**Responses by the Republic of Lithuania to the questionnaire of the Special Rapporteur on the right to education “Academic Freedom and Freedom of Expression in Educational Institutions”**

**General framework**

**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.**

In the field of higher education and research, the Law on Research and Higher Education is applied (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.343430/asr>)[[1]](#footnote-1). Academic freedom is regulated under the following articles of the Law[[2]](#footnote-2):

***Art. 3*** *„Principles of research and studies“:*

„**1.** Science is based on the following principles:

1) freedom of creation and research;

**2.** The studies are based on the following principles:

1) academic freedom and autonomy;“.

***Art. 8*** *„Autonomy, accountability of higher education institutions“*

„**1.** A higher education institution shall have autonomy covering academic, administrative, economic and financial management activities based on the principle of self-government and academic freedom. In accordance with the Constitution of the Republic of Lithuania, this and other laws, the autonomy of a higher education institution shall be combined with accountability to the public, to the founders and to the members of the legal entity.“

„**3.** The higher education institution must:

1) guarantee the academic freedom of members of the academic community;“.

***Art. 13*** *„Rights and obligations of a research institute“*

„**2.** A research institute must:

1) guarantee the academic freedom of members of the academic community;“

***Art. 60*** *„Academic community“*

„**1.** The academic community consists of students, lecturers, researchers, professors emeriti, researchers emeriti, and other employees directly involved in research and/or study activities.

**2.** Members of the academic community shall enjoy academic freedom, including:

1) freedom of thought and expression;

2) freedom of choice of methods and access to scientific (artistic) and pedagogical activities, in accordance with recognised ethical principles;

3) protection from embarrassment and sanctions for publishing the results and beliefs of his/her research and experimental (artistic) development, except in cases where the information published constitutes a state or official secret and/or a violation of the laws of the Republic of Lithuania.

**3.** The academic community shall also be guaranteed:

1) the rights of authors of creative and intellectual work, as laid down in the laws of the Republic of Lithuania and international treaties;

2) equal rights to participate in competitions;

3) impartial and public peer review of scientific works.

**4.** The academic community shall enjoy academic freedom and shall be guided by the Code of Academic Ethics, which shall be drawn up and approved by the institutions of science and studies in accordance with the recommendations of the Ombudsman for Academic Ethics and Procedures. “

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

Yes, academic staff, teachers and students are all entitled to academic freedom. No specific differences by level of education.

**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?**

We do not identify any particular challenges to academic freedom. All important aspects are defined under the Law on Research and Higher Education.

No specific gaps under the Law on Research and Higher Education for protecting academic freedom could be identified.

**Autonomy of educational institutions**

**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.**

There are no restrictions for police or military personnel entering educational institutions.

Law on Science and studies defines the provisions on autonomy and self-governance of educational institutions.

***Art. 8.*** *„Autonomy, accountability of higher education institutions “*

**1.** A higher education institution shall have autonomy covering academic, administrative, economic and financial management activities based on the principle of self-government and academic freedom. In accordance with the Constitution of the Republic of Lithuania, this and other laws, the autonomy of a higher education institution shall be combined with accountability to the public, to the founders and to the members of the legal entity.

**2.** A higher education institution shall have the right to:

1) choose the directions and forms of study and personal development, research and experimental development, professional artistic activities, and the dissemination of cultural and scientific knowledge;

2) to determine the procedure for studies;

3) to award and withdraw higher education qualifications in accordance with the procedures laid down by the higher education institution;

4) determine the price of studies in accordance with the procedure established by this Law;

5) to develop and approve study programmes which comply with the requirements laid down by legislation;

6) provide other educational and expert services;

7) publish studies, scientific and other literature;

8) determine its structure, internal working procedures, the number of staff, their rights, duties and conditions of remuneration, the requirements for posts, the procedure for organising competitions for posts and the procedure for the certification of staff, in accordance with the law and other legal acts;

9) admit and remove students in accordance with the procedures laid down in its Statutes;

10) grant scholarships to students from its own funds or from the funds of donors;

11) to establish forms of cooperation with natural and legal persons, other organisations and their units, both in the Republic of Lithuania and abroad;

12) to manage, use and dispose of its property in accordance with the procedure established by this Law and other legal acts;

13) to engage in economic and commercial activities not prohibited by law, which are inseparably linked to the objectives of its activities;

14) to exercise other rights established by the legislation.

**3.** A higher education institution shall:

1) guarantee the academic freedom of members of the academic community;

2) inform the founders, the members of the legal entity and the public about the quality assurance measures for study and research activities, the use of state-appropriated funds, and public higher education institutions - about their financial, economic and scientific activities; the results of the external quality assessment and accreditation of their study programmes and the results of the quality assurance of their internal activities;

3) to provide official information (statistical data and factual information) to the institutions authorised by the Government of the Republic of Lithuania (hereinafter referred to as "the Government") in a timely manner, necessary for the management and monitoring of science and studies;

4) to advise students on employability issues, provide academic and social support in the implementation of the study programme;

5) monitor the employability and career of graduates;

6) to enable lecturers to acquire and develop the knowledge and skills necessary for teaching;

7) fulfil other obligations imposed by law.

**4.** The accountability of a higher education institution shall also be exercised through supervision, which shall include monitoring the accessibility and quality of education and science, advising higher education institutions, institutions implementing science and study policy, carrying out preventive measures, assessing and accrediting higher education institutions, applying impact measures, promoting the quality improvement of education and science activities, and any other measures provided for by law. State supervision of higher education institutions shall be exercised by the Minister of Education, Science and Sport of the Republic of Lithuania and by other institutions authorised by him. “

**5. Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.**

Provisions related to academic freedom are defined under the Academic Ethics Code of the higher education and research institutions.

Examples:

<https://www.vdu.lt/wp-content/uploads/2023/03/Code-of-Academic-Ethics-of-VMU.pdf>

<https://www.ftmc.lt/uploads/pdf/Dokumentai/Veiklos_dokumentai/A-8_FTMC%20Akademin%C4%97s%20etikos%20kodeksas_EN.pdf>

<https://www.vu.lt/en/about-vu/documents>

**Funding**

**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?**

Academic freedom is fully ensured by current research funding system. Institutional funding from the state budget for the development of R&D activities is allocated to research and higher education institutions according to the results of the R&D activities assessment. The total amount of institutional funding depends on the needs of the state's economic, social, and cultural development and the state's financial capabilities. Direct state budget appropriations for R&D activities of the universities and research institutes are distributed by the MoESS.

Since 2019, institutional funding from the state budget for R&D activities is allocated for universities and research institutes according to the results of:

1) The formal annual assessment of R&D activities, carried out since 2009 (for now, constitutes 30% of the allocated funding); and

2) The Comparative Expert Assessment of R&D activities, carried out since 2017 every five years (for now, constitutes 70% of the allocated funding).

Universities have complete academic autonomy in selecting their research topics. Research institutes, on the other hand, execute long-term research programs constituting half of their funding, where topics are discussed with stakeholders and approved by the Ministry. Nonetheless, research institutes retain their academic freedom to engage in research within the programmes established by the state.

**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.**

On 15 September 2011, by Resolution No. XI-1583 “On establishment of the Office of Ombudsperson for Academic Ethics and Procedures and approval of the Statutes of the Office of Ombudsperson for Academic Ethics and Procedures”, the Seimas of the Republic of Lithuania established the Office of Ombudsperson for Academic Ethics and Procedures (Office) and approved the Statutes of the Office. Office of the Ombudsperson for Academic Ethics and Procedures (Office) is a state institution, which aims to ensure the work of the Ombudsperson in considering complaints, initiating investigations into a possible violation of academic ethics and procedures related to the implementation of the provisions of academic ethics, supervising compliance with the provisions of academic ethics and procedures related to the implementation of the provisions of academic ethics, investigating administrative transgressions, and preventing unethical behaviour. Higher education and research institutions also have their internal rules to tackle conflicts of interest.

**Surveillance**

**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?**

**Freedom of expression in teaching and access to books**

**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?**

As mentioned previously in response to the Question 2, teachers and professors are all entitled to academic freedom and enjoy freedom of expression in their own teaching.

**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?**

In accordance with the Paragraph 23 of the Procedures for the Assessment and Provision of Textbooks and Instructional Materials for General Education Subjects[[3]](#footnote-3), at the general education level the school may use textbooks that are listed in the [Education Portal's Textbook Database](https://www.emokykla.lt/vadoveliai/vadoveliu-duomenu-baze).

1. No official translation avalable. [↑](#footnote-ref-1)
2. Informal technical translation. [↑](#footnote-ref-2)
3. [V-1005 Dėl švietimo, mokslo ir sporto ministro 2019 m. birželio 26 d. įsakymo Nr. V-755 „Dėl Bendrojo ug... (e-tar.lt)](https://www.e-tar.lt/portal/en/legalAct/eb7a124029fb11ee9de9e7e0fd363afc) [↑](#footnote-ref-3)