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Governance of higher education institutions in the European Higher Education Area

Report[1]
Committee on Culture, Science, Education and Media
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Summary

The right to education, guaranteed by Article 2 of the first Protocol to the European Convention on Human Rights, encompasses the right to have access to higher education, which is protected also under Article 10.1 of the revised European Social Charter. Public authorities have the obligation to ensure the quality of higher education without limiting academic freedom. Autonomy of higher education institutions, academic freedom and freedom of scientific research and the arts are fundamental principles for the functioning and quality of higher education systems as well as for democratic and pluralist societies.

Academic freedom and autonomy of higher education institutions require that the latter can, within the framework of national higher education policies and domestic law and with due respect for human rights, determine for themselves their academic curricula and degrees, student admissions, research, administrative organisation, financing and staff employment. The basic strategic decisions about further development of higher education institutions should be made on a four-part basis – among the representatives of the academic community (including students), of the labour market (employers and trade unions), of civil society organisations and of government (executive as well as legislative).

1. Reference to committee: Doc. 12404, Reference 3730 of 25 January 2011.

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A. Draft resolution[2]

1. The Parliamentary Assembly reaffirms the fundamental importance of higher education for each individual and for society. The right to education, guaranteed by Article 2 of the first Protocol to the European Convention on Human Rights (ETS No. 9 and ETS No. 5), encompasses the right to have access to higher education, which is protected also under Article 10.1 of the revised European Social Charter (ETS No. 163).

2. Highly educated people are a key factor for individual and collective welfare as well as for economic, social and democratic stability. It is therefore of strategic importance for member States to pursue the progressive introduction of free higher education accessible to all on the basis of ability, in accordance with Article 13 of the International Covenant on Economic, Social and Cultural Rights.

3. Autonomy of higher education institutions, academic freedom and freedom of scientific research and the arts are fundamental principles for the functioning of higher education institutions as well as for democratic and pluralist societies. These principles go hand in hand with public responsibility for higher education and research as expressed in the Committee of Ministers Recommendation CM/Rec(2007)6. In this respect the Assembly welcomes the recent work of the Committee of Ministers on the responsibility of public authorities for academic freedom and institutional autonomy.

4. Because of the crucial importance of higher education institutions and individual and societal dependence on university research and the education and training of experts, the basic strategic decisions about further development of higher education institutions should be made on a four-part basis – among the representatives of the academic community (including students), of the labour market (employers and trade unions), of civil society organisations and of government (executive as well as legislative).

5. Academic freedom and autonomy of higher education institutions require that the latter can, within the framework of national higher education policies and domestic law and with due respect for human rights, determine for themselves their academic curricula and degrees, student admissions, research, administrative organisation, financing and staff employment.

6. The Assembly deplores the continued violation of university autonomy and academic freedom in Belarus. Until higher education institutions in this country fulfil these universal principles, they cannot be regarded as valid partners of higher education institutions in other countries within the European Higher Education Area. The Assembly welcomes the recent decision by the ministers participating in the Bologna Process not to admit Belarus, as well as the decision by the European Union not to grant entry visas to five university rectors from Belarus.

7. In line with the objectives of Article 165 of the Treaty on the Functioning of the European Union, the Assembly reaffirms the competence and responsibility of national parliaments to determine higher education policies and legislation. This should be done in close co-operation with higher education institutions.

8. Higher education institutions should actively participate in the decision-making process concerning governance of national higher education systems, according to the subsidiarity principle. In this respect, the Assembly welcomes the activities of representative organisations such as the European Students' Union, the European University Association and the European Association of Higher Education Institutions.

9. The Assembly stresses the importance of participatory governance within higher education institutions and encourages these institutions to associate students, graduates, teachers and researchers with the internal evaluation and decisions on the learning process, but also to find adequate modalities to get them involved in strategic decision-making.

10. The Assembly attaches particular importance to self-regulatory initiatives and, in particular, the Observatory of the Magna Charta Universitatum in Bologna. Recalling paragraph 13 of its Recommendation 1762 (2006) on academic freedom and university autonomy, the Assembly welcomes the invitation by the Observatory to increase co-operation and to be represented at its meetings.

11. The Assembly recommends that member States and public authorities preserve and protect the autonomy of higher education institutions and academic freedom and therefore:

11.1. promote equal access to higher education institutions on the basis of ability and, to this end, provide financial support – to institutions as well as students – to overcome socio-economic barriers, particularly in times of financial difficulties and social crisis;

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2. Draft resolution adopted unanimously by the committee on 29 May 2012.

11.2. agree upon transparent funding principles, make them publicly available and ensure that direct or indirect funding schemes do not result in undue advantage to individual higher education institutions;

11.3. in accordance with the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS N° 165) and the Bucharest Communiqué of the ministers participating in the Bologna Process, set quality standards for the recognition of study periods, degrees and diplomas without external restrictions of courses, degrees and diplomas offered by higher education institutions;

11.4. prevent political and economic interference in the internal management of higher education institutions, irrespective of whether they are privately or publicly held, while ensuring full application of relevant national legislation;

11.5. support co-operation of higher education institutions as well as student and teacher mobility across borders;

11.6. duly respect the right to freedom of association of students, teachers and researchers;

11.7. involve students in decision-making processes concerning academic matters;

11.8. develop projects for students and teachers from Belarus who have been excluded or dismissed from higher education institutions for political reasons; such projects should include national scholarships and university grants to these students and teachers.

12. The Assembly invites the Standing Conference of Ministers of Education to reinforce its working links with the European Students' Union, the European University Association, the European Association of Higher Education Institutions and the International Association of Universities, and to increase its impact on, and voice within, the Bologna Process.

13. The Assembly invites the Joint Council on Youth and the European Youth Parliament to discuss higher education policies.

B. Explanatory memorandum by Mr Flego, rapporteur

1. Introduction

1. Following the tabling of the motion on this subject (Doc. 12404) by several of my colleagues and myself, the Committee on Culture, Science and Education appointed me rapporteur on 27 January 2011. Through my work as Professor of Philosophy at Zagreb University and former Minister for Science and Technology of Croatia, I participated in the Bologna Process and experienced the changes this process brought to universities and their governance parameters. I also participated as a speaker at the Council of Europe's Conference on Academic Freedom and Institutional Autonomy: the Role of Public Authorities, in Strasbourg on 8 and 9 November 2010, which was part of the preparatory work for a new Committee of Ministers recommendation on this subject.

2. Based on a report by my former colleague, Professor Josef Jařab (Czech Republic), the Parliamentary Assembly had adopted its Recommendation 1762 (2006) on academic freedom and university autonomy, which stressed the important role of higher education institutions and their self-governance. A detailed analysis of the governance of higher education institutions and their involvement in the European Higher Education Area were not yet the focus of Recommendation 1762 (2006). The present report shall complement this work and take it further.

3. Professor Pavel Zgaga prepared and presented to the committee in Paris on 5 March 2012 a substantial background report.[3] He looked at university autonomy from historic concepts to modern challenges. I am very grateful for his contribution to this work.

4. During the meeting on 5 March 2012, the committee also held a hearing on education policies with the participation of Ambassador Arif Mammadov, Chair of the Council of Europe Committee of Ministers' Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C), and the following experts:

– Professor Pavel Zgaga, Director of the Centre for Educational Policy Studies, University of Ljubljana;

– Professor Germain Dondelinger, Co-ordinator for Higher Education, Ministry of Culture, Higher Education and Research, Luxembourg;

– Dr Annette Pieper de Avila, Senior Consultant, Section for Higher Education, UNESCO;

– Ms Anna Glass, Secretary General, Magna Charta Observatory, Bologna;

– Ms Ligia Deca, Co-ordinator, Romanian Bologna Follow-Up Group Secretariat, Bucharest;

– Mr Frank Petrikowski, Higher Education Unit, DG for Education and Culture, European Commission, Brussels.

5. I deeply appreciate the helpful contributions by these participants as well as – last but not least – by my colleagues from the committee

2. Defining the governance of higher education institutions

6. For centuries, university autonomy and academic freedom have been fundamental principles of the systems of higher education in Europe. Many national constitutions stipulate those principles and have done so for decades. Even the European Union Charter of Fundamental Rights guarantees in its Article 13 the right to freedom of the arts and research and academic freedom. Universities have committed themselves to respecting those freedoms under the Magna Charta Universitatum of 1988.

7. Attempts to define academic freedom and institutional autonomy of higher education institutions have been less frequent. While the Magna Charta Universitatum constitutes an early and still vague reference to university autonomy and academic freedom, the elements developed subsequently by the European University Association are more concrete, stating that university autonomy consists of four aspects: organisational, financial, academic and staffing. These four elements are echoed by the new work of the Steering Committee for Educational Policy and Practice under the Committee of Ministers, proposing that institutional autonomy, in its full scope, encompasses autonomy of teaching and research as well as financial, organisational and staffing autonomy.

3. See AS/Cult/Inf (2012) 4.

8. In his contribution to the committee's hearing in Paris on 5 March 2012, Professor Zgaga proposed to regard higher education governance (HEG) as a multidimensional concept, where it was necessary to roughly distinguish three structural dimensions: (a) internal or institutional HEG: governance of higher education institutions; (b) external or systemic HEG: governance of (national) higher education systems; and (c) international or global HEG: governance of higher education systems within an international (global) perspective, for example the Bologna Process.

9. The traditional term “university autonomy” referred to universities instead of technical or vocational institutions of higher education. Such autonomy had, for example, been granted to early universities by national monarchs and protected those universities from the powers of local or regional rulers. The Bologna Process and national changes to higher education systems have largely abolished the distinctions between universities and technical or vocational colleges, thus leading to the generic use of the term “higher education institutions”. The terms autonomy and independence seem to be more or less identical.

3. Political and other influences on the autonomy of higher education institutions

10. Governance of higher education institutions takes place within a framework of legal, political and other more factual requirements or parameters. Among the factual, competition among higher education institutions is the most important. Higher education institutions compete for students, academic staff and funding. The latter can be composed of State funding, private funding and funding through students. Funding typically correlates with the quality of academic staff and the quality and quantity of students admitted. As higher percentages of the population pursue higher education in Europe, this increase in quantity is sometimes, but wrongly equated with a lowering of the quality of higher education. I would rather see the quantitative increase as a positive symptom as well as a challenge for both public authorities and higher education institutions to ensure quality education.

11. Higher education institutions must therefore reflect in their governance the demands created by students and academic staff, by specialised organisations of civil society, as well as public authorities and the economic sector. Where public funding constitutes a smaller percentage, such a situation can translate into creating administrative instances and management tools whereby private donors can influence, or claim to influence, the institutional governance and setting of strategic priorities. Students’ expectations can be expressed, *inter alia*, through student participation in the administration and management of higher education institutions as well as institutionalised student evaluation of teachers, academic facilities and the higher education institution as a whole.

12. Limited effort has as yet been put into analysing the positive or negative impacts of such factual requirements and their institutionalisation as determining factors for the governance of higher education institutions. It cannot be doubted, however, that greater responsiveness to demands by students and the private sector may provide a competitive advantage for higher education institutions.

13. Political requirements for higher education are typically set by national or regional legislators. Higher education can hereby respond to regional historic, cultural and geographical circumstances. This competence is in line with the principle of subsidiarity recognised in Article 165 of the Treaty on the Functioning of the European Union as well as in national constitutions, especially in federally structured States such as Belgium, Germany and Switzerland.

14. In her report on the dangers of creationism in education (Doc. 11375), my colleague Ms Anne Brasseur (Luxembourg) analysed political tendencies influencing teaching and research regarding the theory of evolution of Charles Darwin. In the United States and in a few European countries, possible limits on research and teaching had been considered in this respect, favouring a religion-based or “creationist” approach. Public funding of teaching and research would be a typical means of implementing such limits, if academic freedom and freedom of research were not protected.

15. In the same vein, economic or commercial pressure on research and teaching might be exercised by private funding of higher education institutions. It is no surprise to see private universities being created in Europe, which focus on business administration, commerce, law or engineering, while political science, social science or philosophy remain subjects primarily taught and researched at public higher education institutions.

16. Beyond the primacy of national (and regional) policies, co-operation and co-ordination have been achieved among education ministers in Europe through the Bologna Process since 1999. The creation of the European Higher Education Area as well as the huge funding of student and teacher mobility through European Union programmes have had a considerable impact on such issues as academic qualifications, degrees and diplomas. Autonomy of higher education institutions has thus been limited by accepting to award

comparable or identical degrees after identical study periods across Europe. The autonomy of higher education institutions means, however, that the final responsibility for the qualifications, degrees and diplomas awarded rests with the particular higher education institution. My colleague Professor Rafael Huseynov (Azerbaijan) looks at the impact of the Bologna Process in his report on the consolidation and international openness of the European Higher Education Area.

17. In addition, higher education institutions have defined for themselves political requirements. Universities set up in Bologna in 1988 the Magna Charta Universitatum with its observatory.[4] This charta lays down that "freedom in research and training is the fundamental principle of university life, and governments and universities … must ensure respect for this fundamental requirement".

18. Finally, international treaties have defined legal frameworks for higher education, such as the recognition of access qualifications, study periods and academic degrees or diplomas under Council of Europe conventions since 1953 and the 1997 Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, "the Lisbon Recognition Convention"). The latter convention pays due respect to institutional autonomy by stating in its Article II.2.1: "Where the competence to make decisions in recognition matters lies with individual higher education institutions or other entities, each Party according to its constitutional situation or structure shall transmit the text of this Convention to these institutions or entities and shall take all possible steps to encourage the favourable consideration and application of its provisions."

19. With regard to the Lisbon Recognition Convention and in order to make the recognition process simpler and more inclusive, its signatories should invest more efforts in enlarging its geographical remit and including more non-European States by promoting the accession of new States to this convention, if such States recognise academic freedom and the autonomy of higher education institutions.

4. General legal standards on higher education

20. Besides the political and other more factual requirements, legal standards apply and restrict the margin of autonomy of higher education institutions. Among the general legal standards applicable to higher education, mention should be made first and foremost of human rights. Of course, obligations resulting from human rights standards fall first on public authorities while higher education institutions certainly benefit from them. However, it is clear that governance of higher education institutions and their autonomy must not compromise human rights.

21. Article 2 of the first Protocol to the European Convention on Human Rights (ETS No. 9 and ETS No. 5) guarantees the right to education, which includes primary, secondary and higher education in accordance with the case law of the European Court of Human Rights.[5] Under Article 10.1 of the revised European Social Charter (ETS No. 163), Parties to the Charter undertake "to grant facilities for access to higher technical and university education, based solely on individual aptitude".

22. Article 13 of the International Covenant on Economic, Social and Cultural Rights establishes the universal right to education, including the right to compulsory and free primary education, the right to progressively free secondary education and the right to higher education accessible to all on the basis of capacity and "in particular by the progressive introduction of free education". Article 15(3) of this International Covenant recognises freedom of scientific research.

23. Article 13 of the Charter of Fundamental Rights of the European Union[6] guarantees: "[t]he arts and scientific research shall be free of constraint. Academic freedom shall be respected". Article 14 of the Charter guarantees the right to education and access to vocational and continuing training.

24. In addition to human rights standards, Council of Europe conventions since 1953 and the joint Council of Europe and UNESCO Lisbon Recognition Convention of 1997 contribute to defining the legal frameworks for higher education, namely through provisions on the recognition of entrance requirements, study periods and academic degrees or diplomas.

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4. See www.magna-charta.org/library/userfiles/file/mc_english.pdf.
5. See, for example, the judgment in *Leyla Sahin v. Turkey*, Application No. 44774/98, judgment of 10 November 2005, paragraphs 134, 137 and 141.
6. See www.europarl.europa.eu/charter/pdf/text_en.pdf.

25. Normative texts adopted by the Council of Europe are also relevant. The Committee of Ministers Recommendation CM/Rec(2007)6 on the public responsibility for higher education and research[7] takes a clearer stand in favour of harmonisation and stipulates that: "[p]ublic authorities should assume exclusive responsibility for the framework within which higher education and research are conducted. This should include responsibility for: the legal framework; the degree structure or qualifications framework of the higher education system; the framework for quality assurance; the framework for the recognition of foreign qualifications; the framework for information on higher education provision. In elaborating or amending the legal framework, in accordance with the constitution and the legislative practice of each country, public authorities should consult with higher education institutions and their organisations, research institutes and bodies, organisations of students and staff and other relevant stakeholders. Public authorities should determine the degree structure or qualifications framework of the higher education system for which they are responsible in accordance with international standards, and in particular those of the European Higher Education Area."

26. The new recommendation of the Committee of Ministers to member States on the "responsibility of public authorities for academic freedom and institutional autonomy" must also be taken into account once adopted. It will discuss and define in broad terms the role and obligations of public authorities.

5. Autonomous governance of higher education institutions in practice

27. Against the backdrop of those legal, political and other requirements or parameters, an independent or autonomous governance of higher education institutions could appear as a theoretical rather than a practical concept. However, the practical importance of those fundamental principles becomes clear when they are lacking or being violated.

28. Looking at the not so distant past, the negative example of East German higher education comes to mind. The communist government of the German Democratic Republic had set up strict political control of higher education, which meant that critical teachers were dismissed and even children of critical citizens were barred from entering higher education institutions. Higher education was perceived as a privilege for politically loyal citizens.

29. Such a restrictive approach to higher education can still be found today in Belarus. Assembly Recommendation 1762 (2006), in its paragraph 14, called on the Committee of Ministers, specialised ministries and universities in member States "to set up a multilateral programme for European student and faculty exchanges with universities in Belarus and the Belarusian European Humanities University in Vilnius (Lithuania)". This specific reference was caused by the dismissal of students from higher education institutions in Belarus following protests against the presidential election in March 2006. Thereafter, the Governments of the Czech Republic and Poland, for example, as well as the European Union, set up national projects allowing students from Belarus to study abroad.

30. The presidential election in Belarus in December 2010 had the same effect again. Students who protested or engaged themselves politically in opposition to the President of Belarus were dismissed from higher education institutions. In 2011, the European Union barred from entering European Union territory five university rectors in Belarus who had dismissed students and abused their academic position in order to force students to vote for President Lukashenko. This led also to the decision of the Bologna Follow-Up Group in Copenhagen on 18-19 January 2012 to recommend rejecting the application of the Government of Belarus to join the European Higher Education Area, a recommendation that ministers followed at their meeting in Bucharest on 26-27 April 2012. The governmental appointment of ideological controllers at universities in Belarus is a terrible phenomenon which mirrors the Orwellian model of thought control in clear violation of academic freedom.

31. Students are often politically critical. From the many examples, one could refer to the Munich students protesting under the name "White Rose" against the racist and political restrictions imposed in Germany after 1933, the student protests in many countries in western Europe and North America during the late 1960s, the massacre of students protesting on Tiananmen Square in Beijing in 1989 as well as the self-immolation of the young street vendor Mohamed Bouazizi in Tunisia in December 2010, which contributed to the setting in motion of the Arab Spring. All these examples prove that academic freedom and higher education are necessary requirements for the progress of democratic societies as well as the development of every human being. In this respect, academic freedom also correlates with freedom of expression and freedom of thought.

7. See https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2007)6&Language=lanEnglish.

6. Balancing institutional autonomy and academic freedom with public policy

32. Higher education is a human right and a cornerstone of any democratic society. Therefore, it must be an important part of public policy. Public policy demands on higher education will sometimes be different from the demands which higher education institutions may have. Autonomy and freedom are not absolute principles in this context. University autonomy and academic freedom may have to be balanced with some public policies and circumstances.

33. Fundamental freedoms and human rights are generally upheld vis-à-vis public authorities, that is to say that higher education institutions have the right to exercise their freedom without undue State interference or restrictions. In concrete terms, for instance, this means that public authorities must not impose their political decisions concerning the admission or dismissal of an individual student or the recruitment of a specific teacher. Europe witnessed such undue State interference under communist or fascist governments.

34. As restrictions can also be imposed by private entities, for instance through their private funding, an effective implementation of such freedom might require that the State intervene to avoid the risk of undue interferences by private entities. This is obviously a more complex approach, which could require, for instance, sufficient public funding in order to allow higher education institutions to serve their mission independently and in a non-discriminatory manner.

35. Another solution could be the requirement of positive action for disadvantaged or minority students. Students with poor financial resources, in peripheral regions or with physical disabilities, for example, generally need some public support in order to fully enjoy the right to higher education. Such support by public authorities can be financial (for example, awarding grants or scholarships), technical (for example, imposing building requirements, providing transport and communication infrastructures) or administrative (for example, regulating positive admission policies or exam requirements).

36. Following from Assembly Recommendation 1740 (2006) on the place of mother tongue in school education, and in accordance with the European Charter for Regional or Minority Languages (ETS No. 148) and the Framework Convention for the Protection of National Minorities (ETS No. 157), higher education should be accessible for students speaking minority languages.

37. Freedom of research is a fundamental right, recognised for instance under Article 15(3) of the International Covenant on Economic, Social and Cultural Rights as well as Article 13 of the Charter of Fundamental Rights of the European Union. Nevertheless, not all scientific research may be permitted, but some – for example, biomedical research – can be specifically regulated and limited under the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164).

38. Finally, social rights and labour law may legitimately limit the autonomy of higher education institutions with regard to their employing academic and administrative staff. In this context, one can refer to the judgment of 14 February 2012 by the Federal Constitutional Court of Germany, which decided that the Hessian law regulating the remuneration of teachers of public higher education institutions violated the fundamental right of civil servants for an adequate remuneration commensurate with their position and the need to attract highly qualified persons for such civil service. The employment of student assistants may also require particular attention, because in some cases such students are in a double dependence vis-à-vis their higher education institution, both as students and as employees.

7. Participatory governance within higher education institutions

39. The governance of higher education institutions in Europe is very diverse. In many countries, students participate in an institutionalised form in such governance. For example, the “Studenterråd” in Denmark and the general student councils in Austria have traditionally a consultative or co-decisional role in the management of higher education institutions. Student unions in Sweden are included in the evaluation of higher education institutions.

40. In many countries, specific academic or administrative councils have the right to appoint teachers and determine the academic work of their higher education institution. Staff and work management is thus pursued independently or autonomously. A recent empirical overview of the governance structures and regulations was provided by the European University Association.[8] It is difficult to imagine a European harmonisation of the different structures and regulations.

41. In her contribution to the committee's hearing in Paris on 5 March 2012, Ms Karina Ufert, representing the European Students Union, defined student participation in governance of higher education as the students' formal and actual ability to influence decisions made in the context of a higher education institution or public authority. She concluded that students did have an increasing say on the matters directly related to the learning process, but they were mostly excluded from top-level decisions in higher education institutions.

8. Ensuring the quality of higher education

42. If the right to higher education is to be taken seriously, public authorities have the obligation to ensure the quality of higher education without limiting academic freedom. The Council of Europe work on quality education is of great importance – the projects developed in this area range from education for democratic citizenship and human rights education to new activities on ensuring quality education.

43. The Lisbon Recognition Convention of 1997 and prior Council of Europe conventions focus on the mutual recognition of entrance qualifications, study periods and academic qualifications, degrees and diplomas. This requires an analysis of the quality of such higher education efforts and institutions.

44. The ministers participating in the Bologna Process adopted in Bergen (Norway) in May 2005 European Standards and Guidelines for quality assurance in higher education.[9] This text addresses in general terms external and internal quality assurance. However, concrete parameters or indicators for such quality assessments are not defined.

45. The OECD Programme for International Student Assessment (PISA) and related projects influence heavily the higher education policies of governments in Europe and beyond. Education systems have to be evaluated in order to appreciate their strengths and shortcomings. Such evaluations can be from the outside, for instance under the PISA work, or from inside higher education institutions, for example through the stakeholders within the institutions. Students, graduates, teachers and researchers are best placed to pursue an analysis of their own institution, for instance as regards quality of services provided by the higher education institution and the concrete impact of the studies or research pursued.

46. It would therefore be helpful if the Council of Europe could initiate and seek consistency between the various missions of higher education and the concepts of quality, since a generalised and transparent approach to quality (higher) education is still lacking. In other sectors, such as for health institutions and hospitals, detailed quality evaluations have been set up within the European Union, for instance, in order to better govern such institutions, ensure quality health care and develop health policies nationally or regionally.

47. Ideally, such quality evaluations should be drawn up in a transparent manner and be accessible eventually to students, teachers, researchers and potential employers as well as to education ministries and national legislators. All those stakeholders have a vital interest in knowing the quality of a particular higher education institution as well as the general quality of higher education institutions in a given area. Without such knowledge, informed decisions cannot be made concerning higher education.

48. Since broad evaluation projects such as PISA require huge financial and human resources, it would be naive to think that member States would currently finance new projects, even if they were convinced of their usefulness. Therefore, it will be essential to ensure active co-operation by higher education institutions, students, teachers and researchers. An evaluation pursued individually with regard to a given higher education institution is manageable for the latter without many resources and provides important feedback for its own governance control. The role for the Council of Europe could be to ensure that such individual evaluations follow general principles and are comparable on the basis of common indicators.

9. Strengthening the participation of all stakeholders

49. International treaties such as the Lisbon Recognition Convention are drawn up by legal experts of diverse profiles from national ministries and subsequently ratified and implemented by national parliaments. The standards set under the Bologna Process were elaborated and agreed upon by national ministers of participating States. Some non-governmental organisations, the European Commission, the Council of Europe and UNESCO participate in a consultative manner in the Bologna Process.

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8. Thomas Estermann and Nokkala Terhi, "University autonomy in Europe" (EUA, Brussels, 2009), reproduced for instance at: www.rkrs.si/gradiva/dokumenti/EUA_Autonomy_Report_Final.pdf.

9. See www.bologna-bergen2005.no/EN/BASIC/050520_European_Quality_Assurance_Standards.pdf.

50. The European Students' Union, the European University Association and the European Association of Higher Education Institutions represent the primary stakeholders of higher education. In order to remedy possible shortcomings in higher education policies and avoid disruptions by protests, it is important that students, teachers and researchers consider themselves as owners of the changes in higher education policies which have an impact on higher education institutions. Academic freedom and autonomy of higher education institutions require that students, teachers and researchers can effectively consider themselves as such owners.

51. It is therefore important to associate these and possibly other organisations – in particular the International Association of Universities – with the work of the Bologna Process and the work of the Council of Europe. The Standing Conference of Ministers of Education has been a flagship of Council of Europe action since 1959.

52. Within the Council of Europe, greater co-operation could also be established with regard to the Joint Council on Youth, which represents youth organisations and governments. Higher education is a core area of interest for young people. Therefore, it would be useful to utilise the intra-institutional resources of the Council of Europe for an advanced debate of this issue.

53. In paragraph 13 of Recommendation 1762 (2006) on academic freedom and university autonomy, the Assembly resolved "to co-operate with the Observatory of the Magna Charta Universitatum in monitoring the observance of the principles of academic freedom and university autonomy in Europe, thus adding a European parliamentary dimension to the work of the observatory". My former colleagues Josef Jařab (Czech Republic) and Andrew McIntosh[10] (United Kingdom) attended meetings of the Magna Charta Observatory in Bologna. I was also invited to speak at such a meeting, but unfortunately had to decline due to unexpected family obligations.

54. The Magna Charta Observatory is an important self-regulatory platform for higher education institutions in Europe and beyond. Its membership reflects the globalisation of historically European values in higher education. It is not necessary for governments to regulate higher education institutions where the latter can ensure for themselves their proper governance. Therefore, the Council of Europe and its Parliamentary Assembly should support such efforts and reinforce their institutional co-operation.

10. Conclusions

55. The governance of higher education institutions is a determining factor for the functioning and quality of higher education systems. European traditions have established the general principles of the autonomy of higher education institutions, including academic freedom and freedom of research. Those principles have been enshrined in several legal and political texts by higher education institutions, European education ministers, the Council of Europe, the European Union and the United Nations.

56. In practice, however, the autonomous governance of higher education institutions is often undeveloped and challenged by various external factors. Concrete policy actions are needed to strengthen such governance and ensure, at the same time, effective implementation of the universal right to education, including access to higher education based on ability.

57. Governance of higher education institutions must rely to a wider extent on internal evaluations as well as decision-making structures which include all stakeholders, in particular students, teachers and researchers.

11. Recommendations

58. National parliaments have the power and the obligation to be active in national higher education policies. Also within the European Union, Article 165 of the Treaty on the Functioning of the European Union reaffirms the competence and responsibility of national parliaments to determine higher education policies and legislation. It is therefore logical that this Assembly becomes more active in this field.

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10. Andrew McIntosh, "Higher education in a time of social and economic change: what contribution must universities and public authorities make?", in *Proceedings of the Conference of the Magna Charta Observatory* (Bologna, 17-18 September 2009): http://hedbib.iau-aiu.net/pdf/Crisis,%20Cuts,%20Contemplations%20-%20Magna%20Carta%20Observatory.pdf.

59. In the same vein, the Standing Conference of Ministers of Education of the Council of Europe should be used as a leading platform for discussing and co-ordinating higher education policies throughout Europe. The Committee of Ministers and its Rapporteur Group on Education, Culture, Sport, Youth and Environment must be an important partner in this respect, as most foreign ministries also deal with cultural affairs abroad.

60. All action must, however, include other stakeholders as well. Students, teachers, researchers and higher education institutions should be consulted and motivated to co-operate actively in defining and implementing policy objectives and concrete projects concerning higher education. In this context, the Assembly should also increase its working contacts with representative organisations of students and higher education institutions.

61. The autonomy of higher education institutions must be a guiding principle. This autonomy cannot be total, but State authorities, political or religious institutions and the economic sector should not interfere in the internal functioning of higher education institutions. Instead, greater transparency, consultation and co-operation are needed.

62. In addition, academic freedom and freedom of research must be respected as a fundamental right. Social and scientific progress as well as the development of each individual depends on such freedom in the same way as it depends on the freedom of thought and the freedom of expression and information.