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24 January 2024

**Contribution: Academic freedom**

Dear sir/madam,

on behalf of the Public Defender of Rights of the Czech Republic, JUDr. Stanislav Křeček, I hereby respond to your call for contributions concerning academic freedom and freedom of expression in educational institutions.

At the outset it should be noted that the Public Defender of Rights (hereinafter referred to as the „Defender“) is not a national human rights institution (NHRI) and thus does not cover mandate of NHRI. The Czech Republic has not established a NHRI yet.

The Defender can therefore comment on the questions in the questionnaire only within the scope of his mandate, which is (in the field of education) the power to assess a claim of discrimination (on the grounds of race, ethnicity, nationality, sex and gender, sexual orientation, age, disability, reigion, belief and worldview) and the power to investigate the procedure and decision making of state authorities (administrative bodies) in the exercise of public administration of education.

Taking into account the above mentioned limitations of the Defender´s mandate, the answers to relevant paragraph numbers are set out bellow as follows.

**1. How is academic freedom defined and protected in the constitution or laws of your country, and what are possible limitations or restrictions? Please provide the original citation and source, as well as a summary of relevant judicial practice, if any.**

Freedom of scientific research and artistic creation is constitutionally guaranteed and cannot be restricted. Also, freedom of expression and right to seek and disseminate information are guaranteed – but these may be restricted by law where such restrictions are necessary in a democratic society for the protection of the rights and freedoms of others, the security of the state, public safety, public health or morals.

Under The College Act No.111/1998 Coll. following academic rights and freedoms are guaranteed:

* freedom of science, research and artistic creation and the publication of their results
* freedom of teaching, consisting above all in its openness to different scientific views, scientific and research methods and artistic trends
* the right to learn, including the freedom to choose the focus of study within study programmes and the freedom to express one´s own views in teaching
* the right of members of the academic community to elect representative academic bodies
* the right to use academic insignia and to perform academic ceremonies.

**2. Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain.**

All levels of education have the same constitutionally quaranteed rights to freedom of expression, information, education and research for all teachers and students. However, only the tertiary level enjoys a high degree of academic self-government.

**4. Please explain the autonomy and self-governance enjoyed by educational institutions at the different tiers of education. Please explain what autonomy and self-governance entail. Are there restrictions on police or military personnel entering educational institutions? If so, please share the rules.**

Primary and secondary schools are in most cases established by municipal/regional governments. School principals (appointed by municipality/regional government) have a high level of autonomy and responsibility in management of the school and whole educational process. The principal is accountable to the founder (usualy the municipality) and to the school board. Compliance with the law and quality of education is monitored by the Czech School Inspectorate.

Colleges and universities enjoy a large measure of academic self-government by law. They elect their own management and executive bodies and decide on their internal affairs without interference from the state. The state administration has some regulatory and supervisory powers though – e.g. the process of granting or withdrawing accreditation of study programmes.

**9. Do teachers and professors, at all levels of education, enjoy freedom of expression in their own teaching? Are there any limitations imposed, such as remaining “neutral” or forwarding a particular perspective, e.g. on religious and political matters?**

All teachers and professors enjoy freedom of expression in their own teaching. Freedom of expression is constitutionally quaranteed. It is however limited by the rights and freedom of others (see paragraph 1). According to the law education at all levels should be conducted in accordance with the democratic values of the rule of law, independent of religion or any ideology. Also, education should be conducted in accordance with the principle of the free dissemination of knowledge.

**10. Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, including from school libraries, and alternatively is some material mandatory? If so, why?**

Censorship is constitutionally prohibited. There is no ban on books.

In primary and secondary education, there is a system of approval clauses for text books and study materials – this means that a textbook is approved by the Ministry of Education as suitable for a given level of education and that the textbook meets didactical and pedagogical standards. However, this does not mean that other materials are not allowed.

Should you have any further question, please do not hesitate to contact me.

Yours sincerely

Barbara Kubátová

Department of Equal Treatment