

Scholars at Risk Europe: Submission to the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) own-initiative report on the Commission's 2020 Rule of law report

23 March 2021

I. Summary

Scholars at Risk Europe welcomes the opportunity to contribute to the European Parliament Committee on Civil Liberties, Justice and Home Affairs own-initiative report on the Commission's 2020 Rule of law report. Academic freedom and institutional autonomy are directly linked to the rule of law. Academic freedom is embedded in the Constitutions of 20 EU member states.¹ Higher education institutions foster the free exchange of ideas, challenge the status quo and train future scholars, scientists, journalists, judges, and civil and human rights advocates. Like a free media, an independent judiciary and an active civil society, academic freedom and institutional autonomy act as an essential counterbalance to unfettered government rule. The following submission underlines why the annual rule of law reporting cycle should explicitly capture challenges to academic freedom and threats to academics, students, scientists, and researchers in Europe.

II. About Scholars at Risk Europe

Scholars at Risk Europe is the European office of the global Scholars at Risk network. Scholars at Risk was founded in 2000 and is an international network of over 540 higher education institutions in 42 countries working to protect threatened scholars and to promote academic freedom. SAR's European office, hosted by Maynooth University, Ireland supports and coordinates the activities of 11 Scholars at Risk national sections and 10 partner networks across Europe to strengthen our collective voice at the European level and contribute to informed policymaking for the greater protection of scholars and increased respect for academic freedom worldwide. SAR Europe coordinates Inspireurope, an EU-funded, 10-partner initiative to support researchers at risk. SAR Europe also works to expand, coordinate and support advocacy in Europe to promote academic freedom, including convening the European Coordinating Committee for Academic Freedom Advocacy.

III. Recommendation to the European Parliament

Ensure the annual rule of law reporting cycle effectively and explicitly captures challenges to academic freedom and threats to academics, students, scientists, and researchers in Europe.

IV. Rationale

a) Brief argument for the inclusion of academic freedom as an explicit component of the rule of law report (alongside media freedom).

Academic freedom and institutional autonomy are directly linked to the rule of law. Higher education institutions foster the free exchange of ideas, challenge the status quo and train future scholars, journalists, judges, civil and human rights advocates. Therefore, like a free media, an independent

¹ For a detailed analysis see, Terence Karran, Klaus Beiter & Kwadwo Appiagyei-Atua (2017) 'Measuring academic freedom in Europe: a criterion referenced approach, *Policy Reviews in Higher Education* '1:2, 209-239, available at: <https://doi.org/10.1080/23322969.2017.1307093> (last accessed 23 March 2021). Read pages 229- 233.

judiciary and an active civil society, academic freedom and institutional autonomy act as an essential counterbalance to unfettered government rule.

Academics are often key contributors to the development of new laws and standards. If they are not free to give their expert opinion, to contribute freely to public debate without fear of reprisal, then an important element of the legislative process is directly undermined. Similarly, if students are restrained from engaging in diverse course work, or are overwhelmingly exposed to one political ideology, then we limit their access to knowledge, and societies' advancement through knowledge.

Universities hold a central role in documenting and researching urgent matters of the day. For example, the COVID-19 crisis made the need for academics to communicate evidence-based research and rational analysis, free from political influence, all the more apparent. Indeed, the Bonn Declaration on 'Freedom of Scientific Research', adopted at the Ministerial Conference on the European Research Area at the end of 2020, affirmed that "freedom of scientific research is a universal right and public good".²

Academic freedom is essential for any meaningful research, learning and teaching. Academics contribute critical, evidence-based research for the advancement of society. In order to maintain a high level of quality in public consultation processes for preparing and enacting laws, and to maintain the quality of the legislative process, including the full participation of experts in debating and preparing laws, academic freedom must be guaranteed.

There is also a corresponding degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities. This is consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.

Academic freedom ensures the critical debate necessary to hold governments to account and forms part of the branch of society that serves to check the balance of power. In turn it feeds the evidence that underpins scholars' and journalists' exploration of truth and creates an enabling environment for civil society through the establishment of evidence-based inquiry. It is essential that the annual rule of law reporting cycle effectively and explicitly captures the challenges faced by academics, students, researchers and scientists, and threats to academic freedom.

If the rule of law exists to curtail the abuse of power, then conscious moves by governments to control those in society whose role it is to publicly critique this power, can only be interpreted as a direct attack on the rule of law.

b) **Brief overview of threats to academic freedom and academics in Europe in 2020**

Through the Academic Freedom Monitoring Project SAR has discerned an overarching trend to control universities and to restrict academic freedom in several countries in Europe through the use of the law. Over the past year, governments in Hungary, Poland, Romania and Slovakia have undertaken legislative and administrative actions that undermined academic freedom and institutional autonomy of particular higher education institutions and entire national higher education sectors.³

The reported purpose of the reforms is not to close higher education spaces (although that was the intended fate of the Central European University) and eliminate academic inquiry but rather to transform these places into sites of government legitimacy. This is problematic: By increasing the ways in which a government can influence the higher education sector, the space can no longer be considered apolitical. Higher education institutions should be incubators of inquiry and pluralism of opinion.

² *Bonn Declaration on Freedom of Scientific Research*, adopted at the Ministerial Conference of the European Researcher Area 20 October 2020 in Bonn, and is available here: https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf (last accessed 24 February 2021).

³ See country specific examples in section VI.

However, if they are overwhelmingly dependent on government for decisions concerning funding allocations, appointments, and curriculums, then inquiry and the plurality of opinions will be suppressed. This will have a chilling effect on what is taught, and what is published. Constricted academic activity limits progress, holding back important benefits to all of society.

- (i) While most EU member states provide legal protection for academic freedom in their constitutions or other legislation, to enable the free flow of information and public debate informed by expertise, the implementation of such protections is far from uniform across the EU. According to the Academic Freedom Index, a tool developed by the Global Public Policy Institute, that compiles a global dataset on academic freedom in 175 countries around the world, the EU member states scores highlight a disparity in application. Hungary fares the worst of EU member states having fallen a full grade since 2019.⁴
- (ii) Moves to limit academic discourse are underway through the use of litigation. The abuse of defamation laws that have been seen, for example, in Poland, has become a significant threat to academic and media freedom.⁵ These types of strategic lawsuits against public participation (SLAPPs) attempt to silence public criticism through expensive, meritless legal proceedings. SAR Europe welcomes the European Democracy Action Plan's (para. 3.2) commitment to protecting academics, journalists, and other civil society actors against strategic lawsuits against public participation (SLAPPs). Scholars at Risk Europe supports the [Model EU Anti-SLAPP Directive](#) as endorsed by over 60 organisations to introduce procedural safeguards to limit the availability of SLAPPs against academics, journalists, and other members of civil society.
- (iii) Attacks on particular fields of study, such as gender studies,⁶ the history of the Holocaust,⁷ or Islam,⁸ are seeking to curtail critical inquiry, limit access to knowledge as well as prevent the dissemination of knowledge. The UN special rapporteur on the protection and promotion of the right to freedom of opinion and expression has discussed the implications of governments imposing restrictions on curriculums, noting that Hungary's restriction on gender studies undermines the right to access to information, in violation of International Covenant on Civil and Political Rights Article 19(3).⁹
- (iv) State authorities pushing aggressive free speech legislation carry major consequences for academic freedom. For example, promised legislation to "defend free speech" and prevent "ideological censorship" in Polish universities has the potential to limit institutional autonomy. It is reported that the bill requires elected officials and their appointees to assess whether teaching and research are in compliance with academic freedom norms—tasks these officials are generally unqualified to do; tasks that should be left to higher education institutions and academics themselves.¹⁰

V. Applicable Standards

Academic freedom is cognizable under existing international human rights standards, as well as regional instruments, including the European Charter of Fundamental Rights, and the European Convention for Human Rights.

⁴ The Academic Freedom Index can be accessed here: <https://www.gppi.net/2021/03/11/free-universities>

⁵ See Country Example, Poland, in Section VI of this submission.

⁶ See Country Example, Romania, in Section VI of this submission.

⁷ See Country Example, Poland, in Section VI of this submission. The case concerning Prof Jan Grabowski of the University of Ottawa and Prof Barbara Engelking of the Polish Center for Holocaust Research.

⁸ "Heating Up Culture Wars, France to Scour Universities for Ideas that "Corrupt Society"", New York Times, 18 February 2021, <https://nyti.ms/3t6f29n>

⁹ <https://www.undocs.org/A/75/261>, at para. 49.

¹⁰ See Country Example, Poland, in Section VI of this submission – laws to control free speech on campus.

Academic freedom is fully and independently grounded in rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as articulated, respectively, in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 15(3) of the ICESCR.

In the recent report on academic freedom issued by the United Nations special rapporteur on the protection and promotion of freedom of opinion and expression, the special rapporteur reaffirms the following observations by the UN Committee on Economic Social and Cultural Rights:

“Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction”.¹¹

The special rapporteur went on to note that:

“[A]cademic freedom should be understood to include the freedom of individuals, as members of academic communities (e.g., faculty, students, staff, scholars, administrators and community participants) or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law”.¹²

The special rapporteur also explicitly recognized that academic freedom involves protections for institutional autonomy and self-governance: “States are under a positive obligation to create a general enabling environment for seeking, receiving and imparting information and ideas. Institutional protection and autonomy are a part of that enabling environment.”¹³

UNESCO, the specialized agency of the United Nations whose mandate includes higher education, research and human rights, has likewise recognized and articulated the meaning and importance of academic freedom and institutional autonomy.¹⁴

The Charter of Fundamental Rights of the European Union at Article 13 states that the “arts and scientific research shall be free of constraint. Academic freedom shall be respected”. In support of this provision, the Charter provides for the freedom of expression and information in Article 11, the freedom of assembly and of association in Article 12 and the right to education in Article 14.¹⁵

The European Commission’s European Democracy Action Plan is designed to promote free and fair elections, strengthen media freedom and counter disinformation within the EU.¹⁶ The Plan explicitly

¹¹ A/75/261, 28 July 2020 at para. 6, citing 3 E/C.12/1999/10, para. 39.

¹² *Ibid.* para. 8.

¹³ *Ibid.* para. 9.

¹⁴ UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997), recognizing, *inter alia*, that “[a]utonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions. [...] Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.” paras. 18-19.

¹⁵ Charter of Fundamental Rights of the European Union 2012/C 326/02, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> (last accessed 23 March 2021).

¹⁶ European Commission communication to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions on the European Democracy Action Plan, COM(2020) 790 final, 3 December 2020. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0790&from=EN> (last accessed 13 December 2020).

commits to ensuring “academic freedom in higher education institutions is also at the core of all higher education policies developed at EU-level”.¹⁷

VI. Country Examples:¹⁸

Attacks on Academic Freedom that undermine the Rule of Law in the EU.

Litigation to restrict academic freedom (Poland)

In Poland, a number of such baseless lawsuits have been pursued against Wojciech Sadurski, a professor of law at the University of Warsaw and the University of Sydney, in Australia, for public comments he made criticizing the ruling party, the Law and Justice Party (PiS). However, in welcome news, the Court of Appeal in Warsaw on November 6, 2020 dismissed the SLAPP lawsuit initiated against him by the PiS in response to social media comments he made from November 10, 2018. Sadurski had denounced a government-organized Independence Day military parade, allegedly planned to occur alongside a far-right demonstration and compared PiS to an “organized criminal group.” PiS had alleged Sadurski’s comments caused harm to the party’s personal rights under Articles 23 and 24 par. 1 of the Civil Code. The verdict is an important pushback against efforts by the ruling PiS to attack and undermine the rule of law, democracy, and judicial independence. In further good news, the District Court in Warsaw-Mokotów on March 5, 2021 acquitted Professor Sadurski in a criminal defamation lawsuit brought by the public broadcaster Telewizja Polska SA (TVP).¹⁹

In disappointing news, the lawsuit pursued against Prof Jan Grabowski of the University of Ottawa and Prof Barbara Engelking of the Polish Center for Holocaust Research was successful. They were accused of defamation by the heir of a person mentioned in their work, “Night Without End: The Fate of Jews in Selected Counties of Occupied Poland”. In a civil case condemned by Jewish organisations and historians as an attack on free academic inquiry, the historians were told to apologise, as the court determined they provided inaccurate information. The disputed passage was based on the testimony of a survivor. The judgment means a court, instead of the academic community, is now deciding which historical sources are reliable. The judgment is under appeal.²⁰

Laws to control speech on campus (Poland)

State authorities began pushing aggressive free speech legislation carrying major consequences for academic freedom in Poland.²¹ This potentially limits academic freedom and institutional autonomy by requiring elected officials and their appointees to assess where teaching and research are in compliance with academic freedom norms—tasks these officials are generally unqualified to do. The legislation was triggered by students’ complaints about a University of Silesia sociology professor Ewa Budzynska, who allegedly made offensive and anti-scientific statements in class at a required course.²²

Consistent with Polish law, the administration commenced a disciplinary investigation against the professor. A January 2020 report recommended she be reprimanded. In protest, she resigned her position from the university and filed a complaint with the local prosecutor’s office for alleged

¹⁷ See European Democracy Action Plan para. 4.3. It also commits to presenting, in 2021, an initiative to protect journalists and civil society (including academics) against strategic lawsuits against public participation (SLAPPs). See European Democracy Action Plan see para. 3.2. Note that ahead of the launch of the European Democracy Action Plan, Article 19 and 60 partners endorsed a Model EU Anti-SLAPP Directive. See <https://www.article19.org/resources/eu-a-call-for-action-to-combat-slapps/> (last accessed 17 December 2020).

¹⁸ These examples are largely drawn from SAR’s Free to Think Report 2020, chapter ‘Legislative and Administrative Threats to Institutional Autonomy and Academic Freedom’ at 97-105. The report can be accessed here: <https://www.scholarsatrisk.org/wp-content/uploads/2020/11/Scholars-at-Risk-Free-to-Think-2020.pdf>

¹⁹ <https://www.article19.org/resources/appeal-court-slapp-sadurski/>
<https://www.scholarsatrisk.org/wp-content/uploads/2020/01/Scholars-at-Risk-Free-to-Think-2019.pdf> (page 18)
<https://www.article19.org/resources/poland-acquits-sadurski/>

²⁰ <https://www.theguardian.com/books/2021/feb/03/fears-rise-that-polish-libel-trial-could-threaten-future-holocaust-research>
<https://aemjp.eu/2021/01/30/solidarity-with-prof-barbara-engelking-and-prof-jan-grabowski/>
<https://www.nytimes.com/2021/02/08/world/europe/poland-massacre-jews-nazis-blame.html>

²¹ SAR Free to Think Report, 2020, pg 102

²² <https://kafkadesk.org/2020/06/19/freedom-of-intimidation-in-poland-scandal-at-the-university-of-silesia-in-katowice>

“falsification of evidence” in connection with the administrative action. She has received support from Ordo Iuris – a religious organization – in these matters. In connection with the criminal proceeding, police summoned the seven students who brought the complaint against the professor and interrogated them in the presence of Ordo Iuris lawyers.²³ Responding to the University of Silesia case, then-Minister of Higher Education Jaroslaw Gowin vowed to adopt an amendment to legislation defending free speech and preventing censorship at Polish universities.²⁴ The draft bill, reportedly based on an earlier draft by Ordo Iuris, proposes to create a committee for free speech on campus, comprised at least in part of individuals appointed by the Minister.

While packaged as an attempt to defend free expression on campus, Polish academics expressed concern that the bill would impose outside pressure on teaching and disciplinary matters.²⁵ Such legislation would subject fundamental aspects of academic freedom to the political whims of the party in power. It would also ask elected officials and their appointees to engage in a task for which they are generally unqualified: to assess whether particular forms of teaching, learning, and research are properly consistent with norms related to academic freedom, as well as discipline-specific standards. Although the status of the draft legislation is unclear for now, its support from a top government higher education official has raised serious concerns among members of Poland’s higher education community.

Laws to control content of teaching– banning gender studies (Romania)

On June 16, 2020, Romania’s Parliament passed an amendment to art. 7 of the National Education Law no. 1/2011—without public debate—that would prohibit all educational institutions from “propagating theories and opinion on gender identity according to which gender is a separate concept from biological sex.”²⁶ The amendment amounted to an effort to effectively ban the field of gender studies. News of its passage was met with vocal opposition from scholars, students, and university leaders, who decried the amendment for violating academic freedom and institutional autonomy.

The National University of Political Studies and Public Administration (SNSPA), Bucharest and the West University of Timișoara, together with the support of other major universities, academics and researchers, submitted *amicus curiae* observations to the Romanian Constitutional Court. They argued that as well as contravening EU and international law, the amendment restricted the right to freedom of expression, including scientific opinions, guaranteed by the Romanian Constitution (30, para’s (1) and (2)) and further violated (art. 32) by undermining the freedom of research thereby representing a serious interference of politics in university autonomy.²⁷

The University of Bucharest issued a statement commenting that the amendment “contradicts fundamental rights guaranteed by the Romanian constitution and international conventions such as freedom of conscience, freedom of opinion, and university autonomy.”²⁸ On June 18, protesters demonstrating outside President Klaus Iohannis’s residence waved banners that read “this is an attack on the autonomy of the universities,” “open minds not closed doors,” and “biological sex is not gender identity,” according to reporting by the Associated Press.²⁹

They demanded that President Iohannis refrain from signing the amendment into law. On July 10, 2020, President Iohannis submitted an appeal to Romania’s Constitutional Court regarding the “unconstitutionality” of the amendment, specifically citing provisions relating to “freedom of conscience,” “freedom of expression,” “access to education,” and “university autonomy,” among

²³ <https://ordoiuris.pl/edukacja/sprawa-profesor-ewy-budzynskiej-nie-dotyczy-studentow-spor-o-wolnosc-akademicka-wideo>.

²⁴ <https://notesfrompoland.com/2020/01/19/minister-promises-bill-to-defend-free-speech-at-universities-after-lecturer-accused-of-homophobia/>

²⁵ <https://www.insidehighered.com/news/2020/02/20/polish-academics-fear-role-roman-catholic-group-legislation-free-speech>

²⁶ http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=18210.

²⁷ <http://snspa.ro/en/unprecedented-national-and-international-solidarity-to-protect-the-academic-freedom-and-the-freedom-of-thought-in-romania/>

²⁸ <https://euobserver.com/social/148762>.

²⁹ <https://apnews.com/50be6902fbef23fb2e2d7a796d2267d>.

others.³⁰ In a positive development, in December 2020, the Constitutional Court of Romania annulled the law.³¹

Compromising Institutional Autonomy (Hungary)

In order to maintain a high level of quality in public consultation processes for preparing and enacting laws, and to maintain the quality of the legislative process, including the full participation of experts in debating and preparing laws, academic freedom must be guaranteed. There is also a corresponding degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.

On October 6, 2020, the European Court of Justice (ECJ) in Case C66/18 Commission v Hungary (Higher Education), ruled that the requirements included in ‘lex CEU’—to enable foreign universities to carry out activities in Hungary—were incompatible with EU law. The court found that the law violated Hungary’s commitments under the World Trade Organization, infringed on academic freedom as enshrined in the EU Charter of Fundamental Rights, and that the changes to Hungary’s higher education law deprived “the universities concerned of the autonomous infrastructure necessary for conducting their scientific research and for carrying out their educational activities.”³²

The landmark decision reinforces the importance of academic freedom within EU law. The Court emphasized that academic freedom has “an individual dimension in so far as it is associated with freedom of expression and, specifically in the field of research, the freedoms of communication, of research and of dissemination of results thus obtained,” but it also has “an institutional and organisational dimension reflected in the autonomy of those institutions.”³³

Academic freedom is protected by provisions of the Charter of Fundamental Rights of the European Union, including Article 13 which specifically states that “the arts and scientific research shall be free of constraint. Academic freedom shall be respected.”³⁴ The ruling has failed to remedy the harm. The Central European University (CEU), the intended target of the 2017 amendment, moved most of its operations and students to Vienna last year.³⁵

The attack on the Central European University which began in 2017, is part of a larger pattern of systematic attacks on independent academic and cultural institutions in Hungary: On July 3, 2020, the Hungarian Parliament passed a law that transferred ownership of the University of Theatre and Film Arts (SZFE) to a foundation established by the same law.³⁶ The State Secretariat for Higher Education, Innovation and Vocational Training claimed the law will make SZFE more independent and competitive.³⁷

However, the law actually erodes much of the university’s autonomy and threatens higher education quality by handing over crucial decision-making powers long held by the university’s senate, to a new government-appointed board of trustees. These include decisions on matters ranging from finances,

³⁰ <https://www.presidency.ro/ro/media/comunicate-de-presa/sesizare-de-neconstitutionalitate-asupra-legii-pentru-modificarea-art-7-din-legea-educatiei-nationale-nr-1-2011-pl-x-nr-617-2019> and <https://eua.eu/news/536:romanian-president-moves-to-reject-ban-on-gender-studies.html>.

³¹ <https://balkaninsight.com/2020/12/16/romanian-court-scraps-law-banning-gender-studies/>

³² Court of Justice of the European Union, “The conditions introduced by Hungary to enable foreign higher education institutions to carry out their activities in its territory are incompatible with EU law,” October 6, 2020, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125en.pdf>

Judgment of the Court (Grand Chamber) 2 October 2020, Commission v Hungary, C-66/18, EU:C:2020:792 paragraph 228.

³³ See “Charter of Fundamental Rights of the European Union,” Article 13, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.

³⁴ Modifications to the Hungarian Higher Education Act and CEU’s Objections <https://www.ceu.edu/istandwithceu/timeline-events>

³⁵ <https://www.parlament.hu/irom41/10745/10745-0014.pdf>

³⁶ <https://www.kormany.hu/hu/innovacios-es-technologiai-miniszterium/tudas-es-innovacio-menedzsmentert-felelos-allamtitkarsag/hirek/onallobb-formaban-mukodhet-tovabb-az-szfe>.

hiring, and curriculum. The Ministry of Technology and Innovation appointed Attila Vidnyanszky, a self-described “cultural nationalist” and friend of Prime Minister Viktor Orbán, as chair of the new board of trustees.

The Ministry rejected candidates proposed by SZFE’s senate, appointing instead more supporters of Orbán to the remaining seats. They are continuing their education and research activities outside the university, with almost no resources. The law generated intense opposition at SZFE, with prominent faculty and members of the university senate resigning in protest on August 31, 2020.³⁸ When the law went into effect, thousands demonstrated in the streets, including students, academics, and members of the public, concerned about the law’s impact.³⁹

Since 2019, at least twelve universities have reportedly been subjected to similar laws that transfer their ownership and management including John von Neumann University, Moholy-Nagy University of Art and Design, Széchenyi István University, the University of Veterinary Medicine in Budapest, the University of Miskolc, and the University of Sopron, among others.⁴⁰ PACE Resolution 2352 (2020) directly appealed to the government of Hungary, “to take immediate action to reverse recently adopted legislation and/or practices that limit respect for principles of academic freedom and institutional autonomy”.⁴¹

Compromising Institutional Autonomy (Slovakia)

In early 2021, Minister of Education Branislav Gröhlíng announced proposed reforms to universities in Slovakia via an amendment to the Act on Higher Education Institutions. The reforms would change the system of the managing bodies and their activities, working to limit the autonomy of universities. The education ministry, for example, has proposed that it should have nominees in academic senates, thereby enabling the government to exert influence on the rectors of the universities.⁴² The ministry’s position is that by transferring most of the management competencies of higher education institutions to boards of directors, this will increase the quality of universities. However, it does not appear that universities would be empowered to decide the members of their own boards, rather the new amendment suggests that most board members would be chosen by the Minister of Education. The Minister would therefore be positioned to directly influence the Board.⁴³ Trnava University declared a strike alert in late February 2021. They were later joined by Comenius University in Bratislava, which launched its protest on March 1, 2021. The changes have been criticised by other associations representing academia, such as the Slovak Rectors’ Conference, the Club of Faculty Deans, and the Higher Education Council.⁴⁴ In response the government agreed to halt the proposed reform in order to consult the stakeholders on a new proposal.

Related Resources

- *Free to Think 2020*, Report of Scholars at Risk Academic Freedom Monitoring Project
- 2020 UN Special Rapporteur for Freedom of Opinion and Expression: Report on Academic Freedom
- 2020 Council of Europe Recommendation and Resolution on Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe
- Bonn Declaration on Freedom of Scientific Research
- Monitoring: Academic Freedom Index & SAR’s Academic Freedom Monitoring Project

³⁸ <https://www.reuters.com/article/us-hungary-politics-education-theatre/heads-of-hungarys-top-arts-university-quit-amid-fears-of-state-control-idUSKBN25R264>.

³⁹ <https://p.dw.com/p/3i57c>.

⁴⁰ <https://hungarytoday.hu/controversial-law-changes-voted-ruling-majority-parliament/> and <https://balkaninsight.com/2021/02/23/fidesz-makes-hungarys-universities-an-offer-they-cant-refuse/>

⁴¹ <https://pace.coe.int/pdf/b0d53128aec46da97122204c6638a28d2faaca633326667a8259ffe25682ae848428feba12/resolution%202352.pdf>

⁴² The Slovak Spectator, ‘Universities protest purported attempts to politicise them’, (1 March 2021), available at:

<https://spectator.sme.sk/c/22607915/universities-protest-purported-attempts-to-politicise-them.html>

⁴³ <https://spravy.pravda.sk/domace/clanok/579393-grohlíng-zjednotil-vysoke-skoly-branit-svoje-slobody-chcu-aj-strajkom/>

⁴⁴ <https://enrsi.rtvs.sk/articles/news/249520/universities-on-strike-alert-over-the-politicisation-tendencies-of-academia>