СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

УДК 341+342.7

SCIENTIFIC RESEARCH: OVERVIEW OF SOME URGENT ISSUES FROM NATIONAL AND INTERNATIONAL LAW PERSPECTIVES

НАУКОВІ ДОСЛІДЖЕННЯ: ОГЛЯД ДЕЯКИХ ПРОБЛЕМНИХ ПИТАНЬ З ПОЗИЦІЙ НАЦІОНАЛЬНОГО ТА МІЖНАРОДНОГО ПРАВА

НАУЧНЫЕ ИССЛЕДОВАНИЯ: ОБЗОР НЕКОТОРЫХ ПРОБЛЕМНЫХ ВОПРОСОВ С ПОЗИЦИЙ НАЦИОНАЛЬНОГО И МЕЖДУНАРОДНОГО ПРАВА

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Abstract. *The article analyzes some urgent problems of the legal governance of scientific research, namely the adherence to the principles of academic freedom and academic integrity, as well as protection of the right to science. The article provides the definitions of academic freedom and academic integrity, considers relevant international and national legal documents and case-law. It analyzes main criteria for the free use of quotations which must be adhered to in the context of preserving academic integrity principles and observes practical consequences of different definitions of plagiarism by education and copyright law. The author considers the normative content of the right to science in accordnce with International Law and highlights its importance in times of COVID-19 pandemic. The author concludes that academic freedom, academic integrity and right to science in general are linked to economic, social and cultural rights, especially the right to information, freedom of thought and expression, freedom from discrimination. If a state is not able to exert every effort to implement its positive responsibility (due diligence) regarding human right to science, including to academic freedom, such a state must be held responsible under customary rules of International Law. In case of violations of the principles of academic integrity comes academic responsibility which is the competence of national governmental bodies on science and education. The only exception is plagiarism which is copyright infringment leading to civil or even criminal responsibility and which is the competence of national civil courts.*

Key words: *academic freedom, academic integrity, right to science, international law, national law.*

Анотація. *У статті проаналізовано деякі нагальні проблеми правового регулювання сфери наукових досліджень, а саме дотримання принципів академічної свободи та академічної доброчесності, а також забезпечення права на науку. У статті наводяться визначення академічної свободи та академічної доброчесності, розглядаються відповідні*

міжнародні та національні правові документи та судова практика. Аналізуються основні критерії вільного використання цитат, яких слід дотримуватися в контексті забезпечення принципів академічної доброчесності, а також розглядаються практичні наслідки різних визначень плагіату, передбачених законодавством про освіту та авторське право. Автор розглядає нормативний зміст права на науку відповідно до міжнародного права та підкреслює його значення в період пандемії COVID-19. Автор приходить до висновку, що академічна свобода, академічна доброчесність і право на науку в цілому пов'язані з економічними, соціальними та культурними правами, особливо з правом на інформацію, свободою думки та вираження поглядів, свободою від дискримінації. Якщо держава не в змозі докласти всіх зусиль, щоб реалізувати свою позитивну відповідальність (належну обачність) щодо права людини на науку, в тому числі на академічну свободу, така держава повинна нести відповідальність за звичаєвими нормами міжнародного права. У разі порушення принципів академічної доброчесності настає академічна відповідальність, яка є компетенцією національних державних органів в сфері науки та освіти. Єдиним винятком є плагіат, який є порушенням авторських прав, що призводить до цивільної або навіть кримінальної відповідальності, і який є компетенцією національних цивільних судів.

Ключові слова: *академічна свобода, академічна доброчесність, право на науку, міжнародне право, національне право*.

Аннотация. *В статье проанализированы некоторые актуальные проблемы правового регулирования сферы научных исследований, а именно соблюдение принципов академической свободы и академической доброчестности, а также обеспечение права на науку. В статье приводятся определения академической свободы и академической доброчестности, рассматриваются соответствующие международные и национальные правовые документы и судебная практика. Анализируются основные критерии свободного использования цитат, которые должны соблюдаться в контексте обеспечения принципов академической доброчестности, а также рассматриваются практические последствия различных определений плагиата, предусмотренных законодательством об образовании и авторском праве. Автор рассматривает нормативное содержание права на науку в соответствии с международным правом и подчеркивает его значение в период пандемии COVID-19. Автор приходит к выводу, что академическая свобода, академическая доброчестность и право на науку в целом связаны с экономическими, социальными и культурными правами, особенно правом на информацию, свободой мысли и выражения, свободой от дискриминации. Если государство не в состоянии сделать все возможное, чтобы реализовать свою позитивную ответственность (должную осмотрительность) касательно права человека на науку, в том числе на академическую свободу, такое государство должно нести ответственность зв соответствии с обычными нормами международного права. В случае нарушения принципов академической добропорядочности наступает академическая ответственность, которая является компетенцией национальных государственных органов в сфере науки и образования. Единственным исключением является плагиат, который является нарушением авторских прав, приводит к гражданской или даже уголовной ответственности, и входит в компетенцию национальных гражданских судов.*

Ключевые слова: *академическая свобода, академическая доброчестность, право на науку, международное право, национальное право.*

Introduction. To make a thorough scientific research in International Law is not an easy task as it may seem from the first glance. One has to operate relevant international legal methodology, i.e. to use different scientific methods in a proper way; to apply the basic principles of academic integrity; to understand the general structure of scientific paper and to know how to publish the results of scientific research; to make a practical application of the scientific results ensuring the integration of science and industry production (business); to understand the features of

the legal regulation of scientific activity in Ukraine and other countries; to be able to integrate one's own scientific results into the world and European research areas, in particular in the sphere of International Law.

Ukraine is at the stage of reforming the scientific activity sector, not least thanks to the provisions of the Association Agreement with the European Union (Articles 374-377) [*Association Agreement*, 2014]. Some important results have already been achieved, e.g. the creation of National Research Foundation of Ukraine which provides grant support for scientific research in the fields of natural, technical, social and human sciences; state certification of scientific activities of universities and research institutions; introduction of scientific degree 'Philosophy Doctor' (PhD) that is the generally recognized in the world scientific community; more stringent requirements for awarding the academic titles, etc. Meanwhile, many problems still remain unsettled, among them – the overall negligence of the academic integrity in scientific legal research, infringements of academic freedom, incomprehension of the importance to integrate the Ukrainian science in general and internationl legal research in particular into the world and European research areas, etc. These problems can be better understood and delt with if Ukrainian scientists and governmental authorities be aware of the legal consequences for violations of the academic freedom or academic integrity principles as well as legal consequences for enfringments of the human right to science.

The purpose of the research is to analyze some urgent problems of the legal governance of scientific research, namely the adherence to the principles of academic freedom and academic integrity, as well as to determine the place of the right to science in International Law.

Recent literature review. The issues of legal governance of academic freedom and the right to science have been duly elaborated in academic literature. Academic freedom was highlighted in Ukrainian scientific literature (Davydova N., Maslova N., Mokliak V., Gerciuk M.), but mainly from the pedagogical and philosophical stanpoints. The works of some foreign authors (Vrielink J., Lemmens P., Parmentier S., Beiter K.D., Karran T., Appiagyei-Atua K., Parmar S.) may be appraised for the thorough analysis of international legal documents and judicial practice in this regard. Scientific papers of such foreign authors as Barham K., Hubert A.-M., Mancisidor M., Shaver L., Porsdam Manna S., Dondersd Y., Mitchelle C., Bradleyf V., Choug M., Mannh M., Churchg G. and Porsdamk H. are referred to in this article within the context of the right to science. Meanwhile, Ukrainian authors didn't pay enough attention to this question. The issue of the legal governance of academic integrity received proper consideration neither in Ukrainian nor in foreign scholars' papers. The author of this article analyzes mainly national and international legal acts on education and copyright as well as reports of some international organizations related to the issue.

Main research results. Academic freedom is the fundamental value of any democratic society. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction [*General Assembly*, 2020: 6]. Academic freedom comprises individual and institutional rights, and entails various obligations for the public authorities [*Vrielink J., Lemmens P., Parmentier S.*, 2011: 138], since it extends not only to members of the academic community but also to educational institutions [*Human Rights Watch*, 2005: 14] and may be properly implemented with the help of governmental assistance. Academic freedom is protected by Article 54 of the Ukrainian Constitution [*Конституція України*, 1996] and the Law of Ukraine 'On Higher Education' (Articles 1, 2, 57) [*Закон України "Про вищу освіту"*, 2014].

Under Article 15 of the International Covenant on Economic, Social and Cultural Rights, the States Parties undertake to respect the freedom indispensable for scientific research and creative activity [*International Covenant on Economic, Social and Cultural Rights*, 1966]. On April 30, 2020, the UN Committee on Economic, Social and Cultural Rights issued Comment No. 25 on science and economic, social and cultural rights where underlined that freedom of research includes the following dimensions: protection of researchers from undue influence on their independent judgment; the possibility for researchers to set up autonomous research institutions and to define the

aims and objectives of the research and the methods to be adopted; the freedom of researchers to freely and openly question the ethical value of certain projects and the right to withdraw from those projects if their conscience so dictates; the freedom of researchers to cooperate with other researchers, both nationally and internationally; and the sharing of scientific data and analysis with policymakers, and with the public wherever possible [*Committee on Economic, Social and Cultural Rights*, 2020: 9]. Although UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel is not an international instrument on academic freedom, guaranteeing academic freedom in higher education is a fundamental concern of the document [*Beiter K.D., Karran T., Appiagyei-Atua K.*, 2016: 268]. The UN Human Rights Council addressed academic freedom through its jurisprudence under Article 19 of the International Covenant on Civil and Political Rights (i.e. right to hold opinions and freedom of expression) in the cases of *Faurisson v. France* and *Adimayo M. Aduayom et al v. Togo* [*Parmar S.*, 2019].

On the European level, Article 13 of the Charter of Fundamental Rights of the European Union explicitly provides that academic freedom shall be protected [*Charter of Fundamental Rights of the European Union*, 2000]. Article 10 of the European Convention on Human Rights stipulates that everyone has the right to freedom of expression which includes freedom to hold opinions and to receive and impart information without interference by public authority and regardless of frontiers [*European Convention on Human Rights*, 1950]. This right may be subject only to such restrictions which are prescribed by law, necessary in a democratic society and proportional. The European Court on Human Rights (hereinafter – ECHR) has underlined the importance of academic freedom in line with Article 10 in a number of its cases, e.g. *Sorguç v. Turkey*, *Sapan v. Turkey*, *Aksu v. Turkey Hertel v. Switzerland, Mustafa Erdoğan and Others v. Turkey etc.* [*Research Division of the European Court of Human Rights*, 2011: 35-37]. In the latter case, the ECHR expressed its opinion that the academic freedom in research should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction [*European Court of Human Rights*, 2014]. It made an important conclusion that academics' freedom grants the sientists a right to express freely their views and opinions, even if controversial or unpopular, in the areas of their research, professional expertise and competence [*European Court of Human Rights*, 2014]. In its judgemnt in the case of *Sorguç v. Turkey* the Court stressed that Article 10 'comprises the academics' freedom to express freely their opinion about the institution or system in which they work' [*European Court of Human Rights*, 2009].

The right to academic freedom of the author of this article has been infringed for several times in the context of scientific discussion on the legal status of LGBTIQ people. A paper providing solely some medical data on sexual orientation and gender identity as well as deliberations upon the nature of the prohibited grounds for discrimination was not admitted for publication in a prominent scientific journal because, as its editor in chief put it, the paper 'didn't reflect the opinion of the majority of the population', though that statement contradicted the results of the sociological surveys available at that time. Besides, the author was not allowed to take part in the discussion on those issues at a popular channel. These facts testify that scientific deliberations on some contradictory issues of International Law, in particular human rights law, or as the ECHR described them – 'controversial' issues, are not welcome in some academic environment and that there is still censorship in Ukraine which is prohibited by Article 15 of our Constitution.

Another important question is academic integrity. Academic integrity is the commitment to and demonstration of honest and moral behavior in an academic setting [*University of North Carolina at Chapel Hill*]. According to the Law of Ukraine 'On Higher Education', academic integrity is a set of ethical principles and rules, which should guide participants during the educational process and scientific activities in order to ensure confidence in learning outcomes and / or scientific achievements (Article 1) [*Закон України "Про вищу освіту"*, 2014]. These principles are responsibility, trust, impartiality, respect for the person, their honor and dignity, respect for diversity of thoughts, honesty, transparency, equality and non-discrimination, justice, tolerance, truthfulness, etc. [*Institute of International Rlations*]. Academic integrity deals with such questions as adherence to the rules for direct and indirect quotations, as well as designing the list of

references. There are various forms of the violations of academic integrity (such as plagiarism, self-plagiarism, fabrication, falsification, deception, bribery, etc.) which must lead to the academic responsibility (Article 42 of the Law of Ukraine 'On Education') [*Закон України "Про освіту"*, 2017]. Regulatory governance of the academic integrity in Ukraine consists of the Laws of Ukraine 'On Education'; 'On Scientific and Scientific-Technical Activities', 'On Higher Education', 'On Professional Education', 'On General Secondary Education', 'On Preschool Education', 'On Extracurricular Education'; regulations of the Cabinet of Ministers of Ukraine, central executive bodies; statutes and other internal regulations (codes of conduct, ethical codes, rules of procedure on violations of academic integrity, etc.) of educational and research institutions.

The main criteria for the free use of quotations in accordance with Ukrainian, European and International Law are: (1) public access (publication), (2) reference to the author and source, (3) fair use to the extent justified by the intended purpose. Thus, copyright regulations relating to quotations are contained in the Civil Code of Ukraine (Article 444), Law of Ukraine 'On Copyright and Related Rights', Criminal Code of Ukraine (Article 176) and other regulatory legal acts. According to the Law 'On Copyright and Related Rights', a quotation must be used by other persons with a mandatory reference to the author and the source of the quotation (Article 1) [*Закон України "Про авторське право і суміжні права"*, 1994]. Without the consent of the author (or other copyright holder), but with the obligatory indication of the author's name and the source, it is allowed to use of quotations from published works to the extent required by the specific purpose if such usage is determined by the polemical, scientific or informational nature of the work to which the quotations are included (Article 21) [*Закон України "Про авторське право і суміжні права"*, 1994].

According to Article 10 of the Berne Convention for the Protection of Literary and Artistic Works, it shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose [*Berne Convention*, 1979]. According to Article 5 of the Directive 2001/29/EC of the European Parliament and of the Council on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society, quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this turns out to be impossible, the source, including the author's name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose [*Directive 2001/29/EC*, 2001].

One of the most urgent and pressing issues relating to academic integrity is plagiarism. There is a difference in the title and definition of plagiarism in the Laws of Ukraine 'On Higher Education' and 'On Copyright and Related Rights' which has already caused some legal collisions and problems for judicial practice. Law 'On Higher Education' in Article 6 stipulates that 'academic plagiarism' is publication (in part or in full) of scientific results obtained by others as the results of their own research and / or reproduction of texts published by other authors without indication of authorship [*Закон України "Про вищу освіту"*, 2014]. Meanwhile, Law 'On Copyright and Related Rights' in Article 50 provides: 'plagiarism' is the publication, in whole or in part, of another's work under the name of a person who is not the author of this work [*Закон України "Про авторське право і суміжні права"*, 1994]. The Ministry of Education and Science tried to explain the difference in its Letter No. 1/9-650 of 23 October 2018. Academic plagiarism is regarded as a violation of the ethical norms of the academic community which leads to academic responsibility, and copyright infringement – as an offense for which liability is established by the Civil Code [*Міністерство освіти і науки України*, 2018]. Publishing the results obtained by others under one's own authorship with the permission of these persons is not a copyright infringement, but is an academic plagiarism [*Міністерство освіти і науки України*, 2018]. Copyright has a limited validity period: after the expiration date, the work may be used without the consent of the authors or their successors and without payment of appropriate remuneration, but this does not eliminate the need to refer to the authors during direct or indirect quotations [*Міністерство освіти і науки України*, 2018]. In other words, there are different practical

consequences of these various definitions of plagiarism in accordance with education and copyright law: in the first case comes academic responsibility (which is the competence of the Ministry and other educational and scientific bodies), and in the second case comes civil or even criminal responsibility (which is the competence of the court).

Academic plagiarism became the subject matter of the ECHR case-law. In 2014, the Court rendered its judgment in the case of *Hasan Yazıcı v. Turkey*. This case was lodged with the Court by a Turkish national, Mr Hasan Yazıcı against Turkey. In 1981, a well-known journalist published an article in the daily newspaper 'Cumhuriyet' in which he drew attention to the similarities between the books 'Mother's Book', written by Professor Dr I.D., and that of Dr Benjamin Spock entitled 'Baby and Childcare' [*European Court of Human Rights*, 2014]. In 1998, the applicant, acting as the head of the Ethics Committee of the Turkish Academy of Sciences, submitted a report in which tried to attract attention to the fact that Professor Dr I.D. had committed plagiarism in his 'Mother's Book' and asked the Council of the Academy of Sciences to take various actions in this regard, however, no action was taken [*European Court of Human Rights*, 2014]. After that, Professor Dr I.D. brought a number of civil actions for compensation against the applicant before Turkish courts of first instance, then –appellation and cassation courts stating that Mr Hasan Yazıcı's assertions constituted a breach of his personality rights; and the Turkish courts ordered the applicant to pay compensation to Professor Dr I.D. [*European Court of Human Rights*, 2014]. The ECHR, *inter alia*, decided that there had been an unjustified interference with Mr Yazıcı's freedom of expression in breach of Article 10 of the Convention.

Although human rights bodies do not usually refer to the right to science, its normative content is vague and underdeveloped [*Barham K. and Hubert A.-M.*, 2016], has to be clarified and better specified [*Mancisidor M.*, 2015: 1], it is enshrined in main human rights treaties, such as: International Covenant on Economic, Social and Cultural Rights (Article 15), Charter of Fundamental Rights of the European Union (Article 13), Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Article 14), Arab Charter on Human Rights (Article 42), Protocol on the Rights of Women in Africa of the African Charter on Human and Peoples' Rights (Article 12(2)). The right is also provided in Article 27 of the Universal Declaration on Human Rights which has gained a customary nature. The right of individuals to science and the obligation of states to cooperate in science are enshrined in several 'soft law' instruments, e.g. UN Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, Universal Declaration on the Human Genome and Human Rights, UNESCO Declaration on Science and the Use of Scientific Knowledge, International Declaration on Human Genetic Data, Universal Declaration on Bioethics and Human Rights, Venice Statement on the Right to Enjoy the Benefits of Scientific Progress and its Applications, UNESCO Recommendation on Science and Scientific Researchers. The right to science is protected by Article 54 of the Ukrainian Constitution [*Конституція України*, 1996].

Under Article 15 of the International Covenant on Economic, Social and Cultural Rights, the States Parties recognize the right of everyone to enjoy the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific production of which he or she is the author; they also commit to achieve the full realization of this right by the conservation, development and diffusion of science; to undertake to respect the freedom indispensable for scientific research and creative activity; to recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific field [*International Covenant on Economic, Social and Cultural Rights*, 1966].

The 2012 Report of the Special Rapporteur in the field of cultural rights on the right to enjoy the benefits of scientific progress and its applications envisages that the normative content of the right to benefit from scientific progress and its applications includes: (a) access to the benefits of science by everyone, without discrimination; (b) opportunities for all to contribute to the scientific enterprise and freedom indispensable for scientific research; (c) participation of individuals and communities in decision-making; and (d) an enabling environment fostering the conservation,

development and diffusion of science and technology [*Human Rights Council*, 2012: 9]. Several key human rights concepts are essential in the interpretation of the right to science, namely: non-discrimination, progressive realization, minimum core obligations, direct and horizontal application, the duties to respect, protect, and fulfil [*Shaver L.*, 2010: 167]. Minimal obligations of states also include prevention of harmful effects of science and technology [*Porsdam Manna S. et al*., 2018: 10821]. States have to take measures in order to prevent and eliminate the adverse and uncertain consequences of scientific research. For this purpose they are encouraged to use such tools as public participation, risk assessment, risk management, risk communication, environmental impact assessment, precautionary principle, responsibility and liability for dangerous scientific human activity. Many environmental treaties contain such states' obligations, for example, on climate change, ozone protection, GMOs, gene editing, biodiversity, geoengineering, etc. The right to science can be enjoyed individually and collectively [*UNESCO*, 2009: 16]. The right to science may be subject to some limitations which must pursue a legitimate aim, be compatible with the nature of this right, be proportional and strictly necessary for the promotion of general welfare in a democratic society [*Human Rights Council*, 2012: 12].

The right of everyone to enjoy the benefits of scientific progress and its applications became very urgent in times of the COVID-19 pandemic, when scientific community tries to understand the nature of a new virus and find out vaccines to counter it. Thus, this right is closely linked to the right to health enshrined in a number of international human rights treaties. The question is two-fold: (1) everyone has a right to access to objective and valid scientific information regarding the source of the coronavirus, its pathogenesis, methods of treatment, duration of immune protection, genetic predisposition to infection and complications, the mortality caused by it, the effectiveness and side effects of the vaccines, etc.; (2) everyone has a right to access to medical treatment in case of infection, including anti-COVID vaccines developed by scientific community, without discrimination. Meanwhile, a right to access to medical treatment should be ensured with due regard to some basic ethical and legal standards governing scientific biomedical research, such as the right to free and informed consent as well as the right to refuse and withdraw from any healthcare procedures which are not scientifically grounded, as provided by the Oviedo Convention on Human Rights and Biomedicine and its additional protocols. In academic literature devoted to the relationship between COVID-19 and International Law, experts discuss the need to apply the precautionary principle to current situation with quarantines, lockdowns, in other words, restrictions posed by governments on human rights, as well as to the compulsory vaccination. The essence of the principle is as follows: if there is reason to believe that a particular technology, product or activity can harm the environment or human health and there is scientific uncertainty regarding the nature and extent of such damage and possible risks, measures to prevent such damage are necessary and fully justified [*Raffensperger C. and Barret K.*, 2001]. Due to scientific uncertainty regarding the source of the coronavirus, its pathogenesis, methods of treatment, duration of immune protection, genetic predisposition to infection and complications, the mortality caused by it, restrictions posed by governments on human rights, in particular right to assembly and free movement, may be justified. At the same time, due to uncertainty regarding the effectiveness and side effects of the anti-COVID vaccines a right to refuse immunization must be preserved to everyone. Furthermore, another important problem arises: a right to enjoy the benefits of scientific progress may collide with a right to benefit from the protection of the moral and material interests resulting from any scientific production, i.e. right of population to access to vaccines contradicts the rights of scientific community to protect intellectual property rights regarding such vaccines. International Law provides some solution to the problem in the form of compulsory licensing (Article 31bis of the TRIPS Agreement).

Conclusions. The right to science is enshrined in a number of international treaties and 'soft law' instruments. It comprises access to the benefits of science by everyone, without discrimination; freedom indispensable for scientific research; participation of individuals and communities in decision-making; an enabling environment fostering the conservation, development and diffusion of

science and technology; prevention of harmful effects of science and technology, including by the application of the precautionary principle.

The right to academic freedom the integral part of the right to science and also protected by International Law. Academic freedom has become the subject matter of the human rights bodies' case-law. It comprises the protection of researchers from undue influence on their independent judgment; the possibility for researchers to set up autonomous research institutions and to define the aims and objectives of the research and the methods to be adopted; the freedom of researchers to cooperate with other researchers, both nationally and internationally, etc.

Academic freedom and the right to science are linked to some economic, social and cultural rights, especially the right to information, freedom of thought and expression, freedom from discrimination, etc. These rights are protected by Ukrainian legislation. In order to ensure human rights to science, including to academic freedom, a state has to fulfil some positive and negative obligations. If it is not able to exert every effort to implement its positive responsibility, or due diligence, such a state must be held responsible under customary rules of International Law. Concerning Ukraine, one may assert that the integration of national science into the world and European research area is an integral part of its obligations under human rights treaties as well as the EU Association Agreement.

Academic integrity is an inalienable part of the right to science which envisages obligations for scientists and is provided mainly by national legal acts on education and copyright protection. Some basic rules for quotations, though, are prescribed by international intellectual property law. Besides, academic plagiarism became the subject matter of the ECHR case-law. In case of violations of the principles of academic integrity comes academic responsibility, e.g. refusal to award or deprivation of the awarded scientific degree or an academic title, which is the competence of national educational and scientific governmental bodies. The only exception is plagiarism which is copyright infringment leading to civil or even criminal responsibility and which is the competence of national civil courts.

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