**Armenia**

**Contribution: Academic Freedom**

Question 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.

A. Provisions on the right to education and the academic freedom of the Higher education institutions are set out in Article 38 of the Constitution of the Republic of Armenia, which states:

1. Everyone shall have the right to education. The programmes and duration of compulsory education shall be prescribed by law. Secondary education within state educational institutions shall be free of charge.

2. Everyone shall, in the cases and under the procedure prescribed by law, have the right to receive free education on a competitive basis within state higher and other vocational education institutions.

3. Higher education institutions shall, within the scope prescribed by law, have the right to self-governance, including academic and research freedom.

B. Law on Education of the RA, Article 5.

“Principles of state policy in the field of education” states a number of priciples, among them are:

3) ensuring the principles of democracy in the field of education

5) reasonable autonomy of educational institutions.

C. Law on Higher and Postgraduate Professional Education of the RA, Article 4. “Principles of state policy in the field of higher and postgraduate professional education” in line with the principles of state policy in the field of higher and postgraduate professional education is “promoting and developing academic freedoms and autonomy of higher education institutions”.

Article 6. “Autonomy, competence and academic freedoms of higher education institutions” states:

1. The higher education institution shall:

1. implement its autonomy based on the principles of self-management and collegiality;
2. act independently in respect of matters concerning the choice of organisation of academic process, educational technologies, forms of, procedure for and frequency of interim attestation of learners;
3. independently determine the staff list for the workers of all categories, carry out the selection and distribution of workers, including the recruitment of scientific and pedagogical staff, the procedures for holding positions of academic and teaching staff and those of the heads of scientific and academic subdivisions;
4. be entitled to carry out other activities, not prohibited by law and its Statute.

The protection of the rights of persons engaged in scientific and creative activities is also an important factor in ensuring academic freedom. In particular, there are legal acts in the RA legislative field that provide for appropriate administrative and criminal liability in case of copyright infringement. The Law "On Copyright and Related Rights" adopted in 2006 clearly defines in Article 3, Part 4, sub-point a, that scientific works are also considered objects of copyright, which allows to restore the rights to them by judicial order. Besides that, the" Code of the Republic of Armenia on Administrative Offenses" (Article 41.7) and "Criminal Code of RA" (Article 227) the dimensions of responsibilities are defined.

Question 2

Are academic staff, teachers, students all entitled to academic freedom? Does this

differ by level of education? Please explain.

General education

According to sub-points 5, 6, 7, 8, 9 of point 1 of Article 27 (Rights and responsibilities of educational workers) of the Law "On General Education" pedagogical workers have the following rights and responsibilities:

5) to submit proposals regarding the improvement of subject standards, programs, textbooks;

6) to use the services of library, information repositories of the educational institution in accordance with the charter of the educational institution;

7) to choose and apply teaching methods and means that ensure high quality of the educational process, using textbooks and teaching materials, manuals and methods of assessing students' knowledge, skills and abilities guaranteed by the authorized body of the state education administration;

8) to be protected from such actions of students, teachers and other workers that degrade his professional rank and dignity;

9) to have organizational and material and technical conditions for carrying out professional activities;

Higher education

According to Articles 28 (Autonomy and Academic Freedom of Higher Education Institutions), points 1, 2, 3 " of the Law "On Education", the academic and teaching staff, research workers and students (trainees, attendees) of higher education (military education) institutions shall enjoy academic freedoms. They shall be entitled to participate in the discussion of all issues related to the activities of the university and in the activities of elective bodies.

1. In accordance with state general educational standards, the academic and teaching staff shall be free in choosing the presentation and teaching methods of the study material being taught.
2. Research workers of a higher education institution are free in selecting or developing research topics on their own initiative.
3. Students (trainees, attendees) are free in receiving knowledge and engaging in research activities according to their inclinations. They may participate in the performance of functions ensuring the quality of instruction and evaluate the performance efficiency of academic and teaching staff.

The Law “On Higher and Postgraduate Professional Education of the RA, Article 19 “Workers of higher education institutions and organisations providing postgraduate professional education” states: “The academic and teaching staff and scientific workers of the higher education institution shall have the right, upon their discretion, within the framework of the programme, to set out the learning subject, select topics for scientific research and implement them with the methods selected thereby.”.

Question 3

What do you consider to be (a) the main challenges to academic freedom, and (b)

gaps in the legal framework for protecting academic freedom?

The draft of the new Law “On Higher Education and Science” of the RA will include a larger scope of academic freedom and will include more provisions toward increasing the quality of education.

The gap in the legal framework in this area can be considered the main challenge to academic freedom. Intellectuals are not protected from plagiarism, lack of media literacy also undermines academic freedom.

Question 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.

According to the Article 5 point 7 (Principles of State Policy in the Field of Education) of the Law “On Education”, all educational institutions have right to reasonable autonomy.

General education

According to Article 5, point 6 (Principles of State Policy in the Field of Education) of the Law "On General Education", the balance of autonomy and state control of educational institutions is ensured.

Higher education

The Law “On Higher and Postgraduate Professional Education” of the RA, Article 15. “Management of the higher education institution” states: “Management of the higher education institution shall be carried out in accordance with the legislation of the Republic of Armenia and the Statute of the higher education institution, on the basis of self-management through considering the principle of individual management in conjunction with the principle of collegiality, with the performance of functions of the Board, academic council and those of rector’s office of the higher education institution.”.

Police or military personnel may enter educational institutions if their actions correlate with the regulations of the RA legislation and the Statute of the higher education institution.

As for the restrictions on the access of police or military personnel to educational institutions, there is no such restriction and these persons can freely enter the educational institution based on their official duties.

Question 5

Please provide examples of institutional guidelines/codes of conduct developed to

ensure respect for academic freedom, including from external public or private

actors.

General education

On February 24 2023, the Minister of Education, Science, Culture and Sports of the RA adopted the order No. 10-N, which defines the rules of integrity for the Board members of the collegial governing body of general educational institutions and pedagogical workers". Тhe order refers to all general educational institutions.

Higher education

Higher education institutions of the Republic of Armenia have developed the codes of conduct that can be found in the regulations list of each higher education institution on their official websites.

Question 6

How is funding, including for research, regulated? Is the process transparent, and

are there any guarantees put in place to ensure respect for academic freedom?

The law “On Education” of the RA, Article 46. “Financing of state and community education institutions” sets:

1. An educational institution shall be financed by the founder.
2. The State shall, in each new academic year, guarantee the allocation of means for educational needs in the amounts ensuring the progressive nature thereof. A percentage ratio of financing of education within current expenses of the State Budget must not be lower than the relevant indicator of the previous budget year.
3. Financing of an educational institution from the State Budget shall be carried out in the form of state-funded scholarship, subsidy, maintenance fees for state property and other forms. Financing criteria of an educational institution under state-funded scholarship shall be defined by the Government of the Republic of Armenia, per one learner and as of the type of educational institution, whereas in individual cases (in mountaneous and borderline areas) — by special amounts.
4. The state funding of research at universities is competition-based. The evaluation of the programs and projects is carried out by expertise, the regulations of which are adopted by the government. (the law “On Science and Scientific-technical Activity”, Article 20).

Question 7

Which rules and regulations protect academic freedom from interferences by

commercial actors and financial sponsors, at different tiers of education? Please

explain how conflicts of interest that may arise are addressed.

According to the Article 28 point 7 (The autonomy of higher education institutions and academic freedoms) of the law “On Education”, the higher educational institution has the right to manage its own financial resources, ensuring the independence of the financial activity of the branch, faculty (educational unit) in accordance with the charter of the higher educational institution. At the end of every year, the budget of the higher educational institution is approved by the council of the higher educational institution and submitted to the authorized body of the state management of education.

Question 8

Please explain whether and the extent to which academic staff and students, at all

levels of education, are subject to surveillance by public authorities, for example

through on-site cameras or online scrutiny. Has this led to undue restrictions to

academic freedom and freedom of expression in educational institutions?

There are educational institutions, where video cameras are installed, security staff stand at the entrances to ensure student's and staff's safety. These activities do not limit their freedom of speech.

The higher education institution shall be entitled to carry activities according to the legislation of the RA and its Statute. No cases of undue restrictions to academic freedom and freedom of expression have been reported.

Question 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?

General education

The law "On General Education" of the RA, Article 4, point 8 states: “It is forbidden to carry out political activities or propaganda in educational institutions. Religious activities and propaganda are prohibited in educational institutions, except for cases defined by law”,

Article 27 (Rights and responsibilities of educational workers) point 1 (An educational worker has the right to) sub-point 7 states: “ to choose and apply teaching methods and means that ensure high quality of the educational process, using textbooks and teaching materials, manuals and methods of assessing students' knowledge, skills and abilities guaranteed by the authorized body of the state education administration;

Higher education

The law “On Higher and Postgraduate Professional Education” of the RA, Article 19: “Workers of higher education institutions and organisations providing postgraduate professional education”, point 5, sub-point 5 sets that “The worker of the higher education institution and the organisation providing postgraduate professional education shall be entitled to appeal against orders and executive orders of the head of relevant subdivision of the higher education institution or the organisation providing postgraduate professional education, as prescribed by the legislation of the Republic of Armenia.”.

Article 19, point 7 of the same law states that “Rights and obligations of the workers of administrative and economic staff, engineering and technical staff, production, education related and other workers of the higher education institution or the organisation providing postgraduate professional education shall be defined by this Law, Labour legislation of the Republic of Armenia, the Statute of the higher education institution or the organisation providing postgraduate professional education and the internal disciplinary rules.”.

Question 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?

General education

According to the law "On General Education" Article 17 (“Organization of educational process”) point 6 states: “In educational institutions, textbooks and manuals that are expertised and guaranteed in the order established by the state authorized body in educational management, are used at the choice of the educational institution.”.

The process is also regulated according to the orders of the Minister of Education, Science, Culture and Sports of Republic of Armenia No. 20-N June 9, 2022 and No. 81-N November 29, 2021.

Particularly, 25 point of the appendix of Order No. 20-Ն fixed that educational materials that have passed the stages provided for in paragraph 21 of the appendix are published on the official website of “Textbook and Information Communication Technologies” Revolving Fund. Teachers have opportunity to submit their opinion about the educational material within 14 working days from the date of publication.

Higher education

The law “On Higher and Postgraduate Professional Education” of the RA, Article 19. “Workers of higher education institutions and organisations providing postgraduate professional education” marks that “The worker of the higher education institution and the organisation providing postgraduate professional education shall be entitled to have access to libraries, information databases, services of academic and scientific subdivisions, as well as those of social, medical and other structural subdivisions of the higher education institution or the organisation providing postgraduate professional education in accordance with the Statute of the higher education institution and the organisation providing postgraduate professional education and (or) in accordance with collective contract;”.