

Science as a global public good

LERU Stakeholders Conference

Brussels, 10 November 2022

Reflections on academic freedom and institutional autonomy

Prof. Dr. Marijk van der Wende



LERU

Academic freedom:

- as an individual right
- as an institutional right
- as a state obligation.

These mutually reinforce one another.

Constraints:

- Political repression, illiberal states / actors
- Security concerns
- Commercial interests
- Intolerant social /civic forces
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A convention

- Universal Declaration of Human Rights (art. 27)
- Charter of Fundamental Rights of the European Union (art. 13)
- National constitutions / acts
- Magna Charta Universitatum (1988; 2020)
- 2020 Bonn Declaration on Freedom of Scientific Research
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The Implications of the EU's Dual-Use Export Control Regulation 2021/821 for Universities and Academics

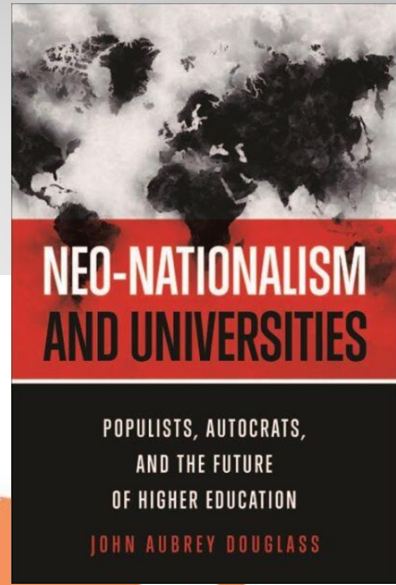
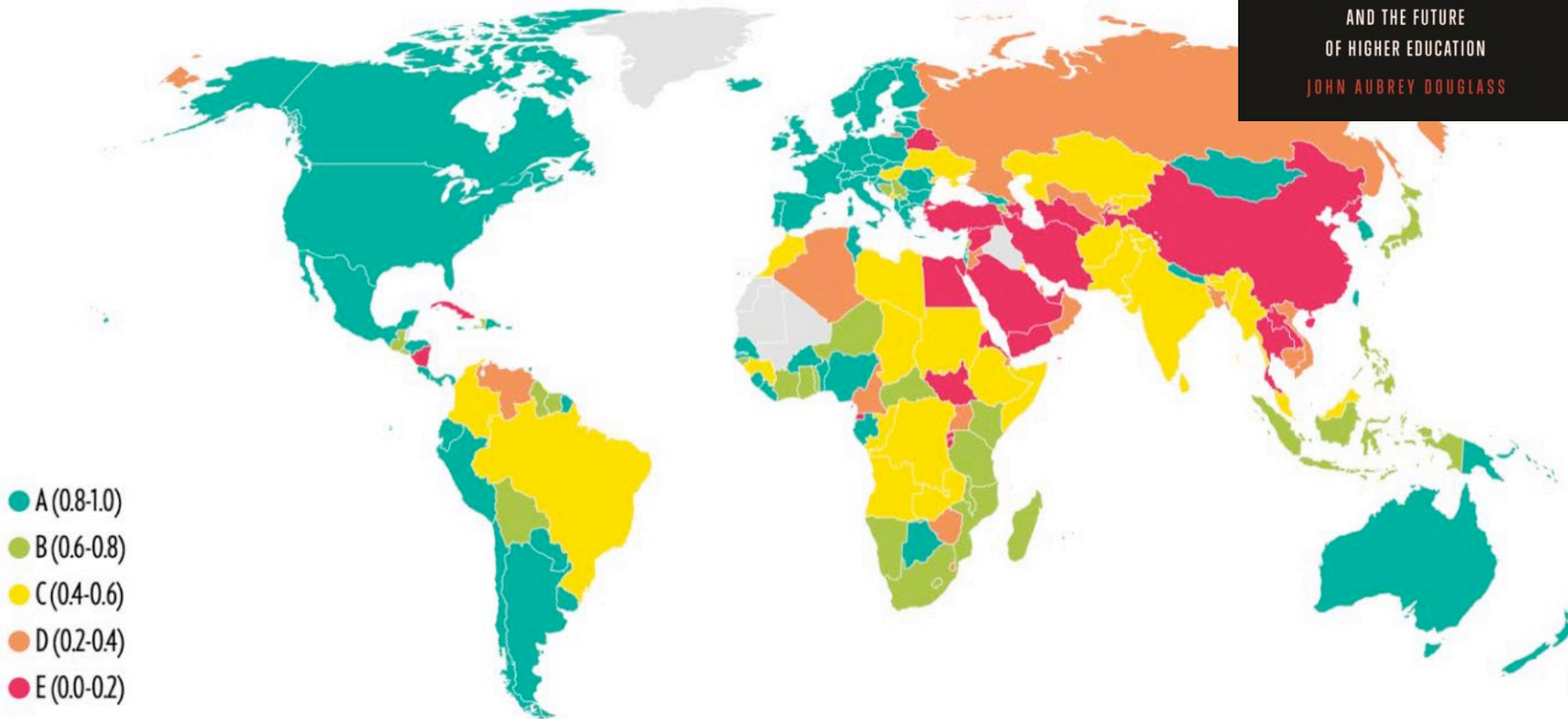
Utrecht University School of Law Research Paper Forthcoming

Claire Stalenhoef, Machiko Kanetake**, and Marijk van der Wende****



Global Levels of Academic Freedom 2020

Status Groups According to the Academic Freedom Index



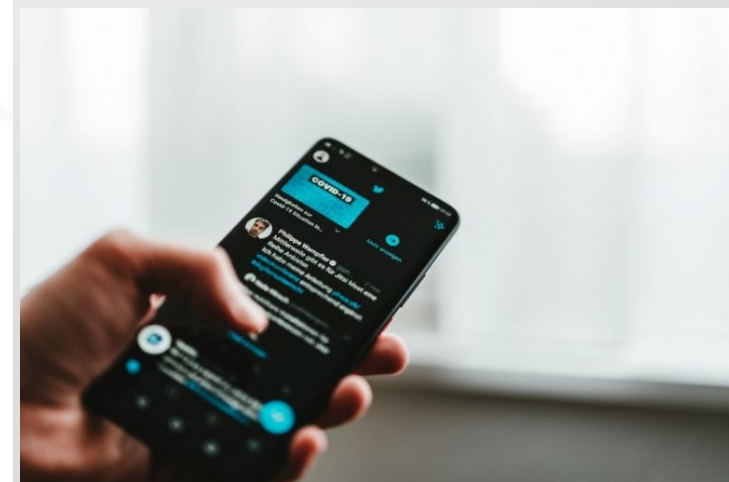
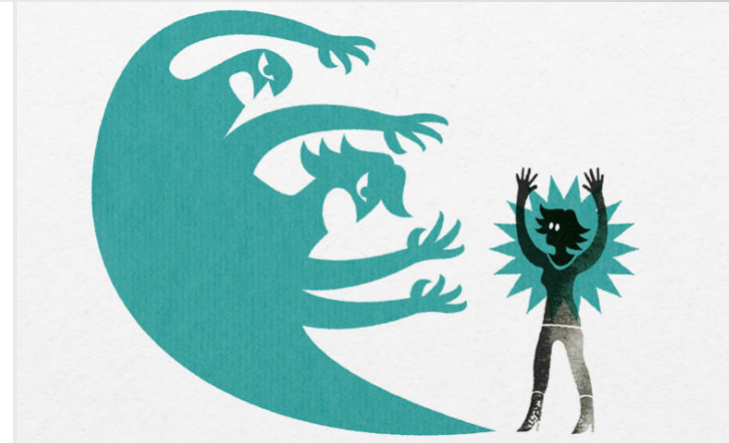
Press releases and news



Launch of national platform for threatened academics

07-11-2022

Academics regularly face threats, harassment and hate speech. To address this issue, Universities of the Netherlands (UNL), the Dutch Research Council (NWO) and the Royal Netherlands Academy of Arts and Sciences (KNAW) are launching the platform WetenschapVeilig today. Academics who are being threatened or harassed can visit this website (www.wetenschapveilig.nl) 24 hours a day for help. UNL President Pieter Duisenberg: 'Academics fulfil a crucial social function. It is unacceptable that they should have to face threats, harassment and hate speech in their work. This has an enormous impact on our people, and we view such threats as an attack on academic freedom. With the launch of WetenschapVeilig, we wish to support our academics as best as possible.'





European Union halts scientific cooperation with Russia

War in Ukraine and HE

For full UWN coverage of the HE response



“The EU does not have a legal basis to protect universities against governments which violate the basic rules on academic freedom and institutional autonomy.”



The European Court of Justice had to use the General Agreement on Trade in Services of the World Trade Organisation to act against Hungary because it had no other mechanism in place to punish the Hungarian government for forcing the Central European University to move from Budapest to Vienna.



Kurt Deketelaere (March 2022)

Competencies of the EU in relevant domains



Press and Information

Court of Justice of the European Union
PRESS RELEASE No 125/20
 Luxembourg, 6 October 2020

Judgment in Case C-66/18
 Commission v Hungary

The conditions introduced by Hungary to enable foreign higher education institutions to carry out their activities in its territory are incompatible with EU law

European Court of Justice (2020): expelling CEU incompatible with

- **EU Law:** CFREU’s articles regarding academic freedom
- **GATS (WTO):** free movement of services commitments



How can the university, its institutional autonomy and duty to protect academic freedom, be upheld and enhanced in a world in which openness is being challenged and the core values of an open society are under siege?

Legal-policy dimension

- What role and responsibilities do institutions at various levels of governance in the EU (EC, members states) have in this respect and how are these divided and coordinated?
- Is the EU sufficiently equipped to protect the university, its institutional autonomy, and in particular academic freedom as it is enshrined in the CFREU (art 13)? Both against internal and external threats?

Historical perspective

- How can universities face the challenges to their autonomy and academic freedom and stand firm to defend the values of an open society, system and global cooperation?
- What can be learned from the past; were universities (always) on the right side of history?
- What when books are banned or burned, or authors are being cancelled?

Educational challenge

- How to prepare students for the 21st century?
- Are students sufficiently aware of the virtues and values of an open society? Do they know enough about their hard-won history?
- Are they ready to face the global reality and to sustain them into a future in which western universalism is being challenged?

**Openness challenged:
*the university at risk?***

A new IoS Research Platform

**Protecting Academic Freedom in the EU –
a Legal Perspective**

With Kurt Deketelaere,
Sascha Garben and Lavinia Kortese
Convenor: Marijk van der Wende

22 November 2022 from 11.00-12.30 hrs CET