

I.

Introduction

In creating the European Research Area (ERA), requirements for the efficiency of research and its evaluation, for decisions concerning awards of public subsidies for research as well as other areas relating to research and for research management have emerged. At the same time, demands not only for expertise of researchers and quality of research institutions but in an increasing extent also for the ethics of research and related areas are coming to the fore.

It is the national competence to ensure the ethics of research. The European Commissionaire for Science and Research, Janez Potočnik, admits ethical plurality within the European Research Area, while underlining that the drawing up and adhering to ethical rules in this field is a matter for each EU Member State.¹

The National Policy of Research and Development of the Czech Republic for 2004–2008 (NPR&D), which was approved by Government Resolution No. 5 of 7 January 2004, states the improvement of the ethical level in research and development and at the same time it recommends that research institutions, which have not yet issued their own codes of ethics, to do so. The same applies to the establishment of Ethical Commissions (paragraphs 115 and 117). Simultaneously, the NPR&D promised to support the exchange of experiences and findings concerning the development and application of codes of ethics. Strategies of individual ministries, which were drawn up as a follow up to the NPR&D, frequently pay attention to ethics (see Annex). For the purpose of supporting the implementation of the effective National Policy of Research and Development in the area concerned, a working group for developing the Draft Ethical Framework for Research which would summarise the fundamental aspects of general ethics in research and offer them, through the involved bodies of state administration, to research institutions as a basis for developing and/or updating their codes of ethics was established at the Ministry of Education, Youth and Sports. In developing this document a number of domestic and foreign sources were used. With regard to domestic sources, the Good Scientific Practice of the Grant Agency of the Czech Republic should be mentioned². As regards foreign sources, in particular Good Manners in Science of the Academy of Sciences of Poland³, which affected some chapters of the Ethical Framework for Research, cannot be omitted; furthermore the Recommendation of the Commission for Professional Self-Regulation in Science of the German Research Society⁴ should be mentioned. Last but not least there was a survey of Ethical and Policy Issues in Research Involving Human Participants drawn up by the American National Bioethical Advisory Commission⁵. When developing the above-mentioned document some important European documents, mainly those of the All European Academies⁶ and the European Science Foundation⁷, were considered and the Recommendation of the European Commission on the

¹ „Delegates identify common ground for European action in research ethics“ *CORDIS focus*, No. 252, page 5, February 2005.

² Správná vědecká praxe (good Scientific Practice), Recommendation of the Board of the GA of the Czech Republic, April 2000.

³ Good Manners in Science, Academy Sciences of Poland, third completed edition, Warsaw 2001.

⁴ Recommendations of the Commission on Professional Self regulation in Science, DFG, January 1998.

⁵ Ethical and Policy Issues in Research Involving Human Participants, Maryland 2001.

⁶ Memorandum on Scientific Integrity – ALLEA, Amsterdam 2001.

⁷ European Science Foundation (ESF), <http://www.esf.org>.

European Charter of Researchers including the Code of Conduct for the Recruitment of Researchers was made good use of.⁸

Even during the preparatory phase of the previous National Policy of Research and Development of the Czech Republic in 2000, the draft Ethical Code of Institutions Involved in Research and Development and draft Code of Ethics for Scientists were drawn up.⁹ The aforementioned document which was not an integral part of the Government Resolution No. 16 of 5 January 2000 concerning the approved strategy (the so-called National Policy of Research and Development) should have become the basis for drawing up codes of ethics at the level of individual institutions. The document contains a considerably wider range of areas than the Ethical Framework of Research including some specific branches which ethical standards relate to. The specific content of such standards was mostly left to be developed by the respective institutions with the exception being a quite precise definition of the general content of the codes of ethics. Therefore the Ethical Framework of Research does not deal with the detailed analysis of the content of a code of ethics but it refers to the aforementioned documents of 1999. The subject of the approved document does not include ethics in the mass media and other areas relating to research which have already been mentioned in the relevant parts of the Set of Basic Documents of 1999.

The objective of the Ethical Framework of Research is in particular to make some ethical aspects of research, which are generally valid (publishing, copyright, evaluating and training activities, informed approvals and so forth), more specific so that these can be incorporated into the codes of ethics of institutions regardless of the focus of the research they carry out. The orientation of this document towards the more particular definitions of quite a limited area of generally valid ethical principles of research primarily differs this document, approved by the Government, from the above mentioned documents of 1999. The Ethical Framework of Research does not possess the features of a strategic material which should be further elaborated (specified or modified) but it is rather a list of principles being recommended to individual institutions to be incorporated into their codes of ethics. The documents of developed countries which became the basis for drawing up the Ethical Framework (see Footnotes) were drafted in the same way.

Quite an important area of the conflict of interests is not described in a separate chapter since, when drafting the document, it was considered that there is no one special area of conflict of interests but that possible conflicts may interfere with a number of research fields. Therefore the conflict of interests is mentioned in several points of the Ethical Framework of Research, in particular in:

- a) individual ethical responsibility of a researcher in points 3.1. (b) and 3.5. (d), (e) and (g),
- b) ethics of a research institution in Chapter 4 (g), (h) and (n).

It is practically impossible to draw up one comprehensive code of ethics which would be applicable in all institutions irrespective of their specific activities. Moreover, there is a direct link between general ethical aspects in research and special ethical standards valid only in a given area (for example medical research, research involving animals, defence research, and so forth). Therefore the document approved by the Government addresses only general ethical

⁸ Commission Recommendation on the European Charter for Researchers and on the Code of Conduct for the Recruitment of Researchers, C (2005) 576.

⁹ See note No. 7 in Part II. thereof.

matters so that each research institution is free to take into account its own general ethical aspects in a particular code of ethics. This is why this document does not concern ethics in the aforementioned special areas where relevant research institutions are the most competitive entities to complement or clarify their respective codes of ethics.

With regard to the current preparation of the Act on Research of Human Embryonic Stem Cells and to its further possible use, especially in social sciences, the agreed upon document also contains a section concerning an informed consent.

The Ethical Framework of Research deals with state administration of research only marginally since the conduct of civil servants is governed mainly by the Code of Conduct of Employees in Public Administration approved by Government Resolution No. 270 of 21 March 2001.

The approved document was drawn up by the Ministry of Education, Youth and Sports (MEYS) in cooperation with the above mentioned working group established specifically for this purpose. The working group consisted of experts from the Faculties of Medicine of Charles University and their hospitals, institutes of the Academy of Sciences of the Czech Republic, a range of other research institutes, the Institute for the Care of Mother and Child, the Technological Centre of the Academy of Sciences of the Czech Republic and its Bioethical Commission, the University Centre for Bioethics of the Faculty of Medicine of Masaryk University in Brno, the Ministry of Health and its Central Ethical Commission and representatives of the main party responsible for submitting the document.

On 28 April 2005 the e-mail address etika@msmt.cz was set up for the involved parties to send their comments concerning the working draft of the Ethical Framework of Research. Representatives of important organisations (the Academy of Sciences of the Czech Republic, the Council of Higher Education Institutions, the Czech Conference of Rectors, the Trade Union for Higher Education Institutions) were informed of this option. Some foremost personalities engaged in research, in particular research carried out at higher education institutions, provided their comments.

Not only comments regarding the Ethical Framework of Research itself but also comments concerning some disclosed cases of violation of ethics in research (see for example Aula, Vol. 13, No. 1/2005, pp. 52-53) were received at the aforementioned e-mail address. Implementation of accepted ethical standards at the national level should contribute not only to prevention but also to efficient solution of such situations.