Survey response:

Academic freedom and freedom of expression in educational institutions

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| **Name of the country/entity submitting information** | Swedish National Union of Students |

The Swedish National Union of Students, SFS, is an association of student unions at Sweden's universities and colleges. SFS has about sixty member associations which together represent approximately 390 students and doctoral students.

Our answers regard higher education and university research only, except when other levels of education are specifically mentioned.

# Questions

## General framework

1. How is academic freedom defined and protected in the constitution or laws of your country, and what are possible limitations or restrictions? Please provide the original citation and source, as well as a summary of relevant judicial practice, if any.

Academic freedom is protected through the [Swedish Higher Education Act,](https://www.uhr.se/en/start/laws-and-regulations/Laws-and-regulations/The-Swedish-Higher-Education-Act/) Chapter 1 Section 6: “Higher education institutions must operate under the general principle that academic freedom must be promoted and protected.”

Freedom of *research* is protected further in the same section: “[...] The following general principles shall apply to research: (1) research problems may be freely selected, (2) research methodologies may be freely developed, and (3) research results may be freely published.”

Freedom of research is also regulated by the [Swedish Instrument of Government](https://www.riksdagen.se/globalassets/05.-sa-fungerar-riksdagen/demokrati/the-instrument-of-government-2023-eng.pdf), Art 18: “ [...] The freedom of research is protected according to rules laid down in law.”

1. Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain.

By our interpretation, the protection of academic freedom through the Swedish Higher Education Act applies to academic staff, teachers and students.

This only applies to third level higher education. Higher vocational education is not included.

1. What do you consider to be (a) the main challenges to academic freedom, and (b) gaps in the legal framework for protecting academic freedom?

a) The lack of constitutional protection. Most HEI:s are public authorities and the government has extensive powers to regulate the content of programmes and courses without approval of the Swedish parliament. The government makes the formal appointment of all members of the university boards.

b) The protection of academic freedom through the constitution should be strengthened. Currently the Swedish constitution only protects freedom of research, not the freedoms pertaining to education/teaching. The government should not be able to regulate the content of higher education in such detail.

## Autonomy of educational institutions

1. Please explain the autonomy and self-governance enjoyed by educational institutions at the different tiers of education. Please explain what autonomy and self-governance entail. Are there restrictions on police or military personnel entering educational institutions? If so, please share the rules.

HEI:s make their own decisions regarding the internal organisation and employment (except for the HEI boards.) The role of professor has some additional regulations and protections by law.

HEI:s are not allowed to own property. All university buildings are owned by a separate state owned company and are let at market price.

There are no regulations that prevent police or military personnel from entering premises.

HEI campuses are not considered public spaces. HEI:s may prohibit the public as well as their own students from political activities/expressions within campus.

1. Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.

We are not familiar with any such documents.

## Funding

1. How is funding, including for research, regulated? Is the process transparent, and are there any guarantees put in place to ensure respect for academic freedom?

Higher education funding is based on a voucher model, where HEIs are paid a sum of money for each student (sums vary between subjects) and an additional sum based on how many credits the students complete. Each HEI is given a maximum level of funding that cannot be exceeded even if the number of students increases. The model is transparent.

However, all Swedish government agencies are subject to an annual price and wage recalculation, which automatically cuts the funding by 1-2 % each year since the 1990’s.

Regarding research, most funding is public paid either directly from the state to HEI:s or though research funding agencies. In 2023, the Swedish government abruptly decided to cut the funding for Development research by 180 million SEK via one of the research funding agencies in the middle of the budget year.

1. Which rules and regulations protect academic freedom from interferences by commercial actors and financial sponsors, at different tiers of education? Please explain how conflicts of interest that may arise are addressed.

There is little such protection legally.

## Surveillance

1. Please explain whether and the extent to which academic staff and students, at all levels of education, are subject to surveillance by public authorities, for example through on-site cameras or online scrutiny. Has this led to undue restrictions to academic freedom and freedom of expression in educational institutions?

There is no such surveillance as far as we know.

Student records are publicly available, as they are considered official documents. According to [The Freedom of Press Act](https://www.riksdagen.se/globalassets/05.-sa-fungerar-riksdagen/demokrati/the-freedom-of-the-press-act-2023-eng.pdf) “Everyone shall be entitled to have free access to official documents, in order to encourage the free exchange of opinion, the availability of comprehensive information and freedom of artistic creation. “

## Freedom of expression in teaching and access to books

1. Do teachers and professors, at all levels of education, enjoy freedom of expression in their own teaching? Are there any limitations imposed, such as remaining “neutral” or forwarding a particular perspective, e.g. on religious and political matters?

For most programmes and courses there is a large degree of freedom.

However, the [System of Qualifications](https://www.uhr.se/en/start/laws-and-regulations/Laws-and-regulations/The-Higher-Education-Ordinance/Annex-2/) which is an Annex to The Higher Education Ordinance specifies quite extensively what to include in the syllabus (particularly in teacher education).

The final programme and course syllabuses are decided not by individual teachers but collegially by academic staff together with student representatives.

The current minister of education has recently stated that HEI:s ought to abstain from making statements regarding foreign affairs and not allow space for political manifestations or campaigns. It is possible that this leads to self-censorship amongst academic staff.

1. Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, including from school libraries, and alternatively is some material mandatory? If so, why?

There are no regulations on what course literature to use. The literature for specific courses is decided collegially by academic staff and student representatives at the same institution.

The Swedish government is currently planning to produce a “cultural canon”. A proposal is set to be presented in the autumn of 2025. It is not yet clear whether it will be mandatory to include works from the canon in any level of education.