

## **Description for the general public**

The planned research is aimed at establishing a minimum standard of protection of human rights in terms of freedom of scientific research and teaching. The project will also endeavour to develop a general model of legal regulation of the freedom of scientific research and teaching, which would guarantee the respect of human rights at the appropriate levels.

To meet the research goals the paper will address two research problems. First, the subjective and objective scope of freedom of research and teaching needs to be determined. These freedoms belong to human rights and therefore everyone is entitled to them. However, in the literature and case law of constitutional courts of some of the surveyed countries it is indicated that mainly academics are entitled to the freedoms analyzed here. This understanding seems appropriate in case of freedom of teaching, but not recognizing the role of students and doctoral students when it comes to freedom of scientific research is questionable. The most often contemplated aspect of freedom of research both in literature and judicature of constitutional courts are: the freedom of choice of the research subject, the choice of scientific methods and the manner of presenting the results. On the other hand, with regard to freedom of teaching, in particular it points to the independence in the selection of content and teaching methods, as well as the right to express scientific opinions. For both freedoms it also ensures freedom from fear of outside interference. A detailed analysis of the case law of the constitutional courts of the chosen countries indicates other attributes of these freedoms rarely described in literature. Secondly, you need to identify the factors taken into account by constitutional courts when resolving conflict between research and research freedoms with other basic rights defined in constitutions. A detailed analysis of the constitutional courts' judgments in surveyed countries should help to identify the most important attributes of freedom of research and teaching.

The basis for research are the constitutional regulations and case law of constitutional courts of Belgium, Spain, Germany, Portugal, Poland, Slovenia and Italy. The survey of legal regulations on freedom of research and teaching will be carried out using the legal dogmatic method whereas the examination of case law of constitutional courts regarding the two selected issues - comparative method.

The research project will help to improve scientific knowledge in the field of constitutional law and administrative law regulating higher education. There is a gap regarding comparative research on the place and role of freedom of scientific research and freedom of teaching in real-constitutional legal order co-created by the activity of judicial constitutional courts. From this point of view, the project is innovative and its results may be of interest in Europe. The research project will also facilitate an understanding of the factors considered by the constitutional courts when deciding on overlaps between freedom of research or freedom of teaching with university laws and university autonomy and freedoms such as freedom of conscience, freedom of belief and freedom of expression. Above all, the research will investigate why the constitutional courts, when adjudicating on the conflict between freedom of scientific research or freedom of teaching and the universities right to autonomy confer greater strength on institutional law. In this regard the project is unique because such research has not yet been undertaken in Europe.

The main motivation for the research project is the observation, that proper implementation of the freedom of research and freedom of teaching is one of the most important factors determining the quality of research and the quality of higher education.