

The roots of academic freedom

**Underlying values
and human rights
perspectives**

**Webinar
16 February 2023
15.00 - 16.30 CET**

Agenda

1. How to join the webinar	Page	2
2. Introduction to the webinar	"	3
3. Programme	"	4
4. Speakers' bios	"	5
5. The Magna Charta Observatory	"	8
6. The MCU2020	"	10
7. How to become a signatory of the MCU2020?	"	12
8. Supporters of the MCO - 2022 and 2023	"	13
9. MCO contact details & Secretariat	"	15

1. How to join the webinar

02

In order to join the zoom meeting, we kindly ask you to download the zoom app (link for your convenience <https://zoom.us/download>).

The web browser client will download automatically when you join your first zoom meeting, but in order to avoid technical problems, we kindly ask you to do it in advance.

There are 3 ways to join the Zoom meeting:

1. From the Zoom app on your desktop
2. Through the link via your email invitation
3. From the Zoom website

Once you have signed in with your username and password, you will have to enter the meeting ID: 852 0049 5170

the password: 583173

Or click the link: <https://us02web.zoom.us/j/85200495170?pwd=NjZ5M1VFSjBCWTBRbzhCU01OWUkrZz09>

PLEASE, **DON'T SHARE THIS INFORMATION** WITH ANYBODY. Only registered participants are allowed to enter.

Please, keep your audio and video off.

You will first be placed in a waiting room. Following authorisation you will be placed in the virtual meeting room.

IMPORTANT: Please, rename your profile. Your name that appears under your picture has to be the same as you used to register for the webinar, so that we can recognize you. Thank you.

In case you would like to **submit questions**, please, **write them on the Chat**.

2. Introduction to the webinar

03

Welcome to the MCO webinar *The roots of academic freedom - Underlying values and human rights perspectives*

What would be the content of academic freedom as a human right, and what the benefits of recognising it as an enforceable human right?

In the United Kingdom, academic freedom has always been a matter of convention rather than the law, let alone human rights law.

In the United States, academic freedom is recognised as a fundamental right under the Constitution, signifying university autonomy, however, rather than individual rights.

On the European continent, the reference in constitutions is usually to freedom of science.

Especially newer constitutions, such as those of South Africa or the European Union, however, expressly recognise a human right to academic freedom. International human rights law does not explicitly recognise academic freedom in any treaty.

Nevertheless, it might potentially be subsumed under provisions on the right to science, freedom of expression, or the right to education.

This webinar will explore the nature of academic freedom as a human right. It will seek to answer the question what the content of academic freedom as a human right, and what the benefits of recognising it as an enforceable human right, would be.

Answering these questions might also be relevant to the future work of the Magna Charta Observatory.

[CLICK HERE TO READ THE BACKGROUND PAPERS FROM THE SPEAKERS](#)

3. Programme

04

14.55 Opening access to participants at Zoom

15.00 Introduction by the chair

Klaus D. Beiter, Professor of Law, North-West University, Faculty of Law, Potchefstroom, South Africa

15.10 Academic freedom, scientific freedom, and the human right to science

Helle Porsdam, Professor of History and Cultural Rights, University of Copenhagen, SAXO-Institute & Faculty of Law, Centre for Interdisciplinary Studies of Law

15.30 Academic freedom in the EU Charter of Fundamental Rights

Vasiliki Kosta, Associate Professor, Leiden University, Leiden Law School, Europe Institute

15.50 “Yearning to belong”: Finding a home for the right to academic freedom in the International Bill of Human Rights

Klaus D. Beiter, Professor of Law, North-West University, Faculty of Law, Potchefstroom, South Africa

16.10 Q&A

16.30 End of the webinar

4. Speakers' bios

Helle Porsdam is Professor of History and Cultural Rights and UNESCO Chair of Cultural Rights, University of Copenhagen, Denmark. She holds a PhD from Yale University in American Studies and has held fellowships at Harvard Law School, University of Cambridge, and the University of Munich. Between 2011 and 2014 she was a Global Ethics Fellow with the Carnegie Council for Ethics in International Affairs and in 2021, she was a Leverhulme Visiting Professor at the University of Cambridge. Her most recent publications include the monographs *The Transforming Power of Cultural Rights: A Promising Law and Humanities Approach* (Cambridge, 2019) and *Science as a Cultural Right* (University of Pennsylvania Press, 2022) and the co-edited volume, *The Right to Science: Then and Now* (Cambridge, 2021).

05



Helle
Porsdam

4. Speakers' bios

Vasiliki (Vicky) Kosta studied law at King's College London obtaining the LLB in 2006 and the LLM in European Law with 'Distinction' in 2007. Subsequently she pursued her PhD research at the European University Institute in Florence on 'Fundamental Rights in Internal Market Legislation'. From 2009 - 2011 she also worked as a research associate at the Academy of European Law, EUI Florence. In 2011 Kosta was a 'stagiaire' at the Court of Justice of the EU and she completed a traineeship at the EU Agency for Fundamental Rights in 2011/2012. In 2013 Kosta defended her PhD-thesis on 'Fundamental Rights in Internal Market Legislation' at the European University Institute, Florence. She was an Emile Noël Fellow at the Jean Monnet Center of New York University (NYU) School of Law in 2017 and in July 2021 she was awarded the Dutch NWO Vidi grant for the project "The EU Fundamental Right to 'Freedom of the Arts and Sciences': Exploring the Limits on the Commercialisation of Academia". She is Associate Professor of European Law at Leiden University.

06



Vasiliki
Kosta

4. Speakers' bios

07

Klaus D. Beiter holds law degrees from the University of South Africa, and a doctorate in international human rights law from Ludwig Maximilian University of Munich, Germany. He was a Senior Research Fellow at the Max Planck Institute for Innovation and Competition in Munich for seven years, before undertaking a two-year Marie Curie fellowship at the University of Lincoln in the U.K., where he carried out research on academic freedom as a human right. He wrote the first English-language monograph on the right to education in international law (Martinus Nijhoff, 2006). His research topics further include intellectual property rights, the right to science, and the extraterritorial application of human rights. He is a Professor of Law at North-West University in Potchefstroom, South Africa, where he teaches Intellectual Property Law, Socio-Economic Rights, and International Social Justice. He is a member of the Consortium for Human Rights Beyond Borders in Heidelberg, an adviser to the global Right to Education Initiative in London, and an ambassador to the Observatory Magna Charta Universitatum on Academic Freedom in Bologna.



Klaus D.
Beiter

5. The Magna Charta Observatory

08

The Magna Charta Observatory is the global guardian of fundamental university values and assists universities and higher education systems to operate effectively in accordance with them for the benefit of students, staff, society and universities themselves.

Over 900 universities from 86 countries have signed its statement of fundamental values since 1988.

The MCO supports a global community of universities through values. It assists universities pro-actively and through supportive actions when difficulties are encountered.

The MCO was founded by the University of Bologna and the European University Association. It is a non-profit organisation and is based in Bologna. It is funded by the University of Bologna and donations from signatories.

Why MCO is needed

The MCO provides assistance for universities who want to be at the forefront of understanding and implementation of the fundamental values.

It has developed the Living Values project which can be used by universities to enable them to put their values into practice more effectively.

MCO reviews and reports when circumstances do not allow universities to operate autonomously.

MCO helps Countries to enable their universities to be more aware of the significance of fundamental values for the development of their higher education systems.

MCO assists key stakeholders when fundamental values, especially academic freedom, are not being upheld.

MCO seeks to promote a deeper understanding of the importance of values and their operation in different contexts.

MCO helps universities learn from other situations that can enrich practice. As institutions operate more globally the importance of mutual understanding and shared values helps to build stronger partnerships through trust.

Autonomy is a journey - not a destination. Journeys have different starting points, progress at different speeds and experience different operational constraints.

MCO Strategic plan



[Click to read the Magna Charta Observatory strategy for 2020-2025](#)

6. The MCU 2020

09

The Observatory has prepared a new version of the Magna Charta Universitatum: the MCU 2020. The text (in English) has been adopted by the MCO's Governing Council.

The new MCU removes nothing from the original fundamental values to which universities signed up. It strives to be responsive to and resonate with contemporary challenges and concerns.

Its tone recognises that the pursuit of the fundamental values has worth along with their actual attainment, which, in practice, is a constant quest.

It recognises the more global nature of what universities do and the wider range of local responsibilities which they have.

The text of the MCU 2020 is here below.

It has been launched at the occasion of the XXXIII MCO anniversary on 16 June 2021.

Preamble

The Magna Charta Universitatum, a declaration and affirmation of the fundamental principles upon which the mission of universities should be based, was signed in 1988 on the occasion of the 900th anniversary of the University of Bologna. The first principle was independence: research and teaching must be intellectually and morally independent of all political influence and economic interests. The second was that teaching and research should be inseparable, with students engaged in the search for knowledge and greater understanding. The third principle identified the university as a site for free enquiry and debate, distinguished by its openness to dialogue and rejection of intolerance.

The Magna Charta Universitatum recognised that universities upholding these principles could take many forms under the combined influence of culture, geography and history. Despite being explicitly the product of a specific moment in European development the document envisaged a networked world in which knowledge and influence should cross cultural boundaries in the pursuit of human understanding.



The world has since become interconnected in ways unimaginable at the time of the original declaration. Universities have proliferated around the globe, dramatically increasing in variety as well as scope and mission. Globally the number and diversity of students seeking a university education has increased, as have their reasons for doing so and the expectations of their families and communities. The number of publications has increased enormously while trust in academia is being eroded by a loss of confidence in expertise. In the sway of new technologies, modes of learning, teaching and research are changing rapidly; universities are both leading and responding to these developments.

Despite these changes, the potential of higher education to be a positive agent of change and social transformation endures. The principles laid out in the Magna Charta Universitatum are as valid today as they were in 1988, and they are the necessary precondition for human advancement through enquiry, analysis and sound action. The dramatic changes outlined above require the global academy to identify responsibilities and commitments that the signatories agree are vital to universities around the world in the Twenty-First Century. That is the reason for this new declaration.

Principles, Values and Responsibilities

Universities acknowledge that they have a responsibility to engage with and respond to the aspirations and challenges of the world and to the communities they serve, to benefit humanity and contribute to sustainability.

Intellectual and moral autonomy is the hallmark of any university and a precondition for the fulfilment of its responsibilities to society. That independence needs to be recognised and protected by governments and society at large, and defended vigorously by institutions themselves.

To fulfil their potential, universities require a reliable social contract with civil society, one which supports pursuit of the highest possible quality of academic work, with full respect for institutional autonomy.

As they create and disseminate knowledge, universities question dogmas and established doctrines and encourage critical thinking in all students and scholars. Academic freedom is their lifeblood; open enquiry and dialogue their nourishment.

Universities embrace their duty to teach and undertake research ethically and with integrity, producing reliable, trustworthy and accessible results.

Universities have a civic role and responsibility. They are part of global, collegial networks of scientific enquiry and scholarship, building on shared bodies of knowledge and contributing to their further development. They also are embedded in local cultures and crucially relevant to their future and enrichment. While they are immersed in and connected with global developments, they engage fully with and assume leading roles in local communities and ecosystems.

Universities are non-discriminatory spaces of tolerance and respect where diversity of perspectives flourishes and where inclusivity, anchored in principles of equity and fairness, prevails. They therefore commit themselves to advance equity and fairness in all aspects of academic life including admissions, hiring and promotion practices.

Education is a human right, a public good, and should be available to all. Universities recognise that learning is a lifelong activity with tertiary education as one part of a continuum. Within that one part, universities serve diverse learners at all stages of their lives.

Universities acknowledge that individuals and communities, often due to inequitable circumstances, have difficulty gaining access to higher education or influencing the modes and matter of academic study. To realise human potential everywhere, universities deliberately seek ways to welcome and engage with diverse voices and perspectives.

By signing the Magna Charta Universitatum 2020 universities declare their commitment to the original declaration and to upholding and advancing the Principles, Values and Responsibilities stated above, to strengthen the role of universities in the preservation of the planet and promoting health, prosperity, and enlightenment around the world.

Approved by the Governing Council 12 March 2020

7. How to become a signatory of the MCU 2020

In order to apply to become a signatory of the MCU2020, you are kindly asked to read the Admission Policy, fill the Application Form that you can download from the MCO website (link for your convenience: <http://www.magna-charta.org/magna-charta-universitatum/sign-the-magna-charta>) and email it with the following documents to the Magna Charta Observatory Administrator at magnacharta@unibo.it.

Documents to be attached:

- a) A formal request to become a signatory signed by the senior academic post holder (Rector, President or Vice-Chancellor)
- b) Evidence in the form of certified minutes from the senior academic body and the ultimate governing body that the application has their full support
- c) Statements of support from 3 universities, at least two of which should be outside their own country, which are already signatories of the Magna Charta Universitatum.

The Governing Council of the Magna Charta Observatory reviews request to sign the MCU during its Spring/Summer meeting, before the 2023 signing event, that will be held in Lodz, Poland on 18th-20th October 2023.

Please send us the listed required documents within the 15th of June, to be reviewed within next Ceremony of June 2021.

The Application Form and the required documents have to be drafted in (or translated into) English.



8. Supporters of the MCO - 2022

The MCO thanks its supporters whose donations enable it to implement its strategy and serve universities

13



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its work.
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14



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9. MCO Contact details

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15



Thank you!

**LET US KNOW IF YOU HAVE
QUESTIONS OR CLARIFICATIONS.**