

MEMORANDUM
by Independent Bologna Committee
on the second application of the Republic of Belarus
to join
the European Higher Education Area

We welcome the Republic of Belarus intention to join the European Higher Education Area. Belarusian society has a great hope, that it will not be only irresponsible declaration, but the real step to ensure Bologna transformations of Belarusian high school. However, there is reason to doubt Belarusian officials' sincerity and seriousness. The Belarus second application to join the EHEA has been prepared in an atmosphere of the complete secrecy. Ministry of Education reluctantly admitted the fact that application has been submitted after a month when it was done. This closeness could be explained by the desire to avoid a public debate on whether the Belarusian higher education is ready to accept the values and goals of the EHEA and, consequently, the risk of being once again criticized by the European institutions concerning the status of academic freedom, institutional autonomy and student participation in the HEI management in Belarus. The content of the official report, submitted to the Bologna Secretariat by Belarusian Ministry of Education, is completely unknown to Belarusian public. At the same time the officials' statements indicate that Ministry of Education position has hardly changed since 2011. The leadership stubbornly denies the existence of any problems regarding students' access to the universities management or academic repression in the Belarusian universities. Independent Bologna Committee believes that it is necessary to provide up-to-date information on the institutional autonomy status, academic freedom and students' participation in the higher education management. Thus, this report is focused on exactly those areas of academic life that, like previously prevented Belarus joining to the European Higher Education Area in 2012.

Academic freedom

The alternative report made by 11 human-rights organisations of Belarus and sent to the UN within the Periodic Review of the Republic of Belarus http://www.solidarnasc.org/sites/solidarnasc.org/files/file/UPR_Belarus_Alternative_report_en.pdf characterises the academic-freedom situation as follows: Violations of academic freedoms in Belarus' universities remain systematic and widespread. In the education system, there is evidence of restrictions and violations of the fundamental freedoms, such as the freedom of association, freedom to elect and to be elected, freedom of movement and travel. The right to participate in the University management is limited, improper disciplinary actions are taken and forced labour is used. E. g., the students are under pressure on the part of the administration of educational institutions; the pressure still increases when important public events occur. There is evidence of illegal persecution of lecturers for their political views and the implementation of their right to freedom of expression.

The academic-freedom monitoring carried out by the Independent Bologna Committee completely coincides with the situation analysis by the human-rights organisations.

The Belarusian higher educational institutions (HEIs) **are reluctant to provide information** about their operation. In spite of the statutory provision stipulating availability of the constituent documents of HEIs to prospective students and students, 28% of the HEIs only provide their

statutes online. The composition of the council (the analogue of the senate) which is certainly a public document can be found on the websites of 19% of the HEIs only. During the monitoring the Independent Bologna Committee's experts proved that in numerous cases the administration refuse to provide the information about the HEI's council even to the academic staff and students. The data of the monitoring have demonstrated that the transparency level of the Belarusian HEIs does not exceed 38%. http://bolognaby.org/?attachment_id=1716. In spite of the Independent Bologna Committee's requests to the HEIs' management to ensure better information openness, the situation has deteriorated since 2011. If, e.g., in 2011 the application documents and their submission process were public when preparing for the application submission to accede to the EHEA, in 2014 the whole process was classified.

Ideological limitations of the academic-staff activities (article 18 of the Education Code) and the prohibition for the students to participate in protest campaigns established in the HEIs' internal rules and regulations or codes of conduct are preserved.

The academic staff are exerted **pressure to overmark or undermark students at the examinations** on economic or political grounds.

Limitation of the right to freely disseminate and publish research results are general practice. According to the monitoring, numerous HEIs use permission procedures to publish articles in their publications and sanctions for publishing the "wrong" articles or books abroad. In 2013 the authors of similar "politically harmful" publications were dismissed from Brest and Hrodna State Universities.

Numerous Belarusian HEIs use diverse **limitations of the academic mobility**. They cover the whole range of complicated procedures to obtain permits for foreign travel to compel the academic staff to give up salaries for the period of the travel. Border crossing by the academic staff is controlled by the law-enforcement agencies, the information is provided to the HEIs' administration. At Brest State University all the academic staff are pledged not to travel abroad on any days but Sundays.

Some HEIs practice **limitations of the right to also be employed** at other HEIs. E.g., all the heads of units of Brest State University are prohibited to be employed in Poland.

The Belarusian higher-education system does not have indefinite-term **employment contracts for the academic staff**, however, the traditional university system of competitive election of the academic staff for the term up to five years set forth by law is completely depreciated by the right of the HEIs' presidents to enter into a contract for any shorter period of time irrespective of the election period at their discretion. It erodes the reputation of the Councils (the analogue of the senate) which are stripped of real powers as well as becomes an efficient tool to intimidate and punish the academic staff. The academic staff critical of the HEI's administration or the government often fall victim to the abuse of administrative power. There are virtually no cases when the academic staff who had suffered from the abuse could use any remedy.

The **right of association** of the academic staff is routinely violated.

Contrary to the law prohibiting activities of political parties or NGOs at the HEIs, grassroots organisations of Belaja Ruś Non-Governmental Association, a pro-government organisation

seeking the status of a political party, are created everywhere. The HEIs' academic staff and heads of units are under pressure to join the organisation or a pro-government trade union. On the other hand, the activities of independent NGOs are opposed by the HEIs' administrations. Thus, the members of independent trade unions are exerted pressure upon at numerous Belarusian HEIs.

At Brest State University intimidation by the administration resulted in the liquidation of the primary organisation of the Free Trade Union.

The academic staff are unable to **participate in the HEI's management**. The presidents appointed by the governmental agencies are not accountable to the academic community, the councils of the HEIs or faculties are rejected the right to finally resolve on the key issues of the operation of the HEIs or their units. The HEIs' councils consist primarily of the heads of units, and their elections cannot be considered free and fair.

The Belarusian **students** suffer from violations of their academic rights as well.

The results of the academic-freedom monitoring at 16 Belarusian HEIs have demonstrated that the students fall victim to the violations of their academic rights en masse.

The students face arbitrary or politically motivated **limitations of foreign travel**. The motivation of the travel prohibition due to violation of the studies schedule, however, does not prevent the HEIs' administrations to send thousands of students to farm and other **forced labour**.

Approximately 19 thousand graduates of the HEIs who have studied at the expense of the governmental budget fall victim to **compulsory two-year job placement** annually as well. If they refuse such placement, they are threatened by prosecution by law and recovery payment of the complete costs of their studies at the HEI for the benefit of the government. The graduates who have studied at their own cost are not guaranteed against dismissal from their first job. Although the students are **entitled to have a place at a student dormitory** by law, the opportunity to exercise the right is hindered by corruption and abuse of power by the dormitory administrations or by its use as a tool of political pressure on the students.

Under the threat of eviction from the dormitories the students are forced to take part in early voting of the authorities' elections or to refuse to participate in public campaigns or NGOs not approved by the government or the HEI's administration. The students face violations of the extremely limited **rights to select study courses or research topics** as undesirable due to political reasons. Students are expelled from the HEIs on political grounds.

During the period of time from the previous Belarus' application to accede to the EHEA, there has been no positive dynamics in guaranteeing academic freedom of the academic staff and students. Neither the legislation nor its practical application evidence any progress in the field. Moreover, the information openness of the HEIs and of the Ministry of Education has deteriorated since then, and the repressions against the academic staff and students have become more academic than political.

Institutional autonomy

To assess the **institutional autonomy**, we have used the methodology of the European University Association (EUA) based on recognising four major dimensions of the institutional autonomy: organisational, financial, personnel, and academic. Using the methodology, the Independent Bologna Committee assessed the autonomy of the Belarusian HEIs by the 30 indicators used by the EUA in 2013. <http://bolognaby.org/?p=878>

Organisational autonomy

The section of the Education Code dedicated to higher education strips the university community of any influence tools concerning the HEIs' management and demonstrates the legislators' adherence to turning the universities into the structures of the governmental machinery. The presidents having the absolute authority at the HEI and presiding over the HEIs' councils are not elected by the university council or any other autonomous bodies and are not accountable to the academic community. At the state HEIs they are appointed and dismissed by the President of Belarus or by the governmental bodies subject to his/her approval. At the non-state HEIs the presidents are appointed and dismissed by the Minister of Education. However, the president him/herself is not guaranteed by law against the abuse of power by his/her superiors. Thus, in February 2013 the president of Hrodna State University was dismissed at the request of the head of the Hrodna Regional Executive Committee while, according to the head, the president backpedalled the dismissal of the lecturer ordered by the head to be dismissed for publication of a book abroad. It is obvious that the organisational autonomy of the Belarusian HEIs is actually absent by the majority of the parameters. By a certain stretch of imagination, the HEIs are more independent in establishing legal persons and appointing outside members of the council. Taking into consideration the weight of every parameter, the organisational autonomy of the Belarusian HEIs scores **24 points out of the possible 100**.

Financial autonomy

The autonomy of the HEIs concerning institutional policy and budget management is described by seven parameters. If the Belarusian educational system is attributed weighted autonomy indices by the seven parameters according to how it was done in the EUA's research, the financial autonomy scores **26.5 out of the possible 100**. It is low autonomy of the HEIs in financial matters.

Personnel autonomy

Implementation of the traditional university methods of resolving personnel issues has its features in the Belarusian conditions which limits the HEIs' rights.

If the weight indices of the parameters of personnel autonomy and assessments of autonomy by the parameters are used, the final personnel autonomy of the Belarusian higher education system would **not exceed 25%**.

Academic autonomy

Academic autonomy is understood as independence in determining enrolment figures, students' selection criteria, new educational programmes, their curricula, and language of instruction. Besides, an important index of institutional autonomy is the HEI's right to select education quality control procedures and the agency effecting such control. In Belarus, the corporate model

gradually migrates towards the governmental bodies' determination of students' enrolment plan. When determining the enrolment figures, the HEIs should follow the control enrolment figures of the Ministry of Education and the number of students set forth by the license. Irrespective of the proprietary type, all the HEIs abide by the Education Code, Enrolment to Higher Educational Institutions Regulations approved by the Decree of the President of the Republic of Belarus concerning graduates' selection issues.

In Belarus, the HEIs are not permitted to resolve on opening new educational programmes independently.

Pursuant to the Education Code (article 217) the HEI's curriculum in a specialty (concentration, specialisation) shall be developed on the basis of the model speciality curriculum. Moreover, even the HEI's syllabus of a subject shall be developed on the basis of the model syllabus approved by the Ministry of Education of the Republic of Belarus.

The resolution to accredit an educational institution is passed by the Education Quality Control Department of the Ministry of Education. It is the only body authorised to control quality. Thus, the Belarusian HEIs have no right to select the agency.

Taking into consideration the weight of every parameter, the academic autonomy of the Belarusian HEIs is depressingly low. Belarus cannot be given a high index of any parameter. It is possible to assume that the Belarusian HEIs preserve certain independence concerning determination of the enrolment figures but autonomy actually equals zero concerning all the other parameters. As a result, the academic autonomy of the Belarusian HEIs **does not exceed 10%**.

In the three years from the previous Belarus' attempt to accede to the EHEA, no significant improvements have happened in the legislation governing the HEIs' autonomy. The demand to extend their independence clearly formulated by independent experts as well as by some presidents, officials, and deputies of the National Assembly has not resulted in the relevant amendments of the Education Code and other regulatory acts yet. The draft amended Education Code drawn up by the Ministry of Education does not reflect the demand and is able to extend the institutional autonomy of the Belarusian HEIs insignificantly.

2. Public responsibility for higher education

EHEA Ministers have twice – in 2001 and 2003 – stated that higher education is a public good and a public responsibility. Please describe how the public responsibility for higher education is organized and put in practice in your national higher education system. It is suggested that the description comprises a consideration of the role and responsibilities of various actors as well as a consideration of the main challenges in this area and your

plans, priorities and timetable for meeting these challenges.

Public responsibility is understood as the responsibility of the governmental agencies to create the conditions for the HEIs to perform their functions in the interests of the society. **Recommendation CM/Rec(2007)6** connects these tasks with preservation of the traditional values of institutional autonomy and academic freedom. The authoritarian and extremely centralised management system of higher education established in Belarus does not permit any independence of the HEIs as well as seriously limits the rights of all the higher-education stakeholders, except the head of the country.

For a long time, the authorities have set an unachievable objective to ensure the quality of higher education while preserving its affordability and decrease of the governmental expenses.

It has been possible to increase the number of students in Belarus by 2.3 times mostly at the expense of paid education: from 189 thousand in 1989-1990 academic year to 430 thousand in 2011-2012 academic year. Over two thirds of the students of the Belarusian HEIs paid for their education themselves.

Deterioration of the demographic situation has significantly corrected the strategy while it leaves no hope for continuation of the extensive growth of the number of paying students, which has permitted to partially compensate lack of budget resources. The attempt to resolve the issue by regularly increasing the prices of educational services and increasing income from the influx of foreign students is unsuccessful. While the higher education system does not modernise or its reorganisation lags behind significantly, aggravation of the financing problems results in further deterioration of the higher-education quality.

3. Cooperation among stakeholders and student participation

Within the EHEA, higher education policies are developed in partnership between public authorities, the higher education community and other stakeholders. Please provide a description of who you see as the main stakeholders in higher education in your country, how these stakeholders are involved in developing higher education at present and what you see as the main challenges in this area, including your plans, priorities and timetable for addressing the challenges. In view of fundamental role of the student participation, the description should be explicit on the role of students in higher education governance at both institutional and system level, including whether student representatives are elected by the student body and whether there is an independent, democratic and representative national student union open to all students.

Full-fledged partner relations of the stakeholders in the field of higher education cannot evolve in the situation when the government as one of the major players constantly implements its powers by dominating its co-operants.

The Education Code has no concept of “social partnership” in spite of the fact that it has been declared one of the top priorities of the governmental policy. Currently the major method of implementing social partnership is the collective-bargaining agreement between the Ministry of Education and the official Belarusian Trade Union of Education and Research Employees. This agreement governs the relations between the government (represented by the ministry of Education) and its employees but does not represent the interests of the other social partners: parents, employers, and students.

The relations of the HEI and employers are governed by article 210 of the Education Code in the terms of the customer and contractor only. At the same time, the customers, as well as other stakeholder, except the governmental bodies, are suspended from actual participation in the management of the higher-education system. The employers and other stakeholders are virtually absent from the HEIs' councils although there exists such formal possibility.

The Public Council of the Ministry of Education has not been established yet, and boards of guardians established in a number of HEIs cannot influence the personnel training process. Hopes to extend the employers' participation in education quality management are related to the prospects of developing trade standards. However, this process has not stepped over the experiment begun in January 2014.

If the Higher Education Law of the Republic of Belarus of July 11, 2007 included the concept of student self-governance, the Education Code which came in force on September 1, 2011 has neither the term "student self-governance" nor the norms setting forth the status, competence, procedure of establishment and organisation of operation of student councils.

The Education Code permits the students:

- to participate in the management of educational institutions;
- to participate in trade unions, youth, and other NGOs which activities do not contradict the legislation.

Participation in the HEI's management can be implemented by participation in the work of the HEI's Council. The Ministry of Education's Regulations of the Council of the Educational Institution (the analogue of the senate) set forth 25% representation of the students in the HEI's self-governance body. Although the body has no real powers, due to concentration of power in the president's hands, and control of the administration over the elections (if held) leaves little hope for independence of student representation, this formal requirement is not followed in numerous HEIs. The composition of the councils and their activities in the majority of the HEIs are non-transparent and unknown to the students. In November 2014 the activists of the Independent Bologna Committee had to address the Office of the Prosecutor General of Belarus with the request to inspect abiding by the legislative norms concerning student representation at the HEIs' councils.

Although Belarus has a network of student self-governance organisations, their role in the HEIs' activities is limited. Depending on the university, the name of the organisation as well as its structure and powers differ. A relatively unified system of student self-governance operates in the form of Students' Councils within student dormitories.

Elections of student self-governance bodies are not universal and free elections by the students of their representatives. As the [monitoring](#) has demonstrated, elections of the majority of student self-governance councils are a mere formality of the persons appointed by the administration. All the resolutions passed by the students' council have no force until approved by the university's management. Students' councils often pass the resolutions drawn up by the university administration and have no actual influence on regulating the students' lives, except the pastime.

As the research of the student self-governance provided in the White Book demonstrates <http://bolognaby.org/?p=878&lang=en>, other significant drawbacks of the existing system of the students' participation in the management of the Belarusian universities include

- The absolute majority of student self-governance organisations having no status of legal persons;
- Student self-governance organisations having no financial independence;
- Absence of the uniting and co-ordinating student self-governance body in Belarus based on the democratic principles;
- No motivation of the students to participate in student self-governance due to low efficiency and insignificant influence of student self-governance organisations on resolving the students' problems;
- The BRYU (Belarusian Republican Youth Union – the analogue of the Soviet Young Communist League) not being an **independent** non-governmental association but being part of the governmental bureaucracy, and its primary organisations at the HEIs not being full-fledged student self-governance bodies. The BRYU is financed by the government from the budget (secret budget items) as well as at the expense of the funds to support the governmental youth policy. The BRYU is mostly engaged in mass cultural activities, organisation of the students' secondary activities, and implementation of the governmental youth policy at the HEIs. At the same time, to keep its numbers, the BRYU uses different methods of exerting pressure on the students.

Starting from 2001, the authorities keep closing any independent students' organisations or refuse them registration under vain pretexts. Thus, in 2013 the Brotherhood of Student Self-Governance Organisers, an independent students' organisation uniting the self-governance leaders of almost half of the Belarusian HEIs, was refused governmental registration. The Association of Belarusian Students representing Belarus at the European Student Union was liquidated by the judgement in 2001 and has operated underground since then. The members of the ABS as well as the members of other involuntarily liquidated or not registered students' and youth organisations risk to fall victim to criminal prosecution for participation in non-registered organisations (article 193.1 of the Criminal Code).

Conclusion

We do recognize that Belarusian higher education has some achievements in the implementation of structural reforms and the progress in the implementation of some Bologna tools. At the same time, we should note the lack of any positive changes in the law and practice of the implementation of fundamental European academic values. The institutional autonomy status, public participation in the higher education management or the ensuring of teachers' and students' academic freedom has not substantially changed since 2011. In some cases we even have to talk about the worsening situation and strengthening of academic repression in Belarusian universities. Thus, the reasons for the delay consideration of the current Belarusian applications are the same like four years ago. We do think that **a road map** should be developed by the collaborative work of all stakeholders. It should include approved **time table** of the implementation of European academic values in to the legislation and practice of education, as well as the **obligations** of official Belarusian side to fulfill them.