



European Students' Union (ESU)

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STATEMENT ON THE CONCERNING 'SCIENTIFIC ACTIVITY AND HIGHER EDUCATION ACT' PROPOSAL ON THE POSITION OF STUDENTS' REPRESENTATIVES IN THE REPUBLIC OF CROATIA

Since its beginning, the Bologna Process has recognised students as crucial stakeholders who should take part in shaping their education. The Prague Communiqué declared that students are to be considered full members of the higher education community - where students' participation is seen as one of the fundamental values of the process (Prague Communiqué 2001)¹. Two years later, the Berlin Communiqué marked the constructive participation of student organisations in the Bologna process and underlined the necessity to continuously include students in the decision-making processes. It states that "*students are full partners in higher education governance*"². The Ministers also called on institutions and student organisations to identify ways of increasing actual student involvement in higher education governance. Students do not represent a minority in the academic community, but one of the basic pillars, being placed in the centre of the educational activities. **As direct recipients of education, students should have an important word to say when it comes to deciding the future of their universities or for instance when electing the rector of a higher education institution.** European higher education institutions, nowadays, serve as models of good practice and examples of respect for student rights, academic freedom and democratic principles.

After becoming a member of the European Union in 2013, the Republic of Croatia committed to an active approach toward the enhancement and development of these principles, especially in the area of higher education. The current circumstances showed

¹ EHEA (2001). *Towards the European Higher Education Area: Communiqué of the meeting of European Ministers in charge of Higher Education in Prague on May 19th 2001*. Retrieved from: http://www.ehea.info/Upload/document/ministerial_declarations/2001_Prague_Communique_English_553442.pdf

² EHEA (2018). *Paris Communiqué*, Paris, May 25th 2018. Retrieved from: http://ehea.info/Upload/document/ministerial_declarations/2003_Berlin_Communique_English_577284.pdf

the support of policymakers by adopting measures and sets of regulations in line with European policy such as the *Global Convention on the Recognition of Qualifications concerning Higher Education* (UNESCO, 2019)³, *Act on Croatian Qualification Framework* (Official Gazette, 22/13, 41/16, 64/18, 47/20, and 20/21)⁴ and *Act on Scientific Activity and Higher Education* (Official Gazette, 123/03, 198/03, 105/04, 174/04, 02/07, 46/07, 45/09, 63/11, 94/13, 139/13, 101/14, 60/15 and 131/17)⁵.

Moreover, the *Croatian recovery and resilience plan 2021. - 2026*.⁶ identifies the need for empowerment of youth for demographic revitalisation, more specifically it emphasises the importance of youth engagement towards active involvement in decision-making processes. **The plan, specifically, obliged decision making bodies to derive the greater inclusiveness and active participation of student representatives in governing public affairs of interest to youth.**

In Croatia's own National Development Strategy 2030⁷, under the strategic goal 5.2. 'Educated and employed people', it is mentioned that education **is the single most powerful means of achieving social and industrial changes, especially when involving all of its citizens**. It is also stated that the formal educational system lies on two paths- one being contribution to change and the development of quality education- and the other being upgrading and the modification to the current state. Political priorities in higher education involve the development of the higher education system and internationalisation according to contemporary European trends through quality enhancement of educational availability, relevant in the context of the labour market and the society. Another priority is the development of student standard, infrastructure and student labour, as well as the development of the university cities. **By disallowing the students to participate in the governance of higher education, Croatia would, not only impede its quality development, but also internationalisation goals.**

On the other hand, the new draft on the *Law of Scientific Activity and Higher Education*⁸, which sets the framework for student participation in higher education governing bodies, sets the support mechanisms via student services and defines student rights and responsibilities, **directly opposes many areas of EHEA policy, student support and most importantly- student participation in the decision making processes, as well as curbing institutional autonomy, and ultimately academic freedom for Higher Education Institutions.** According to the the new draft:

- Student voting rights are terminated at the university senate and faculty body in the voting on the matters of rector, vice-rector and dean elections, as well as on the appointments of academic ranks,
- Establishes university councils with the purpose of supervision of universities and authorisation of crucial acts such as strategic documents,
- University councils are proposed to consist of seven members, none of which are students. Of these seven members, three will be appointed by the Senate and three by the government and the President, appointed by the two previous

³ http://portal.unesco.org/en/ev.php-URL_ID=49557&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁴ https://www.azvo.hr/images/stories/propisi/The_CROQF_Act.pdf

⁵ https://www.azvo.hr/images/stories/o_nama/Act_on_Scientific_Activity-UNOFFICIAL_TRANSLATION.pdf

⁶ https://ec.europa.eu/info/sites/default/files/recovery_and_resilience_plan_for_croatia_hr.pdf

⁷ https://narodne-novine.nn.hr/clanci/sluzbeni/2021_02_13_230.html

⁸ https://www.nsz.hr/wp-content/uploads/2018/03/ZZDVO_2017.pdf

components. In case they do not manage to agree on whom to nominate, the government will choose the President of the University Council.

Concerns arise linked to the following issues as well, which are included into the draft law:

- Loss of students' right to consultations and mentor work;
- Disallowance of students' participation in the work of the students' organizations;
- Loss of students' rights to appropriate psychological and health support in students' health institutions or other health institutions;
- Loss of students' participation in students' teaching and learning assessment for the purpose of quality assurance and enhancement at higher education institutions.

Disallowing the students the right to be mentored and have the access to consultations, not only limits their learning process, but can impede the transparency of the educational process and gives higher subjective autonomy in grading to the professors, furthering Croatia away from the student-centered learning; one of the fundamental values of the EHEA, and the basis of the ECTS credits.⁹

Based on the Law on Students' Council and Other Students' Organizations¹⁰, students' councils are legally considered as students' organizations. By removing this particular right from the list of students' rights under the Scientific Activity And Higher Education Act, the entire students' representatives' structure, as well as the Law on student organizations, are not aligned with the current proposal. **This way, students' organizations in Croatia are effectively looking to be abolished, contrary to all the stated strategies for higher education and the adopted European regulation, leaving Croatia with a higher education system that would not be able to claim its legitimacy, transparency or quality.** Without a national body and established students' councils, Croatian students would be left out of the European students' community and the benefits of it, degrading the work done over the past decades to advance the current trends in Croatian higher education. With the trend of Brain Drain present in South Eastern Europe, therefore in Croatia as well, one is left to wonder how Croatia plans on proving its quality of education if it does not abide by the ESGs, and consequently, attracts less and less international students, despite its internationalization goals? Furthermore, banning the possibility for students to take part in student organisations goes against any basic understanding of a democratic society, and is in contrast with art. 43 of Croatian Constitution, which states that 'Everyone has the right to freely gather for the protection of their individual profit or standing for social, industrial, political, national, cultural or other beliefs and purposes.

The loss of students' access to appropriate psychological and health support in students' health institutions or other health institutions should be one of the priorities in higher education, not only for the national, but the international students too. Croatian Student Council (CSC), as one of the supporters of the establishment of ESU's 2020 Mental Health Charter¹¹, and the adoption of the new Social Dimension Policy Paper¹², put an emphasis on the need for students' 'comprehensive and adequate' access to health care.

⁹ http://publications.europa.eu/resource/cellar/da7467e6-8450-11e5-b8b7-01aa75ed71a1.0006.01/DOC_1

¹⁰ https://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_71_2182.html

¹¹ <https://www.esu-online.org/?policy=2020-mental-health-charter>

¹² <https://www.esu-online.org/?policy=2019-social-dimension-policy-paper>

Higher education institutions have the responsibility to provide their students with the proper mental and health support, according to these documents. Croatia is also co-chairing the BFUG Working Group on Social Dimension 2021-2024, together with ESU, where the integration of the principles into the core higher education mission is planned within institutional governance and management, policies for empowering students and staff. If Croatia decides to retract the students' right to participation in the work of students' organizations, as well as take away their rights to health services, Croatia will be put in a position of paradox; working on the development of policies it does not intend to implement. Croatian Ministry of Science and Education also participated in the evaluation of students' life during the COVID-19 pandemic¹³, and one of the areas students felt most vulnerable in, is their mental health and emotional wellbeing. As new strategies for education tend to speak about the hybrid learning models, we expect that the students' mental health will remain as one of the priorities in terms of students' wellbeing during their educational process. **We urge the Croatian government not to take away students' rights to access these ever needed services, for all their students.**

As an umbrella organisation of 45 National Students' Unions representing more than 20 million students across Europe, *The European Students' Union (ESU)* is firmly opposing the new draft of the Law of Scientific Activity and Higher Education as it threatens the position of students as stakeholders in the higher education community. Excluding students' voting in rector and dean elections directly contributes to the neglect of student issues in institutions' strategic plans. **The proposed draft articles contribute to the marginalisation of student participation in higher education bodies by not reaffirming them as fully-fledged members of the academic community and threatens an unduly meddling of the government in the governance of the single Higher Education Institutions, completely diminishing institutional autonomy and academic freedom in Croatia.**

The proposed **reform goes against Croatian commitments in its National Recovery and Resilience Plan, concretely risking jeopardising the disbursement of the funds under the Recovery and Resilience Facility, which the country requested on 15th March 2022.** Furthermore, the reform goes directly against the commitment Croatia took by signing the Rome Ministerial Communiqué¹⁴, which 'recognizes the importance of safeguarding student rights through legislation' and 'commits the Member States to developing and supporting them in our national systems through dedicated measures and structures', as well as its Annex 'Statement on Academic Freedom'¹⁵, which explicitly states that 'academic staff and students should participate meaningfully in decision-making processes and have the right to express their views on their institution's policies and priorities without fear of reprisals'. In a moment where a monitoring mechanism for academic freedom, institutional autonomy and student and staff involvement in the governance of Higher Education is being developed at the EHEA level, such a reform that would go against all these fundamental values will soon come under scrutiny. Furthermore, under the European Strategy for Universities¹⁶, the European Commission has pledged to empower academic freedom and promote the principles to protect such fundamental values. What is more, the proposed Council conclusions 'on

¹³ https://www.esu-online.org/wp-content/uploads/2021/04/0010-ESU-SIderalCovid19_WEB.pdf

¹⁴ http://www.ehea.info/Upload/Rome_Ministerial_Communique.pdf

¹⁵ http://ehea.info/Upload/Rome_Ministerial_Communique_Annex_1.pdf

¹⁶ <https://education.ec.europa.eu/document/commission-communication-on-a-european-strategy-for-universities>

building bridges for effective European higher education cooperation¹⁷, academic freedom and institutional autonomy, which includes the meaningful involvement of academic staff and students in decision making related to their institution, are the prerequisites for any collaboration under the European Universities initiative. This reform risks conducting Croatian Higher Education into European isolation.

Furthermore, in accordance to the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)¹⁸, “*stakeholders* are understood to cover all actors within an institution, including students and staff, as well as external stakeholders such as employers and external partners of an institution.” Therefore, the national quality assurance agency of Croatia, Agency for Science and Higher Education (ASHE), as one of the full members of The European Association for Quality Assurance in Higher Education (ENQA), has to operate according to the general principles of the ESGs, which readily involve students in aspects of institutional and programme governance, implementation, assessment and quality enhancement. Not allowing the students to participate in the process of governance would therefore be seen as an infringement of the quality of Croatian higher education.

For these reasons ESU, together with the Croatian Students’ Council (CSC), calls for:

- 1. Assuring the complete autonomy, transparency and legitimacy of the CSC and its members, according to the current Scientific Activity And Higher Education Act and the Law on Students’ Council and Other Students’ Organizations;**
- 2. Inclusion of students as fully-fledged members of higher education governing bodies on all matters, including voting rights on rector, vice-rector and dean appointment, as well as on the appointments of academic ranks;**
- 3. Systematic and consistent involvement of student representatives in the preparatory, decision-making and monitoring processes of higher education laws, policies and strategies, specifically by affirming student representatives in university councils;**
- 4. Acknowledgment of the Bologna Process in its full capacity at the highest level of Higher Education framework;**
- 5. Running down any type of governmental and/or other political influence on the decisions of students’ representatives and academia in order to respect democratic principles, to preserve academic freedom and institutional autonomy;**
- 6. Assurance of students’ accessibility to health services for the protection of their mental and physical health at all times;**
- 7. Immediate alignment of students’ rights with the Constitutional rights of the Republic of Croatia;**
- 8. Compliance with the ESGs and the implementation of the Bologna process values within the EHEA.**

Current HE developments in Croatia are concerning, students’ voices must be heard and academic freedom followed by democratic values must be upheld in order to provide quality Higher Education systems as well as to allow room for enhancements. Therefore, it is of the utmost importance to respect and ensure adequate student representation in higher education bodies for the benefit of all students, and to assure the legitimacy and

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0017>

¹⁸ https://www.engq.eu/wp-content/uploads/2015/11/ESG_2015.pdf

full participation of students in the governance of higher education. Effectively, **Croatia has one of the lowest percentages in Europe in student participation in governance, with 15% of students in governing bodies¹⁹ on the national level.** The detrimental impact of lowering this percentage is indescribable in the context of Croatia's past and present ambitions, strategies for higher education and the internationalization goals.

ESU once more reiterates the importance of students in planning, developing, implementation, assessment and enhancement of the higher education policy and hopes to see Croatia live up to the standards of higher education of the other EU member states.

¹⁹ <https://www.esu-online.org/wp-content/uploads/2021/03/0037-Bologna-Publication-2021-WEB3.pdf>