

**Czech University of Life Sciences Prague**

**Faculty of Economics and Management**

**Department of Law**



**Bachelor Thesis**

**Legal Framework for Public Education**

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# CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE

Faculty of Economics and Management

## BACHELOR THESIS ASSIGNMENT

Anzhela Levina

Business Administration

Thesis title

**Legal Framework for Public Education**

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### Objectives of thesis

From ancient times to this day, education has been one of the important areas in human life. In accordance with the history, traditions, culture and state structure, the state education system is formed. That is why the aim of the thesis is to study the peculiarities of the legal status of education in two countries: in the Russian Federation and in the Czech Republic, as well as a comparative analysis of the educational system of the Russian Federation and the Czech Republic on the basis of current educational legislation.

### Methodology

The thesis is divided into three parts. The first part of the diploma reveals the legal status of education in the Russian Federation and normative legal acts regulating the activities of the educational system. The second part of the diploma reveals the legal status of education in the Czech Republic as well as normative legal acts regulating the activities of the educational system. The third part of the diploma is an analysis of two educational systems. To achieve the goals, the diploma will use the methods of studying, describing and comparing the two educational systems. There will also be an analysis of the legal and regulatory acts that govern education in the two countries studied.

**The proposed extent of the thesis**

40 pages

**Keywords**

education in Russia, education in the Czech Republic, laws on Education, educational systems

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**Recommended information sources**

Act No. 111/1998 Coll. (Amended and consolidated) On Higher Education Institutions and On Amendments and Supplements to Some Other Acts (The Higher Education Act). // Zákon č. 111/1998 Sb.

Act No. 561/2004 Collection of Law, On Pre-School, Basic, Secondary, Tertiary Professional and Other Education (The Education Act). // Zákon č. 561/2004 Sb.

Federal Law of 29.12.2012 N 273-FZ (as amended on 12/25/2018) "On education in the Russian Federation" // "Rossiyskaya Gazeta", N 303, 31 Dec. 2012.

Savina, A. (2014) Education in the European Union. Problems of modern education.

The Constitution of the Russian Federation (adopted by popular vote on 12 December 1993).

Treaty on the Functioning of the European Union (1957) (as amended by the Lisbon Treaty 2007).

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## **Declaration**

I declare that the diploma thesis on the topic: “**The legal framework of public education**” was written by me, by the help of specific literature and other sources which are included in the review of the used material, and by the help of consultations and advices with my supervisor Mgr. Bc. Sylva Řezníková, Ph.D., MA.

In Prague on 15<sup>th</sup> of March 2019

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### **Acknowledgement**

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# **Legal Framework for Public Education**

## **Summary**

Education is an integral part of the life of everyone around the world. In this case, approaches in educational activities in different states are different. This is due to the factors of development of a state.

The legal basis of educational activities in different countries are the legal acts that reinforce the foundations of the educational system of a particular state.

Historical, political development as well as the current state of the internal atmosphere in the state have a qualitative influence on the education system, on approaches to educational activities, as well as on the laws that regulate this activity.

The thesis is called 'Legal framework for public education' particularly about two countries: the Czech Republic and the Russian Federation.

In recent years, the Czech Republic has become the Educational Center of Europe for young people from all over the world, especially from the countries of the Commonwealth of Independent States and / or countries of the former Soviet Union (hereinafter the USSR). This is of some interest, since the Soviet education system was considered one of the best in the world, and many Soviet specialists, after the collapse of the USSR, were widely demanded in the West.

After the 90s of the twentieth century, the Russian education system experienced a crisis, which was caused by the internal political, economic and socially acute situation in the country. There was a decline in education. At the same time, the current Constitution of the Russian Federation of 1993 contains provisions regarding the educational system, thereby laying the legal foundations for the development of education.

After graduating from high school, many Russian schoolchildren give priority to foreign educational institutions, among which the Czech Republic occupies the leading place.

This trend leads to certain reflections on the best and worst qualities of the educational systems of the two states. It must be emphasized that the basis of any important social relations is the legal norms that regulate these relations. Accordingly, a comparative legal analysis of the legal systems of the two states will help in understanding this situation.

**Keywords:** education in the Czech Republic, education in the Russian Federation, educational system, legal frameworks, Constitution, right to education

# Právní rámec veřejného vzdělávání

## Souhrn

Vzdělávání je nedílnou součástí života všech lidí na celém světě. Zároveň přístupy ke vzdělávání v různých státech jsou odlišné. Záleží to na faktorech rozvoje každého státu.

Právním základem vzdělávacích aktivit v různých zemích jsou právní akty, které posilují základy vzdělávacího systému určitého státu.

Historický a politický vývoj spolu se současným stavem vnitřní atmosféry ve státě mají kvalitativní vliv na vzdělávací systém, na přístupy ke vzdělávacím činnostem i na zákony, které tuto činnost regulují.

Práce se jmenuje „Právní normy vzdělávání“ a jedná se o dvě země: Českou republiku a Ruskou federaci.

Česká republika se v posledních letech stává vzdělávacím centrem Evropy pro mladé lidi z celého světa, zejména ze zemí Společenství nezávislých států a / nebo zemí bývalého Sovětského svazu (dále jen SSSR). Je to zajímavý fakt, protože sovětský vzdělávací systém byl považován za jeden z nejlepších na světě, a mnoho sovětských specialistů, po rozpadu SSSR, přestěhovali za práci na západ.

Ruský vzdělávací systém po devadesátých letech dvacátého století zažíval velkou krizi, která byla způsobena vnitřní politickou, ekonomickou a sociální situací v zemi. Došlo k poklesu úrovně vzdělání. Současná ústava Ruské federace z roku 1993 obsahuje ustanovení týkající se vzdělávacího systému, čímž vytváří právní základy pro rozvoj vzdělávání.

Mnozí ruské studenti po absolvování střední školy upřednostňují zahraniční vzdělávací instituce, mezi nimiž zaujímá přední místo Česká republika.

Tento trend vede k určitým úvahám o kvalitě vzdělávacího systému obou států. Je třeba zdůraznit, že základem jakýchkoliv důležitých sociálních vztahů jsou právní normy, které tyto vztahy upravují. Pochopit tuto situaci pomůže komparativní právní analýza právních systémů obou států.



**Klíčová slova:**

vzdělávání v České Republice, vzdělávání v Ruské Federaci, vzdělávací Systém, právní rámec, Ústava, právo na vzdělávání

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## **Introduction**

Today, the educational system of the Czech Republic is one of the most advanced and accessible in Europe. Although until recently, the Czech Republic was also one of the countries of the socialist bloc, while such a dynamic and effective transition to quality education is an indicator of the work of the entire system of state bodies of the Czech Republic.

Any development within specific areas requires the establishment of a legal framework. It is similarly in education. Any educational system has a certain number of legal and regulatory acts that regulate educational relations.

In the Russian Federation, some lawyers allocate educational standards to a separate branch of educational law. This industry has its own object for research, research subjects, as well as researched legal relations that are central and constituting for this legal industry.

The Czech Republic, as a member state of the European Union, in addition to its domestic, state laws, must comply with the requirements of European Union legislation. The Russian Federation is not a member of the European Union, and therefore, it is not necessary for it to fulfill its obligations to comply with European laws.

At the same time, there are various international regulatory acts that regulate education at the international level. In this case, upon ratification and adoption of such international acts, both the Russian Federation and the Czech Republic become subjects who are obliged to comply with their international obligations in the field of education.

A more detailed consideration of the regulatory framework in the education of the two states will be described in the chapters and sections of this work.

At the same time, the thesis itself evokes a certain research interest, especially on the issue of community and differences in education in two states, former members of socialist society, who, after leaving the communist ideology, went in different ways to build their own separate, democratic path.

## **Objectives and Methodology**

### **Objectives**

The aim of the thesis is to study the peculiarities of the legal status of education in the Russian Federation and in the Czech Republic, as well as a comparative analysis of the educational system of the Russian Federation and the Czech Republic, on the basis of current educational legislation.

### **Methodology**

The diploma is divided into three parts. The first part of the diploma reveals the legal status of education in the Russian Federation, normative legal acts regulating the activities of the educational system. The second part of the diploma reveals the legal status of education in the Czech Republic, normative legal acts regulating the activities of the educational system. The third part of the diploma is an analysis of two educational systems. To achieve the goals, the diploma will use the methods of studying, describing and comparing the two educational systems. There will also be an analysis of the regulatory legal acts that govern education in the two countries studied.

## **1. Legal status of education in the Russian Federation**

### **1.1 Constitutional and legal foundations of education in the Russian Federation.**

In the Constitution of the Russian Federation<sup>1</sup>, the right to education is one of the most important constitutional rights of the individual, which is guaranteed by the state. This right is enshrined in Article 43 of the Constitution of the Russian Federation (hereinafter referred to as the Constitution of the Russian Federation), this right directly derives from the provision of Part 1 of Article 43, and has the following wording: ‘Everyone has the right to education’.

Further, the article discloses the provisions of this legal norm. The Constitution of the Russian Federation guarantees the accessibility and safety of pre-school, basic general and secondary vocational education in state or municipal educational institutions and enterprises.

Higher education in the Russian Federation can also be obtained free of charge, but on a competitive basis. The competitive basis implies passing special exams by graduates of the school who, as a result of writing, gain a certain number of points. When submitting documents to higher educational institutions of the Russian Federation, educational institutions form lists of persons who have submitted documents for a specific training direction. Universities determine the quota for which a certain number of students will be trained free of charge at the expense of the budget of the Russian Federation, or the budgets of the constituent entities of the Russian Federation. Those applicants, who scored the highest number of points when writing the exam, and also passed other necessary entrance exams (for example, for admission to the faculty of physical training, in addition to the mandatory written exams, sports exams - running, pulling up, etc.) get respectively the opportunity to study for free. And those, who did not fall under the quota provided, have the opportunity to continue their studies at this university on a commercial basis, that is, to pay for their own education independently.

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<sup>1</sup> "The Constitution of the Russian Federation" (adopted by popular vote on 12/12/1993) (as amended by the RF laws on amendments to the RF Constitution of 12/30/2008 N 6-FKZ, of 12/30/2008 N 7-FKZ, from 02.02.2014 N 2 -FKZ, from 07.21.2014 N 11-FKZ) // in "Meeting of the legislation of the Russian Federation", 04.08.2014, N 31, Art. 4398.

In practice, it looks like this. All school graduates have to pass the Unified State Exam (hereinafter referred to as the USE) in certain subjects, which they have chosen by themselves, for further higher education. For example, in order to be able to be enrolled to the university, and afterwards to study at the Department of Law, the student have to pass the Unified State Exams in History, Russian Language and Social Studies. These are exactly the subjects that the selection committee will consider when submitting student documents to the Faculty of Law. The student passes the exam, receives a total number of points for three exams. It should also be noted that on the territory of the Russian Federation compulsory exams that all students have to pass are Mathematics and the Russian language, therefore, in addition to the three disciplines listed above (History, Russian Language and Social Studies), the student will also take Mathematics, but he does not need it for admission to the humanitarian specialty.

When an applicant passes all exams and receives a certain number of points on the results of examinations, he assesses his results and submits the documents to the admissions committees of universities, to the field of study that he has chosen before. For instance, in the past a person was a schoolkid, and today he is an applicant who chooses the field of his future study, for example, in Moscow State University (hereinafter - MSU). At Moscow State University, in the law department the quota for training at the expense of the federal budget is 31 people. That is, to study for free, there will be only those 31 people who have a greater number of points in the disciplines given in the framework of the Unified State Exam - history, Russian language, social studies.<sup>2</sup>

It should be noted that the Constitution of the Russian Federation, in article 43, establishes the obligation of basic general education. The person gets the basic general education at school. Parents and persons who replace them (for example, guardians or carers) ensure that children receive basic general education. This is one of the constitutional duties of parents.<sup>3</sup>

The Russian Federation establishes federal state educational standards, supports various forms of education and self-education.

The legal provisions of the Constitution of the Russian Federation have their further specification in various legal acts of different levels of government. In the Russian

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<sup>2</sup> LAW.MSU.RU (2019) Plan of admission to the Faculty of Law in 2019 [online] Available at: <http://www.law.msu.ru/node/22547>

<sup>3</sup> CONSTRF.RU( 2018) *Article 43 of the Constitution of the Russian Federation* [online] Available at: <http://constrf.ru/razdel-1/glava-2/st-43-krf> [Accessed 5 Nov.2018]

Federation there are two levels of state power - these are the federal bodies of state power and the bodies of state power of the subjects of the Russian Federation. In addition, there are local governments that are also vested with authority in the field of education, but they are not included in the system of government bodies of the Russian Federation.<sup>4</sup>

The regulation of education is carried out by all three levels of government, which are listed above, respectively, each authority authorized to regulate and control education, issues the relevant legal acts and orders.

The Constitution of the Russian Federation in its norms establishes and determines the policy of the Russian Federation with regard to education, emphasizes the need for affordable education, as well as the creation by the state of all sorts of conditions for wider access of all segments of the population of the Russian Federation to education.

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<sup>4</sup> Federal Law "On the General Principles of the Organization of Local Self-Government in the Russian Federation" of 06.10.2003 N 131-FZ (last revised) [ online] Available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_44571/](http://www.consultant.ru/document/cons_doc_LAW_44571/) [Accessed 5 Feb.2019]

## 1.2 Legal regulation of education in the Russian Federation

The main regulatory legal act that regulates the educational system in the Russian Federation is the Federal Law of December 29, 2012 No. 273 'On Education in the Russian Federation'.<sup>5</sup>

It is this law in Article 4 that defines the legal regulation of relations in the field of education. In accordance with this article, relations in the field of education are regulated by the Constitution of the Russian Federation, this Federal Law, as well as other federal laws, other normative legal acts of the Russian Federation, laws and other normative legal acts of the constituent entities of the Russian Federation containing the norms governing relations in the field of education ( further – legislation on education).

The law outlines the objectives of the legal regulation of relations in the field of education. Such goals are: the establishment of state guarantees, the establishment of mechanisms for the realization of human rights and freedoms in education, the creation of conditions for the development of the education system, the protection of the rights and interests of participants in relations in education.

The law defines the objectives of the legal regulation of the educational sphere. The main objectives of the legal regulation of relations in the field of education are:

- ensuring and protecting the constitutional right of citizens of the Russian Federation to education;
- creation of legal, economic and financial conditions for the free functioning and development of the education system of the Russian Federation;
- the creation of legal guarantees to harmonize the interests of participants in relations in the field of education;
- determination of the legal status of participants in relations in the field of education;
- creation of conditions for obtaining education in the Russian Federation by foreign citizens and stateless persons;

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<sup>5</sup> Rossiyskaya Gazeta (2012) *Federal act 'on education in the Russian Federation' from 29<sup>th</sup> of December, 2012 N 273-FZ*, article № 303



- separation of powers in the field of education between the federal bodies of state power, the bodies of state power of the subjects of the Russian Federation and the bodies of local self-government.

Standards governing relations in the field of education and contained in other federal laws and other regulatory legal acts of the Russian Federation, laws and other regulatory legal acts of constituent entities of the Russian Federation, legal acts of local governments, must comply with Federal Law of December 29, 2012 No. 273 ‘On Education in the Russian Federation’ and cannot limit the rights or reduce the level of guarantees provided as compared with the guarantees established by this federal law.<sup>6</sup>

If the norms of other regulatory acts contradict the norms of this federal law, then the norms of the Federal Law of December 29, 2012 No. 273 ‘On Education in the Russian Federation’ apply.

If the norms of the Federal Law of December 29, 2012 No. 273 ‘On Education in the Russian Federation’ contradict the norms of international normative legal acts, international agreements, then the norms of international acts and agreements are applied.

This condition arises from the provisions of Part 4 of Article 15 of the Constitution of the Russian Federation, which establishes the priority of international legal norms, over the norms of national legislation.<sup>7</sup>

The law under consideration applies to all educational institutions located in the territory of the Russian Federation, and is the main one when these organizations carry out educational activities.

In some cases, the law provides for some features of the implementation of the norms enshrined in it. In particular, its application is carried out taking into account features, special federal laws that regulate educational relations in the territory and in the competence of:

- Moscow State University named after M.V. Lomonosov;
- St. Petersburg State University;
- organizations located on the territory of the Skolkovo Innovation Center;
- on the territory of the international medical cluster;

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<sup>6</sup> Federal act ‘on education in the Russian Federation’ from 29<sup>th</sup> of December, 2012 N 273-FZ, article № 66 (5) [online] Available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_140174/66c0c83e63d34f08870033f56479217971de7ae4/](http://www.consultant.ru/document/cons_doc_LAW_140174/66c0c83e63d34f08870033f56479217971de7ae4/) [Accessed 5 Feb.2019]

<sup>7</sup> The Constitution of the Russian Federation (adopted by popular vote on 12 Dec.1993) (as amended by the RF laws on amendments to the RF Constitution of 30 Dec. 2008 N 6-FKZ, of 12 Dec. 2008 N 7-FKZ, from 02 Feb.2014 N 2 -FKZ, from 21 Jul. 2014 N 11-FKZ)

- in the territories of advanced socio-economic development;
- in the territory of the free port of Vladivostok;
- in the territories of innovative science and technology centers and educational activities.

As for the extension of this law to citizens, its impact on their educational rights and obligations is governed by the legislation that regulates a certain legal status of such categories of persons. For example, the regulation of the issues of education of military personnel is carried out both taking into account the Federal Law of December 29, 2012 No. 273 'On Education in the Russian Federation', and taking into account the provisions of the Federal Law of May 27, 1998 N 76-FZ 'On the Status of Military Personnel'.<sup>8</sup>

In general, the Federal Law of December 29, 2012 No. 273 'On Education in the Russian Federation' is the main one in regulating relations in the field of education, regardless of the status of subjects of educational activities.

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<sup>8</sup> Federal Law "On the Status of Military Personnel" dated 05.27.1998 N 76-FZ (last revised) [online] Available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_18853/](http://www.consultant.ru/document/cons_doc_LAW_18853/) [Accessed 12 Feb.2019]

### 1.3 Legal status of educational institutions and their system

In accordance with Article 10 of the Federal Law of December 29, 2012 No. 273 'On Education in the Russian Federation', the education system of the Russian Federation has the following structure.

The education system includes:

- federal state educational standards and federal state requirements, educational standards, educational programs of various types, levels and (or) orientation;
- organizations carrying out educational activities, teachers, students and parents (legal representatives) of minors students;
- federal state bodies and state authorities of the constituent entities of the Russian Federation exercising public administration in the field of education, and local self-government bodies exercising administration in the field of education, advisory and other bodies created by them;
- organizations providing educational activities, assessment of the quality of education;
- associations of legal entities, employers and their associations, public associations operating in the field of education.<sup>9</sup>

Education is divided into general education, vocational education, high education and vocational training, ensuring the possibility of the realization of the right to education throughout life (continuing education).<sup>10</sup>

General education and vocational education are realized by levels of education.

General education in the Russian Federation is carried out for eleven years, if we are talking about secondary general education, which is received as part of the school curriculum.

In addition, taking into account educational levels, a person who does not wish to continue eleven-year studies is entitled to complete his education within the school curriculum at the level of basic general education.

The following levels of general education are established in the Russian Federation:

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<sup>9</sup> Federal law of 29.12.2012 N 273-FZ (as amended on 12.25.2018) "On education in the Russian Federation" Article 10. Structure of the education system

<sup>10</sup> Bolotov, V., Valdman I., Kovalyova G., Pinskaya M. (2013) *Russian system for assessing the quality of education: main lessons. Quality of education in Eurasia*. [online] Available at: <https://cyberleninka.ru/article/n/rossiyskaya-sistema-otsenki-kachestva-obrazovaniya-glavnye-uroki> [Accessed 13 Feb.2019]

- preschool education;

Pre-school education is provided to citizens of the Russian Federation in kindergartens.

- primary general education;

Primary general education is the education that a student receives as part of a school from 1st to 4th grade.

- basic general education;

Basic general education is the education that a student receives within the school from the 1st to the 9th grade.

- secondary general education.

Secondary general education is the education that a student receives as part of a school from grade 1 to grade 11. <sup>11</sup>

The following levels of vocational education are established in the Russian Federation:

- Secondary vocational education;
- Higher education - bachelor degree;
- Higher education - specialty, master;
- Higher education - training of highly qualified personnel. <sup>12</sup>

Additional education includes such sub-types as additional education for children and adults and additional vocational education.

The education system creates conditions for continuing education through the implementation of basic educational programs and various additional educational programs, conditions for enabling the simultaneous mastering of several educational programs, as well as taking into account existing education, qualifications, and practical experience in obtaining education

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<sup>11</sup> Postalyuk N.(2014) *Integration processes in the Russian system of vocational education* .[online] Available at: <https://cyberleninka.ru/article/n/integratsionnye-protsessy-v-rossiyskoy-sisteme-professionalnogo-obrazovaniya> [Accessed 13 Feb. 2019]

<sup>12</sup> Ashanina, E., Vasina, O. and Yezhov, S. (2018) *Modern educational technologies*. Moscow: Yurayt. p.11

## **1.4 State authority in the field of education of the Russian Federation**

When we talk about the state powers of the Russian Federation, it should be understood that we are talking about the powers of the federal bodies of state authority in the field of education, that is, the highest authorities of the Russian Federation.

So, the powers of the federal government bodies are:

- development and implementation of a unified state policy in the field of education;
- organization of the provision of higher education, including the provision of state guarantees of the right to receive higher education on a competitive basis;
- the organization of the provision of additional professional education in federal state educational organizations;
- development, approval and implementation of state programs of the Russian Federation, federal targeted programs, the implementation of international programs in the field of education;
- the creation, reorganization, liquidation of federal state educational organizations, the implementation of the functions and powers of the founder of federal state educational organizations;
- approval of federal state educational standards, the establishment of federal state requirements;
- licensing of educational activities;
- state accreditation of educational activities of organizations engaged in educational activities, as well as foreign educational organizations engaged in educational activities outside the territory of the Russian Federation;
- state control (supervision) in the field of education over the activities of organizations, as well as the executive authorities of the constituent entities of the Russian Federation exercising state administration in the field of education;
- formation and maintenance of federal information systems, federal databases in the field of education, including ensuring the confidentiality of the personal data contained in them in accordance with the legislation of the Russian Federation;
- the establishment and awarding of state awards, honorary titles, departmental awards and titles to employees of the education system;

- development of training forecasts, training requirements based on the forecast of labour market needs;
- ensuring the implementation of monitoring in the education system at the federal level;
- creation of conditions for organizing an independent assessment of the quality of educational activities of organizations engaged in educational activities;
- implementation of other powers in the field of education, which are established by the legislation of the Russian Federation.<sup>13</sup>

Federal state bodies have the right to provide in federal state educational organizations an organization to provide general and free general and secondary vocational education, as well as an organization to provide additional education for children.

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<sup>13</sup> Russkikh, L.(2014) *Education reform in Russia: intermediate results*. SUSU Bulletin: Social and Human Sciences. pp.88-90 [online] Available at: <https://cyberleninka.ru/article/n/reforma-obrazovaniya-v-rossii-promezhutochnye-itogi> [Accessed 26 Feb.2019]

## **2. Legal status of education in the Czech Republic**

### **2.1 Legal framework for education in the European Union**

The Czech Republic is a member of the European Union (hereinafter - the EU), respectively, in order to determine the legal basis of the educational system of the Czech Republic, it is necessary to study a common approach to the formation of legal norms governing education in the European Union.<sup>14</sup>

The educational sphere is one of those areas that are not subject to full unification in the territory of the European Union. This means that in the countries of the European Union no one imposes a certain educational system. Each country, a member of the EU, independently forms its own educational and examination system in accordance with its national and historical needs.<sup>15</sup>

The developed system allows EU citizens to get higher education in any country of the European Union. The unified requirements that universities impose on applicants from different countries have led each state to strive to bring its educational system in line with common European requirements, thereby allowing future professionals to integrate more closely and effectively within the EU system.

The formation of the educational policy of the EU member states takes place in the conditions of the predominance of global world processes that allow the development of the educational system by individual states at a high international level.

Common to the countries of the Commonwealth of Independent States remains the problem of forming democratic ideals that could be transformed into a feeling of common solidarity of all people.

The Maastricht Treaty<sup>16</sup>, signed in 1992 and entered into force in 1993, served as the legal basis for the creation of the EU. Within the framework of this agreement, the educational sphere is not subject to processes of general unification; accordingly, the

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<sup>14</sup> The Ministry of the Foreign Affairs of the Czech Republic. *Czech Republic and EU*. [online] Available at: [https://www.mzv.cz/baku/ru/x2009\\_10\\_23\\_4/x2010\\_03\\_29/index.html](https://www.mzv.cz/baku/ru/x2009_10_23_4/x2010_03_29/index.html) [Accessed 26 Feb.2019]

<sup>15</sup> Savina, A. (2014) *Education in the EU*. Problems of modern education, pp.53-55. [online] Available at: <https://cyberleninka.ru/article/v/obrazovanie-v-evropeyskom-soyuzhe> [Accessed 26 Feb.2019]

<sup>16</sup> The Treaty on European Union (TEU), signed in Maastricht on 7 February 1992, entered into force on 1 November 1993

countries of the union are not obliged to implement a common educational policy in the territory of their states.

It is stated in the articles 126 and 127 of the Treaty on the European Union that the organization of the educational system, as well as the content of education, remains within the competence of each country, taking into account the development and preservation of national interests in the field of education.<sup>17</sup>

At the same time, in Europe there is a unified educational policy. Only it is formed in such a way that it does not follow directly from a specific regulatory act, while a single educational policy is one of the main elements that influence the success of true European integration.

Articles 165 and 166 of the Maastricht Treaty stipulate that in the territory of the Europe Union, as well as in the territory of every country of the European Community, equal access to education at all levels of education is provided for all citizens of the Europe Union member countries, as well as common approaches to the definition of professional qualification criteria.<sup>18</sup>

Significantly increased the value of European identity at the beginning of the twenty-first century, when various countries of Central and Eastern Europe joined the European community, which were characterized by different levels of socio-economic development, as well as by the various existing educational systems that were formed in fundamentally different historical conditions.

All these factors have a key impact on the increased need for a common European integration, which resulted from the mutual penetration of structural and system educational categories on the basis of a coordinated interstate educational policy.<sup>19</sup>

The EU does not intervene in the educational activities of the members of the Commonwealth. The initial function of the EU in the field of education is the creation of conditions for achieving high quality education through the adoption of common organizational measures for the cooperation of EU member states.

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<sup>17</sup> *Treaty on the Functioning of the European Union* [1957] Rome

<sup>18</sup> Secretary of State for Foreign and Commonwealth Affairs (2008) *Consolidated Texts Of The EU Treaties As Amended By The Treaty Of Lisbon*. London: Foreign and Commonwealth Office. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228848/7310.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf) [Accessed 1 Mar.2019]

<sup>19</sup> Staude, E. (2011) *National Education Systems In The European Union*. Washington University pp.1-8



The EU supports the educational systems of EU members in the context of cultural, historical and linguistic diversity, as well as facilitates the exchange of experience of EU member states in the exchange of international experience in the field of educational activities.<sup>20</sup>

In recent years, there are trends towards full Europeanization of education in the educational processes of the EU member states.

With the direct absence of the influence of the leadership of the European Union on the formation and implementation of the educational policy of the states of the European Union, according to the previously adopted agreements, the European Union still has an influence on the education sector, in particular, this can be seen by the norms that are enshrined in the Maastricht Treaty.

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<sup>20</sup>EC.EUROPA.EU (2019) *Exchange possibilities within and outside the EU* [online] Available at: [https://ec.europa.eu/info/education/study-or-teach-abroad/participate-exchange/eu-students\\_en](https://ec.europa.eu/info/education/study-or-teach-abroad/participate-exchange/eu-students_en) [Accessed 2 Mar.2019]

## 2.2 Legal regulation of education in the Czech Republic

The Constitution of the Czech Republic<sup>21</sup>, adopted in 1992 and entered into force in 1993, contains provisions that consolidate the legal status of the educational system in the Czech Republic.

The Czech Republic guarantees free and available education for everyone. The main regulatory and legal acts that regulate relations in the field of education in the Czech Republic are:

1. Act No.561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Types of Education (Education Act)<sup>22</sup>
2. The Act on Institutional Education or Protective Education in School Provisions and on Preventive Educational Care (383/2005)
3. Act No.111/1998 on the Institutions of Higher Education, as amended<sup>23</sup>

The law on pre-school, primary, secondary, higher vocational and other education establishes the regulation of pre-school, primary, secondary, higher and some other types of education in schools and educational institutions, establishes the conditions of education and vocational training, defines the rights and obligations of individuals and legal entities in the field of education, ensures the competence of state administration and self-government bodies in the field of education.<sup>24</sup> The law establishes the basic principles on which the educational system of the Czech Republic is based, as well as the goals of education.

The goals of education are:

- personal development, which will have cognitive and social skills, moral and spiritual values for personal and civic life, the desire for a profession or job, information and lifelong learning,

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<sup>21</sup> The Constitution of the Czech Republic/ No. 1/1993 Coll. /adopted on 16 December 1992 as amended by Constitutional Acts No. 347/1997 Coll., No. 300/2000 Coll., No. 395/2001 Coll., No. 448/2001 Coll., No. 515/2002 Coll., No. 319/2009 Coll., No 71/2012 Coll. and No 98/2013 Coll.

<sup>22</sup> Act No. 561/2004 Coll. Of 24 September on Pre-school, Basic, Secondary, Tertiary Professional and Other Education

<sup>23</sup>Department for International and European Affairs in close cooperation with Leona Gergelová Šteigrová (2012) *The Education System in the Czech Republic*, 2nd edition. Prague: The Ministry of Education, Youth and Sport of the Czech Republic p.8

<sup>24</sup> Act No. 561/2004 Coll. Of 24 September on Pre-school, Basic, Secondary, Tertiary Professional and Other Education

- obtaining general or general and vocational education;
- understanding and applying the principles of democracy and the rule of law, fundamental human rights and freedoms, as well as the responsibility and sense of social cohesion,
- understanding and implementation of the principle of gender equality in society,
- the formation of national identity and respect for the ethnic, national, cultural, linguistic and religious identity of each,
- knowledge of world and European cultural values and traditions, understanding and acceptance of principles and rules based on European integration as a basis for coexistence on a national and international scale,
- the acquisition and use of environmental knowledge and its protection based on the principles of sustainable development, health and safety.

The law states that for each course in the system of primary and secondary education and pre-school, primary art and the language of instruction, framework educational programs are issued. Framework educational programs determine the mandatory content, scope and conditions of education. They are mandatory for the development of school curricula, the evaluation of the educational results of children and students, the development and evaluation of textbooks and teaching materials, as well as a connecting basis for determining the amount of funds allocated in accordance with the laws of the Czech Republic.<sup>25</sup>

Higher professional education in each educational area in separate higher professional educational institutions is carried out in an educational program accredited in accordance with the laws of the Czech Republic.

Educational activities in the Czech Republic are carried out on the basis of the Framework Educational Programs.

The Framework educational programs should specify, in particular, the specific goals, forms, duration and mandatory content of education, both general and vocational, in accordance with the specific field of education, its organizational structure, professional profile, course conditions and termination of education, and also the principles of creating

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<sup>25</sup> Savina, A. (2014). *Education in the European Union*. Problems of modern education. [online] Available at: <https://cyberleninka.ru/article/n/obrazovanie-v-evropeyskom-soyuze> [Accessed 3 Mar.2019]

school educational programs, as well as the conditions for teaching students with special educational needs and the necessary material, personnel, organization sanitary and hygienic conditions. Health conditions for the provision of education are determined by the Ministry in consultation with the Ministry of Health.

Framework educational programs must comply with the latest knowledge: the creation and use of the Framework educational programs is ensured by the relevant ministries through experts in the field of science and practice, including in the field of pedagogy and psychology.

Framework educational programs are issued by the Ministry after discussion with relevant ministries. The Ministry of Health issues Framework Educational Programs for Health Care Industries after consultation with the Ministry of Health. Framework training programs aimed at preparing for the pursuit of a regulated profession are issued by the Ministry after consultation with the relevant recognition authority. Framework educational programs for schooling that are subordinate to the Ministry of Defense, the Ministry of the Interior and the Ministry of Justice are issued by these ministries after discussion with the Ministry. The vocational training framework programs will be discussed by the ministries prior to discussion with relevant central trade union bodies, relevant national and regional employers' organizations.<sup>26</sup>

Framework educational programs and their changes are published by the ministries that issued them and are created based on the experience gained.<sup>27</sup>

Education in the Czech Republic is divided into 3 levels, from secondary to high school. Pre-school education (cz. mateřská škola), is a referral of a child by parents, voluntarily from 3 to 6 years in kindergarten.<sup>28</sup> Basic school education (cz. Primární vzdělání) is provided by a network of secondary schools (cz. Základní škola), in which parents are obliged to send their children to receive education for 9 years, which usually occurs from 6 to 14 years. After graduating from a 9-year-old high school, at the age of 15,

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<sup>26</sup> Act No. 561/2004 Coll. Of 24 September on Pre-school, Basic, Secondary, Tertiary Professional and Other Education

<sup>27</sup> Nikitenko, A.(2014) *Youth Policy in the European Union: Current State*. PolitBook. №3. [online] Available at : <https://cyberleninka.ru/article/n/molodezhnaya-politika-v-evropeyskom-soyuze-sovremennoe-sostoyanie> [Accessed 3 Mar.2019]

<sup>28</sup> Bachakova, M.(2017)*Education in the Czech Republic*. Prague:UNHCR, p.6. [online] Available at: <file:///C:/Users/ange/Downloads/UNHCR - Vzdelavani v CR-prirucka pro rodice - RU.pdf> [Accessed 14 Oct. 2018]

Czech adolescents go to the high school level (cz. Sekundární vzdělání), which can be carried out in various forms:

1) Secondary school education (cz. Střední vzdělání) - 1-2 years in high school (czech. Střední škola);

2) Secondary vocational education (cz. Střední vzdělání s výučním listem) - 2-3 years at an average specialized school (cz. Střední odborné učiliště, (SOU));

3) Secondary education with maturity (cz. Maturita) - 4 years in a gymnasium (cz. Gymnázium) or a secondary special school (cz. Střední odborná škola (SOŠ)).<sup>29</sup>

The duration of higher vocational education in everyday form is 3 years, including professional practice, in the health disciplines - up to 3.5 years.

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<sup>29</sup> Kua1102 (2010) *Education in the Czech Republic* [online] Available at: <https://kua1102.livejournal.com/127033.html> [Accessed 3 Nov.2017]

## 2.3 Education System of the Czech Republic

On the basis of the Law "On Education", currently the educational system of the Czech Republic includes the following levels of education:

- preschool education (kindergartens);
- compulsory schooling (primary and secondary school); with
- high school or secondary vocational education (colleges);
- higher education (institutes and universities).

Preschool education in the Czech Republic is not mandatory. Residents of the Czech Republic can enroll their child in kindergarten from the age of three.<sup>30</sup>

Kindergartens are divided into private and public. Their main difference is that attending private kindergartens requires a certain amount of payment, while state-run kindergartens are free, there is a long queue and availability is a significant problem.<sup>31</sup> Foreign citizens can also attend Czech kindergartens. At the request of the parents, the child can attend kindergarten all day, or spend part of the day there.

Education of children takes place in a playful way; psychologists and teachers are engaged in them, which help to develop the skills necessary for further education, communication with people and integration into society. In the Czech Republic, the policy is to allow children much more, and much less to prohibit. A child should be open to everything new, try himself in everything he is interested in, and enjoy his childhood. Teachers select a special approach, thanks to which children will be interested in learning about the world.<sup>32</sup>

Since 1949, compulsory schooling has been introduced in the Czech Republic. All children in the country are required to attend elementary first grade school from 6 to 10 years.<sup>33</sup>

After that, they can continue their studies until they have completed secondary education in one of the following educational institutions:

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<sup>30</sup> Eurostudy.cz (2017) *System of education in the Czech Republic*. [online] Available at: <https://eurostudy.cz/abiturientam/sistema-obrazovaniya-v-chehii/> [Accessed 3 Nov.2017]

<sup>31</sup> Bachakova, M.(2017)*Education in the Czech Republic*. Prague:UNHCR, p.6. [online] Available at: <file:///C:/Users/ange/Downloads/UNHCR - Vzdelavani v CR-prirucka pro rodice - RU.pdf> [Accessed 14 Oct. 2018]

<sup>32</sup> Book your study.com.ua (2018) *System of pre-school education in the Czech Republic*. [online] Available at: <https://www.bookyourstudy.com.ua/doshkolnoye-obrazovaniye-v-chehii>. [Accessed 14 Oct.2018]

<sup>33</sup> Bulakh, K. And Zhukova, N. (2017) The history of the development of the dual system of vocational education in the European Union. *Pedagogy and Psychology* 4 (208). pp.57-63.

- elementary school of the second level (cz. Základní škola) (6-15 years);
- gymnasium (cz. Gymnázium) (11-19, 13-19 or 15-19 years);
- conservatory (cz. Konzervatoře) (11-19 or 15-21 years);
- secondary technical or vocational secondary school (cz. Střední odborné učiliště or Střední odborná škola), in which students also get a profession (15-18 / 19 years);
- vocational secondary school, teaching a particular profession (19-21 years).
- tertiary institutions (cz. Vyšší odborné školy).<sup>34</sup>

After completing a full course of study in high school, students take exams and get a certificate of maturity (cz. Maturitní Vysvědčení). The Maturita exam is obligatory if a person wants to continue his study further. In order to take the exams, a student has to pass successfully all subjects. Besides these mandatory subjects, there are non-obligatory ones, but it also can be chosen by pupils for the exams if they require for their future specialization in the university.<sup>35</sup> Thus, all students from one class can be divided into small groups, where they attend different seminars according to their subjects which they have chosen for the exam. Every teacher has consultation hours and during this time the teacher assists in the preparation of the exam and with different materials. Every student, who takes the Maturita exam, has deadline to make a decision with the exam until December. The exams start at the beginning of May. Maturita in the Czech Republic consists of two parts: written and oral. The written exam is an essay in Czech. Oral is given to the examination board for at least four subjects, including the Czech language and literature. To pass the exam, a person needs to get at least 4 points for each subject (satisfactory). Maturita - a necessary condition for admission to university.<sup>36</sup>

If the school has the status of state or municipal, secondary education is free. In addition to schools operating under the standard curriculum, there are special educational institutions in the country: sports, art, with amusical bias and others. Higher educational institutions in the Czech Republic offer training in two-, three- or four-year programs. Upon

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<sup>34</sup> Scholaro.com (2018) *Education system in the Czech Republic* [online] Available at: <https://www.scholaro.com/pro/countries/Czech-Republic/Education-System> [Accessed 29 Oct.2018]

<sup>35</sup> Strakova,J. and Simonová(2013)*Assessment in the school systems of the Czech Republic, Assessment on Education: Principles, Policy&Practice*. P.477-478 [online] Available at: <https://doi.org/10.1080/0969594X.2013.787970> [Accessed 3 Nov.2017]

<sup>36</sup> Brno-ru.livejournal.com (2014) *Secondary and High School in Brno*. [online] Available at: <https://brno-ru.livejournal.com/1988.html> [Accessed 30 Oct.2018]

their graduation, young people get the right to engage in labour activity in the specialty in which they studied.

Higher education received in the Czech Republic is recognized throughout the European Union. The country has a large number of different higher education institutions: universities (cz. univerzita); academy (cz. akademie); high schools (cz. vysoká škola); technical universities (cz. vysoké učení technické or technická univerzita); The structure of higher education in the country includes three levels: bachelor (up to 4 years of study), magistracy (up to 2 years) and doctoral studies (up to 3 years of study). The following forms of training are possible: full-time, part-time, evening, distance and combined.<sup>37</sup>

Training can be continuous or paused, carried out in day (full-time) or correspondence form on all programs. Free training becomes paid in case of exceeding the term of study for more than 4 years in the bachelor's degree and 3 years in the magistracy.<sup>38</sup> An amount of payment is determined by each institution independently. Further almost every higher educational institution in the Czech Republic has different international exchange programs, such as ERASMUS, SOCRATES, etc.<sup>39</sup>

Students are given the right to draw up an individual schedule for themselves, independently determining in which semester and from which teacher they will study certain subjects included in the compulsory curriculum. Admission to the university is carried out according to the results of entrance exams on a competitive basis. Foreigners are required to confirm their knowledge of the language - Czech or English. In state universities to study in the Czech language is free. For study in English or German or other languages and in private universities students have to pay from 1000 € per year. The academic year in the Czech Republic lasts from August / September (it depends on university) to June. University graduates receive an international diploma.

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<sup>37</sup> Savina, A.(2013) European education: the main ways of updating *.Domestic and foreign pedagogy*. 3 (12) [online] Available at: <https://cyberleninka.ru/article/n/evropeyskoe-obrazovanie-osnovnye-puti-obnovleniya> [Accessed 3 Mar. 2019]

<sup>38</sup> Kozma, T., Rébay, M., Ohidy, A. and Szolár, É. (2014) *The Bologna process in the Central and Western Europe*. Wiesbaden: Springer VS, p.84

<sup>39</sup> The Ministry of Foreign Affairs of the Czech Republic (2014) Exchange Socrates/Erasmus Program. [online] Available at: [https://www.mzv.cz/athens/en/culture\\_and\\_education\\_1/education/do\\_you\\_want\\_to\\_study\\_in\\_the\\_czech/exchange\\_socrates\\_erasmus\\_program.html](https://www.mzv.cz/athens/en/culture_and_education_1/education/do_you_want_to_study_in_the_czech/exchange_socrates_erasmus_program.html) [Accessed 18.11.2017]



## 2.4 The legal status of foreign students of Czech universities

The Czech Republic is one of the first countries to sign and ratify the Bologna Declaration.<sup>40</sup> Since 1999, the Czech Republic has been steadily implementing the recommendations of the declaration. At the same time, the first ministerial conference was held in Prague in 2001 within the framework of the Bologna Declaration.<sup>41</sup>

The basic principle of the structuring of the higher education system, which includes three stages, was included in the new law “On Higher Educational Institutions” No. 111 adopted in 1998.

By 2008, all higher education institutions in the Czech Republic had relevant curriculum changes, which were formed in accordance with the requirements of the new law and the Bologna Declaration.

Also, the law contains a provision on the obligation of universities to issue a diploma supplement. In addition, recommendations to universities on the application in the educational processes of the credit system - the pan-European system of accounting for students' educational work during the development of an educational program or course were also secured.<sup>42</sup>

Subsequently, issuing diploma supplements in Czech and English became standard practice, as well as the use of the ECTS (European Credit Transfer System) system. Most of the Czech universities have a large number of international agreements with foreign universities for student exchange and scientific cooperation. Passing a part of study abroad is becoming a standard part of the doctoral study programs of Czech universities.

The condition for the admission of foreign students is to conduct at least some courses in a foreign language, and ideally the implementation of entire training programs in a foreign language. Many higher educational institutions of the Czech Republic accredited most of their curricula in a foreign language (primarily in English). Nevertheless, only a small part of these programs is being implemented - that is, programs about which the minimum number of foreign students is interested. The programs accredited in a foreign

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<sup>40</sup> Bologna Declaration. Adopted in Bologna 19 Jun.1999

<sup>41</sup> EHEA.INFO(2001) *Ministerial Conference Prague 2001*. [online] Available at: <http://www.ehea.info/cid100256/ministerial-conference-prague-2001.html> [Accessed 3 Mar. 2019]

<sup>42</sup> GOSTUDY (2015) *Collection of materials of the international conference. Student migration to the Czech Republic 2000–2015: history and prospects* pp.12-13 [pdf] Available at: [https://www.gostudy.cz/wp-content/uploads/2015/08/sbornik\\_materialov\\_mezhdunarodnoi\\_konferencii.pdf](https://www.gostudy.cz/wp-content/uploads/2015/08/sbornik_materialov_mezhdunarodnoi_konferencii.pdf) [Accessed 4 Mar.2019]

language also include joint-degree and double degree programs that provide students with the opportunity to get double degrees - a Czech university and a foreign partner university.<sup>43</sup>

All higher educational institutions of the Czech Republic offer foreign students a consulting service, accommodation and meals. Foreign students also have the opportunity to take Czech language courses. Foreign students of the Czech universities can also apply for financial support - scholarships.

Thus, the Czech Republic became a part of the European Higher Education Area (European Higher Education Area, EHEA) and created the necessary conditions for citizens of foreign countries not only to come to Czech universities through exchange programs, but also to complete entire educational programs.

The high proportion of foreign students in private universities in the Czech Republic can be explained by the fact that some private universities focus primarily on education in English. Such universities include the Anglo-American University (75% of foreign students), New York University (73%), ART & DESIGN INSTITUT (44%).<sup>44</sup>

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<sup>43</sup> Lucie Černá (2016) *Joint degrees: two diplomas with one blow*. [online] Available at: <https://www.vysokeskoly.cz/clanek/joint-degrees-dva-diplomy-jednou-ranou> [Accessed 4 Mar.2019]

<sup>44</sup> Czech education open to foreign students [video] Prague: Gostudy

### **3. Comparative legal analysis of the education system of the Russian Federation and the education system of the Czech Republic**

#### **3.1 Right to education**

Speaking about the legal norms of the Czech Republic and the Russian Federation, it is worth noting the international rights to education, which apply to all countries of the world. The right to education is fundamental to all citizens and this is why this area is one of the most important issues of today in the world. According to Article 13 (1) of the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR)

*‘The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.’<sup>45</sup>*

Also this right is enshrined in a number of other international instruments, such as Article 26 of the Universal Declaration of Human Rights, articles 28 and 29 in the Convention on the Rights of the Child, etc.

The Universal Declaration of Human Rights of 1948 in paragraph 1 of Art. 26 enshrined the right of every person to education. As it states:

- 1. ‘Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.’*
- 2. ‘Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or*

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<sup>45</sup> Sharon, E. (2013) *Education as a Human Right in the 21st Century*. Democracy and Education, vol.21, №1

*religious groups, and shall further the activities of the United Nations for the maintenance of peace.'*

3. *Parents have a prior right to choose the kind of education that shall be given to their children.*<sup>46</sup>

The Convention for the Protection of Human Rights and Fundamental Freedoms has a great weight in the educational sphere. *'No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.'*<sup>47</sup> Meanwhile, the Charter of the European Union on Fundamental Rights (2000) has a great weight in the European education. As article 14 says:

1. *Everyone has the right to education and to have access to vocational and continuing training*
2. *This right includes the possibility to receive free compulsory education.*
3. *The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.*<sup>48</sup>

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<sup>46</sup> United Nations General Assembly (1948) *Universal Declaration of Human Rights*. [pdf] Available at: [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) [Accessed 18 Dec.2017]

<sup>47</sup> *Convention for the Protection of Human Rights and Fundamental Freedoms* [online] Available at: <https://rm.coe.int/1680063765> [Accessed 18 Dec.2017]

<sup>48</sup> Council of Europe, 1950. *Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14*. [online] Available at: <https://rm.coe.int/1680063765> [Accessed 19 Dec.2017]

### 3.2 The similarities of the educational systems between the Czech Republic and the Russian Federation

Article 43 of the Constitution of the Russian Federation has much in common with Article 33 of the Constitution of the Czech Republic. It should be noted that the Constitution of the Czech Republic contains 4 sections in Article 33, while in the Constitution of the Russian Federation Article 43 consists of 5 sections. Both in the one and in the other constitutions it is written that everyone has the right to education. And in paragraph 2 of both Constitutions it is specified that citizens have the right to free education in primary and secondary schools. There is still some similar nuance: the basic general education is compulsory. This is spelled out in Article 43 (4) of the Constitution of the Russian Federation and in Article 33 (1) of the Constitution of the Chechen Republic.<sup>49 50</sup> Paragraph 4 of the Constitution of the Czech Republic states that "*the law establishes the conditions under which citizens during their studies have the right to state assistance.*"<sup>51</sup> The Russian Constitution has a similar clause (5), however, with a different formulation. It says that "*the Russian Federation establishes federal state educational standards, supports various forms of education and self-education.*"<sup>52</sup> But in these points there is a certain difference, which will be discussed further.

In addition to the Constitution, there are many similarities in both education systems. One of the reasons that makes similar the education system of the Russian Federation and the Czech Republic is the Bologna process. As it is known, on June 19, 1999 in Bologna, representatives of 29 countries signed an agreement according to which the countries participating in this process give a voluntary agreement to participate in the creation of the Common European Higher Education Area.<sup>53</sup> Today, the Bologna process includes 49

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<sup>49</sup> Constitutional Act No. 2/1993 Coll. as amended by Constitutional Act No. 162/1998 Coll.// Ústavní zákon č. 2/1993 Sb. ve znění ústavního zákona č. 162/1998 Sb.

<sup>50</sup> The Constitution of the Russian Federation (1993) *Chapter 2: Rights and Freedoms of Man and Citizens, art.43.* [online] Available at: <http://www.constitution.ru/en/10003000-03.htm> [Accessed 2 Dec.2017]

<sup>51</sup> CHARTER OF FUNDAMENTAL RIGHTS AND FREEDOMS. Constitutional act of the CR No. 2/1993 Coll. as amended by constitutional act No. 162/1998 Coll, article №33 (4) [online] Available at: [https://www.usoud.cz/fileadmin/user\\_upload/ustavni\\_soud\\_www/Pravni\\_uprava/AJ/Listina\\_English\\_version.pdf](https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Listina_English_version.pdf) [Accessed 16 Nov.2017]

<sup>52</sup> The Constitution of the Russian Federation (1993) *Chapter 2: Rights and Freedoms of Man and Citizens, art.43 (5).*

<sup>53</sup> Crosier, D. and Parveva, T. (2013)*The Bologna process: its impact in Europe and beyond.* Paris: UNESCO: International Institute for Educational Planning. pp. 9-10

countries, including the Czech Republic and Russia. Initially, since the emergence of educational integration, the Czech Republic was involved in this process, while Russia joined the process only in 2003. Accordingly, both the Russian Federation and the Czech Republic, in their educational systems use the standards of the Bologna system.<sup>54</sup>

Due to the fact that both countries provide opportunities for free education, which, in turn, is mandatory, and in the Czech Republic and in the Russian Federation the literacy rate of the population is almost 100%.<sup>55</sup>

It is worth noting the main objectives of the Bologna process:

1. Harmonizing the European Higher Education system<sup>56</sup>
2. Expansion of access to higher education.
3. Promoting European cooperation in quality assurance in order to develop comparable criteria and methodologies
4. Expanding the mobility of students and teachers, as well as ensuring the successful employment of graduates of higher educational institutions due to the fact that all academic degrees and other qualifications should be oriented towards the labour market.
5. Introduction of intra-educational systems of education quality control and involvement of students and employers in external evaluation.
6. Transition to a two-tier education system. This means that higher education is divided into the first degree (Baccalaureate) and the second (Magistracy). The duration of training at the first level should be at least 3 years and not more than 4. Training at the second level takes from 1 to 2 years after the successful completion of the first degree.<sup>57</sup>

Therefore, it can be concluded that the systems of higher education in the Czech Republic and the Russian Federation are identical due to the Bologna Process, namely the conditions that the Bologna Declaration set for the member countries. Of course, there are some differences, this also applies to the legislative level of both countries, but in general

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<sup>54</sup> Studfiles.net (2015) Bologna process [online] Available at: <https://studfiles.net/preview/3925165/> [Accessed 6 Mar.2019]

<sup>55</sup> KNOEMA.COM (2016) Adult Literacy Index (15+) (%) [online] Available at: <https://knoema.ru/atlas/topics/Образование/Грамотность/Индекс-грамотности-взрослого-населения> [Accessed 14 Mar.2019]

<sup>56</sup> Grinnel, D. (2015) *Bologna Process in terms of EU aims and objectives*.

<sup>57</sup> Sadykova, P. (2013) Bologna process in Russia: advantages and disadvantages. [online] Available at: <https://cyberleninka.ru/article/v/bolonskaya-sistema-obrazovaniya-v-rossii-plyusy-i-minusy> [Accessed 5 Mar.2019]

the picture of higher education today looks according to the standards of the Bologna process.

It is worth mentioning that today, many Russian higher education institutions as well as Czech have a large number of international programs with various educational institutions from around the world. Which again contributes to the goals for which the Bologna process was created.

Another similar historical moment is that both the Russian Federation and the Czech Republic, before the early 90s of the twentieth century, were the countries of the socialist bloc. Cooperation in the field of education between the two states was carried out in the period of the Soviet history of Russia, however, in the period of the 90s, the education system of the Czech Republic took the direction to modernize education and integrate into the European education system, rather than the Russian one.

Departing from the Bologna process, it is worth noting the similar features in the law of education in the Czech Republic and the Russian Federation. Act No.561/2004 on Pre-school, Elementary, Secondary, Higher and Other Types of Education (Education Act) (cz. Zákon č. 561/2004 Sb.) of the Czech Republic and Federal act on education in the Russian Federation from 29<sup>th</sup> of December, 2012 N 273-FZ, article № 69 state that education is equally provided to all citizens without any discrimination by gender, race, colour, religious belief, nationality, social status or state of health. It is noteworthy that the laws of both countries make it possible to acquire knowledge and learn throughout life. It is worth emphasizing that both in the Czech Republic and in the Russian Federation gender equality is stated among students. Indeed, until now, in many countries of the “third world”<sup>58</sup> there is gender inequality, which greatly inhibits the level of illiteracy of the population, which significantly affects the country's economy. Formation of respect for the ethnic, national, cultural and linguistic identity of each person is also one of the important points in the laws of both countries.<sup>59 60</sup>

Of course, besides the legislative area, problems in the field of education are common and relevant today for the Russian Federation and for the Czech Republic as well.

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<sup>58</sup> Federal act ‘on education in the Russian Federation’ from 29<sup>th</sup> of December,2012 N 273-FZ, article № 69. [online] Available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_140174/](http://www.consultant.ru/document/cons_doc_LAW_140174/) [Accessed 2 Dec.2017]

<sup>59</sup> Act No.561/2004 on Pre-school, Elementary, Secondary, Higher and Other Types of Education (Education Act)// Zákon č. 561/2004 Sb

<sup>60</sup> Jones, S. (2016)Gender Inequality an insurmountable obstacle for many women. *The Guardian*. [online] Available at: <https://www.theguardian.com/global-development/2016/may/24/gender-inequality-an-insurmountable-obstacle-for-many-women> [Accessed 5 Mar.2019]

These problems include insufficient financing and discrimination. Certainly, the level of discrimination compared to the third world countries in the Czech Republic and the Russian Federation is low, but it still exists. This is especially true of the Russian education system. Despite the fact that Russia is a multinational country, hostility to some minorities is found among Russian citizens. As in the Czech Republic, until recently, there was discrimination against such an ethnic minority as Roma.

Writing about discrimination it is worth mentioning Article 1 of The United Nations Convention against Discrimination in Education (adopted on December 14, 1960). This Convention follows that:

*'For the purposes of this Convention, the term `discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, color, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:*

- (a) Of depriving any person or group of persons of access to education of any type or at any level;*
- (b) Of limiting any person or group of persons to education of an inferior standard;*
- (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons;*
- (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.'*<sup>61</sup>

Analyzing the above, one can see that both the Czech law on education and the Russian law on education similarly refute discrimination in education. However, the governments of both countries are trying to find solutions to reduce discrimination not only in education, but also in other social areas. For instance, in 2017, the Czech Republic adopted an amendment to the law against discrimination. It concerns the provision of equality in the country to foreigners and their families who come to the

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<sup>61</sup> UNESCO.org. *Convention against Discrimination in Education 1960*. [online] Available at: <http://portal.unesco.org> [Accessed 4 Mar.2018]



Czech Republic to work and study from other countries. The government believes that today there are often cases of discrimination against foreigners because of their citizenship or language.<sup>62</sup>

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<sup>62</sup> Michalop, A. (2017) *New amendment to the law: the Czech government is trying to protect foreigners from discrimination.* [online] Available at: <https://420on.cz/news/people/54744-novaya-popravka-k-zakonu-pravitelstvo-chehii-pytaetsya-zaschitit-inostrantsev-ot-diskriminatsii> [Accessed 9 Mar. 2019]

### **3.3 Differences in the educational systems of the Czech Republic and the Russian Federation**

The education systems of both countries are both similar and different. Returning to the constitutions of the Czech Republic and the Russian Federation, one can see a certain difference. For example, the Constitution of the Russian Federation stipulates that basic general education is compulsory, and parents or persons replacing them ensure that children receive basic general education. At the same time, the Constitution of the Chechen Republic does not specify who ensures that children receive general secondary education.

In addition, the Constitution of the Russian Federation states that, *'Everyone has the right to get a higher education in a state or municipal educational institution and enterprise free of charge on a competitive basis.'*<sup>63</sup> This means that state higher education institutions allocate a limited number of places for public education, according to the logic of the Constitution of the Russian Federation, occurs on a fee basis. Unfortunately, it is worth noting that every year the competition for budget places in prestigious educational institutions is growing, and, in connection with this, competition among applicants is also growing. All this leads to very sad consequences, since many cannot afford to continue studying on a commercial basis. In turn, the impossibility of obtaining education by the population gives rise to the level of illiteracy in the country. The Constitution of the Czech Republic states that *"Citizens have the right to free education in primary and secondary schools, and taking into account the abilities of a citizen and the possibilities of society, in higher educational institutions."*<sup>64</sup> That is, it means that no competitive basis, it all depends on the desire, ability and ability of the person. Perhaps it is precisely for this reason, it would seem, that there is a big difference between the results of the educational program.

The federal executive body in Russia is the Ministry of Education of the Russian Federation. Until recently, this body was called the Ministry of Education and Science of the Russian Federation (or briefly MES). The MES of Russia acquired the functions relating to the adoption of regulatory legal acts in the sphere of activity of the previously abolished

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<sup>63</sup> The Constitution of the Russian Federation (1993) *Chapter 2: Rights and Freedoms of Man and Citizens, art.43.* [online] Available at: <http://www.constitution.ru/en/10003000-03.htm> [Accessed 2 Dec.2017]

<sup>64</sup> <sup>64</sup> The Constitution of the Czech Republic/ No. 1/1993 Coll. /adopted on 16 December 1992 as amended by Constitutional Acts No. 347/1997 Coll., No. 300/2000 Coll., No. 395/2001 Coll., No. 448/2001 Coll., No. 515/2002 Coll., No. 319/2009 Coll., No 71/2012 Coll. and No 98/2013 Coll.

Ministry of Education of the Russian Federation<sup>65</sup>. But in 2018 it ceased to exist due to the fact that the body was divided into two departments: the Ministry of Education and the Ministry of Science and Higher Education. In the Czech Republic, this work is performed by the Ministry of Education, Youth and Sports. It is responsible for the development of education, youth development and development. It should be noted that in the Czech Republic the Ministry responsible for the field of education is simultaneously responsible for sports activities.<sup>66</sup> And until 2018, the Ministry of Education of the Russian Federation was responsible for the scientific field of the country.

One of the common problem for both countries is insufficient funding for education. The consequence of insufficient allocation of funds for the development of education is the reduction of the level of education itself, as well as the economic growth of the country. However, in turn, the overall state of the economy directly affects the level of financing of educational institutions, since government funding is the main source of the budget of educational institutions and depends entirely on the economic situation in the country.<sup>67</sup> To address this issue, it is necessary to take a number of measures, such as improving the quality of education; ensuring the accessibility of education for all people, regardless of their material status; providing the necessary resources for educational institutions, such as new, modern equipment, an extensive library base and qualified specialists.<sup>68</sup>

Returning to the Constitution of the Russian Federation, it is worth remembering paragraph 4 of Article 43, according to which the number of budget places in higher educational institutions is limited.<sup>69</sup> Unfortunately, education in the Russian Federation becomes not publicly available at all, but is transformed into a kind of market service. However, each country has its own idea of sufficient funding. In the Russian Federation, about 4% of GDP from the federal budget is allocated annually for the development of the educational system<sup>70</sup>. Unfortunately, due to corruption activities, this money is not always

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<sup>65</sup>Blacksea-horizon.eu (2017) *Ministry of Education and Science of the Russian Federation*. [online] Available at: <https://blacksea-horizon.eu/object/organisation/832> [Accessed 6 Mar.2019]

<sup>66</sup>MSMT.CZ *About the Ministry* [online] Available at: <http://www.msmt.cz/> [Accessed 6 Mar.2019]

<sup>67</sup>Romanova,I.,Berke,S. and Razumova, Y. (2011) *Analysis of influence of social-economic factors on the number of students enrolled to institutions of professional education of the region*. Pacific State University of Economics, p.13

<sup>68</sup>Trubinova, T.(2015) Problems of financing of the budgetary educational institutions in modern conditions. *Actual problems of aviation and cosmonautics*, Vol.2, p.612

<sup>69</sup> The Constitution of the Russian Federation (1993) *Chapter 2: Rights and Freedoms of Man and Citizens, art.43(4)*

<sup>70</sup> RNS.online (2017) *Expenditures of the budget of the Russian Federation for education in 2018 will amount to 663 billion rubles* [online] Available at: <https://rns.online/economy/Rashodi-byudzheta-RF-na-obrazovanie-v-2018-godu-sostavyat-663--mlrd-rublei-2017-09-29/> [Accessed 10 Mar.2019]

spent for its intended purpose. This significantly affects the whole system of education in Russia. Fortunately, in the Czech Republic things are different, insofar as the level of corruption in the country is much lower than in Russia.

### **3.4 Trends in mutual cooperation in the field of education of the Russian Federation and the Czech Republic**

International cooperation in education is a recognized example of “soft power” in achieving the state’s foreign policy objectives, since it demonstrates both the development of the country's economy and political system and the level of its national security. The development of such cooperation is aimed at “exporting” national cultural and humanitarian values, demonstrating the quality of the country's human capital. International cooperation in education contributes to the integration of countries into the world scientific space, the creation of favourable foreign policy and foreign economic conditions for improving the well-being of the people, developing the political, economic, intellectual and spiritual potential of the state.<sup>71</sup>

In 2001, on October 9, an agreement was concluded in Prague between the Ministry of Education, Youth and Sports of the Czech Republic and the Ministry of Education of the Russian Federation, according to which both parties show mutual cooperation in the field of education and science. In addition, in 1996 in Moscow a similar agreement was concluded between these countries, however, at that time they were not participants in the Bologna process.<sup>72</sup>

According to this agreement, both parties assist in the development of relations between higher education institutions, as well as provide cooperation and partnership relations between educational institutions of the middle level, that is, secondary school. In addition, between countries there is assistance in the development of the exchange of both knowledge and employees of educational institutions. While the Russian side shows a great interest in the development of teaching Czech language, Czech literature and culture, the situation in the Czech Republic is similar with the Russian side.<sup>73</sup>

The cooperation agreement of 1996 is still functioning. The cooperation agreement of 1996 is still functioning. According to the data of the Ministry of Foreign Affairs of the Czech Republic, every year both countries provide scholarships for:

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<sup>71</sup> Dobrovolskaya, V. (2015) *International cooperation in the field of higher education*. Belarusian State University. p. 89

<sup>72</sup>Legal Department of the Ministry of Foreign Affairs of Russia.(1996) *Agreement between the Government of the Russian Federation and the Government of the Czech Republic on cooperation in the field of culture, science and education*. Moscow.

<sup>73</sup> (2001) *Agreement between the Ministry of Education of the Russian Federation and the Ministry of Education, Youth and Sports of the Czech Republic on cooperation in the field of education and science for 2001-2004*. Prague

a) 20 students in accredited study programs for the bachelor's and master's degrees at public higher educational institutions of the Czech Republic and state higher educational institutions of the Russian Federation for internships for a period of 5 months for a total of 100 months

b) 4 students in academic programs for the title of doctor in public higher educational institutions of the Czech Republic and state higher educational institutions of the Russian Federation for internships up to 9 months;

c) 15 teachers of higher educational institutions and researchers for internships and research work totaling up to 30 months.

In order to support the study and deepening of the language and culture of the partner country, the provision of:

a) 15 places in the Summer Schools of Slavic languages, organized by public institutions of higher education in the Czech Republic,

b) 15 places in the summer courses of the Russian language and literature in the Russian Federation.

On the basis of the above arrangement, 5 teachers of the Russian language work in the Czech Republic, and in the Russian Federation - 3 teachers of the Czech language.

Direct cooperation between the relevant departments of higher educational institutions of the Czech Republic and the Russian Federation is also developing. As an example, we can cite the Agreement on Cooperation between the Russian State University for the Humanities in Moscow and the Philosophy Faculty of the Charles University in Prague, the Agreement on Cooperation in Higher Education and Scientific Work between Charles University in Prague and Moscow State University MV Lomonosov and others.<sup>74</sup>

This agreement already has its substantial fruits. It should be said, that the Czech Republic is one of the few EU countries that recognizes Russian school certificates and diplomas. It is possible to enroll in a Czech higher education institution immediately after a regular secondary school in the Russian Federation.

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<sup>74</sup> The Ministry of Foreign Affairs of the CR (2007) *Contractual basis in the field of culture and education*. [online] Available at: [https://www.mzv.cz/yekaterinburg/ru/x2007\\_02\\_20/x2007\\_02\\_20.html](https://www.mzv.cz/yekaterinburg/ru/x2007_02_20/x2007_02_20.html) [Accessed 10 Mar.2019]

## **4. Conclusion**

The educational system of the two states studied in this paper has some similarities and some features. First of all, it should be said that the structural and educational systems of Russia and the Czech Republic are similar, almost the same levels and stages of education. From a normative point of view, there are some differences about which it was mentioned above. Despite the fact that states have historical intersections, cultural, traditional and even linguistic, there is still some uniqueness in both systems of education. The main difference lies in the actual implementation of educational activities, namely, approaches to education, methods of education differ significantly from the two countries. While in the Russian Federation there is a big emphasis on the theoretical part of education, in the Czech Republic educational institutions give preference to practice. Of course, there are some global differences. For example, the Czech Republic is a member of the European Union, and at the same time, in addition to its Constitution and legislative acts, the Czech Republic also takes into consideration legal acts and development programs of the European Union.

Of course, in any country in the world, the law also applies to education. Otherwise, without a well-designed educational system, the literacy rate of the population would be low. However, both countries are interested in this field and provide all opportunities for intellectual, spiritual and physical development at the legislative level. It is worth noting that both the Czech Republic and Russia are keeping abreast of the times and with technological progress, and therefore the possibility of obtaining education is becoming more and more accessible. It is noteworthy that in the twenty-first century, online educational institutions also receive accreditation and recognition, which even more makes it possible to get education for people with disabilities, people living in another city or country, people who, due to their personal circumstances may attend educational institutions. All this gives a great impetus to progress in the field of education.

It would seem that the law is simple, but it is the law that gives the right for people to be literate, or for an accredited institution of higher education to come out of a regular building. It is the law that establishes order and certain restrictions in the field of education. It is the law that provides its citizen on its territory with state guarantees of rights and freedoms in the field of education.

In the 21st century, many countries of the world unite in order to achieve scientific and technological progress. The exchange of experience, specialists, knowledge leads to the unity of education systems. Today, thanks to the laws, joint dialogue between countries and technical progress, this is much easier than in the past century. As mentioned earlier, one of the important steps for unification was the Bologna process.

Today between the Russian Federation and the Czech Republic is carried out extensive cooperation in the field of education and science. Many Russian citizens enter Czech educational institutions, both higher and secondary. As well as Russian students, Czech students and teachers come to the Russian Federation to share experiences. International agreements between Russia and the Czech Republic contribute to the mutual cooperation of the two states in the educational sphere.



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development/2016/may/24/gender-inequality-an-insurmountable-obstacle-for-many-women. Retrieved from [www.theguardian.com](http://www.theguardian.com):  
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