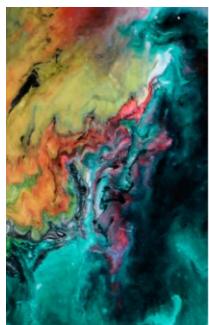




**PETER A. ALLARD  
SCHOOL OF LAW** **International Justice  
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Research & Education Centre

**Submissions in advance of the consideration of the seventh Periodic Report of  
Canada, Human Rights Committee, 145th session, March 2026**

## **Academic Freedom in Canadian Higher Education**

February 2026

**Submitted by:**

**International Justice & Human Rights Clinic, Peter A. Allard School of Law,**

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**&**

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### **Institutional information of the organizations submitting this report**

#### **International Justice & Human Rights Clinic Peter A. Allard School of Law, University of British Columbia**

The International Justice & Human Rights Clinic is a legal clinic for upper-level law students at the Peter A. Allard School of Law, University of British Columbia, Canada. The clinic addresses pressing human rights and global justice issues through hands-on work on international cases and projects. In particular, the clinic's Academic Freedom Team has collaborated with international partners, including Scholars at Risk and the Coalition for Academic Freedom in the Americas (CAFA), to develop comprehensive reports and submissions to advance the protection and promotion of academic freedom as a fundamental human right under international law.

Website: <https://allard.ubc.ca/community-clinics/international-justice-and-human-rights-clinic>

#### **Human Rights Clinic of the Human Rights Research and Education Centre, University of Ottawa**

The Human Rights Clinic is an initiative of the Human Rights Research and Education Centre at the University of Ottawa which, through an interdisciplinary approach, seeks to: (i) strengthen the protection of human rights through research, training, and technical assistance regarding the implementation of human rights standards; (ii) foster capacity building and provide recommendations for public policies with a human rights focus; and (iii) promote the study of human rights in Canada.

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This report reflects the views of the individual authors and should not be attributed to other parties. The report does not represent the official position of the Peter A. Allard School of Law, the University of British Columbia, or the Human Rights Research and Education of the University of Ottawa.

## EXECUTIVE SUMMARY

This submission is presented to the UN Human Rights Committee in advance of Canada's seventh periodic review under the **International Covenant on Civil and Political Rights** (ICCPR). It examines the protection of academic freedom in Canada and its direct relationship to the effective enjoyment of Covenant rights, particularly freedom of expression (**Article 19**), peaceful assembly (**Article 21**), equality and non-discrimination (**Article 26**), right to enjoy culture and language (**Article 27**), and the right to an effective remedy (**Article 2**). The submission identifies a pattern of increasing interference with academic freedom in Canada during the reporting period, particularly in the context of institutional and state responses to pro-Palestinian advocacy by academic actors, revealing structural gaps in legal protection, accountability, and remedies. Academic freedom is a necessary condition for the realization of civil and political rights, safeguarding the ability of all members of the academic community to seek, generate, and transmit knowledge without interference. While international human rights bodies have recognized academic freedom as a protected human right grounded in the ICCPR, Canada has not formally recognized academic freedom as an independent right, nor adopted a universal definition consistent with international standards.

### **Key Issue 1: Governmental Interference in Academic Decision Making (p. 9-11)**

This submission documents a pattern of governmental interference in academic decision making at the post secondary level. Examples include ministerial intervention in course offerings and academic appointments in Quebec; legislation in Alberta and Nova Scotia enabling executive control over research funding, governance, and academic programming; and public pressure exerted by Ontario officials urging universities to discipline named students and professors for political expression. Together, these measures demonstrate increasing political influence over universities in the absence of safeguards ensuring that government interventions are truly necessary, proportionate to the issue at hand, and do not undermine institutional independence.

### **Key Issue 2: Donor and Private Interest Interference (p. 11-13)**

Donor and private-interest interference in Canadian higher-education poses a growing threat to academic freedom. Documented incidents show that the increased reliance on private funding has allowed donors to influence hiring, research agendas, and curriculum design, creating risks of self-censorship, and denying individuals from exercising their freedom of expression. Canada has not established clear national standards to regulate private involvement in higher education, contrary to its obligations to protect freedom of expression.

### **Key Issue 3: Judicial Deference Resulting in Lack of Effective Remedies (p. 13-15)**

Academic freedom in Canada is protected through fragmented and uneven mechanisms. Outside Quebec, academic freedom lacks legislative or constitutional recognition. Instead, it is enforced through three channels: the judiciary, collective bargaining agreements, and institutional policies. Courts frequently defer to universities as private actors, limiting the scrutiny of the *Canadian Charter of Rights and Freedom* to universities and denying effective remedies for violations of freedom of expression and

peaceful assembly, particularly in the context of campus protests. Variation in court responses across provinces also illustrates the inconsistency in rights protection across Canada.

#### **Key Issue 4: Institutional Governance and Unequal Protections (p. 15-17)**

Institutional governance mechanisms, such as "institutional neutrality" policies, are increasingly used to restrict expression, teaching and research. Faculty and students have faced disciplinary measures, dismissal, or targeted harassment for research and extramural speech on matters of public interest. These restrictions, compounded by target online harassment campaigns, create a chilling effect on expression that is incompatible with Article 19 of the ICCPR.

#### **Key Issue 5: Uneven Protection of Academic Freedom for Students and Non-unionized Staff (p.17-20)**

Protections of academic freedom in Canada are unequally distributed. Collective agreements primarily protect unionized faculty, which leave students, contract supervisors, and non-unionized staff without effective protection or remedies. Institutional policies often exclude protection of academic freedom to students, and vary in their definitions of academic freedom. Moreover, when institutions are both the alleged violator and adjudicating body, self-adjudication of academic freedom complaints creates structural accountability deficits and risks of conflicts of interest, undermining Canada's obligations under Article 2 of the ICCPR.

#### **Key Issue 6: Provincial Challenges in Quebec (p. 20-24)**

Finally, this submission highlights distinct challenges in Quebec, including concerns regarding the proposed *Quebec Constitution Act* (Bill 1), which may infringe linguistic minority rights, equality, and academic freedom. Implementation of Quebec's *Act respecting academic freedom in the university sector* (Bill 32), which, while extending some protections, has been criticized for its vagueness, limited inclusivity, and excessive reliance on institutional oversight subject to ministerial intervention.

#### **Recommended Questions**

Additional recommendations and questions are provided in the detailed report below. We recommend that the questions listed here represent the highest priorities for the UN Human Rights Committee, highlighting the most significant measures required of Canada to fulfill its obligations to protect academic freedom under the ICCPR:

1. What steps will Canada take to formally define and recognize academic freedom as an independent and fundamental human right, adopt a universal definition consistent with international standards, and ensure that these protections apply to every individual to seek, generate, and transmit knowledge, to form part of academic communities, and to conduct independent scholarly activities, in line with the state's duties under the ICCPR?
2. What steps will Canada take to ensure that universities do not exercise unchecked authority over protests on campuses, that private interests cannot restrict the rights of the academic community,

and that all academic actors have access to effective remedies, in line with the state's duties under Articles 19 and 21 of the ICCPR?

3. What steps will Canada take to implement clear and transparent national guidelines to protect academic decision-making from political or donor interference, and to prevent government influence or financial mechanisms, including grant conditions, from pressuring academics to align their work with government-defined or external entities' priorities, in line with the state's duties under the ICCPR?
4. What steps will Canada take to promote and protect collegial governance at its universities to ensure democratic decision-making by those with academic expertise rather than external political agendas?

#### **Recommendations for the protection of Academic Freedom in Canada under the ICCPR**

1. Canada should formally define and recognize academic freedom as an independent and fundamental human right. Canada should adopt a universal definition that extends protections to all academic actors, consistent with international standards developed under the *1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel*<sup>1</sup>, the July 2020 *Report on academic freedom and the freedom of opinion and expression* by the UN Special Rapporteur Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression<sup>2</sup>, the April 2024 *Report on the Right to Academic Freedom* by the UN Special Rapporteur on the Right to Education<sup>3</sup>, the May 2024 *Principles for implementing the right to academic freedom* from the Working group on academic freedom<sup>4</sup>, or the *Inter-American Principles on Academic Freedom and University Autonomy*<sup>5</sup>, among other instruments. These emphasize the freedom to engage in teaching, research, and discussion without doctrinal, ideological or moral constraints.
2. Canada should ensure that universities' exercise of institutional authority does not undermine the fundamental rights of the academic community, including professors and other academic teaching staff, staff members, and students, to peaceful assembly and freedom of expression. The

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<sup>1</sup> UNESCO, *Recommendation concerning the Status of Higher-Education Teaching Personnel*, adopted by the General Conference at its twenty-ninth session, 11 November 1997 (Paris, France).

<sup>2</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 28 July 2020, document A/75/261. [A/75/261].

<sup>3</sup> Report of the Special Rapporteur on the right to education, 27 June 2024, document A/HRC/56/58 [A/HRC/56/58].

<sup>4</sup> Working Group on Academic Freedom, *Principles for implementing the right to academic freedom*, 31 May 2024, document A/HRC/56/CRP.2.

<sup>5</sup> Inter-American Commission on Human Rights, *Inter-American Principles on Academic Freedom and University Autonomy*. Adopted by the Inter-American Commission on Human Rights during the 182nd Regular Session, held from December 6 to 17, 2021 [*Inter-American Principles on Academic Freedom*].

State should review current practices to ensure that universities do not have unchecked authority in ways that allow private interests to restrict these rights.

3. Canada should establish clear and transparent national guidelines, including on donor agreements, to safeguard academic processes from political and donor interference, ensuring that hiring, employment, and academic decisions remain free from undue influence.

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## I. Introduction

This shadow report is submitted for Canada's review before the Human Rights Committee under the *International Covenant on Civil and Political Rights* (ICCPR). Academic freedom plays a foundational role in the effective enjoyment of rights under the ICCPR, as it safeguards the ability of scholars and students to seek, generate, and share knowledge without interference, thereby supporting the broader exercise of freedom of expression, peaceful assembly, and equality. While concerns regarding academic freedom have long existed, their urgency has become particularly pronounced during the current reporting period under review by the Committee.

During the present reporting cycle of the Human Rights Committee, there has been a marked increase in attacks and threats against universities and its academic communities<sup>6</sup>, including restrictions on freedom of expression, peaceful assembly, equality and non-discrimination, among other rights established in the ICCPR. These developments reflect a broader pattern of interference with academic freedom in Canada, particularly in institutional and state responses to pro-Palestinian advocacy and protests on university campuses. This period has coincided with a decline in Canada's standing on the Academic Freedom Index, notably in relation to institutional autonomy, with Canada's score decreasing from 3.03 in 2022 to 2.63 in 2023, followed by a modest increase to 2.86 in 2024.<sup>7</sup> This decline has been associated with restrictive institutional responses to campus protests and political expression.<sup>8</sup>

In light of the challenges to academic freedom, different UN bodies as well as other international organizations have adopted instruments recognizing the role that academic freedom has for the fulfillment of civic and political rights, as well as the respect for democracy and rule of law. The introduction of this report has listed some of them, including the 2020 report on academic freedom by the UN Special Rapporteur on freedom of opinion and expression (A/75/261); the 2021 Inter-American Principles on the Right to Academic Freedom and University Autonomy; the Joint Statement of more than 70 States in Support of Academic Freedom before the UN Human Rights Council<sup>9</sup>; and the Report on Academic Freedom by the Special Rapporteur on the Right to Education (A/HRC/56/58), among others.

These international instruments and statements by states recognize academic freedom as a right that is grounded on freedom of expression, peaceful assembly, the right to education as well as other internationally recognized human rights, as discussed below. For this reason, it is important for the UN Human Rights Committee to include questions about the respect for academic freedom as part of states duties under the ICCPR. By including academic freedom as an element of its periodic review cycle, the

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<sup>6</sup> Scholars at Risk, "Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project" (2025), online: <[www.scholarsatrisk.org/resources/free-to-think-2025/](http://www.scholarsatrisk.org/resources/free-to-think-2025/)>.

<sup>7</sup> Canadian Association of University Teachers, "Report on Academic Freedom in Canada after October 7, 2023" (March 2025), online (pdf): <[www.mcgill.ca/maut/files/maut/caut\\_report\\_on\\_academic\\_freedom\\_in\\_canada\\_2025-03.pdf](http://www.mcgill.ca/maut/files/maut/caut_report_on_academic_freedom_in_canada_2025-03.pdf)> [CAUT 2025].

<sup>8</sup> *Ibid.*

<sup>9</sup> Permanent Mission of France to the United Nations in Geneva and other international organizations in Switzerland, "Joint declaration on Academic Freedom" (29 March 2023) online: <[onu-geneve.delefrance.org/Joint-declaration-on-Academic-freedom](http://onu-geneve.delefrance.org/Joint-declaration-on-Academic-freedom)>.

Human Rights Committee would play an important role in assessing the commitment of states regarding the role of universities, the respect of freedom of expression and other rights under the ICCPR.

This submission outlines our main concerns regarding the status of academic freedom in Canada and the resulting violations of civil and political rights arising from Canada's implementation of the ICCPR, particularly regarding:

- a. The right to effective protection of Covenant rights (**Article 2**)
- b. The right to freedom of expression (**Article 19**)
- c. The right to peaceful assembly (**Article 21**)
- d. The right to non-discrimination and equality (**Article 26**)

## **II. Academic Freedom as Part of Freedom of Expression (Article 19)**

Academic freedom is fundamentally anchored in **Article 19 of the ICCPR** because it protects the absolute right to hold opinions without interference, which encompasses the scientific, historical, and moral inquiries central to scholarly research.<sup>10</sup> Furthermore, the broad mandate of **Article 19(2)** to "seek, receive and impart information and ideas of all kinds" explicitly protects the core functions of pedagogy and the global dissemination of knowledge "regardless of frontiers".<sup>11</sup> This protection extends to the "extramural" activities of scholars, and participants in academic pursuits, ensuring that scholarly commentary and public engagement remain insulated from State repression or institutional punishment.<sup>12</sup> Consequently, any restriction on academic freedom must be treated as an exceptional limitation on the right to freedom of expression.<sup>13</sup>

### **A. Government interference in Canada**

Governments may legitimately regulate higher-education institutions for reasons such as public accountability<sup>14</sup>. However, such measures must be carefully designed to avoid disproportionate impacts on academic freedom, institutional autonomy, and the expressive rights protected under **Article 19**.<sup>15</sup> During the reporting period, several incidents of government influence over academic and institutional autonomy were reported, raising concerns about the State's arbitrary interference with academic freedom. Below, we are listing some cases related to undue interference of government officials in academic spaces that affect freedom of expression in Canada:

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<sup>10</sup> A/75/261 *supra* note 2 at paras 2, 15.

<sup>11</sup> *Ibid* at para 18.

<sup>12</sup> *Ibid* at para 20.

<sup>13</sup> *Ibid* at para 24.

<sup>14</sup> The Parliamentary Assembly of the Council of Europe "Recommendation 1762: Academic freedom and university autonomy" (2006), online (pdf): [<pace.coe.int/pdf/67eb752b27287950559904a02f5abe1b0f15191aba788758b7142ca7d2ee6d6/rec.%201762.pdf>](http://pace.coe.int/pdf/67eb752b27287950559904a02f5abe1b0f15191aba788758b7142ca7d2ee6d6/rec.%201762.pdf) at para 11.

<sup>15</sup> A/HRC/56/58 *supra* note 3 at para 24.

- 1. Course cancellation in Quebec:** In February 2025, the Quebec Minister for Higher Education intervened to cancel courses on Palestinian literature at two colleges and arbitrarily blocked Professor Denise Helly from being appointed to the board of Quebec's *Institut national de la recherche scientifique* due to her alleged political associations.<sup>16</sup> These actions illustrate direct ministerial interference in the freedom of academic institutions and scholars to determine curricula and governance independently, which are closely linked to the ability to seek and impart information under **Article 19**.
- 2. Alberta's Provincial Priorities Act:** Introduced in 2024, the *Provincial Priorities Act*<sup>17</sup> requires provincial entities, including universities and researchers, to obtain prior approval from Alberta's government before entering into a federal research funding agreement.<sup>18</sup> Although exemptions were eventually granted to the post-secondary sector, the initial bill specifically targeted post-secondary institutions and their research, striving to align academic research with political priorities.<sup>19</sup>
- 3. Nova Scotia's Bill 12:** Adopted in March 2025, Bill 12 allows the Minister of Advanced Education to approve tuition and fees at the Nova Scotia Community College (NSCC), issue binding directions to the NSCC's governing board, set provincial research priorities, and appoint public servants to the research funding board.<sup>20</sup> Bill 12 also authorizes the Minister to compel program restructuring and course elimination, withhold funding for non-compliance, and appoint up to half of a university's board of governors.<sup>21</sup> There are concerns that these provisions may have the effect of concentrating decision-making authority within the executive branch in ways that could influence academic programming and research agendas, with implications for the freedom to pursue and disseminate knowledge.<sup>22</sup>
- 4. Targeted pressure towards Ontario students and professors:** In the Ontario legislature on October 17, 2023, the Minister of Colleges and Universities named and accused several students

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<sup>16</sup> Jean-François Venne, 'Who's afraid of academic freedom?' (2 July 2025), online: <[universityaffairs.ca/news/whos-afraid-of-academic-freedom/](http://universityaffairs.ca/news/whos-afraid-of-academic-freedom/)>.

<sup>17</sup> *Provincial Priorities Act*, SA 2024, c P-35.5, s 2(1).

<sup>18</sup> *Ibid.*

<sup>19</sup> Andrew Kemle, Trevor Potts, "What does Alberta's Provincial Priorities Act signal for Canadian research?" (10 October 2024), online: <[policyoptions.irpp.org/2024/10/alberta-research-control/](http://policyoptions.irpp.org/2024/10/alberta-research-control/)>.

<sup>20</sup> Colleen Keyes, Harper Metler, "University governance in Nova Scotia: The impacts of Bill 12" (20 February 2025), online: <[stewartmckelvey.com/thought-leadership/university-governance-in-nova-scotia-the-impacts-of-bill-12/](http://stewartmckelvey.com/thought-leadership/university-governance-in-nova-scotia-the-impacts-of-bill-12/)>.

<sup>21</sup> *Ibid.*

<sup>22</sup> Vernon Ramesar, "Academic leaders condemn Nova Scotia bill as threat to university autonomy" (5 May 2025), online: <[www.cbc.ca/news/canada/nova-scotia/academic-leaders-condemn-nova-scotia-bill-as-threat-to-university-autonomy-1.7525907](http://www.cbc.ca/news/canada/nova-scotia/academic-leaders-condemn-nova-scotia-bill-as-threat-to-university-autonomy-1.7525907)>.

and professors of celebrating terrorism and expressing antisemitic views on social media.<sup>23</sup> The Minister urged the universities in question to take action against those named.

Taken together, these measures demonstrate a pattern of increasing governmental influence over academic institutions in Canada, constituting arbitrary interference with academic freedom and institutional autonomy. In the absence of clear safeguards ensuring necessity, proportionality, and independence from political interference,<sup>24</sup> these forms of state involvement undermine the effective enjoyment of freedom of expression under **Article 19** and raise concerns regarding Canada's compliance with its obligation to respect and protect academic freedom as an essential condition for the realization of Covenant rights.

#### **B. Donor interference in Canadian Universities**

According to a 2019 report by the Canadian Union of Public Employees (CUPE), Canadian post-secondary institutions are increasingly dependent on donations from wealthy individuals and corporations to cover their costs.<sup>25</sup> This reliance on private donations can create conditions in which academic autonomy is traded for fiscal stability. Large donations are often earmarked for specific research or educational purposes determined by donors, shaping institutional priorities and influencing academic direction.<sup>26</sup> In certain instances, private donors have also been given the ability to appoint a majority of a program's steering committee, giving them control over budget, hiring, and curriculum.<sup>27</sup>

When universities seek private patronage, compromises may be made to restrict academic inquiry.<sup>28</sup> Such dynamics can produce forms of hidden self-censorship, as reputational, financial, or strategic considerations discourage independent and critical scholarship.<sup>29</sup> Where scholars experience adverse treatment for raising concerns, a chilling effect may result, undermining academic freedom and interfering with the exercise of freedom of expression protected under **Article 19** of the ICCPR.<sup>30</sup> The following incidents illustrate the influence of donor and external pressure on academic decision-making in Canada:

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<sup>23</sup> Canadian Association of University Teachers, "Report on Academic freedom in Canada after October 7, 2023" (March 2025), online (pdf):

<[https://www.mcgill.ca/maut/files/maut/caut\\_report\\_on\\_academic\\_freedom\\_in\\_canada\\_2025-03.pdf](https://www.mcgill.ca/maut/files/maut/caut_report_on_academic_freedom_in_canada_2025-03.pdf)> at 9.

<sup>24</sup> *Inter-American Principles on Academic Freedom* *supra* note 5.

<sup>25</sup> Canadian Union of Public Employees, "Backgrounder No 3: Corporatization in Post Secondary Education" (29 January 2019), online (pdf): <[cupe.ca/sites/cupe/files/backgrounder\\_3\\_corporatization\\_eng.pdf](http://cupe.ca/sites/cupe/files/backgrounder_3_corporatization_eng.pdf)> at 1.

<sup>26</sup> *Ibid* at 1.

<sup>27</sup> *Ibid* at 2.

<sup>28</sup> A/HRC/56/58 *supra* note 13 at para 46.

<sup>29</sup> *Ibid*.

<sup>30</sup> *Ibid* at para 10.

1. **University of Toronto's Faculty of Law**<sup>31</sup>: In 2020, the University of Toronto's Faculty of Law abruptly ended negotiations to hire Valentina Azarova as the Director of the International Human Rights Program after concerns were raised by a major donor and sitting judge over Azarova's academic work on human rights in Israel and Palestine.<sup>32</sup> The Canadian Association of University Teachers (CAUT) later concluded that the decision to cancel Azarova's hiring was politically motivated and thus constituted a serious breach of academic freedom.<sup>33</sup>
2. **University of Manitoba Faculty of Medicine**: In May 2024, the primary donor to the University of Manitoba's Faculty of Medicine threatened the faculty over comments made during a convocation speech regarding the conflict in Palestine.<sup>34</sup> The donor characterized the comments as "antisemitic" and threatened withholding future funds to pressure the administration.<sup>35</sup>

Outside of public scrutiny, donor and external influence over academic decision-making can be subtle or internal.<sup>36</sup> Where external interference occurs without independent review, transparent justification, or effective remedies, it escapes meaningful scrutiny and correction.<sup>37</sup> As affirmed by the *Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education*, States have an obligation to define and enforce minimum standards for private involvement in education, including respect for academic and pedagogical freedom.<sup>38</sup>

#### Recommended Questions

<sup>31</sup> A non-exhaustive list of resources about the IHRP director hiring controversy at the University of Toronto Faculty of Law has been compiled. See: Ultra Vires, "IHRP Director Hiring Controversy: Resource Page" (25 September 2020), online: <[ultravires.ca/2020/09/ihrp-director-hiring-controversy-resource-page/](http://ultravires.ca/2020/09/ihrp-director-hiring-controversy-resource-page/)>.

<sup>32</sup> Canadian Association of University Teachers, "Recent Cases (2010-present)" online: <[www.caut.ca/publication/recent-cases-2010-present/](http://www.caut.ca/publication/recent-cases-2010-present/)>.

<sup>33</sup> *Ibid.*

<sup>34</sup> Rumneek Johal, "Academic Freedom at Canadian Universities Threatened as Schools Police Speech on Gaza, Canadian Organization for Faculty Associations Warns" (15 January 2025), online: <[pressprogress.ca/academic-freedom-at-canadian-universities-threatened-as-schools-police-speech-on-gaza-canadas-biggest-faculty-association-warns/](http://pressprogress.ca/academic-freedom-at-canadian-universities-threatened-as-schools-police-speech-on-gaza-canadas-biggest-faculty-association-warns/)> [Academic Freedom at Canadian Universities Threatened].

<sup>35</sup> *Ibid.*

<sup>36</sup> A/HRC/56/58 *supra* note 13 at para 46.

<sup>37</sup> UNCESCR, *General Comment No. 13 The right to education* (Article 13), UN Doc E/C.12/1999/10 (8 December 1999), at para 40; *Inter-American Principles on Academic Freedom* *supra* note 5.

<sup>38</sup> A/HRC/56/58 *supra* note 13 at para 50; The Abidjan Principles, "Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education" (21 March 2019) online (pdf):

<[static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES +ENGLISH August2021.pdf](http://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES +ENGLISH August2021.pdf)> at para 55(b).

1. What steps will Canada take to implement clear and transparent national guidelines to protect academic decision-making from political or donor interference, and to prevent government influence or financial mechanisms, including grant conditions, from pressuring academics to align their work with government-defined or external entities' priorities, in line with the state's duties under the ICCPR?
2. What steps will Canada take to promote and protect collegial governance at its universities to ensure democratic decision-making by those with academic expertise rather than external political agendas?
3. What steps will Canada take to review, amend or repeal, if necessary, legislation that enables significant governmental influence over post-secondary governance?

### **Recommendations**

1. Canada should review and, where necessary, amend legislation that enables governmental influence over post secondary institutions, including measures allowing executives to direct academic programming, research priorities, or institutional decisions, to ensure that institutional autonomy and the effective exercise of academic freedom are preserved.
2. Canada should establish clear and transparent national guidelines, including on donor agreements, to safeguard academic processes from political and donor interference, ensuring that hiring, employment, and academic decisions remain free from undue influence.
3. Canada should ensure that financial mechanisms, including research grants, are not used to pressure academic actors to alter research agendas or expressive activities, safeguarding academic decision-making from political influence, as well as to promote and protect collegial governance at universities to ensure democratic decision-making by those with academic expertise rather than external political agendas.

### **III. Fragmented and Uneven Protection of Academic Freedom in Canada (Articles 2, 19, 21, 26 and 27)**

Outside of the province of Quebec, Canada has no legislative protection or constitutional recognition of academic freedom. Instead, academic freedom in Canada is enforced through a framework that permits alleged violations to be adjudicated through three primary channels: (1) courts (2) collective agreement, and (3) institutional policies. As described below, each channel presents barriers to effective

remedies, contrary to Canada's obligations under **Article 2** of the ICCPR. In practice, these barriers manifest as judicial deference to universities in adjudicating rights claims, uneven institutional governance frameworks that restrict expression, and external pressures, including harassment and political interference, that universities may fail to mitigate. By failing to recognize academic freedom as a human right, Canada offers uneven protection of academic actors within post-secondary institutions, leaving students, contract instructors, and non-unionized staff without equal protection of their rights. This disparity engages **Article 26** (equality and non-discrimination), weakens access to effective remedies under **Article 2**, and curtails the exercise of freedom of expression (**Article 19**) and peaceful assembly (**Article 21**).

#### **A. Judicial Deference and Lack of Remedies (Article 2, 19 & 21)**

During 2024, universities and colleges across Canada experienced a wave of student-led encampments and assemblies related to Palestine.<sup>39</sup> These protests were met with varying responses from university administrations, several of which were subsequently brought before the provincial courts for adjudication of violations of freedom of expression and peaceful assembly:

- 1. Court granting Injunction to Remove Pro-Palestinian Encampment at the University of Toronto:** In July 2024, the Ontario Superior Court granted an interlocutory injunction to remove a pro-Palestinian encampment at the University of Toronto, finding that the occupation constituted an improper appropriation of university lands.<sup>40</sup> The Court noted in *obiter* that the *Canadian Charter of Rights and Freedoms*, which primarily applies to government actors and those performing a public function,<sup>41</sup> did not apply to the university in the exercise of its private property rights. The Court further stated that even if the *Charter* applied, limitations on expression would be justified where activities amounted to trespass.
- 2. McGill University Encampment Injunction Proceedings:** In contrast, McGill University's administration was unsuccessful in its initial application for an injunction to dismantle a student encampment.<sup>42</sup> This outcome was influenced by the application of Quebec's own *Charter of Human Rights and Freedoms*, which applies to both public and private actors, including universities.<sup>43</sup> As a result, the court was not satisfied that the university had

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<sup>39</sup> Hannah Liddle, "Timeline: Protest encampments" (31 May 2024), online: <[universityaffairs.ca/features/timeline-encampments/](http://universityaffairs.ca/features/timeline-encampments/)>.

<sup>40</sup> *University of Toronto (Governing Council) v. Doe et al.*, 2024 ONSC 3755.

<sup>41</sup> *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, s 32; *McKinney v University of Guelph* [1990] 3 SCR 229; *Eldridge v British Columbia (Attorney General)*, [1997] 3 SCR 624; *Zaki v University of Manitoba*, 2021 MBQB 178; *AlGhaithy v University of Ottawa*, 2012 ONSC 142.

<sup>42</sup> *X c. Students' Society of McGill University*, 2024 QCCS 1879.

<sup>43</sup> *McGill University c. Students for Palestine's Honour and Resistance McGill*, 2025 QCCS 1582 at 2.

demonstrated an urgent need sufficient to justify limiting the rights to freedom of expression and peaceful assembly. Despite this judicial protection, the encampment was ultimately dismantled in July 2024 by private security without a court order.<sup>44</sup>

3. **Vancouver Island University's Suspension of Student Participating in Pro-Palestinian Campus Encampment:** In October 2024, a student at Vancouver Island University, Sara Kishawi, was suspended for participating in a pro-Palestinian campus encampment, which the university found to have violated its student code of conduct.<sup>45</sup> On judicial review, the Supreme Court of British Columbia declined to find a breach of Ms. Kishawi's rights to political expression and peaceful assembly under the *Canadian Charter*, finding that the university "has full autonomy to make policies about student conduct without the intervention of government"<sup>46</sup>, and that "[t]his autonomous function does not attract *Charter* scrutiny."<sup>47</sup>

The judicial outcomes described above demonstrate that some provincial courts afford universities broad discretion in interpreting the limits of academic freedom and enforcing their internal decisions, often in cases where institutional private interests are implicated. Because the *Canadian Charter of Rights and Freedoms* applies only to government actors and those performing a public function, courts across different provinces—except in Quebec, which has its own *Charter* extending protections to private actors—have adopted divergent approaches in determining whether universities' regulation of individual rights constitutes a public function subject to *Charter* scrutiny.<sup>48</sup>

In the absence of uniform and enforceable academic freedom protections, students' rights to expression and peaceful assembly may be restricted by institutional policies and the Court's interpretation of *Charter* scrutiny. Where courts defer to universities' internal governance frameworks rather than applying rights-based standards, such restrictions are insulated from effective judicial review and fail to provide meaningful remedies to affected individuals, undermining the State's obligation to ensure

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<sup>44</sup> *Ibid.*

<sup>45</sup> *Kishawi v Vancouver Island University*, 2025 BCSC 2487.

<sup>46</sup> *Ibid* at para 168.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid* at para 116. Canadian jurisprudence is unsettled as to the applicability of the *Charter* to universities. Section 32 of the *Charter* limits its application to the government and its actors. In *McKinney v University of Guelph*, 1990 CanLII 60 (SCC), [1990] 3 SCR 229, the Supreme Court of Canada held that universities are generally not government actors, emphasizing institutional autonomy. However, in *Eldridge v British Columbia (Attorney General)*, 1997 SCC 327, [1997] 3 SCR 626, the Court recognized that private entities may attract *Charter* obligations when delivering government programs or performing public functions, leaving room for provincial courts to establish differing interpretations of *Charter* applicability to universities. In *Zaki v University of Manitoba*, 2021 MBQB 178, the Manitoba Queen's Bench held that the *Charter* applied to a university's non-academic misconduct process, finding that the university was implementing government policy in disciplining a medical student. By contrast, in *AlGhaithy v University of Ottawa*, 2012 ONSC 142, the Ontario Superior Court of Justice held that the *Charter* did not apply to a university's internal disciplinary decisions, prioritizing institutional independence over the public character of the university's function.

effective remedies under **Article 2** of the ICCPR, resulting in substantive restrictions on the rights protected under **Articles 19 and 21**.

## **B. Institutional Governance and Pressures Restricting Expression (Article 19)**

In the absence of consistent judicial oversight, restrictions on expression increasingly occur through institutional governance and external pressures affecting academic communities. According to a report released by the Canadian Association of University Teachers (CAUT),<sup>49</sup> the judiciary's prioritization of university private interest rights over *Charter*-protected expression in certain provinces negatively impacts the exercise of freedom of expression by members of the academic community, including students. CAUT's report further identifies three principal threats to free expression and academic freedom in Canada as (1) disciplinary measures for the exercise of extramural speech, (2) interference by external political actors, and (3) targeting of academic staff through online harassment campaigns.<sup>50</sup>

In recent years, post-secondary institutions have increasingly relied on institutional governance tools, including the policies of "institutional neutrality" and "reputational risk" rationales to regulate expression on contentious political issues.<sup>51</sup> In practice, these policies function as tools for limiting academic speech rather than safeguarding open inquiry.<sup>52</sup> Students and academic staff have faced adverse consequences for expressing views or researching on matters of public interest that institutions characterize as inconsistent with institutional values, safety, or neutrality:

1. **University of British Columbia - Peter A. Allard School of Law (2019):** The administration at the Peter A. Allard School of Law overrode its appointment committee's recommendation to hire Professor Brenna Bhandar, whose research addresses Israeli settler colonialism. The then-Dean cited the School's "incapacity to deal with ideological diversity" as a reason for not proceeding with the appointment.<sup>53</sup> Faculty members who confidentially requested transparency about the hiring decision reported being ostracized and bullied by colleagues and senior leadership after their request was disclosed.<sup>54</sup>
2. **York University (November 2023):** A student group at York University was criticized by the administration for issuing a statement condemning Israel's actions toward Palestine, on the basis that the statement was inconsistent with institutional values.<sup>55</sup>

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<sup>49</sup> CAUT 2025 *supra* note 7.

<sup>50</sup> *Ibid* at 4.

<sup>51</sup> *Ibid* at 12.

<sup>52</sup> *Academic Freedom at Canadian Universities Threatened* *supra* note 34.

<sup>53</sup> Julie Sobowale, "An Elite Law School Promised Reforms, Then Made Inclusion Impossible" (13 June 205), online: <[thewalrus.ca/an-elite-law-school-promised-reforms-then-made-inclusion-impossible/](http://thewalrus.ca/an-elite-law-school-promised-reforms-then-made-inclusion-impossible/)>.

<sup>54</sup> *Ibid*.

<sup>55</sup> *Ibid*.

3. **Langara College (January 2024):** Professor Natalie Knight was placed on academic leave and subsequently dismissed following comments made while participating in a pro-Palestinian rally, including characterizing the Israeli state as “criminal”.<sup>56</sup> The administration criticized her statement as supporting violent actions and compromising student safety. CAUT concluded that this decision constituted a violation of extramural academic freedom, which protects the right of academic staff to express views on matters of public interest without fear of institutional sanction.<sup>57</sup> In November 2025, Professor Knight was reinstated to her academic position at Langara College, after winning an arbitration award.<sup>58</sup>

Further, reports have documented targeted online harassment campaigns, particularly those associated with the website Canary Mission. The platform publicly profiles professors it claims promote hostility toward the United States, Israel, or Jewish communities, publishing photographs, institutional affiliations, social media accounts, and other personal information<sup>59</sup>. Such practices expose academics to harassment, threats, and intimidation based on their extramural political expression, contributing to a chilling effect on academic speech.

Taken together, these incidents demonstrate a broader pattern in which institutional governance frameworks, whether framed as neutrality, safety, or reputational protection, are used to deter or suppress expression within the academic sphere. Increasingly, online doxing and targeted harassment of academics and students further exacerbate these restrictions. Such practices interfere with the freedom of expression protected under **Article 19** of the ICCPR and risk producing a chilling effect on participation in public discourse and on scholarly research, thereby undermining the universities’ role as spaces for critical debate and democratic engagement.

### **C. Unequal Access to Academic Freedom Protection (Article 26)**

Beyond restrictions on expression, academic actors in Canada also experience unequal access to protections and remedies. Academic freedom protections in Canada are largely confined to collective agreements and varying institutional policies, which are offered either through collective negotiation, or by the institutions themselves. Individuals who are not protected under these agreements and policies are denied equal access to legal safeguards and remedies, resulting in unequal protection of academic freedom, contrary to **Article 26 of the ICCPR**.

#### *i. Collective Agreements*

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<sup>56</sup> CAUT 2025 *supra* note 7 at 5.

<sup>57</sup> *Ibid* at 7.

<sup>58</sup> *Ibid*.

<sup>59</sup> *Ibid* at 11.

Protections for academic freedom at the post-secondary level are primarily derived from collective agreements negotiated between universities and faculty unions.<sup>60</sup> Disputes arising from these agreements are treated as private contractual matters and resolved through labour arbitration.<sup>61</sup> While these agreements generally recognize academic freedom as a core principle governing teaching, research, and scholarly expression, their protections are largely confined to unionized faculty members, excluding students, contract instructors, and other non-unionized academic actors who are not parties to such agreements.<sup>62</sup>

## ***ii. Institutional Policies***

As Canadian courts often defer to universities in adjudicating internal matters, institutional policies play a central role in regulating academic freedom. A 2021 report by *Scholars at Risk* and the *UBC Human Rights Collective* however found that only 8 of 23 Canadian higher education institutions explicitly recognized academic freedom protections for students in their institutional policies, with the remaining institutions limiting such protections to faculty alone.<sup>63</sup> Furthermore, the ambiguity of these policies creates loopholes that may enable potential abuses of academic freedom, with some institutions relying solely on reactionary responses to conflict, i.e. complaints filed, rather than comprehensive proactive protections.<sup>64</sup>

In the absence of robust and inclusive academic freedom protections, many universities have also implemented internal harassment and respectful workplace policies that limit academic freedom.<sup>65</sup> Even when an institution has established its own academic freedom policy, the scope of protections offered under such institutional policies is uneven and institution-specific, often relying on ambiguous terms that leave room for subjective interpretation.<sup>66</sup>

In some Canadian universities, faculty members rely on faculty associations that lack independent legal bargaining power, making academic freedom protections tenuous at best.<sup>67</sup> These associations often lack the independent legal bargaining power found in trade unions, leaving faculty members largely

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<sup>60</sup> Myrna El Fakhry Tuttle, “The State of Academic Freedom in Canada” (3 July 2025), online: <[www.aclrc.com/blog/the-state-of-academic-freedom-in-canada/](http://www.aclrc.com/blog/the-state-of-academic-freedom-in-canada/)>.

<sup>61</sup> *Ibid.*

<sup>62</sup> Stephanie Ross, Larry Savage & James Watson, “Sessional Contract Faculty, Unionization, and Academic Freedom” (2021) 51:1 Canadian Journal of Higher Education Revue canadienne d’enseignement supérieur 57.

<sup>63</sup> *Ibid* at 8.

<sup>64</sup> *Ibid* at 7.

<sup>65</sup> Go et al, “Academic Freedom in Canadian Higher Education: A Comparative Analysis” (1 December 2021), online (pdf): <[scholarsatrisk.sites.olt.ubc.ca/files/2022/02/SAR\\_HRC-Agreementsacademic-Freedom-Report-Feb-2022.pdf](http://scholarsatrisk.sites.olt.ubc.ca/files/2022/02/SAR_HRC-Agreementsacademic-Freedom-Report-Feb-2022.pdf)> at 16.

<sup>66</sup> *Ibid* at 6.

<sup>67</sup> David Robinson, “Academic Freedom in Canada: A Labor Law Right” (2019), online: <[www.aaup.org/academe/issues/105-1/academic-freedom-canada-labor-law-right](http://www.aaup.org/academe/issues/105-1/academic-freedom-canada-labor-law-right)>.

dependent on the "benevolence and goodwill" of senior administrators.<sup>68</sup> Without independent faculty associations, these institutions may lack effective mandatory grievance and arbitration processes, resulting in inadequate protection for faculty facing violations of academic freedom or changes in their working conditions.<sup>69</sup>

Further, when courts defer to universities in matters of internal governance and do not fully adjudicate alleged violations of academic freedom, complaints related to academic freedom violations are often handled internally under the same university policies being challenged, creating a clear conflict of interest. Such self-adjudication raises concerns of a structural accountability deficit, contrary to the Committee on Economic, Social and Cultural Rights' guidance that, while institutional autonomy is important, accountability mechanisms must remain fair, transparent, and participatory.<sup>70</sup>

### **Recommended Questions**

1. What steps will Canada take to formally define and recognize academic freedom as an independent and fundamental human right, adopt a universal definition consistent with international standards, and ensure that these protections apply to every individual to seek, generate, and transmit knowledge, to form part of academic communities, and to conduct independent scholarly activities, in line with the state's duties under the ICCPR?
5. What steps will Canada take to ensure that universities do not exercise unchecked authority over protests on campuses, that private interests cannot restrict the rights of the academic community, and that all academic actors have access to effective remedies, in line with Articles 19 and 21 of the ICCPR?
6. What measures will Canada take to prevent universities from using institutional governance tools, including policies of "institutional neutrality" to suppress academic dissent, consistent with Article 19 of the ICCPR?

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<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> CESCR, *General Comment No 13: The Right to Education (Art 13)*, UN Doc E/C.12/1999/10 (1999). Also, at the University of British Columbia (UBC), the Senate is currently reviewing the UBC Academic Policy, which will be replaced by a new draft policy. Concerns were raised in an open letter from UBC faculty and academic staff cautioning that the proposed policy, if adopted in its current form, could diverge from national and international standards, weakens protections for academic freedom and fails to explicitly protect the right to criticize the university, governments, corporations, or society at large. Such omissions raise concerns about institutional self-adjudication, as the UBC Senate, the body responsible for interpreting and enforcing the policy, would also retain discretion over speech critical of the institution itself. See: University of British Columbia Vancouver Senate, "Open Letter to the UBC Senate Opposing the Proposed Academic Freedom Policy", online (pdf): <[scs-senate-2021.sites.olt.ubc.ca/files/20250514-Vancouver-Senate-Materials.pdf](https://scs-senate-2021.sites.olt.ubc.ca/files/20250514-Vancouver-Senate-Materials.pdf)> at 104; Aisha Chaudhry, Spencer Izen, "Open letter receives over 200 faculty signatures opposing new draft of academic freedom policy" (15 April 2025), online: <[ubyssey.ca/news/open-letter-200-faculty-signatures-opposing-new-academic-freedom-policy/](https://ubyssey.ca/news/open-letter-200-faculty-signatures-opposing-new-academic-freedom-policy/)>.

7. What measures will Canada take to assure that academic, research, and teaching staff and students have the right to engage in expression and discourse with persons and groups inside and outside the academic, research and teaching sector, in measures consistent with Article 19 of the ICCPR?
8. How will Canada ensure that institutions distinguish between genuine threats to safety and protected speech, including controversial viewpoints, so that safety policies are not misused in ways inconsistent with Article 19 of the ICCPR?

### Recommendations

1. Canada should formally define and recognize academic freedom as an independent and fundamental human right. The State should adopt a universal definition that extends protections to all academic actors, consistent with international standards such as the 1997 *UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel*<sup>71</sup> or the *Inter-American Principles on Academic Freedom and University Autonomy*<sup>72</sup>, which emphasizes the freedom to engage in teaching, research, and discussion without doctrinal, ideological or moral constraints.
2. Canada should require universities to implement safeguards ensuring that “institutional neutrality” policies are not used to suppress academic dissent or inquiry.<sup>73</sup> Policies should promote open debate while respecting ethical and safety considerations<sup>74</sup>, in accordance with Article 19 of the ICCPR.
3. Canada should ensure that universities’ exercise of institutional authority does not undermine the fundamental rights of the academic community to peaceful assembly. The State should review current practices to ensure that universities do not have unchecked authority in ways that allow private interests to restrict these rights.
4. Canada should ensure that its universities do not redefine academic freedom in restrictive ways.

### D. Challenges to Academic Freedom in Quebec (Articles 19, 21 26 & 27)

<sup>71</sup> UNESCO, *Recommendation concerning the Status of Higher-Education Teaching Personnel*, 29th sess, (adopted 11 November 1997).

<sup>72</sup> *Inter-American Principles on Academic Freedom* *supra* note 5.

<sup>73</sup> Erik Thomson, "Institutional Neutrality and Academic Freedom" (2024), online: <[www.caution.ca/bulletin/institutional-neutrality-and-academic-freedom/](http://www.caution.ca/bulletin/institutional-neutrality-and-academic-freedom/)>.

<sup>74</sup> *Ibid.*

### i. Quebec Constitutional Act (Bill currently under discussion in Quebec)

In October 2025, the government of Quebec tabled before the National Assembly of Quebec, Bill 1, known as the *Quebec Constitution Act*<sup>75</sup>. Among other things, the Bill seeks to establish: (i) the fundamental characteristics of Québec, including the French language, the civil law tradition, state laicity, and the model for integration into the Quebec nation<sup>76</sup>; (ii) the collective rights of the Quebec nation<sup>77</sup>; (iii) the common heritage of the Quebec nation, including Quebec culture<sup>78</sup>; (iv) the integrity of Quebec's territory and the full application of Québec laws<sup>79</sup>; (v) the autonomy and constitutional jurisdiction of Quebec<sup>80</sup>; (vi) the historical claims of Quebec<sup>81</sup>; and (vii) the role of French within the Canadian federal union<sup>82</sup>.

If this bill were to be adopted as it is, two major points of concern could impact academic freedom in Canada: (1) the recognition of French as the sole official language of Quebec and (2) the imposition of a national identity on all residents of Quebec as Quebecers. This would go against Canada's obligations under **Articles 19, 26 and 27** of the ICCPR.

The prioritization of upholding the Quebec nation through this proposal is evident in the move to make French the only official language in the province. If approved, this Bill would infringe on the rights of persons belonging to ethnic, religious, or linguistic minorities "in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language"<sup>83</sup>. Canada is a bilingual country that constitutionally recognizes both French and English as official languages<sup>84</sup>. This recognition empowers provinces to fund education in both languages within their respective jurisdictions. Making French the only official language in the province would directly infringe the academic freedom of those residing in the province through the limits it imposes on English language scholarship. Texts and other teaching materials not produced in French would have less significance in Quebec, and there could be great discrepancies between the academia able to be pursued in Quebec versus other provinces.

Another potential impact on academic freedom of Bill 1, if approved in its current form, is the limitations on the ability of Quebec residents to identify as anything other than Quebecers. This can be

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<sup>75</sup> Bill 1, *Québec Constitution Act*, 2025. See:

[www.assnat.qc.ca/Media/Process.aspx?Mediald=ANQ.Vigie.B11.DocumentGenerique\\_213841en&process=Default&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vlv9rjj7p3xLGTZDmLVSmJLoqe/vG7/YWzz](http://www.assnat.qc.ca/Media/Process.aspx?Mediald=ANQ.Vigie.B11.DocumentGenerique_213841en&process=Default&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vlv9rjj7p3xLGTZDmLVSmJLoqe/vG7/YWzz).

<sup>76</sup> *Ibid*, Part One, Title Two, Chapter 1, Attributes.

<sup>77</sup> *Ibid*, Part, One, Title Two, Chapter 2, Collective Rights.

<sup>78</sup> *Ibid*, Part One, Title Two, Chapter 2, Collective Rights.

<sup>79</sup> *Ibid*, Part One, Title One, Primacy of the Constitution.

<sup>80</sup> *Ibid*, Part Two, Chapter 4, Territorial Integrity of Quebec.

<sup>81</sup> *Ibid*, Part Three, Chapter 2, Opinions.

<sup>82</sup> *Ibid*, Part One, Constitution of Quebec.

<sup>83</sup> The Gazette, "United Nations called on to investigate CAQ's Quebec constitution plan" (2 December 2025), online: <[montrealgazette.com/news/local-news/quebec-constitution-united-nations-investigation](http://montrealgazette.com/news/local-news/quebec-constitution-united-nations-investigation)>.

<sup>84</sup> *Canadian Charter of Rights and Freedoms*, ss. 16–23.

characterized as the erosion of group self-identification based on cultural or ethnic backgrounds, which could impact their enjoyment of rights covered under the ICCPR, including academic freedom. This is particularly significant for Indigenous peoples, whose identities have already been threatened through a long history of colonialism. Such a policy directly contradicts Canada's stated commitment to reconciliation with Indigenous peoples and its international obligations under instruments such as the *United Nations Declaration on the Rights of Indigenous Peoples*<sup>85</sup>. The limitation also disregards several protections guaranteed under the *Canadian Charter of Rights and Freedoms*, including section 15(1) (equality and freedom from discrimination), section 7 (the right to life, liberty, and security of the person), and section 2(b) (freedom of expression).

## **ii. Quebec's Bill 32, *Act respecting academic freedom in the university sector***

In June 2022, the Quebec government adopted Bill 32, an *Act respecting academic freedom in the university sector*<sup>86</sup>. This was adopted as a response to a widely publicized and controversial issue of academic freedom wherein a professor at the University of Ottawa was suspended in 2020, and then reinstated, for the use of contested language in an academic context<sup>87</sup>. This event was denounced by over 500 university and professors of Quebec in an open letter published in the newspaper *Le Devoir*<sup>88</sup>. This prompted the Quebec government to mandate an independent inquiry into academic freedom and other related rights<sup>89</sup>. From this, the *Report of the Independent Scientific and Technical Commission on the Recognition of Academic Freedom in the University Environment*<sup>90</sup> (the “Cloutier Report”) was tabled in December 2021, providing findings, namely that 60% of professors have engaged in self-censorship and 20% of students have felt attacked by professors<sup>91</sup>.

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<sup>85</sup>United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, document A/RES/61/295, 13 September 2007, Arts. 3, 8, and 33.

<sup>86</sup> Assemblé Nationale du Quebec, “Bill 32, An Act respecting academic freedom in the university sector” (7 June 2022), online: <[www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-32-42-2.html](http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-32-42-2.html)>.

<sup>87</sup> André Sasseville, “Does the academic freedom bill add value?” (20 April 2022), online: <[langlois.ca/en/insights/does-the-academic-freedom-bill-add-value/](http://langlois.ca/en/insights/does-the-academic-freedom-bill-add-value/)>.

<sup>88</sup> Marco Fortier, “Le milieu universitaire dénonce une “attaque” contre la “liberté académique” (2020 October 20), online: <[www.ledevoir.com/actualites/education/588098/le-milieu-universitaire-denonce-une-attaque-contre-la-liberte-academique](http://www.ledevoir.com/actualites/education/588098/le-milieu-universitaire-denonce-une-attaque-contre-la-liberte-academique)>.

<sup>89</sup> Florence Morin-Martel, Tommy Chouinard, “Commission Cloutier: une loi sur la liberté universitaire recommandée” (14 December 2021), online: <[www.lapresse.ca/actualites/education/2021-12-14/commission-cloutier/une-loi-sur-la-liberte-universitaire-recommandee.php](http://www.lapresse.ca/actualites/education/2021-12-14/commission-cloutier/une-loi-sur-la-liberte-universitaire-recommandee.php)>.

<sup>90</sup> Alexandre Cloutier, “Pour une Constitution qui protège la liberté académique et l’autonomie universitaire” (16 December 2025), online: <[www.journaldemontreal.com/2025/12/16/pour-une-constitution-qui-protege-la-liberte-academique-et-lautonomie-universitaire?amp=&amp=&gt;](http://www.journaldemontreal.com/2025/12/16/pour-une-constitution-qui-protege-la-liberte-academique-et-lautonomie-universitaire?amp=&amp=&gt;)>.

<sup>91</sup> Michael Chalupovitsch, “Canada: Quebec Enacts Law Respecting Academic Freedom in Universities.” (29 June 2022), online: <[www.loc.gov/item/global-legal-monitor/2022-06-29/canada-quebec-enacts-law-respecting-academic-freedom-in-universities/](http://www.loc.gov/item/global-legal-monitor/2022-06-29/canada-quebec-enacts-law-respecting-academic-freedom-in-universities/)>.

Bill 32 defines academic freedom as the “the right of every person to engage freely and without doctrinal, ideological or moral constraint, such as institutional censorship, in an activity through which the person contributes to carrying out the mission of an educational institution”<sup>92</sup>. While this protects teaching and discussion, research and publishing, the expressions of opinions on society, doctrine, and institutions – including their own – and the partaking in activities of professional or academic organizations<sup>93</sup>, the wording of the article signals vagueness. To protect academic freedom, Bill 32 calls for the creation of policies and committees at the institutional level that are mandated to oversee and hear issues of academic freedom exclusively<sup>94</sup>. This committee must submit yearly reports to the government<sup>95</sup>. Should an institution fail to comply with the obligations set out in Bill 32, it prescribes that a Minister-designated person is to make the “necessary corrections”<sup>96</sup>.

Since the Bill entered into force almost 4 years ago in 2022, several opinions surrounding the Act have been expressed by academics on both sides of the issue, as well as by academic and non-academic communities. In a positive light, some consider that Bill 32 has awarded non-unionized professors academic freedom protections that they did not previously enjoy<sup>97</sup>. Indeed, an academic that was involved in the *Cloutier Report* reiterates that without Bill 32, non-unionized professors do not have any consistent mechanisms that protect their academic freedom<sup>98</sup>. Though the Bill seems to serve an important purpose in this respect, many have turned to criticisms for its shortcomings.

An independent Concordia University newspaper has criticized Bill 32 for promoting the creation of Concordia University’s academic freedom policy, which is described as unclear, interpretive, not inclusive, and not student- or professor-centered.<sup>99</sup> The newspaper also notes that students were largely excluded from the policy’s development.<sup>100</sup> Racialized students and faculty express particular disappointment that Bill 32 fails to advance equitable access, even though academic freedom should help eliminate the “barriers of access that are created by societal inequalities”.<sup>101</sup> More broadly, critics argue that Bill 32 reduces academic freedom to mere freedom of expression. This oversimplification of academic freedom is exemplified in the Act’s omission of clear protections for the right to criticize one’s government, a core concept of academic freedom.<sup>102</sup> The Act’s language, referring to “the right of every

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<sup>92</sup> Bill 32, *supra* note 83, at Art 3.

<sup>93</sup> *Ibid.*

<sup>94</sup> Bill 32, *supra* note 83, at Art 4.

<sup>95</sup> Bill 32, *supra* note 83, at Art 8.

<sup>96</sup> Bill 32, *supra* note 83, at Art 7.

<sup>97</sup> Isabelle Arseneau, Arnaud Bernadet, “Loi 32: est-ce la fin de la liberté universitaire?” (26 April 2022), online: <[www.lapresse.ca/debats/opinions/2022-04-26/replique/loi-32-est-ce-la-fin-de-la-liberte-universitaire.php](http://www.lapresse.ca/debats/opinions/2022-04-26/replique/loi-32-est-ce-la-fin-de-la-liberte-universitaire.php)>.

<sup>98</sup> Yves Gingras, “Promouvoir et protéger La Liberté Universitaire. Le cas du Québec” (2024) Communications 2024/1 n° 114, 141, online: <<https://doi.org/10.3917/commu.114.0141>>.

<sup>99</sup> Maria Cholakova, “Academic freedom: The good, the bad, and the ugly” (5 September 2023) online: <[thelinknewspaper.ca/article/academic-freedom-the-good-the-bad-and-the-ugly](http://thelinknewspaper.ca/article/academic-freedom-the-good-the-bad-and-the-ugly)>.

<sup>100</sup> *Ibid.*

<sup>101</sup> Sophie Bisping, “Chapter 10 - Academic Freedom and social justice in Quebec” in Frédéric Mégret, Nandini Ramanujam, eds, *Academic Freedom in a Plural World* (Central European University Press, 2024) 175, online: <<https://doi.org/10.1515/9789633866542-011>>.

<sup>102</sup> Peter Ives, Eve Haque, “What is Québec’s Bill 32 on academic freedom, and why does it matter?” (3 June 2022), online: <[academicmatters.ca/what-is-quebecs-bill-32-on-academic-freedom-and-why-does-it-matter/](http://academicmatters.ca/what-is-quebecs-bill-32-on-academic-freedom-and-why-does-it-matter/)>.

person...in their field of activity," have also been criticized for its vagueness, leaving room for exploitation of the definition to serve purposes that could lead to the degradation of academic freedom.<sup>103</sup>

### **Recommended Questions**

1. What are the measures that Canada will adopt to assure that all legislation, at the federal and provincial level, aligns with its state obligations under the ICCPR to protect academic freedom?
2. In the context of Quebec's Constitutional Act (Bill 1), what measures does the State plan to adopt to assure that no provincial legislation will impose a breach on rights to academic freedom, freedom of expression, rights of minorities, equality and non-discrimination?
3. Given the complex process of enacting and enforcing Bill 32 to protect academic freedom in Quebec, how does the Federal Government plan to support individual provincial and territorial efforts to safeguard academic freedom, in line with its international obligations to protect freedom of expression (Article 19), peaceful assembly (Article 21), and equality and non-discrimination (Article 26), especially in light of the Supreme Court ruling in *McKinney v University of Guelph*, which held that universities are not considered government actors bound by the Charter?
4. How does Canada plan to balance efforts to protect Academic Freedom and its related rights with the integrated need for institutional autonomy?

### **Recommendation**

1. Canada should create specific laws and policies with the purpose of ensuring the right to equal access in all areas and levels of academia. These laws should be more comprehensive, addressing issues such as discrimination, academic freedom, freedom of expression, freedom of association, and university autonomy. They should be designed to respond directly to the concerns of faculty and students, while guaranteeing the autonomy of university administrators in implementing the guidelines.

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<sup>103</sup> *Ibid.*

#### **IV. Conclusion and final petition to the Human Rights Committee**

The purpose of this submission is to provide the UN Human Rights Committee with information related to the upcoming seventh Periodic Report of Canada regarding its obligations under the International Covenant on Civil and Political Rights. Our submission focuses on the need for Canada to protect academic freedom and how this relates to other internationally recognized human rights such as freedom of opinion and expression, peaceful assembly and the right to equality and non-discrimination, among others. On this account, our institutions respectfully request the Human Rights Committee:

- a. Accept this report submitted by the International Justice & Human Rights Clinic, Peter A. Allard School of Law, University of British Columbia and the Human Rights Research and Education Centre of the University of Ottawa.
- b. Recognize that the right to academic freedom is an internationally protected human right covered under the scope of the International Covenant on Civil and Political Rights.
- c. Recommend that Canada formally define and recognize academic freedom as an independent and fundamental human right. Canada should adopt a universal definition that extends protections to all academic actors, emphasizing the freedom to engage in seeking knowledge, teaching, research, and discussion without doctrinal, ideological or moral constraints.
- d. Recommend that Canada ensure that universities' exercise of institutional authority does not undermine the fundamental rights of the academic community to peaceful assembly and freedom of expression. Canada should review current practices to ensure that universities do not have unchecked authority in ways that allow private or administrative interests to restrict these rights.
- e. Recommend Canada establish clear and transparent national guidelines, including on donor agreements, to safeguard academic processes from political and donor interference, ensuring that hiring, employment, and academic decisions remain free from undue influence.

The undersigned organizations thank the UN Human Rights Committee for accepting and considering this report.

Sincerely,

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