

Statement of principles

“Private sponsoring in the science enterprise, trust in science and academic freedom”¹

Public trust and confidence in science, and societal acceptance of scientific evidence and advice, strongly rely on the autonomy and credibility of scientists. It is therefore vital that scientists conduct their work with integrity and independent of external influence, and that they are also perceived as doing so. In order to ensure that scientific autonomy and credibility are not undermined by private sponsoring, we recommend that a set of framework conditions be applied.

Fundamental for scientific research is academic freedom, which finds reflection in legal texts. In the European context, its importance is enshrined in the Charter of Fundamental Rights of the European Union.² The national constitutions of most ALLEA member countries also protect academic freedom by referring to academic freedom in general, or to free knowledge, scientific creativity or other more specific provisions. In the other countries, academic freedom is laid down in laws on education or the like. All relevant texts are compiled in the annex.

In recent years, a rise in private sponsoring of the scientific enterprise can be discerned in several European countries, notably in the form of privately funded chairs at higher education institutions. This development may affect academic freedom and the privileged status of scientists and their work in society. While we recognise both the necessity and importance of private funding, we are concerned about the potential damage for the reputation of science overall. For example, according to a survey by Eurobarometer in 2010, more than half (58%) of Europeans feel that scientists cannot be trusted to tell the truth about controversial scientific and technological issues because of an increased dependency of money from industry.³ Although this general conclusion may also be due to other factors (e.g. cases of scientific misconduct, etc.) and must not necessarily apply to each European country, it is true that society’s trust and confidence in the work of scientists and their results, and thereby in science generally speaking, are important assets that need to be safeguarded and treasured. An important role of scientific institutions and individual scientists is to earn and justify that trust. We therefore recommend that the following four key framework conditions be applied by scientific institutions in the handling and management of private sponsoring for private chairs:

1. Transparency on the contractual regulations between donor and recipient;
2. Exclusion of influence of donors during appointment procedures;
3. Equal appointment procedures for privately and publicly funded chairs;
4. Explicit affirmation of academic freedom in teaching, research and public engagement.

ALLEA Permanent Working Group Science and Ethics, 22 January 2015

¹ This document was initiated by the Swiss Academies of Arts and Sciences, related to their engagement with scientific integrity by way of a national committee and by hosting the Secretariat of the Committee on Freedom and Responsibility in the conduct of Science (CFRS) of the International Council for Science (ICSU). Following an internal review, it was endorsed by the Permanent Working Group on Science and Ethics.

² Article 13 – Freedom of the arts and sciences: The arts and scientific research shall be free of constraint. Academic freedom shall be respected. (www.eucharter.org; www.europarl.europa.eu/charter/pdf/text_en.pdf)

³ “Science and Technology”, Eurobarometer Special Survey, No 340, p. 19 (Brussels: European Commission, June 2010; http://ec.europa.eu/public_opinion/archives/ebs/ebs_340_en.pdf).

Annex: Legal provisions for academic freedom

Albania (Constitution of 1998, amended 2008)

Article 57.

(7) The autonomy and academic freedom of higher education institutions are guaranteed by law.

Article 58.

(1) Freedom of artistic creation and scientific research, placing in use, as well as profit from their results are guaranteed for all.

(http://www.wipo.int/wipolex/en/text.jsp?file_id=224105)

Armenia (Constitution of 2005)

Article 40. Everyone shall have the right to freedom of (...) scientific and technical creation (...).

(<http://www.parliament.am/legislation.php?sel=show&ID=1&lang=eng>)

Austria (Basic Law of 1867)

Article 17 [Science, Teaching]

(1) Knowledge and its teaching are free.

(http://www.servat.unibe.ch/icl/au03000_.html)

Belarus (Constitution of 1996)

Article 51. [Cultural Life, Intellectual Property]

(...)

(2) Freedom of (...) scientific (...) creativity and teaching shall be guaranteed.

(http://www.servat.unibe.ch/icl/bo00000_.html)

Belgium

Flemish Region (Décret sur les universités de la Communauté flamande of 1991)

Art. 5. L'enseignement universitaire est la formation à la recherche scientifique dispensée par les universités, qui contribue dans son ensemble à l'éducation générale et prépare à la poursuite indépendante de la connaissance et l'application des connaissances scientifiques.

(<http://www.ond.vlaanderen.be/edulex/database/document/document.asp?docid=12831>; unofficial translation)

Walloon Region (Décret définissant le paysage de l'enseignement supérieur et l'organisation académique des études of 2014)

Article 8. – Chaque établissement d'enseignement supérieur jouit de la liberté de mener et d'organiser ses activités d'enseignement, de recherche et de service à la collectivité, en vue de remplir au mieux ses différentes missions.

(http://www.galilex.cfwb.be/document/pdf/39681_002.pdf)

Bosnia and Herzegovina (Constitution of 1995)

Annex 1. Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

(...)

(8) 1966 Covenant on Economic, Social and Cultural Rights: Article 15(3): The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

(http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf)

Bulgaria (Constitution of 2007)

Article. 54. (...)

(2) Artistic, scientific and technological creativity shall be recognized and guaranteed by the law.

(<http://www.parliament.bg/en/const>)

Croatia (Constitution of 2001)

Article 68. [Science, Culture, Arts, Sports]

(1) Freedom of scientific (...) creativity shall be guaranteed.

(http://www.servat.unibe.ch/icl/hr00000_.html)

Czech Republic (Charter of Fundamental Rights and Freedoms of 1999)

Article 15 (...)

(2) Freedom of scientific research (...) is guaranteed.

(<http://spsc.prf.cuni.cz/aj/2-93en.htm>)

Denmark (Danish Act on Universities of 2010, amended in 2011)

Article 2 (2) The university has academic freedom. The university must safeguard the academic freedom of the university and the individual and the ethics of science.

(<http://ufm.dk/en/legislation/prevaling-laws-and-regulations/education/universities>)

Estonia (Constitution of 1992)

Article 38. Science and art and their instruction are free. (...)

(<http://www.president.ee/en/republic-of-estonia/the-constitution>)

Finland (Constitution of 1999)

Section 16 - Educational rights

(...) The freedom of science, the arts and higher education is guaranteed.

(<http://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>)

France (Code de l'éducation of 2000)

Article L952-2: Les enseignants-chercheurs, les enseignants et les chercheurs jouissent d'une pleine indépendance et d'une entière liberté d'expression dans l'exercice de leurs fonctions d'enseignement et de leurs activités de recherche, sous les réserves que leur imposent, conformément aux traditions universitaires et aux dispositions du présent code, les principes de tolérance et d'objectivité.

(<http://www.education.gouv.fr/cid2801/les-textes-officiels.html>)

Georgia (Constitution of 1995)

Article 23

1. The freedom of intellectual creation shall be guaranteed. (...)

2. Interference in creative process, censorship in the field of creative activity shall be impermissible.

(...)

(http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf)

Germany (Basic Law of 1949)

Article 5. Freedom of expression, arts and sciences

(...)

(3) Arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution.

(<https://www.btg-bestellservice.de/pdf/80201000.pdf>)

Greece (Constitution of 2001)

Article 16

1. Art and science, research and teaching shall be free and their development and promotion shall be an obligation of the State. Academic freedom and freedom of teaching shall not exempt anyone from his duty of allegiance to the Constitution.

(http://confinder.richmond.edu/admin/docs/greek_2001.pdf)

Hungary (Fundamental Law of 2011)

Article IX: Freedoms and Responsibilities

(1) Hungary shall protect the freedom of scientific research and artistic expression, as well as the freedom of learning and teaching.

(2) Only scientists shall be entitled to determine the scientific value of research. The State shall not be entitled to decide on questions of scientific truth.

(http://tasz.hu/files/tasz/imce/alternative_translation_of_the_draft_constituion.pdf)

Ireland (Universities Act of 1997)

Article 14 – Academic freedom

(1) A university, in performing its functions shall –

(a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and

(b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom (...)

(2) A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.

(<http://www.irishstatutebook.ie/1997/en/act/pub/0024>)

Israel (Council for Higher Education Law of 1958)

Section 15

A recognised institute is free to manage its academic and administrative affairs within its budget, according to its discretion. Academic and administrative affairs include the determination of the research programme and teaching, appointment of the institution's governing bodies, appointment of teachers and their promotion, determination of teaching and learning methodologies, and any other scientific, educational or economic activity.

(https://www.knesset.gov.il/review/data/heb/law/kns3_highereducation.pdf; unofficial translation)

Italy (Constitution of 1947, amended in 2007)

Article 33. The Republic guarantees the freedom of the arts and sciences, which may be freely taught.

(https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf)

Kosovo (Constitution of 2008)

Article 48: Freedom of Art and Science

(2) Academic freedom is guaranteed.

(<http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>)

Latvia (Constitution of 1922, amended in 2009)

Article 113. The State shall recognise the freedom of scientific research, artistic and other creative activity (...).

(<http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Constitution.doc>)

Lithuania (Constitution of 1992, amended in 2004)

Article 42. Culture, science and research, and teaching shall be free. The State shall support culture and science (...). (...)

(http://www.lrkt.lt/Documents2_e.html)

Macedonia (Constitution of 1991)

Article 47. The freedom of scholarly, artistic and other forms of creative work is guaranteed.

(http://www.wipo.int/wipolex/en/text.jsp?file_id=239363)

Moldova (Constitution of 1994)

Article 33. Freedom to Create

(1) The freedom to create scientific and artistic works is guaranteed. Creative work may not be submitted to censorship.

(<http://www.e-democracy.md/en/legislation/constitution/ii>)

Montenegro (Constitution of 2007)

Article 76. Freedom of creation

The freedom of scientific, cultural and artistic creation shall be guaranteed. (...)

(http://www.wipo.int/wipolex/en/text.jsp?file_id=187543)

Netherlands (Higher Education and Research Act of 1993;)

Article 1.6. Academic freedom

Academic freedom is respected at the institutions.

(<http://wetten.overheid.nl/BWBR0005682>; unofficial translation)

Norway (Act Relating to Universities and University Colleges of 2005)

Section 1-5. Academic and artistic freedom

(1) Universities or university colleges may not be instructed regarding

a) the academic content of their teaching and the content of research or artistic or scientific development work.

b) individual appointments.

(2) Institutions subject to this Act shall be entitled to design their own academic and value-related bases within the frameworks laid down in or pursuant to statutes.

(<http://www.ub.uio.no/ujur/ulovdata/lov-20050401-015-eng.pdf>)

Palestinian National Authority (Constitution of 2003, amended 2005)

Article 24.

(3) The law shall guarantee the independence of universities, institutes of higher education, and scientific research centers in a manner that guarantees the freedom of scientific research as well as literary, artistic and cultural creativity. (...)

<http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

Poland (Constitution of 1997)

Article 73. The freedom of artistic creation and scientific research (...) shall be ensured to everyone.

http://www.servat.unibe.ch/icl/pl00000_.html

Portugal (Constitution of 1976)

Article 42. Freedom of Cultural Creation

(1) Intellectual, artistic, and scientific creation are unrestricted.

(2) This freedom includes the right to invention, production, and dissemination of scientific (...) works (...).

http://www.servat.unibe.ch/icl/po00000_.html

Romania (Constitution of 1991)

Article 30. Freedom of expression

(1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.

(2) Any censorship shall be prohibited. (...)

http://www.cdep.ro/pls/dic/site_page?id=371

Russian Federation (Constitution of 1993)

Article 44. Everyone shall be guaranteed freedom of literary, artistic, scientific, intellectual and other types of creative activity and tuition.

<http://www.departments.bucknell.edu/russian/const/constit.html>

Serbia (Constitution of 2006)

Article 73. Freedom of scientific and artistic creativity

Scientific and artistic creativity shall be unrestricted. (...)

<http://www.ustavni.sud.rs/page/view/en-GB/235-100028/constitution>

Slovakia (Constitution of 1992, amended in 2002)

Article 43

(1) Freedom of scientific research and freedom of artistic expression shall be guaranteed. (...)

http://www.concourt.sk/en/A_ustava/ustava_a.pdf

Slovenia (Constitution of 1991, amended in 2013)

Article 59, Freedom of Science and the Arts

The freedom of scientific and artistic endeavour shall be guaranteed.

<http://www.us-rs.si/en/about-the-court/legal-basis/constitution>

Spain (Constitution of 1978)

Section 20 (1) The following rights are recognized and protected: (...)

b) the right to literary, artistic, scientific and technical production and creation;

c) the right to academic freedom;

http://www.senado.es/constitu_i/index.html

Sweden (Constitution of 1974, amended in 2011)

Article 18. Education and research

(...) The freedom of research is protected according to rules laid down in law.

<http://www.riksdagen.se/en/Documents-and-laws/Laws/The-Constitution>

Switzerland (Constitution of 1999, amended in 2012)

Article 20. Academic freedom

Freedom of research and teaching is guaranteed.

Art. 119. Reproductive medicine and gene technology involving human beings

(...)

2 The Confederation shall legislate on the use of human reproductive and genetic material. In doing so, it shall ensure the protection of human dignity, privacy and the family and shall adhere in particular to the following principles:

- a. all forms of cloning and interference with the genetic material of human reproductive cells and embryos are unlawful.

(...)

<http://www.admin.ch/ch/e/rs/1/101.en.pdf>

Turkey (Constitution of 1982, amended in 2007)

IX. Freedom of Science and the Arts

Article 27. Everyone has the right to study and teach freely, explain, and disseminate science and arts and to carry out research in these fields.

http://www.servat.unibe.ch/icl/tu00000_.html

Ukraine (Constitution of 1996)

Article 54. Citizens are guaranteed the freedom of literary, artistic, scientific and technical creativity

(...).

http://gska2.rada.gov.ua/site/const_eng/constitution_eng.htm

United Kingdom (Education Reform Act, 1988)

Part IV Miscellaneous and General: Academic tenure

Article 202 (2). In exercising those functions, the [University] Commissioners shall have regard to the need-

- (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;

<http://www.legislation.gov.uk/ukpga/1988/40/contents>