

Conference on Learning to Live Together – a Shared Commitment to Democracy

The Future of Citizenship and Human Rights Education in Europe

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There is widespread concern in the world today about the increasing level of social inequality. Disparities and marginalization in education are its attributes. This undermines the right to education as *entitlement* and the fundamental principle of equality of opportunity in education, enshrined in all international human rights conventions – a principle also embraced by the European Union. Bringing about equality of opportunity in education *in law* and *in fact* remains a permanent challenge.

The right to education in terms of *entitlement* cannot be considered as realized unless it is also fulfilled as the right to education as *empowerment*. This is indispensable to cater for the essential objectives of education and its humanistic mission – promoting a culture of human rights, mutual understanding and respect, solidarity and learning to live together. However, we are witnessing a values crisis. Children and young people are being uprooted of basic human values. Fostering the humanistic mission of education is of paramount importance in the face of violence in schools and school environments which are disrespectful of human rights.

Safeguarding education from forces of privatization

The right to education both as *entitlement* and as *empowerment* is also undermined by the mushrooming of privatization in education in many countries. Sponsored by a range of entities such as individual proprietors or profit-seeking business interests with investments, privatization is commercializing education. This has serious repercussions on both the equality of opportunity in education and on quality education, especially with regards to the essential objective of education for instilling ‘human and civic values’. The commercialization of education also involves fraudulent practices: private providers operating in various technical areas such as management, marketing, accountancy, communication etc. have little concern for human rights. Member States of the Council of Europe can take collective measures by way of laws and regulations for safeguarding education from the forces of privatization, preserving it as a public good and making fraudulent practices in education punishable by law. This is highly necessary as privatization promotes a corporate culture with a focus on materialistic pursuits to the detriment of the humanistic mission of education.

Preserving Humanist and Civic Values through Education

Education should be geared to “help protect and enhance societal values and the reinforcement of humanistic perspectives,” (...) “inspired by love for humanity and guided by wisdom.”¹ Primacy being given to ‘humanist and civic values’ is reflected in the Paris Declaration on Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education, in which the Ministers responsible for education in the European Union have expressed their “special duty to ensure that the humanist and civic values we share are safeguarded and passed on to future generations.”² In facing these challenges, we must also bear in mind the deleterious impact of digital devices and the Internet on students’ capacity for “concentration and contemplation” (...) “How sad it would be, particularly when it comes to the nurturing of our children’s minds, if we were to accept without question the idea that ‘human elements’ are outmoded and dispensable:” ‘meditative thinking,’ as the very essence of our humanity, might become a victim of this.³

While taking cognizance of the ‘substantial progress’⁴ made, the Report on the State of Citizenship and Human Rights Education in Europe (2017) calls for ‘concerted action’ to support and embrace democratic citizenship and human rights within national education systems and to demonstrate the value of education for our societies.⁵ States are duty-bound to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms.⁶ “Democratic citizenship and human rights education do not only teach norms: they also make us more compassionate, more human, more socially engaged, thus providing the building blocks to ensure dignity, freedom and justice for all.”⁷ These values are central to “The full development of human personality” as an essential objective of education, enshrined in the Universal Declaration of Human Rights and the international human rights Conventions.⁸ The Delors Report⁹ as it is popularly known reflects most succinctly these

¹ Articles 1 and 2 (d) of the World Declaration on Higher Education for the Twenty-First Century: Vision and Action, adopted at UNESCO in 1998. Radical changes are needed in higher education “so that our society, which is currently undergoing a profound crisis of values, can transcend mere economic considerations and incorporate deeper dimensions of morality and spirituality.” Preamble to the Declaration.

² Paris Declaration on Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education, 17 March 2015

³ Nicholas Carr: “The Shallows: What the Internet Is Doing to Our Brains”, (2010)

⁴ Report on the State of Citizenship and Human Rights Education in Europe (2017): Executive Summary, p.9

⁵ Report on the State of Citizenship and Human Rights Education in Europe (2017), Foreword by Thorbjørn Jagland, Secretary General of the Council of Europe.

⁶ The United Nations Declaration on Human Rights Education and Training, adopted by the United Nations General Assembly: Resolution 66/137 of 19 December 2011.

⁷ Report on the State of Citizenship and Human Rights Education in Europe (2017), p.48

⁸ The UNESCO’s Convention against Discrimination in Education (1960) gives verbatim expression to the objectives of education as enshrined in article 26 of the Universal Declaration. Article 13 of the International Covenant on Economic, Social and Cultural Rights provides 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. Article 29 of the Convention on the Rights of the Child adds further dimensions and stipulates that education must prepare the child for responsible life in a free society, and develop respect for human rights, for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.

⁹ Report to UNESCO of the International Commission on Education for the Twenty-First Century: « Learning: the Treasure within », (1996).

objectives in their modern perception centered on the ‘four pillars of education’ - learning to know, learning to do, learning to live together and learning to be.

Normative Framework for the Right to Education of the Council of Europe

Values education centered around human rights is at the core of the right to education as developed by the Council of Europe, in the form of instruments having a binding force as well as those having a moral force as ‘soft law’. The Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms¹⁰ which establishes the right to education is a legally binding instrument. Drawing upon the Universal Declaration of Human Rights that “everyone has the right to education”, the Protocol provides that “No person shall be denied the right to education.” (Article 2) The European Convention establishes the right to education in terms of ‘entitlement’ but without explicit provisions on the essential objectives of education, that is, its empowering role. Such a role is crucial for preparing children and adults for the responsibilities of the future so that they are able to exercise and defend their democratic rights and responsibilities in society, value diversity and play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law.¹¹

The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (2010)¹² fills this gap. It is a “unique common European framework of reference”¹³ which recognizes that education plays an essential role in the “promotion of the core values of the Council of Europe: democracy, human rights and the rule of law, as well as in the prevention of human rights violations.” The Charter stipulates that in all areas of education, Member States should promote educational approaches and teaching methods which aim at learning to live together in a democratic and multicultural society and at enabling learners to acquire the knowledge and skills to promote social cohesion, value diversity and equality.¹⁴ The Charter also defines education for democratic citizenship and human rights as mutually interlinked concepts: “Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people’s lives.”¹⁵ Intensifying normative action at national level has become critically important in face of the gap between the commitments and reality.

It is expected of Member States of the Council of Europe to ensure that the essential objectives of education as enshrined in the Charter and other instruments of the Council of

¹⁰ The Convention was adopted in Paris on 20 March 1952.

¹¹ Section 2 (a) of the Charter.

¹² Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education adopted in the framework of Recommendation CM/Rec(2010)7 of the Committee of Ministers. Henceforth referred to as the Charter, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016803034e5>

¹³ Report on the State of Citizenship and Human Rights Education in Europe (2017): Executive Summary, p.9

¹⁴ Section 13 of the Charter.

¹⁵ Section 5 (e) of the Charter.

Europe remain as bedrock of the contents of education. It is the responsibility of public authorities to devise a national curriculum for education which reflects values of human rights, democratic citizenship, rule of law and respect for cultural diversity. The Compass Manual on Human Rights Education¹⁶ is a useful reference tool for this purpose. Public authorities have huge responsibility for providing text books and learning materials in response to the diversified composition of school populations, including cultural and linguistic minorities, migrants and refugee children.

Education can create a better world by making children, adults and young people enthused with the spirit of tolerance, international understanding, mutual respect and solidarity in multi-cultural and multi-lingual societies. With human rights-based pedagogical approaches, teachers play an important role, nurturing in children and young people these values so that they are reflected as a matter of norm in their behaviour patterns. This is crucial for advancing towards the aim of the Council of Europe: “to achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage”¹⁷ and to ensure more “effective and sustainable promotion of democracy and human rights through education” as a “priority area for future action.”¹⁸

Such action has its normative basis in instruments adopted by the Council of Europe, notably the Charter, mentioned above. Its pertinence must also be recognized in the global commitment to the 2030 Sustainable Development Agenda adopted by the United Nations Summit in September 2015 which embraced a ‘transformational vision.’ “Leaving no one behind” is its *leitmotiv*. Goal 4 of the Agenda on education calls upon Member States to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”¹⁹ All countries have committed themselves under target 4.7 of the goal on education to ensuring that learners are provided with the knowledge and skills to promote human rights and global citizenship.²⁰ These commitments are more elaborately echoed in 2030 Education Agenda, emanating from the Incheon Declaration (May 2015) which recognizes education as a human right, as a foundation for development and as a public good, with emphasis on human rights approach.

Challenges in Operationalization of the Normative Framework

The normative framework for education for human rights and democratic citizenship established by the Council of Europe cannot be operationalized unless mechanisms and means are in place for making it an integral part of education from early childhood, and throughout

¹⁶ Manual on Human Rights Education with Young People, Council of Europe, available at: <http://www.coe.int/en/web/compass/education>

¹⁷ Article 1(a) of the Statute of the Council of Europe.

¹⁸ Report on the State of Citizenship and Human Rights Education in Europe (2016), Foreword, opt.cit.

¹⁹ The goal 4 on education stipulates that by 2030, Governments must “ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.”

²⁰ The 25th session of the Council of Europe Standing Conference of Ministers of Education (Brussels, 11-12 April 2016) underlined the importance of contributing from a European perspective to the development of global citizenship education, including education for sustainable development, and undertaking a coordination role based on the outcomes of the implementation of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

education in all its forms and at all levels. Most importantly, the education system should prepare children and adults to assume responsibility for the future to uphold and stand up for the cause of defense of human dignity and values of human rights and democratic citizenship for everyone everywhere in all circumstances.

The challenge that lies ahead for the Council of Europe is to overcome constraints and limitations on the operationalization of its normative framework for education for human rights and democratic citizenship. The implementation of the Charter is constrained by scant knowledge about its existence. The bulk of the civil society survey on measures taken at national level for operationalizing the Charter points out that young people in their countries have very limited or no knowledge of the Charter. It is appalling as the youth who should be primary beneficiaries of the Charter are not even aware of it. Clearly, it is imperative to take measures aimed at publicizing the Charter more widely. The National co-ordination mechanisms for citizenship and human rights education in Member States of the Council of Europe, for instance, can organize each year on 5 May – the foundation day of the Council of Europe – events and public discussions with a view to bringing the Charter to the forefront and raising public debate on issues of critical importance in an endeavor to overcome deficiencies in giving effect to it. Media channels such as TV and newspapers can also be encouraged and supported to organize similar discussions for disseminating widely the Charter and the values it upholds.

Criteria and Mechanisms for Evaluation

“Clear and meaningful criterion and appropriate assessment tools are needed to evaluate the effectiveness of citizenship and human rights education.”²¹ In almost two-thirds of Member States of the Council of Europe, the criterion for the evaluation of human rights and citizenship education has not been developed. There is huge gap to be bridged in this respect. As such, normative action at national level requires to be stepped up, putting premium on adoption of evaluation criterion for education for democratic citizenship and human rights. This is necessary for ameliorating the implementation of the programme for human rights and citizenship education and performance in the Member States of the Council of Europe. Its significance must also be appreciated in the context of the future action planned for 2018-2019 in particular in the framework of the Council of Europe Charter, including specific criteria and mechanisms for the evaluation of progress.

Monitoring Mechanisms and Reporting Obligations

While promoting normative action at national level, the Council of Europe also needs to strengthen its monitoring mechanisms with a view to encouraging its Member States to abide by their responsibility notably under the Charter. The Council of Europe Reference Framework of Competences for Democratic Citizenship also envisages that as a key part of any government’s response to the challenges facing our societies, full use should be made of

²¹ Report on the State of Citizenship and Human Rights Education in Europe (2017), p.27.

the Reference Framework by piloting and integrating it into national education systems.²² Enhanced consideration should be given to their reporting obligations with benchmarks for assessing the progress made for operationalizing the normative framework for education for human rights and democratic citizenship established by the Council of Europe. In this respect, the targets and indicators proposed in the Framework for Action for the implementation of the Incheon Declaration can be pertinent.²³

Approaches to evaluation currently being advocated sometimes exhibit a lopsided focus on learning outcomes, with an “input-output” model, as if there is an analogy between schools and factories²⁴ and as if what matters is the material value of education in the narrow sense of economic development, devoid of the human rights-based approach. This neglects the process of teaching and learning and the elements for assuring quality and equity.²⁵ Such a distorted conception of quality education also eclipses the humanistic mission of education. It is therefore important to discard the use of ‘input-output’ and ‘learning outcome’ and instead, embrace innovative methods of ‘assessment of students educational achievements’ Education is not a factory but a lifelong learning process, and the system of evaluation should be centred around the key objective of education: “full development of human person.”

From that perspective, the Programme for International Student Assessment (PISA) of the Organization for Economic Cooperation and Development (OECD) calls for critical reflection. PISA is a triennial survey, testing the performance of 15 year-old students in reading and mathematical and scientific literacy, benchmarking a country’s performance against that of other countries participating in PISA.

In this respect, it is important to recall that under the Charter of the Council of Europe, all providers of education have responsibility for “equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law” and “to contribute to the building and defense of a universal culture of human rights in society.” The values of human rights and democratic citizenship along with learning to live together and respect for the richness of cultural diversity should be central to assessing students’ educational attainments.²⁶

²² State of Democracy, Human Rights and the Rule of Law - A security imperative for Europe *Report by the Secretary General of the Council of Europe, 2016*

²³ The Framework for Action, to which Ministers of Education from all over the world including those of the Council of Europe remain committed, was adopted on 4 November 2015 on the occasion of UNESCO General Conference in Paris.

²⁴ See Education for All global monitoring report, “Education for all: the quality imperative” (UNESCO publishing 2004), p. 228.

²⁵ For an analysis of national learning assessments as a common feature of national education systems around the world, see Aaron Benavot and Erin Tanner, background paper “The growth of national learning assessments in the world 1995-2006”, UNESCO (ED/EFA/MRT/PI/16).

²⁶ Assessment of the educational attainment of students and the implementation of the right to education, Report by the United Nations Special Rapporteur on the Right to Education, A/HRC/26:27, 2 May 2014.

Transforming the Charter from a ‘soft law’ into a ‘hard law’ instrument

A major shortcoming of the Charter is that it is not legally binding. Transforming the Charter from a ‘soft law’ into a ‘hard law’ instrument having binding force will endow it with “teeth” – with legal obligations as well as monitoring mechanisms for enhanced compliance.²⁷ This would be important for laying down the legal obligations of Member States of the Council of Europe both in the right to education in terms of *entitlement* (as currently established in the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms) and also the right to education in terms of *empowerment*. These two key dimensions of the right to education, laid down respectively in article 26 (1) and (2) of the Universal Declaration of Human Rights, are inextricably linked. It will make it incumbent upon Member States of the Council of Europe to respect and fulfil their obligations. The European Court for Human Rights will then have the possibility to hear cases of violation of the Charter as a treaty and hold Member States accountable for non-compliance with their obligations.

Elaborating legally binding instruments is a long drawn out process. While initiating action to that end, strengthening education laws in Member States of the Council of Europe can provide enduring legal basis for national level action for education for human rights and democratic citizenship

Education Laws and a Legal Framework for Education for Human Rights and Democratic Citizenship

Education law as a body of laws, rules and regulations, including case law in the field of education extends to education in all forms and at all levels, in all its dimensions. Almost all countries have education law(s) necessary for providing the education system with a legal framework. Study and research on education laws in a comparative perspective can be valuable for assessing how these laws reflect the provisions in the Charter and in other Council of Europe instruments on education for human rights and democratic citizenship. This can shed light on communality in concepts and approaches and underlying legal and policy issues. Such a state-of-the-art approach is necessary as it can respond to the felt need as brought forth in the Report on the State of Citizenship and Human Rights Education in Europe (2017): “Over a third of government respondents stated that there are scarce or non-existent references to education for democratic citizenship and human rights in laws, policies and strategic objectives, in vocational education and training, and higher education”.²⁸ Thus reforming or strengthening education laws is crucial. In this, consideration should be given to the Incheon Declaration (May 2015) which expresses the need for modernizing national legislation, in view of commitments to 2030 Education Agenda. The Parliamentary Assembly of the Council of Europe can play an important role in this respect.

²⁷ Consideration can be given to the legal obligations of Member States of the Council of Europe for human rights education under the international human rights conventions. As a member of UNESCO, Member States of the Council of Europe have obligation to promote “democratic principles” and “universal respect for justice, for the rule of law” and “Education of humanity for justice and liberty and peace” indispensable for human dignity, which are integral part of UNESCO’s institutional mission.

²⁸ Report on the State of Citizenship and Human Rights Education in Europe (2017): Executive Summary, p.9

Education laws in Member States of the Council of Europe can also provide a legal framework for stimulating entrepreneurship and providing innovative ways of skills development through technical and vocational education and training (TVET). In addition to professional excellence, this stream of education needs to place emphasis on critical thinking and human values. This is especially necessary as education for democratic citizenship and human rights remains a neglected area in TVET. “The ethos of democracy and human rights needs to be more present and explicit both in vocational education and training, and in higher education.” What is essential is to ensure that human rights values become a built-in part of TVET stream and that critical thinking is an integral part so that TVET does not remain merely instrumental but it is endowed with a humanistic mission as well. In that spirit, TVET must be geared to skills development including life-skills, aimed at “the full development of human personality.”

International cooperation and synergetic approaches with the United Nations System

The Council of Europe is a unique inter-governmental organization with a pioneering role in the field of education of human rights and democratic citizenship. Several avenues exist for bolstering international cooperation in this field.

“European Union level cooperation in this field will be instrumental in addressing the common challenges Europe is facing”, especially as fundamental values that lie at the heart of the European Union - respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights²⁹ - are akin to the institutional mission of the Council of Europe. The importance of “exploring synergies with ongoing work in the Council of Europe in the area of civic education and intercultural understanding” including through the Erasmus+ programme, strategic partnerships and education institutions cooperation platforms, as well as for dialogue and joint projects on citizenship education has been recognized.³⁰

The level of cooperation which is enhancing in Member States of the Council of Europe in human rights and citizenship education is a welcome development and the exchange of experiences, approaches and best practices should be further encouraged to foster this. The Charter provides that “Member States should share the results of their work on education for democratic citizenship and human rights education in the framework of the Council of Europe with other international organisations.”³¹ It thus provides grounds for developing synergetic approaches within the United Nations system.

International cooperation can be enriched by engaging in more active dialogue with other international organizations in promoting education for human rights and democratic citizenship. The Council of Europe can contribute to the work of the United Nations with

²⁹ Paris Declaration on Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education, 17 March 2015.

³⁰ Ibid.

³¹ Section 16 (International co-operation) of the Charter of the Council of Europe on Education for Democratic Citizenship and Human Rights Education, adopted in the framework of Recommendation CM/Rec(2010)7 of the Committee of Ministers Available

at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016803034e5>

respect to the United Nations Declaration on the Rule of Law (2012) which recognizes that “Collective response to the challenges and opportunities arising from the many complex political, social and economic transformations before us must be guided by the rule of law, as it is the foundation of friendly and equitable relations between States and the basis on which just and fair societies are built.”³² This reflects the concepts of both the Council of Europe and the United Nations.

Steps can be taken to draw upon the existing potential for building synergies with the work of the United Nations human rights treaty bodies especially when the approaches are comparable. This is the case with regard to the provisions in article 29 (1) of the Committee on the Rights of the Child which should be seen as a foundation stone for the various human rights education programmes being a comprehensive, life-long process, starting with the reflection of human rights values in the daily life and experiences of children.³³

Major guiding principles of educational policy under UNESCO Recommendations concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedom, adopted (1974) also provide considerable space for synergetic approaches. These principles include an “international dimension and a global perspective in education at all levels and in all its forms” and an “understanding and respect for all peoples, their cultures, civilizations, values and ways of life, including domestic ethnic cultures and cultures of other nations.”³⁴ The Consultation with Member States organized by UNESCO for reporting on measures taken by them for giving effect to the provisions of the Recommendation provide opportunities for enhanced inter-agency cooperation.

Education plays an essential role in the “promotion of the core values of the Council of Europe: democracy, human rights and the rule of law, as well as in the prevention of human rights violations.” These must be seen in a broader perspective provided by the Vienna Declaration and the Programme of Action, adopted at the World Conference on Human Rights (1993) which calls upon States to ensure that human rights education shall include “peace, democracy, development and social justice.” Universally recognized human rights values and ideals which the Council of Europe has embraced, must inspire education systems, making them a bedrock for preparing children for the responsibilities of the future. In this the Council of Europe can play a pioneering role in the United Nations system as it has been ‘avant-garde’ of these ideals. As an important organisation comprising 47 States and nearly 820 million people, the Council of Europe can significantly contribute to global development by upholding the humanistic mission of education and safeguarding fundamental principles of social justice and which are key pillars of the United Nations system for peace, human rights and development.

³² The United Nations Declaration on the Rule of Law at the National and International Levels, Sept. 2012. The Declaration stipulates that “Human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations.”

³³ General Comment No. 1: The Aims of Education (article 29) adopted by the Committee on the Rights of the Child at the Twenty-sixth Session, *CRC/GC/2001/1*, 17 April 2001, Para. 15.

³⁴ Article 4 (a) and (b) of the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedom (1974).