracy.

4. Precarious employment

Secure employment is a prerequisite for true academic freedom. Short-term contracts and employment conditional on external funding make academics vulnerable, compelling them to avoid innovative, long-term, and high-risk research to safeguard their career prospects. This situation undermines the freedom to conduct research without fear of losing one's job, a fundamental element of academic freedom. Nordic unions argue that long-term, stable employment is crucial to fostering an environment where academics can challenge established norms and pursue innovative ideas without constraint, thereby fully exercising their academic freedom.

5. Harassment and threats to free expression

The right to express controversial or unpopular opinions is a core component of academic freedom. However, increasing instances of harassment and intimidation against academics in the Nordic region are eroding this freedom. Academics, particularly those engaged in sensitive or politically charged research, face threats that can lead to self-censorship. Academic freedom is compromised unless academics can speak and publish without fear of retaliation. Trade unions are pushing for stronger protections and support systems to ensure that academics can freely participate in public discourse and engage in critical research without facing personal or professional harm.

In conclusion, each of these challenges directly impacts academic freedom, a foundational principle for independent research, higher education, and democratic engagement. By addressing these issues – whether through securing public funding, resisting political influence, ensuring job security, reinforcing collegial governance, or protecting free expression – the Nordic region can continue to serve as a model for academic freedom globally. Immediate action is essential to preserve these freedoms and maintain the integrity and innovation that have long defined Nordic academia.

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1. What academic freedom is and why it is important

Humans and human societies rely on the knowledge on which they build their lives and actions to be truthful. For this to happen, research and education must be free and independent of other interests, and it must be verifiable. Academic freedom is our assurance that this is the case. Academic freedom is essential for finding rational and reasonable solutions to the wide range of challenges facing our society and humanity. Protecting and promoting academic freedom is contributing to democracy, diversity and human rights.

Whereas the freedom of scientific research is a universal right and public good, academic freedom should be particularly protected at universities and other higher education institutions (HEIs). These institutions have a special responsibility to meet society's need for basic, curiosity-driven research, to maintain a broad knowledge readiness, and to serve as a critical corrective in order to safeguard the truth and expand our knowledge. Neither political parties, business interests, religious communities, troll factories, nor other particular interests should affect this. To quote the ministers responsible for higher education in the European Higher Education Area (EHEA), academic freedom is “a necessary condition for higher education institutions to produce and transmit knowledge as a public good for the benefit of society”.¹

1.1 Academic freedom as a common good

Democratic societies rely on well-informed decisions, based on facts and scientific evidence. Academic freedom ensures that researchers and educators can provide a sound independent and diverse knowledge basis for societal decision-making. Without academic freedom, decisions risk being made based on narrow interests, ideology or misinformation, undermining the very foundation of democracy and the resilience of society. A rich and nuanced public debate requires that various perspectives and voices be heard. Academic freedom allows academics not only to explain what is accepted as the truth within the scientific community but also to explore and challenge established truths and norms. By fostering a diversity of research areas, viewpoints, and reasoned opinions, academic freedom contributes to a more informed and dynamic public debate. This is particularly important in an era when social media and other platforms often amplify polarized and oversimplified narratives. Academic freedom enables research that examines and challenges injustices and discrimination, which helps to highlight and combat these issues.

Freedom of learning is a human right. Academic freedom releases students' capability to seek truthful knowledge and to study subjects and disciplines of their own choice. A central goal of higher education is to develop students' capacity for critical thinking. By operating in an environment characterized by academic freedom, teachers and researchers can inspire students to think critically and independently, which is essential for creating conscious and engaged citizens. Academic freedom allows for a pedagogy that encourages questioning and reflection, which is necessary to meet future societal challenges.

The integrity of science is vital for society to maintain trust in scientific knowledge. The freedom of scientific research ensures that researchers can work without influence from commercial or political interests, which is necessary to maintain the credibility and quality of research. Academic freedom is a

¹ Annex I to the *Rome Communiqué*. https://ehea.info/Upload/Rome_Ministerial_Communique_Annex_I.pdf. Cf also European Parliament *Academic Freedom Monitor 2023*. Starting with: “Academic freedom is widely acknowledged both as a fundamental value of present-day higher education and science, and as a prerequisite for well-functioning democratic societies». [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2024\)757798](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2024)757798)

catalyst for scientific and technological progress, by allowing researchers to explore new ideas and approaches without being constrained by traditional or political limitations. This leads to innovations that can drive development forward and solve complex problems, not only serving commercial interests and individual private companies, but society at large.

Academic freedom and responsibility are two sides of the same coin. Academic scholars must build on research ethics, established scientific standards and knowledge, seek and establish facts, and provide valid arguments, in order to support or challenge established truths; thereby pushing the boundaries of our knowledge. This can only happen if academic researchers are as independent, free, responsible, and aware of potential conflicts of interest as possible. Academic freedom is hence a set of principles to ensure this, even where there are legitimate interests from the surrounding community related to research, education, and the use of scarce resources. On an individual level, it implies ensuring freedom of research, teaching and learning. On an overarching level, it implies ensuring the quality, independence, and public benefit of research and teaching, and thereby the trust of the people in scientific knowledge.

Therefore, the free pursuit of truth must be fundamental for both employees and students at our HEIs. For researchers to seek the truth, challenge existing knowledge, develop new knowledge, and especially handle external pressure, they must have scientific integrity, independence, academic freedom, and personal safety. This requires that:

- academic staff have security of employment
- recruitment of academic staff is merit-based
- researchers have the time and resources to conduct free research, as well as to publish their analyses and findings, and safety to withstand situations where research results are challenged
- scientific work and education are built on honesty, openness, and truthfulness
- researchers are open to criticism of their own research and dissemination by following good research ethics and established academic standards and rules for referencing, peer review, and verifiability
- knowledge and research results are freely available to researchers and students, while the rights of the researcher to correct and prevent misuse of their own research are respected
- institutional decisions on teaching and research are taken by academic staff according to the principles of collegial decision-making

1.2 Academic freedom in international law and conventions

Academic freedom is an ideal to strive for and a principle to be upheld. The goal of guaranteeing academic freedom has been stated in numerous national and international declarations – from the American Association of University Professors' *Statement of Principles on Academic Freedom and Tenure* (originally from 1915) to the *Magna Charta Universitatum* (originally from 1988) and the Rome Ministerial Communiqué (19 November 2020).

Academic freedom is, however, not just an ideal. It is a fundamental right guaranteed by the binding obligations of states under international law. Its roots can be found in the Universal Declaration of Human Rights (UDHR) proclaimed by the United Nations General Assembly in 1948. In 1966, the United Nations adopted the International Covenant on Economic, Social and Cultural Rights (ICESCR), which built on the UDHR and addressed the right to education under Article 13 and the right to intellectual or scientific freedom under Article 15. States that have ratified the ICESCR have a legal duty to protect and enforce these rights.

The overarching principles that constitute academic freedom under the ICESCR are complemented by important UNESCO Recommendations that make them more concrete.² UNESCO's *Recommendation concerning the Status of Higher-Education Teaching Personnel* from 1997 is one of the most comprehensive universal approaches to academic freedom for academic staff. In general, academic freedom is described here as follows:

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

The 1997 UNESCO Recommendation includes individual freedom of research, teaching and dissemination, the right to self-governance, institutional autonomy and accountability, besides merit-based recruitment and the necessity of tenure, reasonable salaries and working conditions. While the 1997 UNESCO Recommendation constitutes soft law that is not binding as such, the Recommendation itself is an application of binding obligations under international law.³ For this reason, it can be taken into account when interpreting binding obligations under international or European law.

In Europe, academic freedom is guaranteed by Article 10 of the 1950 European Convention on Human Rights and Fundamental Freedoms as well as by Articles 13 and 14 of the 2012 Charter of Fundamental Rights of the European Union. Article 13 explicitly provides that “academic freedom shall be respected” and emphasizes that “the arts and scientific research shall be free of constraint”. The Parliamentary Assembly of the Council of Europe has adopted Recommendation 1762 (2006) on academic freedom and university autonomy. Its Committee of Ministers has adopted Recommendation CM/Rec (2012)7 on the responsibility of public authorities. The European Parliament has adopted a Recommendation on Defence of academic freedom in the EU's external action (2018/2117(INI)). The European Parliament recommends the Commission (1.b) to:

... recognise that claims to academic freedom fall under existing human rights law, derived from the right to education and the rights to freedom of expression and of opinion; recall that academic freedom extends to the freedom of academics to disseminate information and conduct research and distribute knowledge and truth without restriction, the freedom to express their views and opinions – even if controversial or unpopular – in the areas of their research and professional expertise, which may include an examination of the functioning of public institutions in a given political system and criticism thereof.

In the European Higher Education Area (EHEA), academic freedom belongs to the fundamental values specified in the 2018 Paris Communiqué, further developed in the 2020 Rome Communiqué and reaffirmed in the 2024 Tirana Communiqué. The key Bologna Process document in this respect is

² The 1997 UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel* gives content to Article 13 of the ICESCR (<https://en.unesco.org/about-us/legal-affairs/recommendation-concerning-status-higher-education-teaching-personnel>). The 2017 UNESCO *Recommendation on Science and Scientific Researchers* gives content to Article 15 of the ICESCR (<https://www.unesco.org/en/legal-affairs/recommendation-science-and-scientific-researchers>)

³ Cf. Beiter, K. D., Karran, T., & Appiagyei-Atua, K. (2016): “Yearning to Belong: Finding a ‘Home’ for the Right to Academic Freedom in the U.N. Human Rights Covenants”. *Intercultural Human Rights Law Review*, 11, 107–190 (<https://ssrn.com/abstract=3531695>); United Nations (2020): *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, David Kaye. United Nations General Assembly. Seventy-fifth session. A/75/261; CJEU, Case C-66/18, *European Commission v Hungary*, paragraph 227

Annex I to the 2020 Rome Communiqué that includes a statement on academic freedom. According to the 2024 Tirana Communiqué, the fundamental values of higher education in the EHEA include academic freedom, academic integrity, institutional autonomy, student and staff participation in higher education governance, and public responsibility for higher education. All these fundamental values are connected to academic freedom.⁴

The freedom of scientific research is a constituent part of academic freedom and scientific integrity in Europe, while also having an independent value, as exemplified by the specific reference in Article 13 of the Charter of Fundamental Rights of the European Union. In this report on academic freedom at HEIs we will not discuss the freedom of scientific research and researchers in other sectors. Building on the Bonn Declaration⁵ the European Parliament has, however, adopted recommendations to the Commission on promotion of the freedom of scientific research in the EU (2023/2184(INL)) that are far-reaching and set standards for the protection of research and its dissemination for the European area, of major importance also for academic institutions.⁶

There is reason to highlight the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers (Charter & Code) to emphasize the importance of research freedom, independence, and scientific integrity for all researchers and the limitations that follow:

Researchers should focus their research for the good of mankind and for expanding the frontiers of scientific knowledge, while enjoying the freedom of thought and expression, and the freedom to identify methods by which problems are solved, according to recognised ethical principles and practices. Researchers should, however, recognise the limitations to this freedom that could arise as a result of particular research circumstances (including supervision/guidance/management) or operational constraints, e.g. for budgetary or infrastructural reasons or, especially in the industrial sector, for reasons of intellectual property protection. Such limitations should not, however, contravene recognised ethical principles and practices, to which researchers have to adhere.⁷

1.3 A working definition of academic freedom and its key elements

This short summary of the international legal status does not define academic freedom or lay out its principles in any detail. Hence a more ample working definition that also includes the conception of these principles within academia is required. We have chosen here to follow the understanding set forth in a report from The European Parliament on measuring and monitoring the development of academic freedom.⁸ Academic freedom is here illustrated as an "onion" with a core linked to individual freedoms and layers upon layers of other values that can be more or less secured and legislated.

⁴ For a summary of legislations connected to academic freedom in Europe, see also chap. 3.1 with references (p. 5-9) in Kováts G & Rónay Z. (European Parliament STOA Panel) 2023: [How academic freedom is monitored: Overview of methods and procedures.](#)

⁵ [Bonn Declaration on Freedom of Scientific Research](#) (2020)

⁶ [P9_TA\(2024\)0022](#). Promotion of the freedom of scientific research in the EU European Parliament resolution of 17 January 2024 with recommendations to the Commission on promotion of the freedom of scientific research in the EU (2023/2184(INL)).

⁷ The European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers ([Charter & Code](#)). *General Principles and Requirements applicable to Researchers*

⁸ Kováts G & Rónay Z. 2023: [How academic freedom is monitored: Overview of methods and procedures.](#)

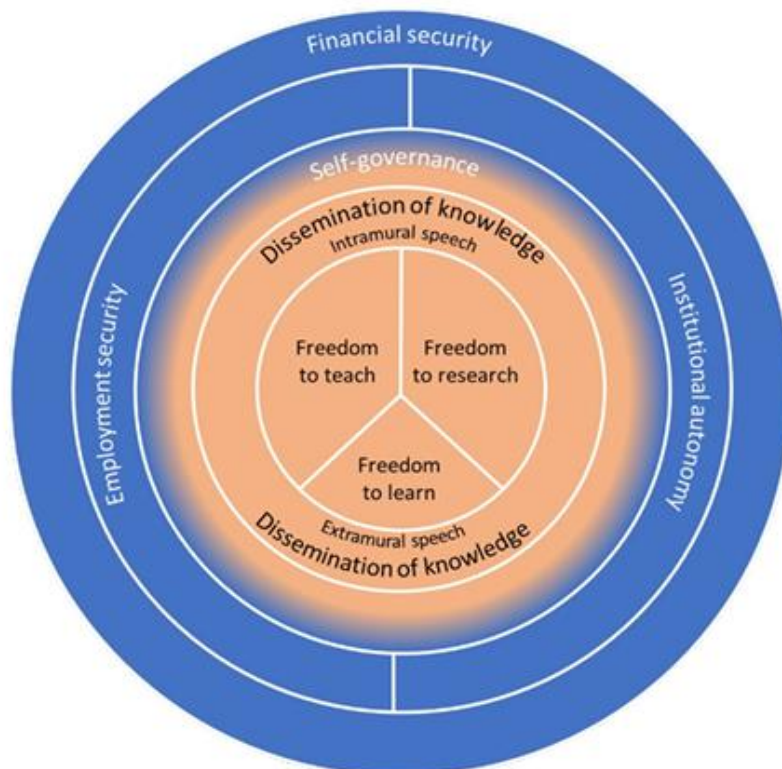


Figure 1 Academic freedom - Onion model (Source: European Parliament)

Academic freedom is described accordingly:

Academic freedom consists of several elements summarised in the 'onion' model. The model distinguishes between essential elements (orange) and supporting elements (safeguards, blue). The essential elements form the core of academic freedom. A violation of these elements leads to a direct violation of academic freedom. The essential elements include freedom of teaching and freedom of research, and, in the broad sense, freedom of learning. The freedom of dissemination is often regarded as part of the freedom of teaching and research, but is treated as a separate essential element. Many believe that these freedoms can only be exercised if members of the academic community have a meaningful say in decisions affecting the conditions of teaching and research. Therefore the right of self-governance (which is not the same as institutional autonomy) is often also seen as an essential element.⁹

In this report on academic freedom, we will therefore emphasize the core values identified and described by the European Parliament, with our own more concise characterization.¹⁰

⁹ Op. cit. p. IV.

¹⁰ Another quite similar way to define academic freedom is Peter Maasen et al. [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#) European Parliamentary Research Service 2023, chap. 2.4. Here is highlighted first central dimensions ('trptych'), that is Freedom to research, Freedom to teach/freedom to study, and Freedom of academic expression. This is followed by Conditions for academic freedom: Institutional autonomy, Self-governance, Labour conditions and Financial conditions.

Freedom of research. The right to determine, in accordance with scientific and ethical standards within the respective fields, what should be investigated (freedom of topic); how it should be investigated (methodological freedom); who should contribute to the research (collaboration freedom), and where research results should be published (publication freedom).

Freedom of teaching. The right and opportunity to choose the content of teaching, the teaching method (didactics), and to design curricula and syllabi within academic frameworks.

Freedom of learning (freedom to study). The right to freely seek knowledge and to form (and change) one's own opinion, through access to higher education and infrastructure for learning and knowledge transfer. The freedom to learn involves both academics' and students' opportunity to freely seek new knowledge.

Freedom of dissemination. The right to free and unrestricted sharing of knowledge and research results, both within the academic context (intramural) and with the public (extramural). This can be seen as an extension of the freedoms of publishing and teaching, but where the purpose is to enlighten a larger public. Academic freedom of dissemination is thus related to, but something significantly different from freedom of speech and whistleblowing. The justification for freedom of dissemination is its contribution to the public discourse by illuminating important issues and forms the knowledgebase for political decisions. This is a crucial element of academic freedom and a democratic hallmark, but through public dissemination scholars are vulnerable and exposed to pressure. Hence, we will discuss this further below.

The right to self-governance. The individual right to participate and contribute to decisions related to academic and scientific matters. The regulation of teaching, research, and the allocation of resources to these not only affects the development of the field of study but also directly individual academic freedom. Therefore, the scientific staff's opportunity to meaningfully influence these decisions through collegial bodies with decision-making authority is essential. This is also the basis for the condition of institutional autonomy.

Responsibility/Accountability. Underlying these elements of freedom lies an individual and collective demand for objectivity, honesty, integrity, verifiability, and research ethics. Adhering to scientific standards, peer review, and merit-based recruitment in academia follows from this.

The list of adjoining freedoms could have been made longer, but here we initially emphasize that any such description of "absolute" academic freedom will be limited by a variety of other interests, whether such restrictions are perceived as legitimate or illegitimate. Academic freedom will obviously be limited by resources, infrastructure, national demands, privacy rights, security considerations, etc. Furthermore, an individual's influence on organizing and managing research groups and how the voice of the group fits in with the concept of self-governance and codetermination is another undetermined issue.

To some extent, some of the aforementioned elements can be legislated at the national level, but it will still be a question of how academic freedom is actually, and not legally, secured and how it unfolds in different countries. We will continue this discussion in the next chapters, which deal with the conditions for academic freedom in the Nordic countries. We will describe the protection of academic freedom in national laws and agreements, the de facto conditions for academic freedom according to our assessment, and not least the challenges we, who organize the academic staff, observe regarding academic freedom.

1.4 On academic freedom and freedom of speech

Academic freedom and freedom of speech are foundational principles within higher education, particularly in the Nordic countries, where democratic values and human rights are deeply embedded in societal structures. While both concepts are integral to the functioning of HEIs, they are distinct and serve different purposes within the academic environment. Academic freedom is a specialized form of freedom that is crucial for advancing knowledge and fostering innovation, while freedom of speech is a broader societal right that allows individuals to express their opinions publicly without fear of censorship or legal repercussions.

The European Convention on Human Rights (ECHR) provides a legal framework that underscores the importance of both academic freedom and freedom of speech. Article 10 of the ECHR guarantees the right to freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities. This right is vital in the academic context as it ensures that scholars, students, and institutions can engage in open discourse, a key element of the educational process.

However, academic freedom goes beyond the general principle of free speech. It is specifically concerned with the rights of academics to teach, discuss, and research without external pressure or fear of retribution. The distinction between academic freedom and freedom of speech becomes evident when considering the purpose and scope of these rights. Academic freedom is tied to the responsibilities and duties of academics as professionals. It grants them the autonomy to explore, critique, and disseminate ideas relevant to their field of expertise. This freedom is necessary for the integrity of academic work and for ensuring that research and teaching can proceed without undue influence from political, religious, or commercial interests. However, academic freedom is not absolute; it must be exercised within the bounds of professional standards and relevance to the subject matter.

Freedom of speech, while broader and more inclusive, does not require the same level of responsibility or relevance. It allows individuals to express any opinion, regardless of its relevance to their professional duties. In the academic setting, this means that while academics have the right to express personal views, these views should not interfere with their professional obligations or the academic integrity of their work.

While academic freedom and freedom of speech are both essential to the functioning of universities, they serve different purposes. Academic freedom is crucial for the pursuit of truth and the advancement of knowledge, requiring that academics be allowed to explore their subjects without external interference. Freedom of speech, on the other hand, supports the broader societal right to express opinions freely. In the Nordic context, where democratic values and human rights are prioritized, the distinction and interplay between these freedoms are vital for maintaining a robust and dynamic educational system.

1.5 Academic freedom worldwide, Europe, and the Nordics – Trends and challenges

The movement towards ever-greater openness and academic freedom that characterized much of the post-war period, especially after the fall of the Berlin Wall, has now reversed and is moving in the wrong direction in many countries and regions. This is confirmed by a number of studies. Ongoing monitoring is undertaken by the [Academic Freedom Index](#) (AFI), which assesses actual levels of academic freedom worldwide, based on five indicators: freedom to research and teach; freedom for academic exchange and dissemination; institutional autonomy; campus integrity; and freedom of academic and cultural expression. Their latest report (Update 2024) is disheartening regarding the

development on a global scale.¹¹ The report indicates that in 23 countries there have been clear events in recent years showing that academic freedom is being reversed. Some of these countries are very populous; 3.6 billion people live in countries where academic freedom is completely restricted. The good news is that academic freedom is increasing in ten countries and that there is still an overall increase in academic freedom over the last 50 years. The annual reports *Free to Think* from Scholars at Risk cover concrete examples of breaches of academic freedom. The latest report (2023) has recorded 409 attacks on researchers, students, and their institutions in 66 countries and territories from July 1, 2022, to June 30, 2023.¹² There are also numerous studies and more discursive presentations of the development both for traditional Western universities and for higher education institutions globally, largely concluding that academic freedom is under severe pressure and needs renewed defence.¹³

The European Parliament's own investigation, *State of Play of Academic Freedom in the EU Member States*, also shows a negative trend.¹⁴ The report concludes that academic freedom is slowly eroding in EU member countries, with the exception of Hungary, where there has been a rapid deterioration. As tenure and job security is closely connected to academic freedom, the increase in precarity in academic research careers internationally is worrying.¹⁵

What about the Nordics? There are few studies that have looked at the Nordics as a whole in terms of academic freedom. Generally, the Nordic countries perform well on various surveys and indexes. The Academic Freedom Index 2024 puts all the Nordic countries within the status group A, *fully free*. But whereas Sweden and Finland are among the top 10 % nations, Denmark, Norway and Iceland have declined over the past years.

Likewise, a recent review of both the de jure and de facto protection of academic freedom in light of the Nordic model also shows a negative trend:

... the Nordic nations have been subject to legislation in recent years which has increased institutional managerial autonomy thereby diminishing individual autonomy as well as altering governance structures to the detriment of academic participation in decision-making along with (in some nations) a weakening of employment protection. Thus, legislative protection for academic freedom for teaching and research still exists, but its foundations have been inexorably hollowed out.¹⁶

There are several international trends that give reason to fear for academic freedom in the future, globally and in the Nordics. One is related to geopolitical tensions and a movement towards more authoritarian regimes and the dismantling of democracies in several countries. Linked to this is the

¹¹ Academic Freedom Index: [Update 2024](#).

¹² Scholars at Risk 2023 [Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project](#)

¹³ E.g. Joanna Williams (2016) *Academic Freedom in an Age of Conformity: Confronting the Fear of Knowledge*, Sjur Bergan et al. (2020) *Academic freedom, institutional autonomy and the future of democracy* (Council of Europe Higher Education Series No. 24), Peter Fleming (2021) *Dark Academia: How Universities Die* and Danièle Joly (2022) *Academic Freedom under attack: France and the United Kingdom*.

¹⁴ Peter Maasen et al. [State of play of academic freedom in the EU Member States: Overview of de facto trends and developments](#) European Parliamentary Research Service 2023.

¹⁵ Cf. OECD (2021), *Reducing the precarity of academic research careers*, OECD Science, Technology and Industry Policy Papers, No. 113, OECD Publishing, Paris, <https://doi.org/10.1787/0f8bd468-en>; and *Generation Precarious. Exploring the relationship between working conditions for early-career researchers and the quality of teaching and research* (Forskerforbundet [report no. 4/2020](#)).

¹⁶ Karran, T., Beiter, K., & Mallinson, L. (2023) *Academic freedom in Scandinavia: has the Nordic model survived?* Nordic Journal of Studies in Educational Policy, 9(1), 4–19. Quote from p. 15. (<https://doi.org/10.1080/20020317.2023.2180795>).

desire of states and movements to destabilize societies through the spread of disinformation from paper mills/troll factories and the undermining of academic standards and truthful pursuit of knowledge. In the wake of the geopolitical situation, there is an escalation in weapons technology and other research that for national security reasons is not open and accessible, and a reduction in funding for free research. The challenge posed by what Eisenhower referred to as the military-industrial complex is therefore greater than in a long time. Moreover, the business sector has long surpassed universities in resources spent on research; much stronger commercial forces define the development of science and technology than just a few years ago. This is particularly evident in IT, medicine, and health. Especially global Big Tech companies have a completely different level of secrecy regarding their data, research, and innovation compared to the universities. This not only leads to academia becoming "digitally dependent" on these companies but has clear negative implications for academic freedom in the years to come, as these companies finance, dominate, and control the research and researchers in their fields.¹⁷

1.6 Academic freedom and the trade unions

The Nordic countries are renowned for the Nordic model and the tripartite collaboration, with responsible unions. We assert that trade unions play a central role in monitoring and defending academic freedom. The integrity of science is vital for society to trust the knowledge produced. Trade unions in academia work to defend this integrity by advocating for independent research and resisting external pressures, and by supporting and defending union members in conflicts of interest. By advocating for good working conditions, fair wages, and a safe working environment, trade unions help ensure that researchers and educators can perform their work with integrity and independence. Trade unions also fight against discrimination and harassment, which is crucial for creating an inclusive and fair academic environment. Moreover, they work to strengthen the autonomy of higher education institutions and counter inappropriate external influence.

¹⁷ Se f.eks. Martin Andree & Timo Thomsen (2020) *Atlas der digital Welt*. <https://atlasderdigitalenwelt.de/>

2. Country report: Denmark

Academic freedom in Denmark is a principle enshrined in the Danish University Act, ensuring that both institutional and individual academic freedom are protected. However, the 2003 University Act significantly altered university governance, replacing internal self-governance with appointed management, which has raised concerns about reduced employee influence and academic freedom. Recent reports and surveys indicate a need for greater autonomy and co-determination among university staff, highlighting ongoing debates and proposals to strengthen academic freedom and address challenges in the current governance structure.

2.1 Status de jure

[The Danish University Act](#) (L nr. 391 of 10.04.24) establishes the framework for universities in Denmark, including their organization and obligations. Section 2 of the Act, which serves as the purpose clause, states that “The university has academic freedom. The university shall safeguard the academic freedom of the university and the individual and uphold scientific ethics.” This provision means that individual researchers have academic freedom within their professional employment area, subject to the obligations of their employment. Thus, researchers have the freedom to choose methods, approaches, and topics within the university’s research strategy framework.

Amendments to the law in 2011 clarified that the university must protect both institutional academic freedoms, associated with the university, and individual academic freedom, linked to scientific staff. This demonstrates a recognition of the need to protect both the broader organizational framework and the individual researcher’s freedom.

The University Act also specifies that the university should function as a central knowledge and culture-bearing institution, exchanging knowledge and competencies with the surrounding society and encouraging staff to participate in public debate. This supports the role of universities in society as independent entities contributing to broader societal dialogue and development.

Danish legislation primarily focuses on academic freedom and does not include broader protections for academic freedom seen in the legislation of some other Nordic countries. In Norway, Sweden, and Finland, the legislation includes more comprehensive protections that encompass teaching freedom and broader academic freedom, often with explicit references to freedom of expression for both staff and students.

In Denmark, the debate on introducing additional protections, such as the so-called Chicago Principles, has arisen in response to concerns that academic freedom might be under pressure. These principles, first implemented at the University of Chicago, emphasize the importance of freedom of expression and teaching at universities, arguing for a principled resistance to restrictions on free academic discourse, even when these discourses may be controversial or offensive.

Although there has been political debate in Denmark about the possibility of strengthening academic freedom through legislative changes, the existing legislation has not yet incorporated such an expansion of principles for academic freedom. This highlights a clear distinction between the current legal framework and the proposed reforms aimed at securing and promoting academic freedom more comprehensively.

The Danish University Act states that academic freedom is a fundamental part of the universities' operations, where both institutional and individual academic freedom are protected. However, this

freedom has been challenged over the years, as outlined in the attached white paper on the management and governance of Danish universities.¹⁸

The law from 2003 marked a significant change in the governance of universities by abolishing internal self-governance and replacing it with a model where management is no longer elected from among the employees but is instead appointed. This change has created a more professional management but has simultaneously significantly reduced employee influence and raised concerns about academic freedom.

The white paper criticizes the current management structure for being too top-down without sufficient co-determination from scientific staff. The proposals for adjustments to the law aim to restore a balance where employees' influence is strengthened, and academic freedom can be more effectively protected. Additionally, the white paper points to Denmark's low ranking in international comparisons of academic freedom, where Denmark ranks 24th out of 27 EU countries. This is primarily due to the perceived stringent restrictions on academic freedom compared to other EU countries.

The white paper also suggests providing researchers with better employment security to protect their academic freedom and enable fearless engagement in the development of their field and public debate. This could involve civil servant-like conditions for university-employed researchers.

Simultaneously, the need for a more evidence-based approach to adjusting the universities' framework is emphasized, based on comprehensive research and international evaluation of the current laws and their effects. Such an approach would not only address existing challenges but also promote a healthier and more dynamic academic culture, where academic freedom can thrive without excessive administrative or political interference.

These proposals for changes and the concerns expressed in the white paper reflect a broader concern among academic staff that their fundamental rights and freedoms have been undermined by changes in the University Act and the general governance structure at Danish universities. A revision of the legislation thus seems necessary not only to correct these imbalances but also to ensure that Danish universities can continue to contribute effectively and freely to the knowledge society.

2.2 De facto status

As a result of [the University Act of 2003](#), university managements are no longer elected by the employees. The main governing bodies (*'konsistorium'* previously among these) are now replaced by a management model inspired by private companies. Consequently, the highest authority is now boards where representatives from outside (private companies, funds, or public organizations) the universities have the majority. The minister appoints the Rector after the recommendation of the board and the rest of the top-level management (deans) are hired by the rectors. Few elected bodies (academic councils and study boards) are maintained, but the management has the right to appoint/reject, for example, study board members and study board chairpersons.

The overarching political vision of the University Act of 2003 was to create "professional" management teams enabling the universities to become active actors in business and innovation policies. The result was a significant reduction in employee influence, which can also be seen in surveys conducted by, among others, Dfir 2023, the Royal Danish Society of Sciences 2023, the Danish Association of Masters and PhDs 2023 (DM), and Djøf 2024.

¹⁸ White Paper, Royal Danish Academy of Sciences and Letters: [Management & Governance of Danish Universities, 2023](#)

In celebration of the 20th anniversary of the University Act, Dfir (the Danish Council for Research and Innovation Policy) published the report “Universities for the Future” in 2023. The report is based on a survey and interview study with the key stakeholders in the university sector. Researchers and educators indicated several problems and challenges in the current organization of universities. This includes a structure where boards with a majority of members from outside the university have limited or no knowledge about issues, they make confidential decisions about.

Employee board members struggle to gain influence and bridge the gap between the board and the organization. Furthermore, the Dfir report describes a range of problems with the management structure, which results in the employees’ viewpoints not being considered and the general influence of employees being significantly reduced. The report pays special attention to department heads, who are hired (prolonged) by top management without including the voice of employees, who consequently do not influence the process. Regarding finances, the report describes the challenges posed by the increased focus on external funding, including the establishment of a group of temporarily employed researchers (the precariat), demands from foundations (potential influence on content, method, research group), and balancing state funding for basic research with external grants. The report mentions researchers experiencing difficulties funding and conducting basic research and some fields (humanities and social sciences) struggling to obtain external research grants. These difficulties result from few foundations being interested in these research fields and the consequence of fewer resources available in the few funds funding these areas.

The Royal Danish Society of Sciences, in collaboration with Dfir, also published a report in 2023 titled “Heads of Departments at the Universities.” The report is based on a survey among heads of departments at Danish universities. The report shows a low level of diversity among heads of departments. Heads of departments are often middle-aged (mainly) Danish men recruited from a position as professor. However, the report also indicates that employees disagree with heads of departments while evaluating the cooperation between management and employees. The report thus points to a democratic deficit at universities, as highlighted in the previously mentioned Dfir report. Finally, the report shows differences between old/young, small/large, and specialized/broad universities.

Although universities have not developed a policy for academic freedom, each has developed a policy for freedom of research. These policies vary, but despite differences between university models, there are clear similarities that Aarhus University will here exemplify. Aarhus University has developed principles of the process from planning to exploration to dissemination to ensure research freedom. This policy guarantees researchers are entitled to make decisions on the quality of methodology, dissemination, and ethics. However, it also means that through its policy, the institution guarantees a form of freedom of research for researchers, including the right to define research questions, choose theories, develop scientific methods, and publicly present theses, results, and other relevant considerations.

Copenhagen University has developed a new model for a research college at the department level as part of a pilot scheme, which is also relevant for academic freedom. The pilot scheme involves the establishment of advisory bodies at the department level, which have the competence to advise management on issues of relevance to employees. The research college can advise on academic freedom and thereby contribute to ensuring a certain level of employee involvement in the department. However, since it is only an advisory body, its real influence is limited, and management is neither obliged to listen to or discuss topics they do not consider relevant.

From a political perspective, there is very little focus on academic freedom. This is partly because research policy is not prestigious and partly because some politicians reduce the issue to a matter about being pro/contra on “woke” and to condemnation of so-called “cancel culture.”

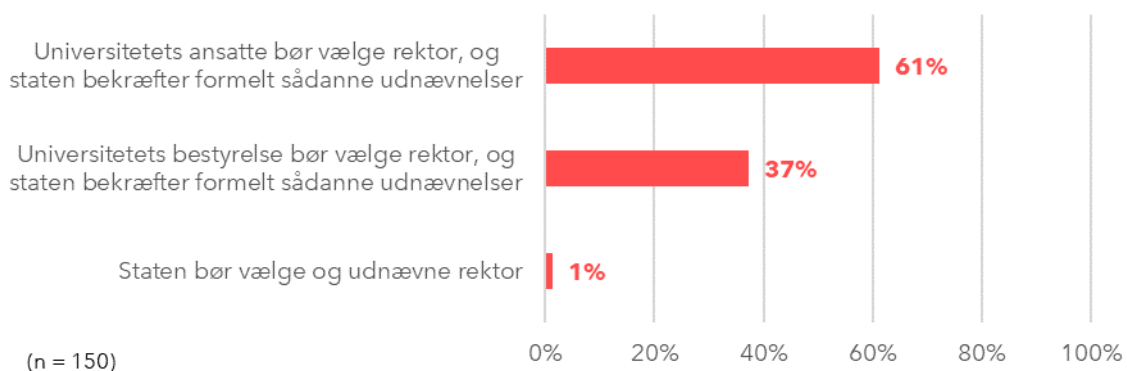
2.3 Summary of results from a survey on academic freedom among union representatives

In 2023, DM University produced the report “[20 Years with the University Act.](#)” It provides insights into the views of Danish university employees on autonomy, management, co-determination, and academic freedom. The results are based on a survey conducted among union and occupational health representatives at eight Danish universities. The following discusses key findings.

The survey reveals a clear desire among university employees for increased co-determination and autonomy in their work and management. This is evident in various aspects of their professional lives, from management appointments to financial management. A large majority of respondents believe that university employees should have the power to appoint and dismiss their leaders as well as nominate the majority of board members without government involvement. Furthermore, an overwhelming majority support complete freedom of expression for university employees and emphasize the importance of implementing principles to protect academic freedom.

Figure 1 shows that nearly two-thirds of representatives believe that university employees should be responsible for appointing the rector. This illustrates a clear desire for co-determination at the highest levels of university management.

Figure 1. How should the appointment of the rector be conducted?

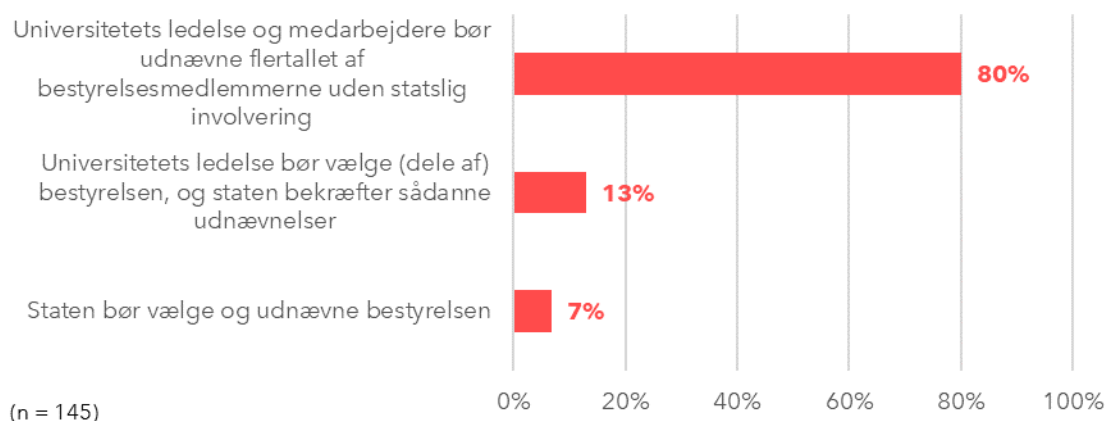


The same wish is evident at the faculty and department head levels.

Figure 2 highlights that 80% of the representatives want university management and staff to appoint the majority of the board without government involvement. This underscores the need for increased autonomy in university decision-making processes.

A clear majority also believe that employees should have the power to dismiss the rector, deans, and department heads. Half of the respondents think that a two-thirds majority among employees should be required for such decisions, while an average of 43% believe that dismissal should only require a qualified majority.

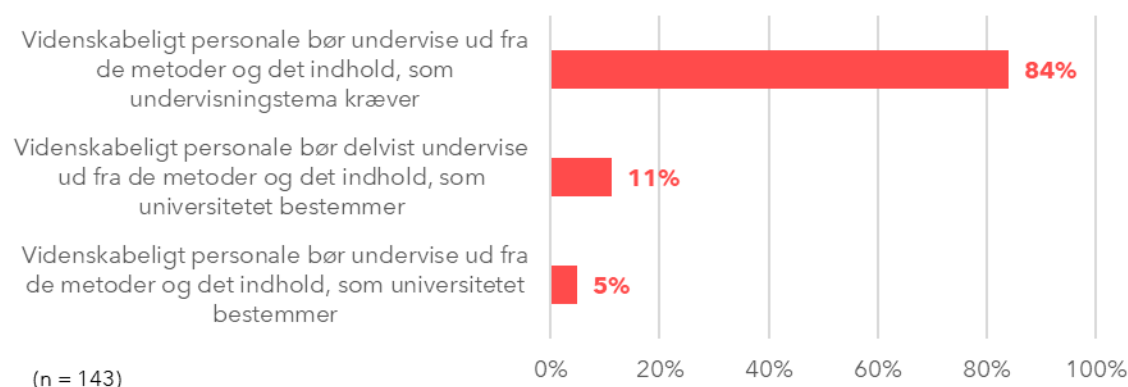
Figure 2. How should the appointment of the university board be conducted?



Teaching Freedom

Teaching freedom is a central part of academic freedom, as emphasized by 80% of the surveyed academic staff who desire full autonomy in planning their teaching methods and content. This figure reflects a strong preference for allowing university teaching staff to teach without governmental or administrative interference, as illustrated in Figure 3. This desire for autonomy in teaching mirrors a fundamental belief that academic staff are best qualified to determine how material should be delivered, which is essential for maintaining educational quality and innovative thinking at universities.

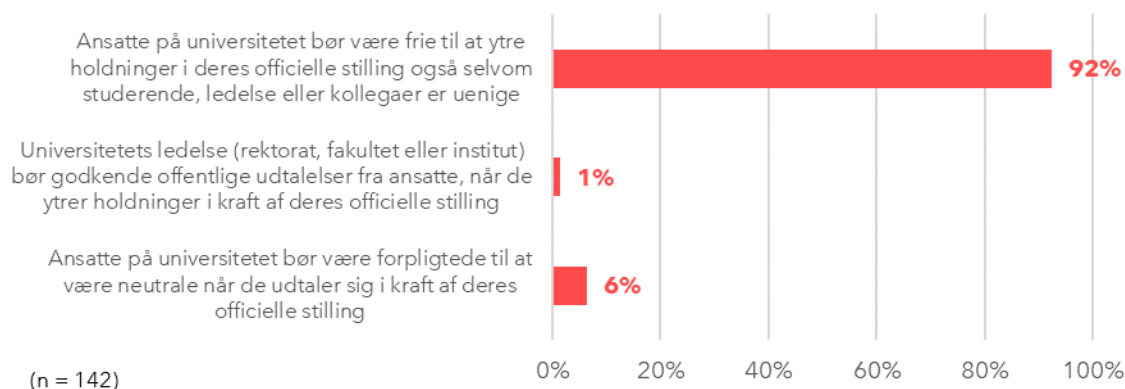
Figure 3. How should the planning of teaching be regulated?



Academic Freedom of Expression

Another crucial element of academic freedom is freedom of expression. The report indicates that 92% of academic staff believe they should have complete freedom of expression. This is shown in Figure 4 and underscores a significant desire to engage in public debate and academic discourse without fear of repercussions. This strong support for freedom of expression also indicates employees' desire to maintain an academic culture that is open and critical. Figure 4 highlights the strong preference for freedom of expression among university employees.

Figure 4. Should universities regulate employees' public statements in connection with their official position?



Discussion of Results

The results of the survey indicate a clear concern among academic staff about the restrictions on their academic freedom over the past two decades since the reform of the University Act. Respondents' answers suggest a strong preference for returning to a more collegial and democratic management system, where academic staff have greater influence on important decisions. These data support the need for continued discussions and potential policy changes to ensure that Danish universities can continue to be places of free and open research and teaching.

2.4 Challenges from the perspectives of employees/unions

In Denmark, the challenges include the difficulty of fostering a broader public debate about academic freedom. One aspect of this relates to the low public interest in education and research policy. In meetings with members of parliament, we have come to understand that political parties in parliament have a hard time appointing political spokespersons for research policy. Members of the parliament delegations have an internal competition about becoming spokespersons for different policy fields, making it difficult to fill committee posts and spokesperson roles in the research field. Moreover, when the education and research area is addressed, it often occurs in the context of other policy areas. For instance, the education area is viewed in the Parliament's regionalization agreement as part of a regionalization agenda, the research area is often seen perceived as an appendix to innovation and business development policies. The same applies to the media, which are not interested in research and education as independent areas but prefer to portray education from the perspective of contemporary/future students or their parents.

University employees and academics are perceived in public as privileged, having a good salary, and employment conditions. It is challenging to explain to people who have never been to universities or other higher education institutions that this is not the case. The public attitude is reflected in the lawmakers' approach, as they, in the regionalization agreement and the candidate reform, aim to shift resources and move students from universities to welfare education. The systematic downgrading of the university area can be surprising when one includes that most parliament members are graduates of universities. The low priority of research and educational field contrasts with the importance of universities for the pursued innovation and business development policy.

In several research areas, colleagues have experienced public shaming. Often, the reasons are that various external actors are dissatisfied with the colleagues' analyses, conclusions, or contributions to public media interviews. In cases, colleagues have been experiencing rough smear campaigns and shaming processes on social media. There are also examples of politicians, among others, on the

Parliament floor making harsh statements against named colleagues. Additionally, there have been instances where colleagues, invited to give presentations for representatives from business and interest organizations (such as the agricultural area), were interrupted with swear words and blatantly unfounded accusations. On some occasions, university leaders have offered public support for colleagues experiencing public shaming on varying social media. While this support is appreciated, it does not necessarily affect the tone or behaviour of the external actors who criticize the colleagues.

When considering employee influence, [the University Act of 2003](#) has produced a shift of influence from elected university management to boards with an external majority. In practice, university management has gained more influence, and there have been instances where they did not sufficiently involve employee perspectives in their decisions. Briefly [Dfirs' survey](#) mentions the decrease in employee influence, and that the cooperative organization at several universities is under pressure. Despite an EU directive and paragraphs in the collective bargaining agreement, it is difficult to make management fulfil its obligation to inform and involve employee perspectives in significant issues. Furthermore, this obligation is also being challenged by boards, who insist on making decisions regardless of their restricted insight into research and university education.

Funding is a necessary condition for academic freedom. Research areas have varying financing conditions they are all under pressure, but often for very different reasons. STEM in most cases receives higher payment for educational activities, which enables a higher degree of coverage of teaching activities. Besides, they are mainly tied to external funding of research. This is partly due to the large and easily accessible research funds in foundations and partly due to pressure from university management. Management considers public research funds merely as co-financing for externally funded projects. From the management level, there is pressure to handle public research funds as fuel for a progression in the number of externally funded research projects. The consequence is increased competition among researchers and a decrease in the percentage of successful applications for private funding. Researchers report difficulties in funding basic research activities. But it also results, as shown in the Dfir survey, in the extension of the internal university hierarchy where several temporary researchers are reduced to subcontractors on fellow researchers' research projects. The temporary employees can find it harder to express their opinions (e.g., research strategies, work conditions, work environment, etc.) because they are constantly dependent on getting their work contracts prolonged. Regardless of internal pressure, there is no doubt that temporary employees experience reduced academic freedom. It is relatively more challenging to find private funding for research activities in the field of arts/humanities and social sciences. This results in pressure, on the faculty level, to balance between teaching and research activities. The continued reduction in public funding of education and research funding is a pressure and several researchers experience increasing pressure for getting external funding. However, there is a contagious effect in the STEM area, as top-level management uses KPI on external funding for benchmarking the main research areas. This results in researchers in arts/humanities and social sciences increasingly experiencing pressure for external research applications to foundations with relatively low success rates.

3. Country report: Finland

Finland has a dual model of higher education with universities (*universitet*) and universities of applied science (*yrkeshögskolor*). As regards universities and university faculty, the seemingly strong protection of academic freedom under black-letter law is hampered by a cemented culture that fails to see the connection between the legal protection of academic freedom and practices that undermine it. As regards the employees of universities of applied science, the specific protection of academic freedom under the Finnish constitution does not apply. For these reasons, there is plenty of room for improvement both de jure and de facto.

3.1 Introduction – Finnish higher education

Finnish higher education is currently based on a dual model with research universities (*universitet*) and polytechnics or universities of applied science (*yrkeshögskolor*). In 2022, there were 162.470 students studying at university level and 166.509 in universities of applied science. Universities had 32.352 members of faculty and staff. Universities of applied science had 10.626.

Moreover, there are two kinds of universities in Finland. 11 of the 13 universities are so-called public-law universities (*offentligrättsliga universitet*) under the Universities Act of 2009. They are separate legal entities sui generis. Aalto and the University of Tampere are so-called foundation universities (*stiftelseuniversitet*) governed by the Universities Act as *lex specialis* and the Act on Foundations as *lex generalis*.

In Finland, academic freedom as a collection of rights is traditionally applied at university level. While some components of academic freedom may have a broader scope as fundamental freedoms, the focus on universities has limited the scope of academic freedom in this country. The roots of the limited scope of academic freedom in Finland can be found in the distinction between university education and secondary education that lasted until the 1990s.

In the early 1990s, the educational system of Finland consisted of basic education, secondary education and higher education at 21 universities. Universities were funded directly by the state. Secondary education was mainly funded by municipalities with the state transferring funding to municipalities based on set prices. Secondary education meant either vocational education leading to a vocational qualification or general education leading to a matriculation examination (*studentexamen*). Originally, the matriculation examination opened the door to university-level studies. Starting in the 1960s, increasing volumes of general education increased the number of students that entered a vocational training after the matriculation examination. At the same time, higher white-collar vocational training was offered between secondary and higher education in subjects like business and engineering.

This model with universities as the only form of higher education changed when Finland joined the European Union, and a dual model of higher education was adopted in 1995. The Act of 1995 made it possible for municipalities and certain other sponsors to found polytechnics (*yrkeshögskolor*) as a form of higher vocational training. Degrees from polytechnics were defined as higher education degrees to cure problems with the recognition of Finnish higher vocational training as higher education in the European Union. The new label opened the door for vocational training to be recognised as higher education in the EU. Academic freedom for polytechnics was not an issue in the process as polytechnics were not universities. Since then, there has been a dual model of higher education in Finland with differences relating to the scope of academic freedom.

While academic freedom applies to universities, it has been influenced by many legislative changes since the 1990s. In the early 1990s, universities were entities of the state under the Ministry of Education. Most university employees were civil servants. They had particular legal obligations as civil

servants, but their security of employment was also protected by the so-called continuity principle that both gave them a more independent status and made it easier for them to observe rule of law. The freedom of science, the arts and “the highest education” was guaranteed by the Finnish Constitution. Each university was governed by its own act and decree.

The 20 separate acts governing each university in the sector of the Ministry of Education were replaced by the Universities Act of 1997. The Universities Act of 1997 provided for the freedom to teach, the freedom to research and the freedom of the arts. Moreover, it provided for institutional autonomy. A university was made up of its teachers, researchers, other personnel and students. A university had several collegiate organs that were necessary, first, because of institutional autonomy and, second, to ensure the participation of the members of the university in decision-making.

There was a major legislative reform in 2009. The Universities Act of 2009 reorganised universities as separate legal entities that were either entities sui generis (*offentligrättsliga universitet*) or foundations (*stiftelseuniversitet*). Each university continued to enjoy institutional autonomy under the Finnish Constitution. The freedom to teach, the freedom to research and the freedom of the arts continued to apply at the individual level. For academic freedom, the most fundamental changes related to the status of employees and the role of the board and the rector. Since the 2009 reform, all university employees are employed under private-sector employment contracts governed by the Employment Contracts Act. Moreover, the board became the most powerful decision-making organ of the university. At the same time, taking the power to appoint the rector away from a large collegiate body that represented the university community and allocating it to the board shielded the rector against the university community and contributed to the concentration of managerial power at the top. This has reduced the perceived legitimacy of top management, created tension and raised questions about academic freedom.

Polytechnics (*yrkeshögskolor*) got a new legislative basis in 2003. In the Polytechnics Act of 2003, polytechnics were granted institutional autonomy as well as freedom to teach and freedom to research. However, this did not apply to staff. Such limited freedoms were neither motivated by the constitutional protection of human rights nor by fundamental freedoms. Instead, institutional autonomy for polytechnics was motivated by international practice and regional vocational cooperation. The teaching and research freedoms of polytechnics were motivated by analogy to the Universities Act. According to the parliamentary Constitutional Committee, the institutional autonomy of polytechnics is not supported by the Finnish Constitution but would not be problematic as such. The Constitutional Committee did not discuss the academic freedom of the academic staff of polytechnics.

The Polytechnics Act of 2003 was replaced by the Act of 2014 that made the limited-liability company form mandatory for polytechnics. Institutional autonomy was abolished. Teaching and research freedom is limited to the entity. In the preparatory works, the freedoms to teach and research are said to have a connection to the Constitution. Once again, the parliamentary Constitutional Committee did not find it relevant to discuss academic freedom for the staff of polytechnics. The Act of 2014 is translated into English as the Universities of Applied Science Act. However, the universities of applied science are neither universities nor institutions of “the highest education” within which academic freedom applies under the Finnish Constitution.

3.2 Status de jure

According to prior studies, the legal protection of academic freedom in Finland is generally “strong” and “above the EU average” but “weaker” in certain areas. For example, academic freedom has been ranked below the EU average as regards “academic self-governance in the legislation” and “protection of job security (including tenure) in relevant legislation”. The picture of the legal protection of academic freedom in Finland should be more nuanced as prior studies fail to discuss certain fundamental aspects of academic freedom such as the role played by the dual model of higher education, the enforcement of legal rights and the distinction between academic freedom *de jure* and *de facto*.

3.2.1 Protection under the Finnish Constitution

The Finnish Constitution guarantees “the freedom of science, the arts and the highest education” (section 16.3) that can collectively be called academic freedom. These fundamental freedoms are vested in the individual. Public authorities have an obligation to enforce them (section 22).

Academic freedom applies within universities. Universities enjoy autonomy under the Finnish Constitution (section 123.1). While institutional autonomy belongs to academic freedom under international law, institutional autonomy under Finnish law is also a way to delegate the duty to protect academic freedom as a fundamental right to entities that are not public authorities (sections 22 and 124). Such a delegation is not permitted unless it is necessary and without prejudice to human rights and liberties as well as to rule of law and other principles of good governance (section 124). In the legal sense, the reason for the existence of universities is the duty to foster academic freedom.

The wording of the Finnish Constitution guarantees the freedom of “the highest education” rather than the freedom of higher education. Neither polytechnics nor universities of applied science (*yrkeshögskolor*) that have their roots in vocational training are mentioned in the Finnish Constitution. Some elements of academic freedom may nevertheless protect the faculty and students of polytechnics. The freedom of science is not limited to higher or “the highest” education according to the wording of the Finnish Constitution. Moreover, other human rights and fundamental freedoms may have a close connection to the recognised elements of academic freedom and apply in higher vocational training as well. For example, the freedom of expression belongs to any person.

3.2.2 Universities

The Universities Act of 2009 confirms the existence of a close connection between (a) the protection of academic freedom as a fundamental freedom vested in the individual and (b) the institutional autonomy of universities. According to the wording of the Universities Act, universities enjoy autonomy through which the freedom of research, the arts and the highest education is guaranteed (section 3). The wording repeats the wording of the Finnish Constitution. It is expressly stated in the Universities Act that the freedom to research, the freedom to teach and the freedom of the arts shall be in force at universities (section 6.1). Moreover, other provisions of the Universities Act support the conclusion that such academic freedom protects the individual, in particular members of the academic staff (sections 6.1 and 32.3).

3.2.3 Polytechnics or universities of applied science

There is a major difference between universities (*universitet*) and universities of applied science (*yrkeshögskolor*). All entities treated as universities *de jure* in Finland are research universities. Universities of applied science (*yrkeshögskolor*) have been defined as institutions of higher education but are not universities in the legal sense. This is reflected in the limited scope of academic freedom.

Universities of applied science are non-profit limited-liability companies governed by the Companies Act as *lex generalis* and the Universities of Applied Science Act of 2013 as *lex specialis*. This has a major impact on the scope of academic freedom. While any limited-liability company is an entity separate from its shareholders, institutional autonomy as an element of academic freedom does not apply to universities of applied science. While collegial governance or student and staff participation is an element of academic freedom and belongs to the fundamental values of higher education, it does not apply to universities of applied science. According to the Universities of Applied Science Act, personnel and students have one seat each in the board of the entity that must have 7–9 board members. While universities have a fundamental legal duty to protect academic freedom vested in the individual, universities of applied science have no such duty. According to the Universities of Applied Science Act, freedom to research and freedom to teach are vested in the entity rather than the individual. At the same time, it is the duty of the entity rather than the individual to observe the applicable laws and regulation on education and teaching. While academic freedom protects the security of employment of academic faculty at universities, there is no such protection at universities of applied science.

If the absence of most elements of academic freedom is one side of the coin, the other side of the coin is that Finnish polytechnics or universities of applied science (*yrkeshögskolor*) are neither permitted to employ professors nor award doctoral degrees. This reflects the roots of these institutions in higher vocational training. Only universities, that is, research universities (*universitet*) may award doctoral degrees, and only universities and certain state research institutions may use the title of professor.

In effect, the legal framework of Finnish higher education creates a dual model with two kinds of institutions of higher education with different levels of protection of academic freedom.

3.2.4 Elements of academic freedom

Academic freedom – or rather, “the freedom of science, the arts and the highest education” to cite the wording of the Finnish Constitution – is defined in the preparatory works of the Finnish Constitution and by the Constitutional Committee of the Parliament. The opinion of the Constitutional Committee matters a great deal, because this parliamentary organ is the functional equivalent in Finland of a constitutional court found in many other countries. Moreover, the preparatory works customarily are taken into account when interpreting legal statutes.

The freedom of science means the right of researchers to choose the topic and the methodological orientation. The freedom of education has been defined in the same way. It is thus customary to mention the freedom to choose topics and methods.

Institutional autonomy means more than the separate legal existence of the university as an entity. It is closely connected to the freedom to teach and the freedom to research. Members of the university community should have power to decide who will decide on teaching and research. Universities that are organised as foundations are no exception.

Moreover, academic freedom includes the protection of the security of employment (but not the protection of a particular form of employment), academic freedom includes constraints on the employer’s authority to direct and control the work of their employees (that is, constraints on *arbetsgivarens direktionsrätt*), and the freedom to research includes the freedom to publish research results. The freedom to publish research results is connected to copyright, property rights and the freedom of expression.

We can take a closer look at certain aspects of academic freedom.

Security of employment. Academic freedom obviously requires security of employment. The security of employment is generally protected under the Employment Contracts Act that limits the use of fixed-term employment contracts (section 3) and grounds of dismissal (chapters 7 and 8). On top of that,

members of the academic personnel enjoy stronger protection under the Universities Act of 2009 (section 32.3) in three ways. First, the university employer has a general obligation not to compromise the freedom to research, the freedom to teach and the freedom of the arts (*ibid.*). Second, the employer must not terminate the employment relationship of academic personnel on grounds that would amount to a breach of these freedoms (*ibid.*). Third, the terms of employment include the applicable rules and regulations, the terms of collective agreements and the agreed terms of the employment contract (section 32.2).

However, in its decision HD 2023:1, the Finnish Supreme Court did not recognize the security of employment as an element of academic freedom that can only exist within the organisational structure of an institution of higher education. When interpreting section 32.3 of the Universities Act, the Supreme Court seems to have treated university researchers as it would have treated employees in general. The Supreme Court seems to have understood academic freedom as freedom of expression that belongs to any person.

University governance. The Universities Act lays down the core rules on the governance of universities. At the core you find three elements.

First, universities are separate legal entities (sections 5.1 and 1.2). Like any other separate legal entities, universities enjoy autonomy as the default rule.

Second, a university enjoys particular institutional autonomy (section 3.1) that is not limited to its existence as a separate legal entity. Institutional autonomy is the institutional form of academic freedom. Institutional autonomy is not limited to decisions on teaching and research but covers all activities. Institutional autonomy may raise the question who the university is. Is the university for the purposes of institutional autonomy the university community or its management? A committee found a hybrid model with elements of both. According to the internal logic of the Universities Act, institutional autonomy means the autonomy of the university community (section 4) and a university should be governed by the university community rather than outsiders.

Third, since the state has delegated the duty to protect academic freedom to universities, the state has in return particular obligations in relation to universities, such as an obligation to provide funding (section 49). At the same time, universities are accountable to the state (e.g., section 48).

A university has statutory organs (sections 13 and 23 of the Universities Act).

First, a university has a rector and a board. In public-law universities (*offentligrättsliga universitet*), the powers and responsibilities of the rector and the board resemble those that would customarily apply to the CEO and the board under Finnish company law. There are drivers of convergence and the reception of company law in university law. They include the nature of the university as a separate legal entity, the habit of using the Companies Act of 2006 as a benchmark in the regulation of various kinds of entities, and path-dependency in the regulation of universities (with a similar model under the old Universities Act 645/1997). The rector is responsible for the day-to-day management of the university (section 17). According to the default rule, the board has a general power to decide on all matters of the university (section 14). The rector is appointed by the board (section 18). The rector and members of the board have a duty to act in the interests of the university (section 20) that may be interpreted as the long-term interests of the university community (section 4). There are particular provisions on the board of a foundation university (*stiftelseuniversitet*, section 24).

Second, a university has a body representing the university community. There is a difference between public-law universities and foundation universities in this respect. While a public-law university has a university collegium (*universitetskollegium*, section 22), a foundation university has a different collegiate body (*stiftelseuniversitetets gemensamma kollegiala förvaltningsorgan*, section 26). The Universities Act lists the duties of the university collegium or the collegiate body of a foundation university.

Third, in both kinds of universities, board members are elected by the collegium that represents the university community. For this reason, board composition respects institutional autonomy and the self-governance of the university community. The general power of the board to decide on all major matters of the university (sections 14 and 24.1) makes board composition important. There are some fundamental differences between public-law (section 15) and foundation universities (section 24) in this respect. The board of a public-law university must consist of internal and external members. Professors, other staff and students must have seats on the board, but at least 40 per cent of the members must be external. The number of board members is either 7 or 9-14. Whether a foundation university has internal members depends on the collegium that represents the university community. A foundation university must have 7 board members. The collegium elects the board members after hearing the founders of the university. Three members must be appointed from candidates nominated by the founders. The state may not nominate candidates. In both cases, the board elects the chairman and vice chair from its external members (sections 15.7 and 24.3). Neither the rector nor members of the university's senior management are eligible to act as board members.

Universities must comply with the regulatory model and have the required statutory organs. However, universities have some discretion. Since the interpretation of any legislative acts must be aligned with the Finnish Constitution, the Universities Act must be interpreted in the light of institutional autonomy guaranteed by the Finnish Constitution. A university may thus to some extent create new bodies and regulate the allocation of power between corporate bodies in a different way within the limits of the Universities Act.

Copyright. Copyright is protected under the Copyright Act. According to its main rule, the holder of copyright is the person who created the copyrighted work (section 1). A higher education institution will therefore not become holder of copyright or a copyright license unless the copyright holder agrees to assign copyright or grant a license. This default rule is misleadingly called the academic exception (*högskoleundantaget*, in Sweden *läraryrundantaget*). While the default rule is just an application of the main rule under the Copyright Act, it is an exception to work-for-hire rules that assign copyright to the employer. The copyright of academic personnel and students is protected as a property right and as a necessary component of academic freedom.

Evaluation. The de jure protection of academic freedom is partly adequate, partly inadequate in Finland.

In the past, the state of academic freedom in Finland has been ranked below the EU average as regards “academic self-governance in the legislation” and “protection of job security (including tenure) in relevant legislation”. However, these two areas do not seem to be the main problem areas of Finnish black-letter law. As regards universities, the Finnish Constitution and the Universities Act facilitate institutional autonomy that can be seen as the autonomy of the university community. Because of institutional autonomy, universities have some freedom to adapt to the statutory regulation by adopting internal guidelines that increase collegial governance or academic self-governance. The protection of job security does not seem to be a problem of black-letter law as (1) there are mandatory constraints on the use of fixed-term contracts under the Employment Contracts Act, (2) the Universities Act increases job security from what it would be under the Employment Contracts Act that applies generally to employment contracts and (3) job security may also be increased by collective agreements.

What clearly is problematic from a legal perspective relates to the scope of academic freedom and the enforcement of black-letter law.

First, academic freedom does not apply to all institutions defined as higher education institutions in Finland. In the light of the wording of the Finnish Constitution, the protection of academic freedom is limited to “the highest” education, that is, universities that in Finland are research universities, have professors and award doctoral degrees. Academic freedom does not apply to the staff of polytechnics

or universities of applied science (*yrkeshögskolor*)-although other fundamental freedoms such as freedom of expression may still apply. The absence of academic freedom in one of the two sectors of higher education may amount to a breach of Article 13 of the Charter of Fundamental Rights of the European Union that must be interpreted in the light of the 1997 UNESCO Recommendation. In any case, polytechnics or universities of applied science do not meet the minimum requirements as to academic freedom set out in Annex I to the Rome Communiqué of 2020 and Annex I to the Tirana Communiqué of 2024. In the light of the scope of academic freedom in Finland, polytechnics or universities of applied science are defined as higher education institutions for the purposes of international recognition but belong to higher education in name only.

Second, it is often unclear in the legal discourse what academic freedom means. In the preparatory works of higher education legislation, academic freedom - or the freedom of scientific research, the arts and the highest education - is often described as the freedom to choose topics and methods. It is rare to find a definition that includes the security of employment and the freedom to choose publication channels.

Third, the Finnish legal discourse in the area seems to have a weak connection to the international discourse. The discourse tends to be national and doctrinal and rarely reflects the contents of the 1997 UNESCO Recommendation and the Bologna Process documents. The most striking example is the judgment of the Finnish Supreme Court HD 2023:1 that seems to have reduced academic freedom to freedom of expression.

3.3 Status de facto

In 2023, a European Parliament study regarded the de facto situation in Finland mainly as positive. However, the de facto situation is worse than the de jure status implies. The de facto situation is influenced by the regulatory culture of the Ministry of Education and Culture and the centralisation of institutional management.

Polytechnics. We have no information about whether or to what extent the principles of academic freedom are applied in polytechnics or universities of applied science in the absence of legal protection. In any case, the legal framework may have had a major adverse impact on research output. In 2022, universities of applied science produced mere 1.022 peer-reviewed publications against 31.004 from research universities.

In 2023, five of the 22 universities of applied science (polytechnics) were majority-owned by a university. As owners, universities tend to seek synergy effects, economies of scale and increased educational volumes that may bring benefits under the public funding model. However, this may create tension between the integration of different entities and the university faculty's academic freedom. For example, combining polytechnics and universities in a higher education group is likely to increase the concentration of managerial power at the group level and dilute collegial governance at the university level.

Security of employment. As regards universities, the security of employment is weak for most academic personnel. The statutory constraints on the use of fixed-term contracts have not really limited the widespread use of fixed-term or temporary employment. Approximately 30.7 % of academic personnel have a permanent employment contract and 69.3 % a fixed-term contract.

One of the drivers of the use of fixed-term contracts is the increasingly widespread adoption of tenure track recruitment or career advancement models. University employers have claimed that the use of tenure track recruitment and career advancement models is a valid reason to use fixed-term employment. In the legal sense, however, the mere use of a tenure track recruitment or career advancement model is not a valid reason to use fixed-term contracts (Labour Court of Finland, TT

2023:32). There is an obvious enforcement and cultural problem if managerial power prevails over regulatory compliance and the rule of law.

The combined effect of the tenure track recruitment and career advancement model and the lack of security of employment is that freedom to research is hampered. In practice, fixed-term or temporary employees need to focus on activities that meet the tenure criteria.

Institutional autonomy and public funding. The public funding model is a problem. The widespread use of fixed-term or temporary employment reflects the public funding model for three reasons. First, the public funding model relies heavily on volume-based performance indicators. Second, public research funding is competitive, project-based, centralised and largely allocated via the Academy of Finland. Third, university managers tend to address the resulting funding risks by transferring them to faculty. In other words, an overreliance on quantitative indicators and project-based competitive funding in the public funding of universities has hampered the security of employment, the freedom to research and institutional autonomy.

At the same time, the public funding model has increased the centralisation of higher education governance and hampered the strategic development of universities as each university tends to align its activities with the funding model. This has increased the overreliance of the university sector on funding from the state. The culture of maximising state funding in the short term has hampered the ability of universities to focus on university-specific areas of strength and increase the diversity of funding sources in the long term.

An international panel recommended action to address these and other problems:¹⁹

... the Ministry should consider the following options:

- Use the performance agreements and the discussion about institutional strategy developments to support achieving overarching national policy objectives, while ensuring that there is room for individual institutional profile developments.
- Reduce the weight of performance indicators.
- Emphasise the importance of quality and the impact delivered throughout the HEI's activities, initially through formative use of narrative case studies.
- Ensure that the framework conditions are supportive to reach national policy objectives and development goals, for example through further strengthening of cross-ministry coordination.

Contrary to the recommendations of the international panel, the Ministry of Education and Culture chose to increase the weight of performance indicators in its new decree on the criteria of university funding adopted in April 2024.

Participation in university governance. According to the 2018 Paris and the 2020 Rome Communiqué, there is neither institutional autonomy nor academic freedom without the “participation of students and staff in higher education governance”. According to the 1997 UNESCO Recommendation, the principle of “collegiality” (paragraph 32) belongs to the “essential components of meaningful autonomy for institutions of higher education” (paragraph 2). Such meaningful participation and collegiality are likely to be hampered by the increased centralisation of institutional management, reduced security of employment for staff and distance working. Finland is no exception. This trend is likely to reduce the motivation to participate in university governance.

¹⁹ Technopolis Group (Kalle Nielsen, Zsuzsa Javorka, Kimmo Halme, Anne-Mari Järvelin, Gerwin Evers, Florian Berger, Amanda Bengtsson Jallow, Amber van der Graaf, Katri Haila, Kalle Piirainen), Evaluation of the governance and funding practices used by the Ministry of Education and Culture for steering Finnish Higher Education Institutions. [Final report \(June 2023\)](#), page 4.

A particular issue in Finland is the relationship between the statutory organs of the university. This issue was brought to the agenda in 2017 when the Education and Culture Committee of the Parliament monitored the outcomes of the 2009 university reform that entered into force in 2020. There are several studies on the relationship between the university collegium (that represents the members of the university community), the board (that has large powers) and the rector (that is shielded against the university community by the board). It has turned out there are different practices depending on the university. The common theme is that the university collegium is a rather passive organ under the Universities Act of 2009 compared with the earlier collegium under the Universities Act of 1997. There is concentration of power at the top. The perceived legitimacy of the rector's actions has declined. This has increased conflicts between the rector and the university community. There is no legislative action in sight to cure the problem, because universities in principle have the power to regulate this question themselves by virtue of their institutional autonomy.

Copyright. The enforcement of the copyright of academic personnel poses particular problems de facto. Some universities use or continue to use the teaching materials of employees or former employees without permission and without any particular remuneration. Some universities force prospective employees to sign an agreement transferring copyright or intellectual property rights to the university as a condition of employment. This should raise questions about ethics. The Ministry of Education and Culture has made publication channels an indicator connected to funding. Some universities use such funding indicators as indicators for the purposes of recruitment or career advancement. Moreover, open access indicators are increasingly used as proxies of quality contrary to the main principles of DORA and the CoARA agreement.

3.4 Outlook

The outlook is stable. As regards the public funding model, there is no planned improvement in sight. Public responsibility for higher education may nevertheless be increased in the future to break a negative trend. The funding cuts of the 2010s reduced the GDP-share of RDI-investments and contributed to economic stagnation in Finland. To cure this, a parliamentary committee agreed on the target of a 4% share of BNP for RDI-investments by 2030. The political consensus led to the adoption of an RDI Investment Act (Act on the State Funding of R&D During the Period 2024–2030). According to the Act, the state will raise its own R&D funding to 1.2% of the BNP by 2030 (section 2.1). While this indicates that there could be more funding to the university sector in the next few years, the allocation of funding to different sectors is still open. There should be a long-term plan for each parliamentary election period (section 3). The plan was published in June 2024. Reacting to broad criticism of the current public funding model, the government promised in its long-term plan to ensure the freedom of science and facilitate research, take a more holistic perspective, develop a long-term and predictable funding model for RDI, and allocate more funding as basic funding to institutions of higher education.

The government is driving a major reform of employment relationships with weaker protection for employees and local agreements replacing collective bargaining. This has contributed to increased political polarisation and triggered a strike wave in the spring of 2024.

4. Country report: Iceland

Academic freedom can be found in policy statements and codes of ethics of Icelandic universities. A full definition of the concept is not included and is primarily to be found in a little-known declaration signed by the rectors of Icelandic universities in 2005. In 2012, the Act on Higher Education was amended to include a short paragraph on academic freedom. Due to recent attempts to direct research funding into certain fields and pressure to promote particular topics while limiting others, the need to redefine the concept and make stakeholders aware of its implications and importance has become increasingly pertinent and urgent.

4.1 The Legislative Framework

Academic freedom is not addressed in the Icelandic constitution (1944) and there is currently no active discussion to change that.²⁰ The so-called “New Constitution”,²¹ which was composed in 2011, in the wake of the financial crash of 2008 and the social upheavals that followed, does identify the topic in article 17, titled The Freedom of Science, Scholarship and the Arts.²² However, this constitution has not been rectified to date. In recent years, there have been strong voices in Icelandic society suggesting that the current constitution must be amended to include some of the issues addressed in the “New Constitution”. Academic freedom is, however, not among the issues that have been brought up.

The Higher Education Act of 2006, amended with a new act in 2012, discusses academic freedom in Article 2a.²³ The added article states:

Higher education institutions have an obligation to respect the academic freedom of their staff. Academic freedom entails the right of academic staff to approach the subjects they teach in a way they consider reasonable and in keeping with academic requirements. Academic freedom does not affect the responsibility of staff to follow any general code of conduct or ethics adopted by the higher education institution concerned. The choice of research and teaching subjects in individual academic disciplines pursued at a higher education institution shall be free of the influence of the owners and financial backers of the institution.²⁴

The fact that academic freedom is not protected in the constitution implies that a simple parliamentary majority can change this particular article. Other laws governing academic life in Iceland, such as the Act on Public Higher Education Institutions (2008)²⁵ and the Act on Good Scientific Practice (2019)²⁶ do not mention academic freedom at all.

The University of Iceland, the largest higher education institution in the country by far, does not address academic freedom in any of its regulations. However, academic freedom is stated as one of its three core values, along with Equality and Professionalism, in its policy statement 2021-2026.²⁷

²⁰ For further information see: <https://www.althingi.is/lagas/151a/1944033.html> (in Icelandic) and https://www.government.is/library/01-Ministries/Prime-Ministers-Office/constitution_of_iceland.pdf (in English).

²¹ For further information see: <https://nystjornarskra.is/nyja-stjornarskrain/> (in Icelandic).

²² The article reads: “The freedom of science, higher learning and the arts shall be ensured by law.” For further information see: https://www.constituteproject.org/constitution/iceland_2011D.

²³ Act 67/2012 (Act on Changes to Act 63/2006 (The Independence and Democratic Mission of Higher Education Institutions and the Rights of Disabled Students)). For further information see: <https://www.althingi.is/altxt/stjt/2012.067.html> (in Icelandic).

²⁴ <https://www.government.is/publications/legislation/lex/2017/11/22/Higher-Education-Act-No-63-2006/>

²⁵ For further information see: <https://www.althingi.is/lagas/nuna/2006063.html> (in Icelandic).

²⁶ For further information see: <https://www.althingi.is/altxt/stjt/2019.042.html> (in Icelandic).

²⁷ For further information see: https://www.hi.is/haskolinn/hi26_stefna_haskola_islands_2021_2026 (in Icelandic).

Meanwhile, the University's Code of Ethics states: "Academic freedom is the cornerstone of all work at the University, promoting critical thinking, the creative pursuit of knowledge, open-mindedness and forward-thinking."²⁸ Other Icelandic universities have followed the same approach of referring to academic freedom primarily in their codes of ethics, although sometimes the exact term is not used.²⁹

In 2005, the rectors of universities in Iceland convened to sign a declaration on academic freedom. In the declaration, the rectors extol the importance of academic freedom, defining it in five paragraphs, and explaining how it relates to other aspects of academic life. This document has, however, enjoyed limited visibility within the academic circles in Iceland. The University of Iceland, for example, has not published the declaration on its website. The universities behind the declaration are not obligated to keep the declaration visible to students and staff, nor make sure that there is a lively and open discussion on the premises of the respective institutions. The easiest way to find its text is through news stories in the Icelandic media, in which academic freedom has been perceived to be infringed upon and the declaration has thus been brought back into the spotlight.³⁰

Rectors' Declaration on Academic Freedom (2005)

Universities must protect academic freedom, which includes e.g. in itself that an individual can conduct research, teaching, or learning without undue interference by laws, institutions, or social groups. Those who enjoy academic freedom can seek knowledge and express their views without risking that it affects their job security or other important interests.

The academic freedom of an academic includes the right to discuss her teaching subject the way she considers reasonable and in accordance with academic requirements. It entails the right to evaluate student performance on professional grounds and in accordance with the policy that a department or a university institution has approved.

Academic freedom in research includes the right to choose subjects and methods. That includes the right and obligation to publish research findings, whatever they may be, as long as the research meets the requirements of professional peer review.

Academic freedom in a university community includes the right of university students to criticize policy and the practices of their organization. It includes the civil right of expression and participation administrative and social affairs outside the university, without affecting performance evaluation, progress, or working conditions.

A person's academic freedom is accompanied by the responsibility to act with integrity and succeed under academic standards and take part in their formation with the truth as a guide. Implied is the obligation to avoid having one's own interests influence the research results. An employee's academic freedom does not diminish his/her responsibility to comply with the work rules and ethics of their organization.

²⁸ For further information see: https://english.hi.is/university/code_of_ethics.

²⁹ For further information see for example: <https://www.unak.is/english/university/governance/the-code-of-ethics-of-the-university-of-akureyri>, <https://www.bifrost.is/english/about-bifrost/policies-and-regulations/code-of-ethics>.

³⁰ Frímannsson, Guðmundur Heiðar. "Akademískt frelsi". *Stjórnmal og stjórmsýsla*, vol. 2, # 8, 2012: 265-280.

4.2 Academics in Iceland: Attitudes and Understanding

Unfortunately, a comprehensive survey on the attitudes and understanding of academics in Iceland regarding academic freedom has not been conducted to date. Discussions from the last decade have primarily centred on a handful of cases in which complaints have been made (for example to ethics committees) regarding the teaching or public statements of academics. This has been unfortunate, as many of the more nuanced perspectives on academic freedom have not materialized within academic communities, with the media often leading the discussion with the participation of the public.

The most recent information on how academics in Iceland view academic freedom comes from a survey done in the autumn of 2023 on how Icelandic academics feel in the workplace. One question in the survey attempts to draw out their attitudes toward academic freedom by presenting four different statements and asking participants whether or not they agree. On the question of the impartiality of academics when entering a public debate participants leaned towards not thinking a strong impartiality demand was justified. On two questions about how to regulate academic freedom, participants were rather positive that an institution itself should issue the main principles regarding academic freedom, but the majority expressed against the idea that such principles should come from the government. Lastly, the majority agreed with the statement that academics should be free to express their opinions, even when students, colleagues and the administration disagreed with them.

Fortunately, a recently published study from two research projects on the democratic mission of universities offers a fuller and more nuanced insight into the attitudes of Icelandic academics regarding academic freedom. In these projects, questionnaires were used in 2011, group interviews were conducted in 2014, and interviews with individuals in 2019-2020. The data from these different approaches, according to the researchers, is consistent with clear main themes emerging on such issues as the core of academic freedom, why more conversation is necessary among academics on this topic, the difference between freedom in research on the one hand, and teaching on the other, and the main threats towards academic freedom.

The research shows that academics in Iceland have a profound understanding that freedom comes with obligations regarding necessary levels of knowledge and academic integrity. Such obligations are a vital part of academic freedom rather than an obstacle: “Academic freedom is not an individual’s negative freedom to act in a particular way, but rather the positive freedom of an academic to exercise their judgement in research and teaching, subjected to peer-review.”³¹ Furthermore, academic staff is also obligated to follow the rules and regulative framework of the institution, as well as the decrees each school and each department has established regarding how to teach each subject. Such decrees on teaching methods and the presentation of study material commonly take into account requests presented by student associations and centres for teaching and learning.

According to the findings of the questionnaires and interviews, participants perceive unwarranted restrictions towards academic freedom in Iceland. This seems primarily to be due to political and economic pressures. As in many countries, those interviewed are worried about the competition for limited funds, the institutional system for performance assessment, and limited avenues for publication. The authors point out that perhaps surprisingly, concerns about limited-term hiring were not voiced in the interviews but admit that a likely explanation is that few participants were untenured. Silencing, moreover, is not an issue that seems to have been brought up in the interviews, although outside pressure is mentioned. The nature of these outside pressures is perhaps unclear and would seem to call for more discussion. Finally, how far internal pressures can go is also not sufficiently discussed. Higher education institutions are complex structures, and pressures from administration

³¹ Frímannsson et al. “Akademískt frelsi, ábyrgð og hömlur: Sjónarmið háskólakennara á Íslandi”. *Stjórnmal og stjórnsýsla*, vol. 1, # 18, 2022: 139-164, p. 159.

and supporting services can appear to force academics to make certain choices and refrain from others. Administrative pressure from peers can also potentially be more extensive than the peer-review process inherent in academic freedom.

4.3 The Future of Academic Freedom in Iceland

An argument can be made that the perceived self-evident nature of academic freedom stands in the way of a deeper discussion in Iceland, as can be seen in the limited interest in bringing it into potential amendments to the current constitution. Stakeholders quickly identify it as the core of academic life while at the same time, it seems rather fragile. The protection of academic freedom is not as self-evident as the principle itself. Threats to academic freedom are rarely discussed and analysed, apparently on the understanding that this kind of freedom is so integral to academic life that the freedom will thrive so long as these institutions exist.

Universities face vastly different challenges now than they did in the year 2005 when the rectors of Icelandic universities assembled to sign a declaration on academic freedom. Such challenges come in various guises, not least due to technological advances (increased use of social media and Artificial Intelligence) and increased institutional managerial authority. It is difficult to assess, however, whether there is a need for a new and updated declaration. The main principles are still the same, while the declaration has simply failed to be the influential document it deserves. The first step to rectify this situation may be to make the older version of the declaration more visible in academic life. It is telling that there are limited references to the declaration in the interviews with academics from 2014 (group interviews) and 2019-2020 (personal interviews).³² Academics in Iceland neither know the text nor the spirit of the declaration. A good first step would be for the rectors of higher education institutions to reconvene and appeal for a more robust conversation on academic freedom, drawing lessons from the experience of the last two decades.

All in all, academic freedom must endure through different policies and strategies. The fact that a simple parliamentary majority can eliminate it from the Higher Education Act is troubling. It is especially worrisome that the notion “academic freedom” is not part of the institutions’ regulatory framework, such as institutional regulations and rules. Although the principle of academic freedom is perhaps a useful ingredient in a code of ethics, it may be perceived as lacking in importance if not visible in other contexts. Moreover, academic freedom cannot simply be one of the values universities can decide to put on the agenda in their strategy for a particular timeframe. It is ever present, while simultaneously vulnerable. Its vulnerability is due to various challenges Icelandic academics must agree to discuss in the near future. These challenges come from society (for example intimidation by actors of special interests and public threats on social media), internal pressures within the institutions (from both the administration and colleagues), and the government. The last issue is perhaps the most pressing one. Research funding is increasingly being prioritized and directed toward particular topics by the government of Iceland, the financing of the higher education institutions will be entirely performance-related according to a new budgeting scheme, and the Ministry of Higher Education, Science and Innovation itself is increasingly directly involved in financing research and development within the institutions. All this can have a negative and irreversible effect on academic freedom in the coming years.

³² See Frimannsson et al, 2022.

5. Country report: Norway

In Norway, academic freedom is protected by law and is well respected. However, many academics experience that academic freedom is under pressure. This is particularly due to challenges related to research funding, participation in academic decisions, conflicts of interest, and free dissemination.

5.1 Protection of academic freedom in legislation (de jure status)

Academic freedom is enshrined in law for higher education institutions (HEI) in Norway. The University and University Colleges Act applies to private and public institutions, emphasizing both institutional autonomy and individual freedom in research and teaching. The right to choose the subject and method of research, and the right to publish research results are explicitly mentioned, as is also the responsibility to ensure that research and teaching are conducted according to established ethical and professional standards. The freedom of learning is not described in the same way, but the act establishes that higher education at public universities and university colleges shall be free of charge (§ 2-5) and that physical lectures shall be open to the public (§ 2-4). The involvement of academic staff in the governance and decision making of academic institutions is not secured in the law, other than that four out of eleven board members must represent academic staff (§ 4-3).

With a legal basis in this act, the Ministry of Education and Research has adopted *Regulations concerning appointment and promotion to teaching and research posts*, to secure transparent and merit-based recruitment and promotion.³³

Academic freedom is not protected in the Norwegian Constitution or any other legal frame than the University and University Colleges Act. However, other aspects concerning academic freedom are to some extent regulated in other laws, such as job security and working environment (the Working Environment Act and the Civil Servants Act), intellectual property rights (the Copyright Act), and research ethics (the Research Ethics Act).

³³ Pointing also to relevant EEA directives: EEA Agreement Annex VII (Directive 89/48/EEC amended by Directive 2001/19/EC).

Excerpt from the University and University Colleges Act

§ 2-2 Academic Freedom and Responsibility

Universities and university colleges must promote and safeguard academic freedom and those who exercise it. The institutions are responsible for ensuring that teaching, research and academic and artistic development work maintain a high professional level and are conducted in accordance with recognized scientific, artistic, educational and ethical principles.

In other respects, universities and university colleges are entitled to establish their own academic and value basis within the framework laid down in or pursuant to law.

Universities or university colleges may not be instructed regarding:

- the content of their teaching
- the content of the research or in the artistic and academic developmental work
- the content of dissemination
- individual appointments or nominations.

Each person teaching at institutions subject to this Act has an independent academic responsibility for the contents and plan for the teaching within the framework that is determined by the institution or that follows from statutes or regulations pursuant to statutes.

A person appointed to a position where research or academic or artistic development work is part of the duties, is entitled to choose the topic and method for his/her research or development work within the framework that follows from the employment contract or a special agreement.

Those covered by the fourth or fifth paragraphs have the right and academic responsibility for dissemination.

Universities and university colleges must ensure transparency regarding the results of research or academic or artistic development work. Anyone appointed to a position as mentioned in the fifth subsection is entitled to publish their results and must make sure such publication takes place. The relevant research basis must be made available in line with good practice in the field. The board may consent to postponed publication when required for legitimate reasons. No permanent restrictions in the right to publish results can be agreed or stipulated beyond what follows from statute or pursuant to statute.

Adopted by the Parliament, 6.1.2024, effective from 1.8.2024

5.2 Academic freedom de facto

Few studies of academic freedom in its entirety have been conducted in Norway over the last twenty years. Therefore, this review is partly based on public debates, general feedback and specific cases from union representatives, and a survey the Norwegian Association of Researchers (NAR) conducted among local union representatives in 2024.³⁴

Overall, academic freedom is well respected in Norway. No Norwegian government or political party has openly challenged this principle. The long-term governmental plan for research and higher education emphasizes academic freedom and states that "the political management of public academic institutions should promote researchers' room to pursue truth in accordance with their own professional judgment and the academic norms in the professional community."³⁵

There are no cases of persecution or formal limitations on academic activity at Norwegian HEIs, and feedback from our union representatives is that academic freedom is generally well maintained (Figure 5). However, many express that academic freedom is under pressure, and a large proportion of our union representatives believe that it has deteriorated in recent years. To understand why, we will take a closer look at the essential principles described in Chapter 1.

Freedom of research. Research freedom is well maintained at Norwegian HEIs. Academic staff are not subject to restrictions on the choice of topic, method or direction of research beyond what follows from generally accepted regulation for reasons such as privacy, research ethics and national security. However, there may be a certain conflict between individual desires to pursue research in one direction and the institution's need for research and expertise related to its educational profile. The individual freedom to choose the theme or topic is, of course, also a matter of resources and a necessary adaptation to available data and research infrastructure and, not least, to other members in a research group. An appropriate and fair distribution of resources is thus an essential principle for genuine research freedom.

The freedom to publish is well maintained in Norway, as far as we know. The introduction of Plan S and requirements for Open Access publication led to a discussion about restricting publication freedom, as researchers were forced away from choosing journals of their own preference that were still not OA. The debate has subsequently quietened down due to many payment solutions that ensure open publication of Norwegian articles. However, issues related to payment fee (APC), journals, copyright and digitization are not yet resolved and will continue to challenge aspects of academic freedom in the future. Some institutions have also established an intellectual property rights policy that aim at transferring employees' copyright *en bloc* to the employer. This challenges both publication freedom and research ethics, as it is a violation of the researchers' right to correct and prevent misuse of their own research.

Freedom of teaching. Teaching is administered by the academic collective and conducted freely by the individual teacher; the freedom of teaching is hardly challenged at Norwegian institutions. Certain vocational educations have national frameworks that to some extent limit the freedom to choose the teaching content, and the necessity to control and rectify the learning outcome in these educations can be further discussed. Furthermore, the development towards more online studies and the use of digital teaching platforms means that the freedom to choose teaching methods and forms can be restricted.

³⁴ *Akademisk frihet og medvirkning ved norske universiteter og høyskoler: Sett fra Forskerforbundets tillitsvalgte*, Skriftserien 2/2024.

³⁵ [Langtidsplan for forskning og høyere utdanning 2023–2032](#), White Paper 5 (2022–2023) p. 84.

Freedom of learning (freedom to study). The right to freely seek knowledge and the access to higher education is good in Norway. The principle of free education stands strong despite the introduction of tuition fees for students outside the EU/EEA. Open science, online studies, and digital solutions, improve access to higher education and learning. The current government's focus on decentralized education and Norwegian as the language of instruction can also be said to expand the freedom to study. The other side of the coin is the possible lack of quality and stimulation from being part of a larger academic milieu that can affect students and teachers in digital or decentral learning situations. The challenge in the long term is perhaps primarily related to platform solutions and the transformation from learning through books and syllabus to new digital forms and the consequences of this.

Freedom of dissemination. It is particularly related to public dissemination of knowledge and research that examples of constraints on academic freedom have surfaced in recent years in Norway. The term "academic freedom of expression" was introduced by the Kierulf Committee to denote academic dissemination of knowledge in the public sphere.³⁶ The report and the discussion regarding it covered issues of "woke" and cancel culture, internal academic debate culture, and external threats and harassment that limit the willingness to engage in academic dissemination. Accordingly, the committee was worried about academic self-censorship, withdrawal and "chilling effects". The report's proposals and the subsequent debate were mostly directed towards the climate of expression and academic culture. Although there are examples of poor debate culture, offenses and attempts at platform denial in Norwegian academia, it is not considered a widespread problem. A research group that produced two reports as the basis for the Kierulf Committee points out more structural challenges when they conclude:

In today's situation, however, it is our assessment that more subtle forms of conformity pressure against research from public authorities, research councils, institutional management, and other actors in the research environment that control strategic resources pose a greater potential problem for the freedom of expression of scientific staff than what comes from identity-political activism and cancel culture.³⁷

Much of the threat to the freedom of academic dissemination is due to pressure and harassment from outside and a lack of trust in the media's ability to convey knowledge and research results correctly. A report on research and freedom of expression showed that half of the researchers in the survey limited themselves in their research dissemination due to concerns about immediate consequences or how the research would be presented in the media.³⁸ There are examples of pressure and smear campaigns against researchers who have published academic material or spoken publicly about certain topics, where these campaigns have been driven by parties with strong interests linked to the issue in question. In most cases, institutional leaders defend their employees in such situations, but our survey shows that very few have well established routines to protect employees who are subjected to undue pressure or harassment as a result of the dissemination of research and knowledge. The biggest problem, however, is related to situations where the academic institution does not defend its employees' freedom of dissemination, or even worse, contributes to limiting it.

³⁶ NOU 2022: 2: *Academic freedom of expression — A good culture of free speech must be built from the bottom up, every single day.*

³⁷ Fredrik Thue et al. (2021) *Et ytringsklima under press?* (s. 100), our translation.

³⁸ The survey was not restricted to academic staff at HEIs, but also researchers elsewhere.

There are very few cases of gag orders or stated limitations on the freedom of dissemination at Norwegian HEIs but several examples where leaders react negatively to certain types of dissemination and thus challenge and limit the space for such expression. A recent example concerned the rector at Norway's largest university (NTNU), who publicly criticized two of her employees because they were highly critical of a report on nuclear power, commissioned by The Federation of Norwegian Industries. It turned out that before the rector went public with the criticism of her own scholars, there had been close contact between the rector and directors in this federation. As a result, the rector chose to resign from her position. In this case, the academic ideals won. But such conflicts of interest related to external collaboration will increasingly characterize Norwegian academia as more external funding and partnership is sought from the government and industry.

It also appears from surveys that researchers may hesitate to disseminate for fear of challenging leaders or more established academics (with possible gatekeeping power). This is obviously closely connected to precarious working situations and a perception of more top-down management in HEIs. Many also state that a lack of institutional support for dissemination, and that it is not meritorious, contributes to slowing down the desire to disseminate. Freedom of expression is generally very well protected in Norway, but the ideal of a free and sufficiently enlightened public debate is linked to scholars being able, and wanting, to freely disseminate and share their knowledge. When it comes to free dissemination, there are both cultural and structural challenges in Norway.

The right to self-governance. Participation and collegial bodies with real decision-making authority in academic matters are not only related to workplace democracy but an essential element of academic freedom. It requires a bottom-up governance model that maintains the academic staff's opportunity to participate in decisions concerning research and education, or freely choose their representatives to do so. This principle has been significantly restricted in Norway in recent years. An appointed rector is the main rule according to law and most common in practice, and deans and department leaders are generally employed for fixed terms and not elected. Furthermore, many institutions do not have collegial bodies with decision-making authority below institutional level. Some have it at the faculty level, but few have departmental boards. This means that academic employees have little influence and decision-making authority over important processes concerning research and education at the level where such decisions mostly take place. This is illustrated by the fact that one third of our union representatives believe that academic staff have poor participation in academic matters.³⁹ A clear majority also appeal for collegial bodies at lower levels. The purpose of institutional autonomy is academic self-governance, which is also closely linked to the ability to conduct critical and responsible research

Responsibility/Accountability. There is a significant focus on accountability in Norwegian research and few examples of serious breaches of integrity. Since academic staff at many universities and colleges do not have collective control over the strategic academic development or plans for research and education through collegial bodies, there is a risk that the collective scientific responsibility erodes. There is also reason to be aware some other troubling trends that challenge the thoroughness and quality required of science and research. Pressure to publish and the intense competition for prestigious research funds and permanent positions might trigger dishonesty and shortcuts. In itself a challenge for academic freedom.

A common thread in this assessment is the opportunity – both for the individual and the academic collective – to be truly independent and have autonomy. It is primarily a question of resources but also a question of working conditions. We will therefore finally discuss this as a common challenge for academic freedom.

³⁹ Op.cit. note 34

Figure 5 How do you perceive that academic freedom is safeguarded at your institution, when it comes to...



5.3 Challenges: research funding, time, and job security

Lack of job security and resources to conduct research limit academic freedom. An overarching issue is therefore whether the funding system for research and the employment conditions at Norwegian HEIs adequately support the freedom of research.

The higher education sector in Norway has grown significantly in recent years, although there is a recent levelling off in employees, students and activities. This growth has come as a result of public funding of education and research but also as part of broader cooperation with industry. The institutions' basic grants from public budgets in Norway are high by international standards.⁴⁰ However, they cover only a small part of the operating funds for research. This means that researchers must apply for funding externally from the Research Council, the EU's framework program and other research funds, or engage in collaboration with or conduct research on behalf of private or public entities.⁴¹ The growth in external research funding has enlarged the overall resources for research and, along with strategic academic priorities, increased research capacity and enabled more complex research tasks. Many proficient researchers in Norway receive funds for self-initiated basic research projects. From recent years' debate, there is nevertheless reason to ask whether the funding system succeeds well enough in supporting:

- groundbreaking and boundary-pushing research
- long-term and broad-spectre knowledge for societal preparedness and problem-solving ability
- replication studies and quality assurance of research results

Researchers continuously report too little funding for free basic research and also that to obtain funding, one must meet a number of criteria that can overall affect research freedom along the above dimensions. Society as a whole, and non-profit and for-profit organisations have entirely legitimate need to have research conducted, and researchers seek to contribute to societal development and innovation. Politically initiated research programmes and business interests nevertheless compete to some extent with independent research. This does not necessarily have to be a contradiction, but it is an open question – which concerns academic freedom – whether there is a good balance between the two considerations. This is naturally related to the extent to which external funding affects the balance and also how large a portion of the institution's own resources is allocated to acquiring and operating externally funded research projects. Where one is not conscious of the balance, disciplines that do not follow such priorities or that deal with areas not politically or commercially prioritized will experience less access to resources and thereby scientific stagnation and academic deterioration. Besides, at the individual level, there is a risk that incentives and expectations that research funds should be obtained from external sources steer the individual's research activity towards areas where there are available funds to compete for and thus potentially away from what the researchers themselves would have chosen if they were free to follow their academic curiosity and conviction.

The result of reduced funding is that several institutions take measures restricting employees' working hours dedicated to research and development work (R&D). The government has maintained strong financial incentives for education but removed incentives for research. This puts further pressure on free research. From the last survey on academic working hours, it appears that employees in combined academic positions (associate and full professors) spend about 30% of a total work week of 46,8 hours on R&D. That amounts to 14 hours a week, while the 70% used for other work tasks

⁴⁰ [Indikatorrapporten](#) figur 2.1 j.

⁴¹ Half of the academic staff claim to be obliged to acquire external research funding (NIFU rapport 2019:2, p. 25-26).

amounts to 32,7 hours. This means that they on average have five hours available for R&D within a normal week (of 37,5 working hours). Research thus becomes an activity that must be carried out outside normal working hours. With reduced time for R&D on individual work schedules, there will be even less time for research – at least for those who do not succeed in obtaining external funding.

A clear shift towards more external funding has a major impact on the development of research, on which academic disciplines, issues, and individuals that prosper and not. It challenges two of the purposes of academic freedom, namely the ability to be a critical corrective and ensure a broad spectre of knowledge to deal with many contingencies. Perhaps also scientific standards and integrity. Several international studies show that competition leads to more dishonesty, and "sensational" findings, while the research that is more internally critical, such as performing replication studies and the like, is systematically underfunded. A related risk when HEIs increasingly rely on contract revenues is that the institution prioritizes research that satisfies clients' needs and interests at the expense of more critical research.

In sum, with external funding come external interests and thus possible conflicts of interest. It requires very high integrity and standards also from granting authorities to safeguard independent and critical research.

The precariousness of researchers is a serious international problem, which has received significant attention lately. Better working conditions for employees in all sectors are a hallmark of Nordic countries, and permanent working contracts are the norm in Norway. Accordingly there is a high degree of job security, also for academic staff, in Norway. In our survey among union representatives, there are thus also relatively few who believe that job security in general is a challenge. A consequence of more external funding is, however, less predictability and reduced job security for researchers on external funding. A substantial part of Norwegian research rely on precarious work as well.⁴² This is a threat to the quality of research and higher education, and to academic freedom. Doctoral candidates make up a large proportion of the temporarily employed in the higher education sector but are defined as undergoing researcher training and are not normally mentioned among the precariat. Without these, one in four academics at Norwegian HEIs is temporarily employed.⁴³

Researchers without a permanent and secure position are more dependent on others (colleagues, employers, financiers). Naturally, they are thus more exposed to pressure and have less opportunity to freely choose the topic and method for their research. In such situations, there can be research ethical as well as conformity-creating challenges. Since the competition for permanent positions and funding is so tough, many are "forced" onto areas and issues they believe have a greater opportunity for funding or getting safer results. Some are also tempted by shortcuts or cheating. Academic "gatekeepers" can in such contexts contribute well to training in academic standard, but at the same time stifle new thinking and creativity. Some established researchers may have their own agenda and exert pressure on younger researchers related to the use of datasets, co-authorship and research methods, also referred to as intellectual harassment.⁴⁴ They may also have an interest in influencing recruitment and the composition of academic environments and thus potentially also be obstacles to an ideal research freedom. One in three of our local representatives considers that their own institution does not adequately maintain transparent and merit-based recruitment (Figure 5).

⁴² Proba samfunnsanalyse, Rapport 2023-07

⁴³ Official statistics for 2023 show that 23 percent of the academic staff (besides PHD candidates and research assistants) were on fix-term contracts. <https://www.forskerforbundet.no/midlertidig-ansettelse/statistikk>

⁴⁴ Cf. Reports from RINO (Research Integrity in Norway) and Solbakk & Holm «Forskningskultur på avveie: om toppforskning og publiseringssjag», Published in [Khrono.no onsdag 01.11.2023 - 09:59](https://www.krono.no/onsdag-01.11.2023-09:59).

6. Country report: Sweden

Academic freedom is a cornerstone in the pursuit of knowledge, innovation, and societal development. This chapter from the Swedish Association of University Teachers and Researchers (SULF) will present a summary of the current state of academic freedom, the challenges it faces, and union strategies to strengthen and protect this important principle. We highlight the need for concerted action to defend academic freedom against threats both from within and outside the academic world.

6.1 Legal protection and Status de jure

The Swedish constitution safeguards the freedom of research in the Instrument of Government with the following provision: "The freedom of research is protected according to rules laid down in law." The Higher Education Act elaborates on this by stating that research questions may be freely chosen, research methods may be freely developed, and research findings may be freely published.

Although the freedom of higher education is not enshrined in the constitution, since 2021, academic freedom has been explicitly included in the Higher Education Act with the following wording: "Higher education institutions must operate under the general principle that academic freedom shall be promoted and protected."

Academic freedom is now enshrined in the Higher Education Act. This is positive, but it is not sufficient. The government and parliament must also ensure the right for teachers and researchers to feel safe in presenting all forms of facts and scientifically grounded knowledge in the classroom and in public discourse. This right needs to be upheld and protected through the constitution, as higher education institutions alone cannot guarantee and protect teachers' and researchers' ability to freely seek and disseminate knowledge.

In order to secure academic freedom and long-term democratic stability, the Swedish National Union of Students (SFS), the Association of Swedish Higher Education Institutions (SUHF), The Young Academy of Sweden (SUA) and the Swedish Association of University Teachers and Researchers (SULF) have decided to work together towards a constitutional amendment. In Sweden, the freedom of research is protected by the constitution, but this does not extend to the freedom of higher education, or the freedom of the higher education institutions themselves. Read more about the collaboration at sulf.se/frihet.⁴⁵

6.2 Political and Economic Influence

A recurring theme in the discussion of academic freedom is the political and economic influence on research and higher education. Swedish higher education institutions are largely dependent on external funding for research: less than half of their research income consists of direct government grants. Instead of having funded research time within their employment position, researchers in Sweden generally have to apply for competitive grants from governmental or private research funders, often in areas earmarked based on political priorities.

The content of higher education is subject to regulation in the Higher Education Ordinance, which increasingly includes politically motivated specifications of educational outcomes. For example, teacher training and social work education are characterised by a high degree of political micro-management. Overall, this means that both research and higher education are highly vulnerable to

⁴⁵ sulf.se/frihet, in Swedish.

political interference, and academic freedom is therefore premised on voluntary restraint at the political level. In Swedish debates, this is sometimes referred to as “fair weather governance”, implying that it works well as long as the politicians have the best interests of the sector at heart. If and when politicians want to exert stricter control over content and direction of teaching and research, they readily have the means to do so.

Academic freedom faces a range of challenges, from political and economic pressures to threats and harassment against individual researchers and teachers. Global trends indicate an increasing politicisation of research, where scientific work is questioned or opposed on ideological grounds. In Sweden, precarious employment conditions, including the growing dependence on external funding, pose a structural threat to researchers' ability to conduct independent research.

6.2.1 SULF Report on Academic Freedom

In 2023, SULF published a report on academic freedom in Sweden, written by Shirin Ahlbäck Öberg, Professor of Political Science at Uppsala University.⁴⁶

The report addresses the question of political control of higher education and research as a threat to academic freedom. It points out that political micromanagement of educational content and research focus can restrict the independence of academia and thereby limit academic freedom. Although there is a general statement on academic freedom in the Swedish Constitution, concrete protections for higher education are lacking, making the system vulnerable to political decisions that can directly affect the content and quality of education and research.

This is particularly problematic in relation to examples of political agreements that explicitly include regulation of educational content, such as the government formation agreements known as the January Agreement (*Januariavtalet*) and the Tidö Agreement (*Tidöavtalet*). The report emphasises that this is a development that undermines the fundamental principles of academic freedom.

To counteract these tendencies, the report proposes stronger constitutional protections for academic freedom, both for research and teaching, along with a clearer separation between higher education politics and academic governance, to ensure a free and independent higher education sector.

6.2.2 UKÄ Report on Academic Freedom

In May 2024, the Swedish Higher Education Authority (UKÄ) published a report titled “Academic Freedom in Sweden”. The report was commissioned by the government, with directives to specifically examine academic freedom within higher education institutions, focusing on the relationships between researchers, teachers, and doctoral students and their employers. The report notes that academic freedom in Sweden is generally high, but there are some striking findings.⁴⁷

In a survey directed at academic staff, half of the teachers, researchers, and doctoral students responded that academic freedom at Swedish universities is currently challenged. The highest proportion of such responses was found within the social sciences, humanities, and arts, where almost 7 out of 10 respondents indicated that academic freedom is challenged. On a free-text follow-up question, UKÄ received approximately 2000 responses. The most interesting aspect here is that the

⁴⁶ In Swedish: https://sulf.se/app/uploads/2023/03/Skrift_akademiskfrihet_2023_uppaterad_27mars_23.pdf

In English: https://sulf.se/app/uploads/2023/04/Skrift_akademiskfrihet_2023_engelska_web.pdf

⁴⁷

<https://www.uka.se/download/18.427c7de418f38533f7357/1715751054520/Akademisk%20frihet%20i%20Sverige.pdf> (in Swedish)

most common categories of responses fell outside the scope of the directive for this report, which was to look at academic freedom within higher education institutions.

The most common response to the question of how academic freedom is challenged today was neither cancel culture, as has been previously suggested by the Minister for Research and Higher Education, nor precarious employment, often highlighted by the trade union movement. Only 1 percent cited precarious employment as a challenge to academic freedom, and fewer than 1 percent cited cancel culture. Instead, 29 percent of respondents stated that political control and political influence in general were the greatest challenges to academic freedom. Almost equally many, 28 percent, cited the research funding system as the major problem. Ten percent raised conformity as a challenge, meaning pressure to adapt to norms, remain within established fields and methods, and avoid certain questions.

The UKÄ report also addresses the issue of support from higher education institutions when one's own academic freedom is perceived to be threatened. A large majority, 8 out of 10, reported that they received no support or insufficient support when they sought help from their higher education institution.

6.2.3 Uncertainty and precariousness – SULF Report

The high proportion of fixed-term employment within academia creates an uncertain work environment where researchers often struggle with the fear of termination and a lack of long-term planning.

The fact that many researchers and teachers work under fixed-term contracts creates an uncertainty that may deter them from exploring controversial or politically sensitive topics. This uncertainty can lead to self-censorship and a reluctance to engage in public debate, undermining the core values of academic freedom.

The SULF report “The Shadow of Uncertainty: External Funding, Precarious Employment and Work Environment in Higher Education” explores the connections between external funding, insecure employment, and the organisational work environment for researchers and university teachers.⁴⁸ Below is a summary of the results and how they may affect academic freedom:

External funding of research. External funding can be seen as an opportunity for researchers to pursue their research. However, the report shows that external funding is also a major source of stress and a risk that research is guided by the funders’ trends and interests rather than the researchers' own views.

Researchers experience significant pressure to obtain external funding, which can lead them to deviate from their core research interests to pursue popular topics or trends deemed more likely to receive funding.

The impact of the work environment. The organisational work environment for researchers and university teachers is influenced by factors such as demands, control, social cohesion and recognition.

⁴⁸ Full report in Swedish: https://sulf.se/app/uploads/2021/05/SULF-rapport_iskugganavosakerheten_27maj_21_webb.pdf

Short report in Swedish: https://sulf.se/app/uploads/2021/05/SULF_kort_version_i-skuggan-av-osakerheten_27_maj_21_webb.pdf

Short report in English: https://sulf.se/app/uploads/2021/05/SULF_short_version_theshadowofuncertainty_May27_21_web.pdf

Women and individuals born outside of Sweden generally experience a poorer work environment than men and individuals born in Sweden.

The workload for researchers and university teachers is high and can be stressful, especially considering the demands to seek external funding and the uncertain employment situation.

In summary, the report illustrates a complex dynamic between external funding, insecure employment, and the organisational work environment for researchers and university teachers. These factors can limit academic freedom by affecting researchers' opportunities to pursue their own research interests and exert influence over their work.

Dismantling of Collegial Processes. Collegial decision-making within Swedish higher education institutions has faced several challenges since the autonomy reform (*autonomireformen*) of 2011, when universities and colleges gained increased independence.

Following the autonomy reform, many institutions experienced a centralisation of decision-making, shifting certain decisions from collegial bodies to university management or individual officials. In some cases, this has reduced the influence of academic staff on decisions related to education and research.

The autonomy reform has also led to changes in the leadership structure at many institutions. Vice-Chancellors and other leaders have gained greater power and responsibility, affecting the traditional collegial model where decisions are made through consensus among academic colleagues.

In general, the collegial decision-making structures have been dismantled at colleges and new universities and are only preserved at the older multi-faculty universities.

6.3 Threats, Hatred, and Improper Influence

In March 2024, SULF sent out a survey to active members regarding threats, hatred, and improper influence.⁴⁹ The survey was completed by 3,000 people, yielding a response rate of 16 percent. Although the response rate is low, the results are consistent with several other studies in Sweden, which increases their reliability.

Nearly half of the respondents reported experiencing improprieties ranging from inappropriate appeals for empathy and loyalty to threatening messages and direct confrontations. The report maps the extent, forms, and sources of these negative experiences and examines why many choose not to report them. Furthermore, it discusses measures and support, as well as the need for unified strategies to strengthen protection and support for those affected. By addressing these issues, SULF aims to contribute to a necessary cultural change within the academic world, towards a working environment where everyone can feel safe and respected, ensuring that researchers and university teachers can perform their work with high quality.

Extent and Form of Victimisation. Nearly half (44 percent) of the respondents report having been subjected to threats, hatred, or improper influence.

Sources of Threats and Hatred. The majority of those affected indicated students (56 percent) and colleagues (52 percent) as the sources of these negative experiences, highlighting that threats and hatred are predominantly internal issues.

⁴⁹ A report is expected to be published in the second half of 2024.

Teaching fellows, lecturers and professors report a higher incidence of threats and hatred from students, while doctoral candidates, postdoctoral fellows and researchers report a higher degree of victimisation from colleagues.

Of those who reported some form of victimisation, the two most common forms were *Inappropriate or distressing appeals for empathy or loyalty* (60 percent) and *Other forms of undue pressure* (43 percent).

Among those who reported being victimised by a colleague, the most common forms were *Inappropriate or distressing appeals for empathy or loyalty* (61 percent) and *Other forms of undue pressure* (59 percent). Among those who reported being victimised by a student, the most common forms were *Inappropriate or distressing appeals for empathy or loyalty* (70 percent) and *Threatening digital or physical messages* (39 percent).

121 individuals reported being victimised by a member of the general public. In this group, the most common forms were *Threatening digital or physical messages* (67 percent) and *Inappropriate or distressing appeals for empathy or loyalty* (57 percent).

11 individuals reported being subjected to physical violence. The perpetrators of such violence were reported as members of the general public (1 out of 11), colleagues (9 out of 11), and students (6 out of 11).

88 individuals reported being stalked. The perpetrators were reported as members of the general public (14 out of 88), colleagues (68 out of 88), unknown persons (10 out of 88), persons from other higher education institutions (11 out of 88) and students (36 out of 88).

Both the SULF report and the UKÄ report on academic freedom in Sweden show that many of those who have been subjected to threats and hatred, or who believe that their academic freedom has been threatened, choose not to report the incident or feel that they do not receive the support they would have needed from their institutions. Below is a summary of the connection between the SULF report and parts of the UKÄ report. It is noteworthy that the incidence of harassment by colleagues is so high, indicating that the systematic work environment efforts are not functioning effectively.

Reporting and Follow-up. According to SULF's survey, the majority (57 percent) of those subjected to threats, hatred or improper influence chose not to report the incident to their higher education institution. Those who did report the incident indicated they received the following support or action (categorised from free-text responses):

- No action or support (ca 30 percent)
- Counselling and psychological support (ca 25 percent)
- Police reports and legal measures (ca 15 percent)
- Changes in communication and work environment (ca 20 percent)
- Support from colleagues and management (ca 10 percent)

The responses indicate considerable variation in how such incidents are handled. This suggests a need for preventive work and clearer guidelines on how to manage threats, hatred and improper influence. The free-text responses suggest that psychological support and counselling are important initial measures. This underscores the importance of offering help and support without delay.

Reasons for Not Reporting. Those who indicated that they did not report the events within their higher education institutions gave the following reasons:

- I handled it myself (42 percent)
- I saw these events as a part of my job (40 percent)
- I saw these events as unimportant (15 percent)

- Reporting these events would not have resulted in anything (41 percent)
- I did not know whom to turn to (14 percent)
- I did not want to / could not be bothered to go through the process (23 percent)
- I did not have sufficient trust in those who would have handled the report (22 percent)
- I did not dare (9 percent)
- I wanted to avoid any media exposure (6 percent)
- Other (6 percent)

Analysis of the free-text responses reveals that a lack of trust in institutional processes, fear of negative consequences, and a culture that normalises certain negative behaviours are central factors discouraging individuals from reporting negative incidents.

UKÄ report: Reporting and Follow-up. Among the teachers, researchers and doctoral candidates who have experienced challenges to their academic freedom, less than one quarter (23 percent) have sought support from their higher education institution. Even among those who know where to seek support, a relatively high proportion, 58 percent, have not done so. Of those who did seek support, only 17 percent reported receiving adequate support. 54 percent stated they received support, but not enough, and 27 percent reported receiving no support at all.

Both the SULF survey and the UKÄ report indicate that many individuals do not turn to their employer when subjected to hatred, threats, improper influence, or challenges to their academic freedom. There is a gap between how institutions perceive their efforts and the actual experiences of teachers and researchers.

In conclusion, while Sweden provides a solid legal framework for the protection of academic freedom, significant challenges persist, particularly due to political and economic pressures, precarious employment, and insufficient institutional support for those facing threats or harassment. Strengthening constitutional protections and addressing the vulnerabilities within funding structures and academic governance are crucial steps toward ensuring true academic freedom. Collaborative efforts among key stakeholders are essential to safeguard this principle, which is vital for the continued independence and integrity of higher education in Sweden.

7. Academic freedom in the Nordics: Summary, Conclusion, and Recommendations

Academic freedom is essential for democratic societies. Academic freedom allows scholars to explore, challenge, and disseminate knowledge without external interference, fostering critical thinking and innovation. The integrity and credibility of scientific research depend on this fundamental freedom. Academic freedom is safeguarded under international and European law as a fundamental freedom and human right, as shown in chapter 1.2. Protecting academic freedom thus means protecting a society built on knowledge, democracy, and human rights. Defending academic freedom is contributing to long-term societal progress.

Trade unions work hard to ensure that academic freedom is respected and promoted, both within and outside academia. This report, authored by representatives of Nordic trade unions, has explored the state of academic freedom in Denmark, Finland, Iceland, Norway, and Sweden. It has outlined the legal frameworks, practical applications, and common challenges faced by academics in these countries. Emphasizing the importance of academic freedom for democracy, human rights, and societal progress, the report highlights the critical role of higher education institutions (HEIs) and governments in upholding these freedoms.

7.1 Observations and challenges

The Nordic countries are recognised for providing for academic freedom through their strong commitment to democratic values, robust legal frameworks, high level of trust in public institutions, and emphasis on education as a public good. These elements are essential for fostering independent and innovative academic communities and must be preserved and strengthened to continue contributing to the advancement of knowledge and societal progress.

The protection of academic freedom varies significantly across the Nordic countries, reflecting differing approaches to safeguarding this essential principle within higher education. For instance, in Denmark, the current university law primarily protects research freedom, whereas both Norway and Sweden extend broader protections under their university laws, explicitly encompassing academic freedom. Finland, on the other hand, offers robust protection for both research and teaching freedom, enshrining these rights at the constitutional level.

The Nordic model, based on a relatively large public sector and the principle of a welfare state, caters for public universities with free education for citizens and permanent residents. Ensuring adequate public funding, academic freedom and institutional autonomy are generally seen as ways to foster the common good. The flipside is a certain amount of political control of the publicly funded institutions of higher education. The future success of this model depends on whether the Nordic societies remain sound democracies, with politicians sharing these values. In case this is challenged, legal protection of academic freedom becomes increasingly important.

The Nordic countries generally offer legal frameworks that protect academic freedom. This includes constitutional provisions in Finland and Sweden, and specific acts on higher education institutions in all countries. Combined with the binding provisions of international and European law, the ministerial agreements of the Bologna Process and institutional guidelines they provide legal protection for several aspects of academic freedom. What is generally protected by law is institutional autonomy and the individual freedom of research and education. The right of academics to speak, write, and publish freely on topics related to their research is also legally safeguarded in legislation on free speech. In practice, however, both external and internal pressure can affect the willingness to contribute to the public debate. High ethical standards are said to be a hallmark of Nordic academia, but more can be done to uphold integrity and accountability in research and teaching. There are, however, aspects of

academic freedom that are not expressly mentioned in legal norms, and hence tend to be bypassed. They need to be addressed.

The following is a brief summary of the main features from each country, followed by a presentation of some common challenges.

Denmark. The Danish University Act emphasizes both institutional and individual academic freedom. However, the managerial model introduced in 2003 has reduced employee influence. Concerns include top-down management, limited job security, and the impact of external funding on research independence.

Finland. Finland's dual model of higher education distinguishes between research universities and polytechnics or universities of applied science. Academic freedom is well protected by law at universities, but less so at polytechnics. Fixed-term or temporary employment, the tenure track system and overreliance on quantitative indicators and performance-based funding present significant challenges.

Iceland. Iceland's academic freedom is generally well-protected by law, but faces unique challenges related to its small academic community and limited resources. The country's HEIs are heavily dependent on external funding, which can influence research agendas. Additionally, the small size of the academic community can lead to conflicts of interest and a lack of diversity in research topics and approaches.

Norway. Norway's legal framework robustly protects academic freedom, yet practical challenges persist. Issues include insufficient funding for independent research, managerial overreach, and the need for better support against external pressures and harassment.

Sweden. Sweden ranks highly in terms of academic freedom but faces similar challenges with managerial models and external funding pressures. Precarious employment, restrictive immigration rules and polarisation of the public discourse all contribute to self-censorship. Public universities are under the direct authority of government, therefore institutional autonomy has depended on political self-restraint.

7.1.1 Common challenges

Academic freedom faces several common challenges across the Nordic countries:

Resource allocation and research funding. The increasing reliance on external funding and competitive grants can limit the scope of independent, curiosity-driven research. Researchers may be forced to pursue narrow projects aligned with funding priorities rather than engage in ambitious research with a high potential societal and/or scientific impact. Some disciplines and research spheres are also in danger of being deprioritised and petered out in several of our Nordic countries.

Institutional autonomy vs. external pressures and influence. Political, commercial, and ideological pressures threaten the independence of academic research. There is evidence of the existence of such pressures in all Nordic countries. Nordic HEIs are mainly public institutions, which means being subject to political regulation and governance. Since the benefits of higher education and research are long-term, it is tempting for politicians and governments to seek short-term solutions through more targeted public funding and a more interventionist approach to the governance of the higher education system. There is a constant risk of overriding institutional autonomy and overloading institutions with narrowly defined new tasks, at the expense of the free pursuit and dissemination of knowledge. The need to increase competitiveness in global markets may have shifted the focus from ambitious and disruptive research with potential to bring long-term benefits, to applied science with incremental improvements and short-term benefits.

Employment and job security. Temporary contracts and precarious employment conditions undermine academic freedom. Academics on short-term contracts or entirely dependent on external funding may feel pressured to conform to the expectations of institutional management or funders, and they cannot plan for long-term and ground-breaking research. Lack of job security and perceived safety is clearly also a problem for free and open dissemination of academic knowledge and ideas. This is considered a major problem also in the Nordic countries.

Collegial governance vs. managerial control. The shift towards managerial models in university governance has reduced the influence of academic staff in decision-making processes. This change has been more pronounced in Denmark where external board members often have significant control, and Finland, where the university rector has large managerial powers, but is regarded as a clear challenge in all our countries.

Freedom of expression and dissemination. Academics face challenges in freely expressing their research findings and participating in public debates. Instances of harassment, smear campaigns, and institutional backlash against controversial research highlight the need for stronger protections of free speech rights for students and staff across all the Nordic countries. Securing this in national legislation would provide stronger safeguards against political pressure and interference, thereby reinforcing the universities' unequivocal independence from external interests. Moreover, it would offer clearer and more specific protection for the freedom to teach, as well as for the free expression of both employees and students. This legal protection is essential to prevent universities from compromising the free speech rights of their community members in response to societal or political pressures, including increased demands to counter so-called "offensive" speech. By ensuring robust protection of academic freedom, such a law would help preserve the university's critical role as a cornerstone of society, fostering the development and dissemination of knowledge and the pursuit of truth.

7.2 Recommendations

To safeguard and enhance academic freedom the Nordic countries should ensure that their laws and regulatory practices are up to the task. The following recommendations provide a framework for ensuring comprehensive protection of academic freedom under the Nordic constitutions and other relevant national laws and in compliance with the Nordic countries' international and European legal obligations.

7.2.1 Recommendations to Nordic Higher Education Institutions

- Protect employment safety and sound working conditions for academic staff. Permanent contracts should be the norm unless the purpose of the position is to train new researchers or teachers. Facilitate clear pathways to tenure for all on fixed-term contracts. Do not rely on precarious work.
- Respect and protect the freedom of research, teaching, and learning as individual rights held by all researchers, educators, and students.
- Maintain or establish collegial bodies with real decision-making power across all organisational levels of the higher education institution to comply with the principles of collegial governance. Make sure academic leaders are elected or otherwise appointed in a way that assures their authority is based on the consent of staff and students.
- Facilitate scholarly dissemination of knowledge. Make sure academic staff have time and resources to publicise research and partake in public debate.
- Establish procedures to protect staff against harassment and threats. Promote a zero-tolerance policy for threats and harassment against staff and provide support to staff affected by threats or harassment, even when these events occur off-campus or online.
- Encourage and facilitate open discussions on university politics and internal affairs.

- Foster a culture of academic integrity, by promoting high standards of research ethics, developing academic independence, and ensuring transparent and merit-based recruitment and promotion processes.
- Facilitate research diversity and support small scale curiosity-driven research in order to uphold a broad spectrum of knowledge and the possibility for critical distance.
- Increase the awareness of all aspects of academic freedom through dissemination and debates for students, staff, and the public.

7.2.2 Recommendations to the Nordic governments

Constitutional Protections

- Ensure that the constitution and national law protects academic freedom.
- Constitutional protections should guard against political interference with academic freedom, institutional autonomy and the principle of public responsibility for higher education.

Respect for International and European Law

- Incorporate obligations under international and European law into national law: Embed the principles and spirit of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997) into national legislation.
- Ensure that national laws and their enforcement in fact reflect the commitments made under international agreements and European law, providing clear legal protections for academic freedom and the rights of researchers.
- Push for stronger protection for academic freedom at EU treaty level

Legal Provisions for Academic Freedom

- Constitutional protection should be complemented by specific provisions of law securing the freedoms to teach, study, research, and disseminate knowledge at higher educational institutions (HEIs).

Institutional Autonomy and Self-Governance

- Guarantee that institutions can operate free from external political, commercial, or religious influence, safeguarding their ability to make independent academic and administrative decisions.
- Ensure that governance of HEIs follows the principles of collegiate and consensus-based decision-making and respects the individual freedoms of staff and students.
- Allow HEIs to freely determine the scope and content of degree programmes offered

Employment Security and Ethical Standards

- Protect the security of employment for academic staff and address the widespread use of fixed-term or temporary contracts in HEIs. Facilitate clear pathways to tenure and promotion.
- Protect academic freedom during the employment relationship. Implement strong legal protections against unfair dismissal, particularly in cases where academic staff are targeted for their research findings or public statements.
- Establish national frameworks for how harassment of scholars should be reported and investigated.

Public Funding

- Ensure that academic freedom is made possible by sufficient and stable public funding of HEIs.
- Ensure that a significant amount of public research funding is allocated as the HEIs' core funding.
- Ensure that public research funding that is competitive is allocated on the basis of scientific quality and potential rather than the research topics or the manner of publication.

7.2.3 Recommendations to the Nordic Council and the Nordic Council of Ministers

To further support and enhance academic freedom in the Nordic region, the Nordic Council and the Nordic Council of Ministers can play a pivotal role by implementing the following recommendations:

The Nordics: A bastion of academic freedom

- Set as a goal that the Nordic countries should be internationally recognised as excellent in protecting academic freedom. Monitor and report on this.

Nordic declaration on academic freedom

- Strengthen the Nordic governments' commitment to academic freedom, by setting up a declaration on academic freedom. Based on the best practices found in the Nordic countries, the declaration should ordain a common consent on academic freedom and form a pledge to protect it and its core elements.
- Recognizing and building on the challenges outlined in this report, the declaration should be followed by a pathway to clarify and improve these features.
- The declaration should furthermore adopt recommendations to the Nordic national governments, including a harmonization of academic freedom protections across the countries.

Nordic collaboration project on academic freedom

- Facilitate, fund, and promote collaborative research initiatives on academic freedom as part of NordForsk.
- Support the establishment of a Nordic centre for academic freedom. The Nordic centre for academic freedom could carry out research on academic freedom and provide guidance and support for academics facing harassment or censorship. The centre could provide the means to highlight the Nordic countries as a safe haven of academic freedom worldwide and increase the attractiveness of the Nordic countries as a base for research and innovation. Moreover, the centre could offer a platform for monitoring and reporting on academic freedom in the Nordics.
- Facilitate policy dialogue and sharing of best practices: Organize regular forums and conferences that bring together policymakers, academics, and other stakeholders to discuss challenges and share best practices in promoting and protecting academic freedom. These events can foster a collaborative approach to addressing common issues and developing innovative solutions.
- Encourage the development of common Nordic platforms for Open Science, which acknowledges academic freedom and the intellectual property rights of academics.

By implementing these recommendations, the Nordic Council and the Nordic Council of Ministers can significantly enhance academic freedom across the region, ensuring that higher education institutions remain vital contributors to democracy, innovation, and societal well-being.

- DM (Danish Association of Masters and PhDs)
- Professoriliitto, Finnish Union of University Professors
- Félag háskólakennara / Association of University Teachers, Iceland
- Félag prófessora vid ríkisháskóla / Union of Professors at State Universities, Iceland
- Forskerforbundet, Norwegian Association of Researchers
- SULF, Swedish Association of University Teachers and Researchers.

