



**HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT**



# FUNDAMENTAL VALUES IN THE EHEA – STATE OF PLAY

October 28, 2021  
Sjur Bergan, Council of Europe

# THE FUNDAMENTAL VALUES OF THE EHEA

- Institutional autonomy,
- Academic freedom and integrity,
- Participation of students and staff in higher education governance,
- Public responsibility *for* and *of* higher education

*(Source: Rome Communiqué)*

# ISSUES

- Definition
- Data
- Implementation

*(Inspired by Robert Quinn, Scholars at Risk)*





# DEFINITION/UNDERSTANDING

- Fundamental values understood to
  - Further democracy
  - Improve quality
- High profile and low profile aspects
  - Political repression of academic freedom and institutional autonomy
  - What is the right relationship between public authorities and institutions?

# SOME TEXTS

- Magna Charta Universitatum (1988)
- Magna Charta Universitatum 2020 (presented in June 2021)
- EHEA Communiqués
  - Definition of academic freedom November 2020
- CoE Recommendation CM/Rec(2012)7 on the responsibility of public authorities for academic freedom and institutional autonomy
- Declaration adopted by the CoE/IC Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy, June 21, 2019

# DATA

- Implementation report
- Data provided by whom?
  - Official data by the countries concerned
  - Stakeholders (e.g. HEIs, student unions)
  - Specialized bodies (e.g. Scholars at Risk, Independent Bologna Committee Belarus)
- How reliable are the data?
- Who decides which data we use if data conflict?

# 2018 IMPLEMENTATION REPORT

- Values and governance, pp. 40 - 45
- Focus on
  - Yerevan Communiqué (2015)
  - Academic freedom and institutional autonomy: legal protection and other measures
  - Legal basis for academic freedom
  - Composition of governing bodies
  - Appointment and dismissal of higher education executive heads
  - Decision -making responsibility for new study programs
  - Consultation on top level action to implement higher education reforms
- Explicit criticism of Turkey, Russia, Hungary



# IMPLEMENTATION

- Fundamental values intimately linked to political system
- Backsliding of democracy
- Role of
  - Public authorities
  - Civil society (including HE community)
- How do we encourage the implementation of our fundamental values?
- How do we deal with cases of blatant violations?
  - November 2020 statement on Belarus